

# COMMENT LETTER A – USEPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONS  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 09 2004

REPLY TO THE ATTENTION OF

B19-J

Ms. Cheryl Martin  
Environmental Engineer  
Federal Highway Administration  
Galtier Plaza  
380 Jackson Street, Suite 500  
St. Paul, MN 55101

**RE: Comments on the Draft Environmental Impact Statement (DEIS) for Trunk Highway 371 North Improvement Project in Cass and Crow Wing Counties, Minnesota, dated December 2003, CEQ#: 030558**

Dear Ms. Martin:

The U.S. Environmental Protection Agency (U.S. EPA) has received the document listed above. Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act, U.S. EPA reviews and comments on major federal actions.

In the DEIS, the Minnesota Department of Transportation (Mn/DOT) proposes improvements to Highway 371 from Crow Wing County Road 18 in the city of Nisswa to Cass County Road 42 in the city of Pine River. The improvements include the construction of a four-lane divided highway with access control and service roads to serve existing developments. The total length of the project corridor is approximately 16 miles. The purpose of the project is to solve critical travel safety and capacity problems by improving safety, reducing congestion, and correcting design deficiencies. Five alternatives are presented in the DEIS. No alternative is chosen as the preferred alternative.

U.S. EPA rates the Draft Environmental Impact Statement (DEIS) and all the build alternatives (i.e. alternatives 2, 3, 4 and 5), as **EC-2, Environmental Concerns-Insufficient Information**. The US EPA offers our comments about water quality, wetland mitigation, wetland impacts, cumulative and secondary impacts and noise monitoring in the enclosure entitled, "US EPA Comments on the DEIS for Trunk Highway 371 North Improvement Project in Cass and Crow Wing Counties, Minnesota." In another enclosure you will find an explanation of the rating system.

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## COMMENT LETTER A – USEPA

Overall, the DEIS was presented in an organized manner that provided most of the needed information. If you have any questions regarding U.S. EPA's comments, please contact Julie Guenther at (312) 886-3172 or email her at [guenther.julia@epa.gov](mailto:guenther.julia@epa.gov).

Sincerely,



Kenneth A. Westlake, Chief  
Environmental Planning and Evaluation Branch

Enclosures: (1) *Summary of Rating Definitions and Followup Actions*  
(2) *US EPA Comments on the DEIS for Trunk Highway 371 North Improvement Project in Cass and Crow Wing Counties, Minnesota* (3 pages)

cc: Tony Hughes, P.E. Mn /DOT, District 3 Project Manager, 7694 Industrial Park Road,  
Baxter, MN 56425

Robert J. Whiting, Chief, Regulatory Branch, U.S. Army Corps of Engineers, St. Paul  
District, 190 Fifth Street East, St. Paul, MN 55101-1638

# COMMENT LETTER A – USEPA

## \*SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION\*

### Environmental Impact of the Action

#### LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

#### EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### Adequacy of the Impact Statement

#### Category 1-Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### Category 2-Insufficient Information

The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment

# COMMENT LETTER A – USEPA

*US EPA Comments on the DEIS for Trunk Highway 371 North Improvement Project in Cass and Crow Wing Counties; Minnesota*

## Wetland Mitigation & Wetland Impacts

We agree with the concepts, as stated under Compensation on page 89:

- Wetland replacement should occur prior to, or concurrent with, the impacts;
- Wetland mitigation efforts should replace all lost functions and values;
- Replacement sites should be sought first within the area of impact, next within the same watershed, and finally within the same county;
- Wetland acreage, functions, and values should be replaced as prudently as possible.

We recommend a mitigation ratio of 1.5:1 for emergent vegetation such as Type 3 and 4 and a 2:1 ratio for woody vegetation (forested wetland). We also recommend higher ratios for mitigation sites that are distant from the impact site. In the Final Environmental Impact Statement (FEIS), please state the wetland mitigation ratios that will be used for this project

The DEIS states that Alternative 2 will impact 22.38 acres of wetland, 17.31 acres of which is Type 6 (shrub swamp). The mitigation for this loss may be at the Rice Lake (Staples Wildlife Management Area) mitigation site in Todd County. The vegetation at this site is Type 3 and 4 (shallow and deep marsh). Not only is the potential mitigation in another county, it is of a different vegetation type. Therefore, this potential mitigation is inconsistent with the DEIS concepts stated above and our recommendations for in-place, in-kind mitigation. The FEIS should explain how the mitigation will replace the functions and values of the lost wetlands, and the mitigation ratio which may be necessary to ensure this replacement.

A1

The FEIS should clarify and explain Table 18, GAP Analysis Results, Acres of Potential Impacts to Vegetation by Alternative, on page 91. Readers may infer from Table 18 that only 7 acres of herbaceous and shrubby wetland will be impacted by Alternative 2, while Table 17 indicates that 17.31 acres of shrubby wetlands, 1.66 acres of fresh meadow, 1.49 acres of shallow marsh, and 1.21 acres of deep marsh will be impacted. Also, Table 18 is incorrectly identified as Table 19 in the text on page 90.

A2

Pertaining to Table 17, please include the Cowardin Federal designations for wetlands along with the state of Minnesota designations so it is easier to distinguish which wetlands are forested, emergent, etc.

The DEIS does not justify impacts to more wetlands (alternatives 3, 4, and 5) for the corresponding rise in the benefit-cost ratio found in Table 10 on page 44. Please provide more information on how to evaluate the benefit-cost ratio value. What is considered a good benefit-cost ratio? What is considered a significant difference between two benefit-cost ratio values (i.e., significant enough to impact 7 more acres of wetlands)? What is the trade off in wetlands impacts vs. safety and other performance measures?

A3

1

## RESPONSE

- A1 A number of potential wetland mitigation sites within close proximity of the project area are being investigated. Mn/DOT's policy is to not purchase right-of-way for the proposed improvements (including mitigation sites) until the environmental review process is complete. Wetland impacts (type and functions/values), sequencing, and wetland replacement (including replacement ratios) will be addressed in a Joint Notification Wetland Permit Application and Replacement Plan, which will be submitted after the completion of the Final EIS and during the final design phase of the project.
- A2 The GAP Analysis Program database is based on satellite imagery and interpretation. The acres shown in the GAP analysis should not be applied to the wetland assessment that involved an extensive review of NWI mapping and field investigations.

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*US EPA Comments on the DEIS for Trunk Highway 371 North Improvement Project in Cass and Crow Wing Counties, Minnesota*

### Noise Monitoring

Page 3 of the DEIS states, "This assessment is intended to represent a worse case scenario in terms of potential impacts." In deference to this statement, please explain why the week days of August 20, 21, 22 and November 6 and 7, 2003 were chosen to do noise monitoring instead of a busy July weekend when tourism-related traffic would be high. A busy July weekend might represent a worst case scenario.

A4

### Water Quality

EPA commends FHWA and Mn/DOT for the planned incorporation of Best Management Practices to control sedimentation and soil erosion. We have a few more suggestions to safeguard the watershed. Page 78 refers to a "grassed median between the northbound and southbound lanes" and Page 79 refers to "tall rigid grasses with extensive root systems" to be used for grassed swales. Will these grasses be native plants? The EPA suggests using native vegetation when possible. Once established, the native plants should require less mowing. Native vegetation should not require the use of pesticides or fertilizers. If salt is used on the roadways for deicing, salt-loving native vegetation can be used as well, particularly in those areas where the road is close to the water source and there is limited area for treatment with vegetation. Is salt used for deicing in this area of Minnesota?

A5

The EPA suggests using bridges over water bodies and floodplains. We recommend bridging across a floodplain to prevent the loss of floodplain habitat and allow for unobstructed movement of flood water and wildlife along the floodplain corridor. In the FEIS please address what type of transverse crossings are planned for Hay Creek. Please define exactly what is meant by the term "bridge structures" used on Page 93 of the DEIS, when referring to the transverse crossings at Cullen Brook and Pine River.

One more item of interest is the monitoring of the local watershed. Are there any state agencies or watershed groups monitoring the health of these waters now and into the future to observe the effects of the highway improvement project?

### Cumulative and Secondary Impacts

If an alternative is chosen that includes a bypass, how will FHWA and Mn/DOT ensure that multiple access points and interchanges are not added, resulting in the eventual need of another bypass to again reduce traffic congestion. Are there written guidelines established concerning access points and interchanges?

Please directly address the concerns of the Minnesota Department of Natural Resources (MnDNR) concerning Cumulative and Secondary Impacts as noted in their letter dated July 25, 2002 and as discussed in the enclosure document prepared by Regional Assessment Ecologist Mike North. In particular, the deficiencies MnDNR identified in the cumulative and secondary impacts analyses are

A6

2

## RESPONSE

A3 The Cowardin Federal designations for all wetlands along the project corridor were presented in Appendix D of the Draft EIS. Furthermore, the Cowardin Federal designations are presented in the wetland analysis for the Final EIS.

The construction costs assumed in the benefit-cost (B/C) analysis for the Draft EIS were conservatively estimated to account for higher than normal construction costs (construction through wet soils) and potential mitigation costs (including wetland replacement costs) associated with the project. A B/C ratio greater than 1.0 is considered economically valuable. B/C ratios are intended to compare alternatives on an equal level in terms of cost versus the anticipated return on the initial investment. As a result, there is no standard that defines one alternative as being "substantially" better simply based on B/C ratios.

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*US EPA Comments on the DEIS for Trunk Highway 371 North Improvement Project in Cass and Crow Wing Counties, Minnesota*

as follows: 1) the fact that the cumulative effect of all the phases of converting the highway from two lanes to four lanes from Little Falls to Pine River, and bypassing Brainerd, will be to expedite lakeshore development pressure an additional 30 miles farther north above and beyond what it would be without the project, and 2) the failure to assess the impacts of aggregate resource extraction.

A6, cont.

### RESPONSE

The purpose and need of the Highway 371 North Improvement Project was to improve safety, reduce congestion, and correct design deficiencies of the existing highway. Mn/DOT and FHWA used a balanced decision-making process in determining the Preferred Alternative. The selection process included balancing all environmental impacts along with cost-effectively solving the safety and congestions problems that characterize the existing roadway.

A4 The noise monitoring results were used to calibrate the MINNOISE noise model. The model was then run using peak hour traffic volumes for a June weekday to model existing and forecast (2030) noise levels. A June weekday has been selected as the design condition for the Highway 371 North Improvement Project, because it represents a condition less than the peak condition (summer Friday/Sunday), and it represents a condition when safety and operations of the highway begin to decline.

A5 Erosion and sediment control measures, as suggested by the MPCA's Protecting Water Quality in Urban Areas, Best Management Practices for Dealing with Storm Water Runoff from Urban, Suburban, and Developing Areas of Minnesota (March 2000), will be installed to minimize impacts from potential soil erosion and sedimentation. These practices may include, but are not limited to, the following: sedimentation basins, silt control devices (silt fences, hay bails), slope drains, and rapid revegetation of exposed construction areas. An erosion control plan will be developed as part of the final design for the Preferred Alternative.

Roadway salt will be utilized for deicing the highway. The nature of vegetation in the grass median and side slopes will be determined during the final design phase of the project. Mn/DOT is a leader in establishing native vegetation along its highway right-of-way.

The Preferred Alternative will be designed so as not to restrict stream flow and minimize floodplain impacts. This will be accomplished through proper sizing of culverts and/or bridges. A Biological Opinion has been completed by USFWS for the Canada lynx. The USFWS recommended several areas where bridges and culverts should be lengthened or expanded to allow for wildlife passage.

A6 Growth pressures of increasing population and a strong economy create momentum for changes in land use patterns that, left unattended, are likely to be detrimental to the natural environment. Research shows the level of service provided by a roadway plays only a minor role in development decisions. Furthermore, Mn/DOT has no authority over land use outside the state's right-of-way. Such matters, including development standards and even aggregate extraction, fall under the jurisdiction of local units of government as part of zoning ordinances, shoreland ordinances, other ordinances, or conditional use permits. The State of Minnesota has designated local units of government as the "Responsible Government Unit" (RGU) for environmental analysis and review of aggregate extraction operations. Mn/DOT has taken the initiative to notify the local units of government along the corridor, informing them of the potential need for gravel mining operations that could possibly affect sensitive environmental resources in the project area, and they should ensure appropriate environmental review occurs.

An assessment of cumulative and secondary impacts from past, present, and reasonably foreseeable projects was completed for the Highway 371 corridor from St. Cloud to Cass Lake in accordance with the requirements of the National Environmental Policy Act (NEPA). The document entitled Technical Report: Assessment of Cumulative and Secondary Environmental Impacts, Truck Highway 371 Corridor, November 2001, included the proposed four-lane expansion of Highway 371 between Nisswa and Pine River as part of the analysis. The report concluded that cumulative and secondary impacts from past, present, and reasonably foreseeable projects would be minimal. This report is available at the Mn/DOT District 3 offices in Baxter, Minnesota.

# COMMENT LETTER B – UNITED STATES DEPARTMENT OF THE INTERIOR



ER-03/1054

## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240



FEB 19 2004

Mr. Alan R. Steger  
Division Administrator  
Federal Highway Administration  
Galtier Plaza  
380 Jackson Street, Suite 500  
St. Paul, Minnesota 55101-2904

Dear Mr. Steger:

As requested, the Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) and Section 4(f) Evaluation for Trunk Highway (TH) 371, between Crow Wing County Road 18 in Nisswa and Cass County Road 2/42, in the City of Pine River, Cass and Crow Wing Counties, Minnesota. The document was prepared by the Federal Highway Administration (FHWA) in cooperation with the Minnesota Department of Transportation (Mn/DOT), the U.S. Army Corps of Engineers, the Environmental Protection Agency, and the U.S. Fish and Wildlife Service (FWS). The Department offers the following comments and recommendations for your consideration:

### Section 4(f) Comments

The project will impact portions of the Paul Bunyan Trail, a multiple-use recreational trail owned by the Minnesota Department of Natural Resources (DNR) and located on an abandoned railroad grade. The abandoned railroad grade itself, the Brainerd and Northern Minnesota Railway Corridor, has been determined eligible for the National Register of Historic Places (National Register). A feature of that railroad, the Pine River Depot, once served as the train depot in downtown Pine River. That depot is currently not in use but has been determined eligible for the National Register.

Several other potential Section 4(f) properties are discussed in the evaluation but it has been determined none of these historic properties, parks, or boat landings will be impacted by any of the alternatives.

Because the evaluation does not identify a preferred alternative, the Department cannot concur with a determination on Section 4(f) properties at this time. However, the Department would likely concur with the FHWA that there are no feasible and prudent alternatives to any one of the

# COMMENT LETTER B – UNITED STATES DEPARTMENT OF THE INTERIOR

Mr. Alan R. Steger

2

alternatives which, if implemented, would result in impacts to section 4(f) properties. The Department would also concur that the FHWA has employed all possible planning needed to minimize potential harm to this resource, with the condition that the FHWA must obtain agreement from other agencies for the planned mitigation.

The planned mitigation for the Paul Bunyan Trail appears to be adequate to minimize the impacts to the resource, but the DNR would have to agree the full mitigation restores the resource to its full usefulness. It would appear that correspondence included in the draft EIS from the DNR indicates they have communicated to the FHWA and MnDOT what they consider acceptable mitigation. There is no planned mitigation presented for impacts to the historic nature of the Brainerd and Northern Minnesota Railway Corridor or to the Pine River Depot, and there is no indication in the document that the State Historic Preservation Officer (SHPO) has been consulted on effects to cultural resources at this time. The Department would expect to see a signed Memorandum of Agreement with the SHPO that details the mitigation measures to be employed in the final evaluation.

B1

### General Environmental Impact Statement Comments

The FWS has been coordinating with the MnDOT on planning for the subject proposal. The draft EIS adequately addresses the potential impacts of the project alternatives on fish and wildlife resources and the concerns of the Department with respect to those resources. With respect to federally listed threatened and endangered species in the project area, the FWS will complete Endangered Species Act section 7 consultation with the FHWA once a preferred alternative has been selected.

B2

### Summary Comments

The Department would concur with FHWA and Mn/DOT that there would be no feasible or prudent alternatives to the use of the identified 4(f) property, assuming one of the build alternatives is chosen as the preferred alternative. The Department would also concur that all possible planning has been considered to minimize harm to the properties, assuming that agreement can be reached with DNR and the SHPO on mitigation of effects to these properties.

The Department has a continuing interest in working with the FHWA and the Mn/DOT to ensure impacts to resources of concern to the Department are adequately addressed. For continued consultation and coordination with the issues concerning the 4(f) resources, please contact the Regional Environmental Coordinator, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska, 68102, telephone 402-221-7286.

## RESPONSE

- B1 A Final Section 4(f) Evaluation has been completed for the Preferred Alternative that identifies the proposed mitigation for adverse impacts to the Pine River Depot and the Paul Bunyan Regional Trail. A Memorandum of Agreement (MOA) has been executed and is included in the Final Section 4(f) Evaluation. Furthermore, FHWA and Mn/DOT will continue to coordinate with the SHPO regarding all potentially affected historic resources in the project area. See Final EIS Appendix B.
- B2 As part of the Final EIS process, consultation with USFWS was continued. It was the opinion of the USFWS biologist that no formal consultation was necessary for the bald eagle nest because the use and existence of the nest may change between now and the time of construction. However, formal consultation for the Canada lynx has begun, and a Biological Opinion has been completed and is available for review at the Mn/DOT District 3 offices in Baxter, Minnesota.

COMMENT LETTER B – UNITED STATES DEPARTMENT OF THE INTERIOR

Mr. Alan R. Steger

3

We appreciate the opportunity to provide these comments.

Sincerely,



Willie R. Taylor  
Director, Office of Environmental  
Policy and Compliance

# COMMENT LETTER C – ARMY CORPS OF ENGINEERS



DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
190 FIFTH STREET EAST  
ST. PAUL, MN 55101-1638

February 9, 2004

REPLY TO  
ATTENTION OF:

Construction-Operations  
Regulatory (03-08506-KJU)

Mr. Tony Hughes  
Minnesota Department of Transportation  
1991 Industrial Park Road  
Baxter, Minnesota 56425

Dear Mr. Hughes:

This letter is in regard to the Draft Environmental Impact Statement (EIS) for improvements to Trunk Highway (TH 371) between Pine River and Nisswa, dated December 5, 2003. Due to the fact that we have commented on a prior agency review draft of the EIS and have had those comments addressed, most of our questions and concerns have been resolved. We offer the following comments on the draft EIS.

Cumulative Impacts, Executive Summary and page 63: The Corps considers the impacts of this project and the TH 371 Little Falls to Camp Ripley projects to be more than minimal. Therefore, we recommend revising the conclusion that the overall cumulative effects are expected to be minimal.

C1

Architectural and Archeological Resources, pages 64-65: Please include in the EIS the status of any Native American consultation that may have occurred. The Corps would like to be kept informed regarding effect determinations and mitigation options, and to be a signatory on any MOA that is developed for this project. Please provide us with a copy of the archeological and historical survey reports.

C2

Wetlands, pages 86-90: Thank you for including the MnRAM assessment results. Unfortunately, it remains difficult to determine the least environmentally damaging practicable alternative for our Clean Water Act Section 404(b)1 analysis, given the similar order of magnitude of wetland impacts and MnRAM scores among the alternatives, and the tradeoffs among other impacts associated with the alternatives. We would like to pursue this issue further with MnDOT when a preferred alternative is selected. We also look forward to working with MnDOT on further avoidance, minimization, and compensation opportunities along the preferred alignment.

C3

Federal Threatened/Endangered Species, page 96: As the project advances, the Corps would like to be included in coordination efforts with the FWS regarding the bald eagle nesting area.

C4

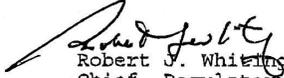
## RESPONSE

- C1 See Response A6.
- C2 Copies of the TH 371 North Scoping Document and Scoping Decision Document were sent to 15 tribal contacts. Furthermore, a letter from FHWA was sent to the same tribes requesting whether or not any of them had an interest in the project or the project area. No correspondences indicating an interest in the project have been received. Copies of the Archeological and Architectural surveys were sent to the Brainerd District Office of the Army Corps of Engineers (COE).
- C3 Since the selection of the Preferred Alternative, Mn/DOT has continued to coordinate with the COE on potential wetland impacts associated with the project. Further minimization measures have been considered and in some locations, incorporated into the design to reduce impacts. The final design phase will consider further minimization such as steeper inslopes, lowered vertical profiles, urban design, and the use of guardrails.

## COMMENT LETTER C – ARMY CORPS OF ENGINEERS

If you have any questions, please contact Kelly J. Urbanek in our Brainerd office at (218) 825-0515. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Robert J. Whiting  
Chief, Regulatory Branch

### RESPONSE

C4 See Response B2. Mn/DOT will notify the COE of any future coordination efforts with USFWS regarding the bald eagle nesting area.

COMMENT LETTER D – MINNESOTA DEPARTMENT OF NATURAL RESOURCES



Minnesota Department of Natural Resources

500 Lafayette Road  
St. Paul, Minnesota 55155-4002

February 9, 2004

Tony Hughes  
MnDOT – District 3 Project Manager  
1991 Industrial Park Road  
Baxter, MN 56425

RE: TH 371 improvements, between Nisswa and Pine River (S.P. 1116-22), Draft Environmental Impact Statement.

Dear Mr. Hughes:

The Minnesota Department of Natural Resources (DNR) has completed a review of the DEIS for the above referenced project. The following comments are provided for your consideration.

*Preferred Alternative*

The DNR recommends that Alternative 2 be implemented because it has fewer wetland impacts, fewer stream crossings, and less wildlife habitat is lost due to right-of-way acquisition. Impacts to Hay Creek, however, need further consideration and attention (see page 92 and Figure A5 paragraphs later in this letter).

D1

*Cumulative and Secondary Impacts*

The issues of cumulative and secondary impacts are inadequately addressed in the EIS on pages 61-63. Reference is made to a November 21, 2001 MnDOT Technical Report, which concludes that there would be no adverse cumulative or secondary impacts associated directly with the highway improvements proposed. While the Technical Report is generally very well done, we have reiterated on numerous occasions some deficiencies in the assessment, in particular: 1. The cumulative effect of all of the phases of converting the highway from two lanes to four lanes from Little Falls to Pine River, and bypassing Brainerd, will be to expedite and shift lakeshore development pressure an additional 30 miles farther north above and beyond what it would be without the project, and 2. The impacts of aggregate resource extraction have not been assessed. These concerns have been iterated on 1) January 10, 2002 in comments on the Environmental Assessment (EA) for the project phases from Camp Ripley to Crow Wing State Park, 2) December 4, 2002 in comments in regard to the FONSI on the previously-mentioned EA, and 3) February 6, 2003 in comments on the Preliminary Draft EIS on this phase of the project.

D2

The draft EIS recognizes that "Potential for cumulative and secondary impacts exists in issue areas related to land consumption; land development, wetlands, water quality, vegetation, and wildlife." The Pine River watershed, and the Whitefish Chain of Lakes vicinity are two areas that are likely to be most heavily impacted by these cumulative and secondary impacts. The EIS should more directly address how these issues will be managed and mitigated.

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**RESPONSE**

D1 Alternative 2 was identified as the Preferred Alternative.

D2 See Response A6.

Future development in the project area and within the Brainerd Lakes Region will be determined by many factors including the availability of municipal services (sewer and water), environmental amenities (hills, trees, and water), and economic conditions. Reconstruction of Highway 371 by itself will not induce new development if there are not market forces that support new developments. Furthermore, in order for development to occur, it must be consistent with local zoning ordinances and must meet both local and state environmental protection regulations.

COMMENT LETTER D – MINNESOTA DEPARTMENT OF NATURAL RESOURCES

In their request for bids (i.e., Proposal for Highway Construction and Maintenance Project Bids), MnDOT identifies an array of state-owned pits that are made available to bidders/contractors to use on the project. These pits are listed in Part S-19 (1602), Natural Resource Materials, of the bid package. Therefore, we assert that MnDOT does have a substantial capability to predict where borrow materials will be obtained for the project. We believe it is reasonable to expect MnDOT to assess the impacts of using any of the borrow pits that they reference in Part S-19 of the request for proposals. The impact assessment should address 1) the potential for the project to cause the pit to be expanded, from this project alone and cumulatively with other anticipated uses of the pit, and 2) the impacts of expanding the footprint and depth of the pit.

D2, cont.

*Paul Bunyan Trail*

- 1) The Paul Bunyan Trail right-of-way within the project area varies from 100 to 250 feet wide. This width provides opportunities to buffer the trail from adjacent uses. If the trail is relocated to accommodate the highway improvements, then the new right-of-way needs to be at least 100 feet wide.
- 2) For any trail relocations or for segments where the Paul Bunyan Trail and the road project share rights-of-way, the ditch sections need to be designed to accommodate snowmobile traffic. This will help encourage snowmobiles to use the road ditches, thereby protecting the paved trail surface of the Paul Bunyan Trail from snowmobile studs.
- 3) The abandoned railroad grade occupied by the Paul Bunyan Trail provides superior surface drainage characteristics. If the Paul Bunyan Trail is relocated to accommodate the road improvements, then the new trail design should have equivalent drainage characteristics.
- 4) The introduction of a four lane highway will significantly exacerbate pedestrian, bicycle and snowmobile access barriers in the Hwy. 371 'trail towns' and at key trail traffic junctions. Grade separated pedestrian and snowmobile crossings need to be constructed to provide safe & convenient pedestrian, bicycle and snowmobile circulation. Example sites include:
  - a) Access from west Nisswa lakes (Nisswa, Roy, Edna Lakes) into downtown Nisswa.
  - b) Downtown Pequot Lakes
  - c) Crow Wing Co. Hwy. 16, Paul Bunyan Scenic Byway connection
  - d) Downtown Jenkins
  - e) Downtown Pine River
- 5) The Paul Bunyan State Trail right-of-way preserves remnants of the native Minnesota landscape (see 'Native Plant Community Inventory, Paul Bunyan Trail' by Barb Delaney). If the Paul Bunyan Trail right-of-way is disturbed through road improvements, then the plant community impacts will need to be documented and either avoided or appropriately mitigated.

D3

*Mitigation*

We offer the following mitigation recommendations in addition to those mentioned above:

- 1. At Nisswa Lake/Cullen Creek, additional funds should be allocated to incorporate much longer bridge crossings over the open water and all type 3, 4, and 5 wetland areas. This should be justifiable as the wetland to be impacted could be considered bald eagle habitat from the standpoint it is part of the basis of their food chain.
- 2. At Nisswa Lake/Cullen Creek, an urban design with a 16-foot raised median should be used where fill will occur in wetland areas.

D4

*Specific Comments*

Table 2. Regarding the second bullet under Land Use, Alternatives 2-5. We agree that highway construction alone does not lead to other development without market forces being involved. But there are market forces that make new highway construction attractive to new development (Federal Highway Administration 1992, Transportation Research Board 1995, Cervero 2001, U.S. Environmental Protection Agency 2001, Center for Transportation Studies:2003). This statement should be revised to read,

**RESPONSE**

D3 Frequent coordination with the DNR Trails and Waterways staff has been ongoing throughout the project development process. This has included discussions related to design specifics of the relocated portions of the Paul Bunyan Trail and mitigation for trail impacts. A Final Section 4(f) Evaluation has been prepared for the Preferred Alternative and is contained in Appendix B of the Final EIS. The Final Section 4(f) Evaluation contains a preliminary agreement between the DNR and Mn/DOT for the impacts and mitigation commitments associated with impacting the Paul Bunyan Trail. Furthermore, there has been coordination with the DNR program coordinator with responsibility for the native plant communities (including prairie remnants) along the corridor. A field review with DNR and Mn/DOT staff occurred on July 1, 2004 to determine potential effects and possible mitigation strategies. If there are unavoidable impacts to sites of concern to the DNR, seed harvest or transplant options will be explored, along with use of native prairie seed for vegetating disturbed areas. Detailed mitigation will continue to be discussed by Mn/DOT and the DNR through the final design phase and prior to permitting.

# COMMENT LETTER D – MINNESOTA DEPARTMENT OF NATURAL RESOURCES

“Additional development in the project area is anticipated because there are usually market forces that support new development and changes in land use.” The corresponding discussion on page 51 is good, but should be revised slightly as above. The issue of urban sprawl along the corridor should also be addressed directly. Regarding the bullets under Secondary and Cumulative Effects, we largely disagree with these conclusions (see above). Regarding Vegetation, MnDOT was provided a copy of the native plant community site descriptions along the Paul Bunyan Trail. This document should be summarized briefly, as it points out locales of the best remaining native vegetation along the Highway 371 corridor/Paul Bunyan Trail interface.

Page 50. Regarding paragraphs 2, 3, 4, 5, and 6. It is important to recognize for each of the four communities that they are exit points to major tourist destinations, and to identify what those tourist destinations are (e.g., for Pequot Lakes: Breezy Point, and Pelican Lake; for Jenkins: the Whitefish Chain Of Lakes).

Page 52, last paragraph (Mitigation). We disagree that no mitigation is required for potential land-use changes. We believe the issue of increased development pressure on critical habitat, timberland and shoreland habitat needs to be fully addressed, before the Final EIS can be considered adequate. This approach is consistent with federally-accepted mitigation sequencing principals in which the first mitigation step is avoidance. Acquisition of sensitive undeveloped resources is the best avenue for avoidance of indirect impacts.

D5

Page 54, first paragraph, and page 55, last paragraph. The proposed outcome of the unofficial access at West Twin Lake should be addressed. We would prefer that a low use access be retained on West Twin Lake, and would recommend the slight alignment shift that will allow a more functional, safe and ecologically sensitive designated landing. The most desirable site appears to be slightly north of the present location.

D6

Page 82, last paragraph, Mitigation, and Page 89, Table 17. The information contained in these two sections disagree with each other. Page 82 says the project is not anticipated to change the cross-section of any public water by any means, but Table 17 indicates all alternatives would fill 0.27 acres of lake. This discrepancy needs to be addressed, and the location of the 0.27 acres of lake fill specifically identified.

D7

Page 91, first paragraph, last sentence. The EIS should indicate that the Jenkins bypass (Alternatives 4 & 5) avoids over two miles of some of the best examples of native wet and dry prairie openings along the Paul Bunyan Trail. This paragraph should also indicate what the impact to the native prairie communities would be.

Page 92, second paragraph, third sentence. We disagree with this description of Hay Creek. During spring there is considerable flow in this stream, and it supports spawning white suckers and northern pike.

Page 93, Wildlife. Alternatives 3, 4 and 5 will fragment wildlife habitat considerably more than Alternative 2 would. This issue should be addressed in some detail in the EIS. The draft EIS fails to assess what the wildlife impacts will be; it only addresses a little of what they will not be.

D8

Figure A2. Is the proposed wetland fill along the margin of West Twin Lake the result of the Paul Bunyan Trail relocation? If so, can the Paul Bunyan Trail underpass be located farther south in order to avoid this impact?

D9

Figure A3. The potential wetland fill in the wetland adjoining Sibley Lake should be avoided if at all possible by shifting the road alignment slightly east.

## RESPONSE

D4 The existing Cullen Brook Bridge is currently a hydrologic restriction of the channel and will be replaced by a longer bridge(s). The new bridge structure will be designed to more closely match the geomorphology of the stream and will be designed to accommodate wildlife passage. Cullen Brook typically does not flood into the adjacent Type 6 wetland since it is part of the Gull Lake reservoir system and the water level is controlled by the U.S. Army Corps of Engineers. Bridging all of the wetlands in this area is not a fiscally prudent option.

Wetland minimization efforts in the Cullen Brook area have not been fully completed. At this time, the centerline spacing has been reduced from 100 feet to 75 feet. The design process will continue after completing the Final EIS and will consider further minimization such as steeper inslopes, lowered vertical profiles, urban design, and use of guardrails.

# COMMENT LETTER D – MINNESOTA DEPARTMENT OF NATURAL RESOURCES

D10

Figure A5. It appears that Alternative 2 would require the realignment of about 1200 feet of Hay Creek just south of the Cass-Crow Wing county line. This does not appear to be discussed in the EAW. This appears to result from a discrepancy showing the location of Hay Creek between the Cass County and Crow Wing County protected waters maps. The Crow Wing County map shows Hay Creek crossing into Cass County mid-section, following a watercourse that passes south of Jokela Lake, and probably meets the description of Hay Creek on page 92 of the EIS. The Cass County map, however, shows Hay Creek passing through Jokela Lake and entering into Crow Wing County farther north along the section line. The route depicted on the Cass County map shows the watercourse that has sucker and northern pike spawning runs, and this is the watercourse that would be covered over by Alternative 2. If Alternative 2 is selected, Hay Creek needs to be re-established, preferably on the west side of the highway.

Figure A7. Under Alternative 3, if the Paul Bunyan Trail is relocated, it appears there is an on-site wetland replacement opportunity where old railroad embankment could be removed from wetlands (depending on historical clearances). Also, under this alternative, could the Paul Bunyan Trail realignment be shifted 1800 feet further north to take full advantage of the existing established alignment?

Figure A10. Is it safer to realign the Paul Bunyan Trail to cross the road immediately at an intersection, or farther back on its existing alignment where sight lines are longer? This comment applies to Figure A13 as well.

Figure A11 and Figure A14. If Alternative 4 or Alternative 5 is selected, it appears there is an on-site riparian wetland restoration opportunity for the last 1200 feet of the highway that would be abandoned before the bypass comes back to the existing alignment. This 1200 feet would be adjacent to the Hay Creek watercourse (as shown on the Cass County map rather than the Crow Wing County map).

Thank you for the opportunity to review this EIS. Please contact me with any questions regarding this letter.

Sincerely,

  
Dennis Thompson, Principal Planner  
Environmental Policy and Review Unit  
Division of Ecological Services

C: Anderson, Angela  
Balcom, Tom  
Colvin, Steve  
Gerbig, Bruce  
Holmbeck, Dave  
Jaeger, Lowell  
Martinez, Mike  
North, Mike  
H:\Environmental Review\371 Nisswa-Pine R\TH 371 EIS Nisswa-Pine R Resp.doc

## References

- Center for Transportation Studies, 2009. A systems thinking perspective on the transportation and regional growth study. Center for Transportation Studies, University of Minnesota, Minneapolis. Prepared by E. E. Ward, Ward and Company, Scottsdale, Arizona.
- Corvo, R. 2001. Road expansion, urban growth, and induced travel: a path analysis. University of California Transportation Center. Research Report No. 520, Berkeley, California.
- Federal Highway Administration. 1992. Position paper: secondary and cumulative impact assessment in the highway project development process. FHWA Project Development Branch, HEP-31. Online at: [www.fhwa.dot.gov/environment/2\\_e\\_imp.htm](http://www.fhwa.dot.gov/environment/2_e_imp.htm)
- Transportation Research Board. 1995. Expanding metropolitan highways: implications for air quality and energy use. National Research Council. National Academy of Sciences. National Academy Press, Washington, D.C.
- U.S. Environmental Protection Agency, 2001. Our built and natural environments: a technical review of the interactions between land use, transportation, and environmental quality. EPA 231-R-01-002, Washington, D.C.

## RESPONSE

- D5 Mn/DOT is statutorily restricted on the type and amount of private property that can be acquired and retained for highway purposes. Furthermore, Mn/DOT believes the appropriate means of protecting natural resources outside the trunk highway right-of-way is through state and local land use regulations, including zoning ordinances, shoreland standards, and conditional use/building permit conditions. All jurisdictions along the project corridor (cities and counties) regulate land use and have established standards and requirements to allow development while protecting sensitive natural resources.
- D6 A low use boat access site has been identified on West Twin Lake. Details of the site will be further determined in the final design phase through discussions with the DNR and the West Twin Lake Owners Association.

## COMMENT LETTER D – MINNESOTA DEPARTMENT OF NATURAL RESOURCES

### RESPONSE

- D7 The wetland assessment completed for the Draft EIS was based on preliminary profiles and cross sections for the five alignment alternatives. The 0.27 acres of “lake” impacts was associated with the alignment near East and West Twin Lakes. The design of the Preferred Alternative has been further refined, and new profiles and cross sections have been completed that indicate there will be no direct filling in West Twin Lake.
- D8 Alternative 2 has been selected as the Preferred Alternative. Furthermore, the Preferred Alternative has been designed to avoid and minimize impacts on wildlife habitat. Specific measures include longer and wider bridges/culverts, reduced centerline spacing, and minor alignment shifts.
- D9 The alignment of the Paul Bunyan Trail will remain on the east side of the highway near East and West Twin Lakes. Also, see Response D7.
- The preliminary design of the Preferred Alternative has minimized impacts to the wetland adjoining Sibley Lake. Further avoidance and minimization will occur during the final design phase.
- D10 Mn/DOT acknowledges the Cass County Protected Waters Map shows Hay Creek in the correct location. A Public Waters permit will be requested for impacts to the stream with possible construction restrictions during the sucker and northern pike spawning runs. Since the selection of the Preferred Alternative, several iterations of the alignment through the town of Jenkins and the area of Hay Creek have made the future of Hay Creek uncertain. This section of Hay Creek is currently channelized in the east ditch of Highway 371. Mn/DOT will continue to coordinate design options with the DNR Fisheries so that fish passage will not be hindered. The reconstructed crossing of Highway 371 will be designed using current stream morphology guidelines, which should improve fish passage. The location of the reestablished creek will be determined during final design and in coordination with DNR Fisheries staff.

COMMENT LETTER E – MINNESOTA POLLUTION CONTROL AGENCY



**Minnesota Pollution Control Agency**

February 5, 2004

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

RE: Trunk Highway 371 North Improvement Project  
Draft Environmental Impact Statement

Dear Mr Hughes:

The Draft Environmental Impact Statement (EIS) on the proposed Trunk Highway 371 North Improvement Project (Nisswa to Pine River) has been reviewed by Minnesota Pollution Control Agency (MPCA) staff. The EIS has done a good job describing traffic impacts for each of the alternatives analyzed in the document. Since the proposed project is expected to improve traffic flow, reduce truck traffic and congestion in some of the downtown areas, as well as mitigating inadequate intersection geometrics, it appears that the proposed project would not cause any significant impacts in air quality. Additionally, the project is not located in an area in which air quality conformity requirements apply. We recommend that Minnesota Department of Transportation choose the alternative with the least impact to the environment when the final design is prepared in the final EIS.

Thank you for the opportunity given to review this document.

Sincerely,

A handwritten signature in black ink that reads "William J. Lynott".

William J. Lynott  
Project Manager  
Operations and Environmental Review Section  
Regional Environmental Management Division

WJL:gs

cc: Innocent Eyoh, MPCA, Regional Environmental Management Division, Metro.Region

520 Lafayette Rd. N.; Saint Paul, MN 55155-4194; (612) 296-6300 (Voice); (612) 282-5332 (TTY); [www.pca.state.mn.us](http://www.pca.state.mn.us)  
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# COMMENT LETTER E – MINNESOTA POLLUTION CONTROL AGENCY



## Minnesota Pollution Control Agency

February 9, 2004

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

RE: Trunk Highway (TH) 371 North Improvement Project  
Draft Environmental Impact Statement (DEIS)

Dear Mr. Hughes:

This letter supplements my earlier letter of February 5, 2004, regarding the same DEIS. We greatly appreciate your stated willingness to allow a bit of extra time for our review of this document, as well as your spirit of accommodation in noting future opportunities for more detailed discussions with our staff. We look forward to those discussions.

This project has the potential to impact numerous natural wetlands, lakes, streams, and rivers. Section 4.3 of the DEIS states that the potential for soil erosion and impacts on water quality are greatest at the time a project requires the removal of vegetation and topsoil for initial clearing, grubbing, and grading activities. We agree with this statement. This section also states that all practical efforts will be made to minimize the disruption and redistribution of sediments in lakes, streams, and wetlands for alternatives 2, 3, 4, and 5. Again, we concur.

At this time, a specific route or alternative has not been selected and adequately detailed plans and specifications for the project have not yet been developed. Therefore, the Minnesota Pollution Control Agency (MPCA) can only provide general comments regarding the project at this time.

In order to minimize runoff-related impacts, all of the alternatives except the no-build alternative will require timely and effective installation and maintenance of temporary erosion and sediment control as this project passes through the highly visible, highly valuable, and environmentally sensitive mosaic of wetlands, streams and lakes within and near the corridor. Permanent stormwater management will also be necessary for the long-term protection of these resources.

E1

520 Lafayette Rd. N.; Saint Paul, MN 55155-4194; (612) 296-6300 (Voice); (612) 282-5332 (TTY); [www.pca.state.mn.us](http://www.pca.state.mn.us)  
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## RESPONSE

- E1 Erosion control measures, as suggested by the MPCA's Protecting Water Quality in Urban Areas, Best Management Practices for Dealing with Storm Water Runoff from Urban, Suburban, and Developing Areas of Minnesota (March 2000), will be incorporated into an erosion control plan that will be completed as part of the final design of the Preferred Alternative. This plan will address both short-term protection techniques, as well as permanent storm water management measures for protecting the resources in the project area.

## COMMENT LETTER E – MINNESOTA POLLUTION CONTROL AGENCY

Mr. Tony Hughes, Project Manager  
Page 2

It appears that the DEIS has done a good job of identifying the potential for construction activities to contribute sediment and stormwater to water resources in the project area. If an alternative other than the no-build alternative is selected, a stormwater pollution prevention plan (SWPPP) must then be developed specifically for the selected route and submitted to MPCA for review. The MPCA staff will then review the SWPPP for compliance with the Phase II NPDES Stormwater Permit that became effective on August 1, 2003. It is imperative that all requirements of the National Pollutant Discharge Elimination System (NPDES) Permit be addressed in the SWPPP. The SWPPP will help ensure that proper controls and practices are established along the project corridor and proper protection is given to the aquatic resources located within and adjacent to it. The MPCA staff encourages Minnesota Department of Transportation's staff to access the MPCA's upcoming Special Waters Search tool which should be available via internet in the spring of 2004. This tool will be available to help project proposers identify whether their project is within 2,000 feet of any waters that will require specific Best Management Practices and/or additional management measures under the Construction Stormwater Permit Program. It is primarily through the SWPPP review process and final EIS review that MPCA expects to comment more specifically on project issues, although we may have more detailed comments on other environmental issues as it becomes more clear what the build alternative will be.

E2

Thank you again for the opportunity to review this DEIS. We look forward to continuing review of this project, including review of the Final EIS, as well as to receiving your responses to our comments. As you and Lisa Woog of our staff have discussed, we will likely have more detailed comments once you have selected an alternative for construction. Please address further discussion to Ms. Woog in the MPCA Brainerd Office at (218) 855-5017.

Sincerely,



William J. Lynott  
Project Manager  
Operations and Environmental Review Section  
Regional Environmental Management Division

WJL:gs

cc: Lisa Woog, MPCA, Brainerd Regional Office  
Randy Hukriede, MPCA, Brainerd Regional Office  
Kathy Holland-Hanson, MPCA, Detroit Lakes Regional Office  
Innocent Eyoh, MPCA, Regional Environmental Management Division, Metro Region

### RESPONSE

E2 The Final EIS identifies Best Management Practices (BMPs) for conveying and treating storm water runoff from the proposed improvements. These BMPs will ensure proper protection is given to the natural and water resources located in the project area. Furthermore, a storm water pollution prevention plan will be submitted to the MPCA for review and compliance with the Phase II National Pollutant Discharge Elimination System permit requirements.

# COMMENT LETTER F – MINNESOTA HISTORICAL SOCIETY



MINNESOTA HISTORICAL SOCIETY

February 3, 2004

Mr. Tony Hughes  
MnDOT – District 3 Project Manager  
7694 Industrial Park Road  
Baxter, MN 56425

Re: Draft EIS - T.H. 371, Nisswa to Pine River, S.P. 1116-22  
Crow Wing and Cass Counties  
SHPO Number: 2003-1303

Dear Mr. Hughes:

Thank you for the opportunity to comment on the draft EIS for the above referenced project. We note that we have previously submitted comments (12/5/2003) on the history/architecture survey of the project area to Jackie Sluss of the MnDOT Cultural Resources Unit.

We have the following comments:

1. Table 2 and Section 4.1 (page 63) do not include the A.H Cole Building in the list of National Register eligible buildings. This building was initially evaluated as "not eligible". However, as we stated in our letter of 5 December 2003, we do feel that this building does meet the criteria. It is important that its eligibility -- and an analysis of effects, if appropriate -- be completed before the selection of a preferred alternative. This is particularly important because it appears that the various alternatives in the EIS may have substantially different levels of effect on this property. This information should be factored into the choice of the preferred.

F1

2. All of the build alternatives in the EIS have both direct and indirect effects on the Northern Pacific Depot in Pine River. The Scoping Decision Document includes information on the justification for elimination of the Pine River Bypass alternative before the EIS. This alternative would probably have avoided directly impacting the depot. It is important that any consulting parties to this Section 106 review receive the information about the dropping of this alternative.

F2

3. We are aware that the City of Pequot Lakes has an interest in the preservation of the A.H. Cole Building, and we suggest that they be invited to participate in this review as a consulting party. We previously suggested that Heritage Group North of Pine River also be invited to participate, and we are pleased that MnDOT has been in communication with this group.

F3

We would urge that we meet to discuss the effects and potential mitigation for all of the historic properties in this project area as soon as a preferred alternative is chosen. In particular, the treatment of the Pine River Depot may require some attention, and early consultation on appropriate mitigation will help to avoid potential delays later on.

We look forward to working with MnDOT and the other parties to complete this review. Contact us at 651-296-5462.

Sincerely,

Dennis A. Gimmestad  
Government Programs & Compliance Officer

cc: Jackie Sluss, MnDOT  
Alan Johnson, Heritage Group North  
Mayor Kathy Malecha, City of Pequot Lakes

345 Kellogg Boulevard West/Saint Paul, Minnesota 55102-1906/Telephone 651-296-6126

## RESPONSE

- F1 The Cole Memorial Building has been determined to be eligible for listing on the National Register of Historic Places, and its eligibility was taken into consideration during the process of selecting the Preferred Alternative.
- F2 The Amended Scoping Decision Document, November 2003, which identified the removal of the Pine River bypass option, was distributed to all parties that have expressed an interest in receiving project documents. Furthermore, the document was distributed to city halls (Nisswa, Pequot Lakes, Jenkins, and Pine River), local libraries, and the EQB distribution list.
- F3 Both the City of Pequot Lakes and the Heritage Group North have been invited to be Section 106 consulting parties for the proposed project.

COMMENT LETTER G – CITY OF PEQUOT LAKES



**City of Pequot Lakes**

31108 Government Drive, P.O. Box 361  
Pequot Lakes, MN 56472  
City Clerk (218) 568-5222  
Police Dept. (218) 568-8111  
Fax (218) 568-5860  
E-mail: cityhall@uslink.net

February 4, 2004

MnDOT District 3  
Tony Hughes, P.E.  
7694 Industrial Park Road  
Baxter, MN 56425

Dear Tony:

This letter is in regard to the Draft EIS Comment Period for the Highway 371 Project. The City Council held a public hearing on February 3, 2004 regarding the project. After receiving public input, the Council voted on the issue. The vote resulted in the attached resolution being adopted (Resolution 04-002), which indicates that the Council favors the through-town option for the highway.

If you have any questions, please feel free to contact Mayor Malecha or me at 568-5222.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Peine".

Sandra Peine  
City Clerk

C: Mayor Cathy Malecha and City Council

**RESPONSE**

No response required.

## COMMENT LETTER G – CITY OF PEQUOT LAKES

### RESOLUTION 04-002

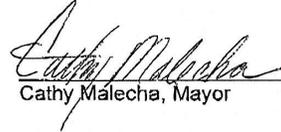
#### A RESOLUTION FOR THE CITY OF PEQUOT LAKES REGARDING THE HIGHWAY 371 PROJECT

- WHEREAS,** the Minnesota Department of Transportation (MnDOT) is proposing an expansion and improvement of State Trunk Highway 371 through the City of Pequot Lakes (The City); and
- WHEREAS,** MnDOT has requested a resolution from the City as to its preference of alignment for the highway expansion by February 9, 2004; and
- WHEREAS,** the City representatives and others have participated in public meetings addressing concerns of the stakeholders in the highway; and
- WHEREAS,** MnDOT quantitative analysis indicates the greatest cost-benefit ratio is achieved by selecting the through-town route; and
- WHEREAS,** approximately 239 fewer acres of woods and wetlands would be destroyed and the rural character of the City would be protected by selecting the through-town route; and
- WHEREAS,** the through-town route meets MnDOT stated objectives for safety and reduced congestion and there is little or no advantage in these factors by choosing other alternatives; and
- WHEREAS,** the through-town route is consistent with over twenty years of planning by State, County, City, and Township governing bodies. Business owners made their decisions assuming certain access to Highway 371, residents bought country property never imagining a four-lane expressway through their back yard; and
- WHEREAS,** the through-town route provides the greatest potential for benefits to existing commercial businesses and displaces the fewest residential and commercial property owners.

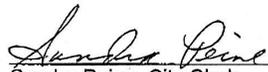
**COMMENT LETTER G – CITY OF PEQUOT LAKES**

**NOW, THEREFORE BE IT RESOLVED**, that it is the preference of the City of Pequot Lakes, as expressed by this duly elected City Council, that Trunk Highway 371 continue to be located, and any improvements within the City, be made along its existing alignment.

Passed and adopted by the Pequot Lakes City Council this 3<sup>rd</sup> day of February, 2004.

  
Cathy Malecha, Mayor

ATTEST:

  
Sandra Peine, City Clerk

**COMMENT LETTER H – CITY OF JENKINS**

*City of Jenkins*

Office of the City Clerk

218-568-4637

P.O. Box 63, Jenkins, Minnesota 56456

E-mail: jenkins@uslink.net

January 16, 2004

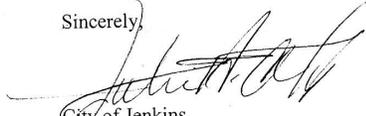
Tony Hughes, PE  
Project Manager  
MNDOT  
7694 Industrial Park Road  
Baxter, MN 56425

Dear Mr. Hughes:

Enclosed you will find a copy of the City of Jenkins Resolution #1J-1-12-04 in which the City of Jenkins City Council supports Alternative Number 2 from the Draft Environmental Impact Study. Please note that in this resolution the City has stated its reasons for this position and has also stated that they are not in support of Alternative Numbers 1, 3, 4 and 5.

If you should have any further questions, please feel free to contact me.

Sincerely,



City of Jenkins  
Julie Ohr, City Clerk

Enclosure

Cc: File  
City of Jenkins City Council  
City of Jenkins Planning Board  
City of Jenkins State Highway 371 Task Force  
Christian Heniker, SEH



**RESPONSE**

No response required.

## COMMENT LETTER H – CITY OF JENKINS

CITY OF JENKINS  
CROW WING COUNTY, MN.

### RESOLUTION #1J-1-12-04

The following Resolution was introduced by Debbie Bryant, who made its adoption.

WHEREAS, The City of Jenkins feels that there is a need to improve the current conditions of the State Highway 371 Corridor.

WHEREAS, The City of Jenkins feels that it would be both environmentally and economically feasible to keep the State Highway 371 Corridor in its current location.

WHEREAS, The City of Jenkins is aware that if the City were to be bypassed by the State Highway 371 Corridor in its current bypass location; Alternative Numbers 4 and 5 from the Draft Environmental Impact Study; would negatively impact the Cities JOBZ Zone that has recently been approved by the Legislature.

WHEREAS, The City of Jenkins is aware that if the City were to be bypassed by the State Highway 371 Corridor in its current bypass location; Alternative Numbers 3, 4 and 5 from the Draft Environmental Impact Study; would negatively impact current and future housing and commercial developments.

WHEREAS, The City of Jenkins is aware that if the City were to be bypassed by the State Highway 371 Corridor in its current bypass location; Alternative Numbers 4 and 5 from the Draft Environmental Impact Study; would negatively impact wetlands that are current habitat for many migratory birds and animals. It would also negatively impact wetlands that currently are a part of Hay creek and its' tributaries.

WHEREAS, The City of Jenkins is aware that if the City were to be bypassed by the State Highway 371 Corridor in its current bypass location; Alternative Numbers 3, 4 and 5 from the Draft Environmental Impact Study; would not support the Cities current Comprehensive Plan.

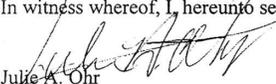
BE IT RESOLVED: That the City Council of the City of Jenkins, at its regular meeting on January 12, 2004 has voted to support Minnesota Department of Transportations' Alternative Number 2 that has been presented in the Draft Environmental Impact Study.

BE IT FURTHER RESOLVED: That the City of Jenkins does not support Minnesota Department of Transportations' Alternative Numbers 1, 3, 4 and 5 for reasons supplied in this resolution.

The above resolution was seconded by Pat Niskanen, and upon vote of all members present, was carried.

State of Minnesota  
Crow Wing County  
City of Jenkins

I, Julie A. Ohr, City Clerk of the City of Jenkins, Crow Wing County, Minnesota, hereby certify that the foregoing Resolution is a true and correct copy of the original record on file in my office of the action taken at a Regular Meeting held on January 12, 2004 and that said resolution is a part of the files and records in my office. In witness whereof, I, hereunto set my hand and seal of said City, this 12<sup>th</sup> day of January, 2004.

  
Julie A. Ohr  
City Clerk  
Jenkins, Minnesota

COMMENT LETTER I – PEQUOT LAKES-BREEZY POINT AREA CHAMBER OF COMMERCE



**Pequot Lakes-Breezy Point  
Area Chamber of Commerce**

P.O. Box 208  
Pequot Lakes, Minnesota 56472  
**218-568-8911 or 1-800-950-0291**

14 January, 2004

Chamber response and position statement:

To Whom it May Concern:

After careful consideration of the information gathered from the Pequot Lakes/Breezy Point Area Chamber of Commerce's membership survey, the following information is presented. As specific statistics can be and often are manipulated in an effort to sway personal or public opinion, any reference to specific numbers will be done on a factual basis only with no subjection.

A survey of the membership of Pequot Lakes/Breezy Point Area Chamber of Commerce was performed to garner opinions as to the effect of various locals of the purposed TH371 improvements. Results were then tabulated by board members and staff and all comments from these surveys were recorded. The results of the survey are attached.

MNDOT has released its draft EIS and is currently accepting comments through February 9<sup>th</sup>. At that time MNDOT will begin to review the comments and finalize an EIS. This EIS will indicate a preferred highway alignment. This is scheduled to be completed in 2004. Unfortunately, the draft EIS does not address many of the concerns in detail that individuals have raised in regard to such areas as access and additional costs of infrastructure to taxpayers not included by MNDOT. This information would be considered helpful at a minimum and some would say vital, to forming and reinforcing opinions.

It is therefore the position of the board of directors of the Pequot Lakes/Breezy Point Area Chamber of Commerce that the results of the enclosed survey be released without interpretation. The following bullets represent the major survey highlights. A complete survey breakdown is included with the results.

*Welcome to Minnesota!*

Online at [www.pequotlakes.com](http://www.pequotlakes.com) ↪ [chamber@pequotlakes.com](mailto:chamber@pequotlakes.com)

**RESPONSE**

No response required.

## COMMENT LETTER I – PEQUOT LAKES-BREEZY POINT AREA CHAMBER OF COMMERCE

- 1) 148 out of 217 total members responded to our survey, producing a response rate of 68%.
- 2) Of **respondents**, 54% indicated a preference for a through town alignment with 20% favoring a bypass alignment and 24% who are either undecided or had no preference.

Further breakdown by business type and location are also included in the results. These breakdowns much more clearly indicate the concerns of the retail group, as well as those members who are located directly on the visual corridor of the existing alignment.

As the Pequot Lakes/Breezy Point Area Chamber of Commerce is a non-profit corporation with a board of directors and is governed by a set of bylaws which specifically mandates nonpartisan, nonsectarian, and nonsectional stances on issues, we are prohibited from officially taking a position on this issue.

Unfortunately, but not unexpectedly, this issue has become an extremely divisive issue within the business community. Opinions have resinated and divisions have formed. While the opinions are healthy, the divisions that have formed are not. For the Chamber and business community to thrive, we must have a unified position and just as importantly we must have a plan.

We as a Chamber board, feel that is necessary to promote commerce and industry for our member businesses. The majority position of our members who responded to our survey, at this time, would favor a through town alignment. As the process set forth by MNDOT progresses and more information becomes available, these opinions may change. It would be appropriate for the Chamber to produce a follow up survey as more information becomes available and publish that data at that time as well.

Signed,



President PL-BP Area Chamber  
218-568-7767

## COMMENT LETTER J – HERITAGE GROUP NORTH

February 8, 2004

To: Tony Hughes  
Mn/DOT Project Manager  
Mn/DOT District 3  
7694 Industrial Park Road  
Baxter, MN 56425

From: Heritage Group North  
P. O. Box 236  
Pine River, MN 56474  
E-mail: aljohn@uslink.net

Subject: Highway 371 North Improvement Project—Draft EIS Comments  
Mn/DOT's Pine River Depot Mitigation Responsibility

Heritage Group North (HGN), a Pine River, MN non-profit organization, wishes to affirm its interest regarding restoration and preservation of the historic Pine River Depot. In addition, HGN offers its assistance to facilitate Mn/DOT's mitigation responsibility as it relates to the Pine River Depot and the impending Highway 371 North Improvement Project. In that spirit, HGN presents an outline of likely mitigation actions that will be needed to assure the successful stabilization and relocation of the Pine River Depot.

In general, mitigation efforts most likely will encompass stabilization of the PR Depot building before it is relocated, the physical relocation of the Depot building and other Depot related structures, as well as certain archeological considerations. More specifically, the mitigation effort will likely include:

- Construction of a new foundation upon which the Depot will be placed—on a site essentially directly across the Paul Bunyan Trail from its current location, just south of the Pine River Information Center—a site within the original rail corridor that is acceptable to the State Historic Preservation Office (SHPO). This new foundation should be a full basement as recommended by the SHPO State Historic Architect. Relocation of an existing picnic shelter will be necessary to make room for the Depot.
- Stabilization of the Depot building prior to its relocation to assure no physical damage as a result of the move. This will most likely require installation of a floor in the Depot freightroom and some repair of wall stud and sill deterioration prior to the physical move.
- Physically move the Depot building to its new site and assure it is level and plumb on its new foundation.
- Physically move the historic depot platform curbing and relocate at the new Depot site. Re-use of the existing historic platform curbing was recommended by State Historic Preservation Office personnel during their on-site Depot evaluation. Likewise with the historic water tower foundation.
- Provide electrical service to the relocated Depot building.

J1

### RESPONSE

J1 A Final Section 4(f) Evaluation has been prepared for the Preferred Alternative and is contained in Appendix B of the Final EIS. The Final Section 4(f) Evaluation contains a signed Memorandum of Agreement (MOA) between the State Historic Preservation Officer, Mn/DOT, FHWA, and consulting parties for the mitigation commitments associated with impacting the Pine River Depot.

## COMMENT LETTER J – HERITAGE GROUP NORTH

- Archeological site evaluation of the current Depot location as well as the new Depot site prior to excavation. Consideration should be given to permanently marking the existing corners of the current Depot building site, perhaps with flush-mounted brass plates.

HGN believes the above mentioned mitigation actions should be completed as soon as reasonably possible (ie. Summer 2004 or 2005) to avoid any further deterioration of the Depot building. Timely action is also needed to ensure security of the property—to prevent vandalism of the Depot building or pilfering of Depot platform bricks, for example.

HGN requests that it be kept informed of Mn/DOT's mitigation plans regarding the Pine River Depot, and in fact, would like to be a participant in such plans and any resulting actions, as suggested by SHPO in earlier correspondence.

After Mn/DOT's mitigation efforts are finished, HGN intends to complete rehabilitation of the PR Depot, to include converting the existing freightroom into an interpretive center.

HGN's rehabilitation effort will include making the building weathertight—repairing/replacing siding, trim, doors, windows, etc. as necessary, as well as preparing and painting the building's exterior. Additional rehabilitation efforts will include reconstructing the open-air waiting area canopy, reconstructing the historic brick chimneys, re-roofing with sawn-wood shingles, reconstructing the two-hundred-fifty foot brick platform and restoring the depot agent's office and indoor waiting area to vintage condition.

Another phase of HGN's rehabilitation effort will include converting the existing freightroom into an interpretive center that will serve to preserve the Pine River Depot's place in transportation history—from Indian trail, to railroad line, to the current modern highway and recreational trail system.

The rehabilitated Pine River Depot will become an historic site that will serve as an enhancement to the Hwy 371 corridor, the Paul Bunyan Trail and the Paul Bunyan Scenic Byway.

Respectfully submitted,  
Heritage Group North

J1, cont.

J2

### RESPONSE

J2 As a consulting party, Heritage Group North coordination activities have continued concerning the Pine River Depot.

# COMMENT LETTER K – MINNESOTA LAKES ASSOCIATION



19519 Hwy 371 N.  
Brainerd, MN 56401

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Fax 218-824-5566

E-mail: [lakes@mnlakes.org](mailto:lakes@mnlakes.org)  
Website: [www.mnlakes.org](http://www.mnlakes.org)

Tony Hughes  
Mn/DOT-- District 3 Project Manager  
7694 Industrial Park Road  
Baxter, MN 56425

Dear Mr. Hughes:

The Minnesota Lakes Association (MLA) appreciates its inclusion on the Highway 371 Advisory Committee and wishes to share the following concerns after studying the E.I.S.

**Noise:** There is a concern as to the accuracy of the 2002 monitoring. We know of two monitoring sites on Lower Cullen Lake that were not reported in Table 13 -- one on the north shore 1/2 mile from Highway 371 off County Highway 107, the other on the east shore 1 1/2 miles from Highway 371. The elevations and lake surface amplify traffic noise to impact residents at as great a distance as 1 1/2 miles. This was noted by your staff when monitoring on the Cullen shores. Why haven't these sites been included in the table corresponding maps?

K1

**Runoff:** You reference phosphorus as a stormwater contaminant and compare highway runoff to agriculture and lawns. The majority of adjacent highway land in the 371 project currently has native grass land or forest with high water uptake and low phosphorus contaminants. Your E.I.S. does not relate a realistic picture of what would be 100% road runoff compared with the existing 10% on average runoff from soils with native vegetation. Nor do you mention other major road contaminants. Also, the E.I.S. does not provide quantitative data on these other critical road contaminants other than phosphorus (i.e. nitrates, hydrocarbons, salts, and fecal matter).

We are aware there will be further hydrological and geological studies once the specific road route is determined, but given the importance of maintaining water quality to the health and economy of this area and the lack of alternative routes in the Nisswa area, it is imperative the studies and highway designs include a **no runoff policy from roadways into surface waters** in the area and this policy should be designed for a 100 year rain event. We understand the challenge and expense of ponding or redirecting runoff in this confined area, but it is necessary to do so nonetheless.

K2

The chain of shallow lakes including Nisswa, Bass, Eddy, Roy, and Upper Gull receive waters from the moderate flowage of Cullen Brook. These lakes would be affected by even a small amount of contaminated runoff entering this stream or its wetland. Edna and West Twin Lakes are ice block lakes (no inlet or outlet) and are already affected by contaminants contained in runoff from the highway. Before you abandon the highway's current route, this problem should be rectified, and unless great care is taken in designing the runoff plan for the new highway, these lakes will risk being greatly degraded because of their close proximity to roadway surfaces.

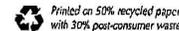
The pothole wetland you are planning to bridge at the intersection of Highways 371 and 29/107 is a unique body of water in that it probably exists because of the groundwater flowing from West and East Twin Lakes that moves towards Lower and Middle Cullen Lakes and their outlet creek. This was a speculation by Joe Magner, lead hydrologist for the MPCA. Based on the difference in elevation between the Twins and the Gull chain of lakes and stream (~12 feet) and the influx of groundwater into Lower Cullen on a direct line from the Twins, the present highway and the ridges to the south and north of the wetland have caused a substantial upwelling of groundwater that is partially responsible for the wetland's unconsolidated bottom. A thorough geological study should be done in this area before the final design is approved.

K3

Thank you for the opportunity to relate this information to you.

Sincerely,  
  
Tom Beaver  
Director, Minnesota Lakes Association

*Your Voice to Protect and Enhance Minnesota's Lakes and Rivers*



## RESPONSE

K1 Noise Monitor Site #9 listed in Table 13 and depicted on Figure 15 of the Draft EIS is a monitoring site located on Lower Cullen Lake approximately 1/2-mile from Highway 371. A second site on Lower Cullen Lake was considered, but monitoring was not completed to the level of the Draft EIS analysis because highway generated noise was not distinguishable at the site.

## COMMENT LETTER K – MINNESOTA LAKES ASSOCIATION

### RESPONSE

- K2 Currently, there is no treatment of highway runoff within the project area. The Preferred Alternative has been designed to minimize direct impacts to natural resources including wetlands, lakes, and streams. The final design process will continue after completion of the Final EIS and will consider further minimization, such as steeper inslopes, lowered vertical profiles, urban design, and use of guardrails. Furthermore, storm water treatment strategies will be incorporated into the Preferred Alternative that will include the use of a center grass median, vegetated side slopes, and detention ponds to store and treat runoff from all portions of the proposed improvements. Phosphorous is commonly used to assess potential water quality impacts from highway projects. The design of BMPs and storm water treatment strategies will consider the ability to maintain or reduce phosphorous levels from surrounding water resources. Because the design of BMPs will be based on phosphorous levels, this will ensure adequate removal rates for all other potential contaminants.
- K3 A soils and hydraulics analysis will be conducted as part of the final design to determine the proper design for the bridge structure over the wetland basin located in the southeast quadrant of the Crow Wing County Road 29/107 and Highway 371 intersection. No direct impacts to the wetland basins are anticipated. Therefore, no geological study is proposed.