

APPENDIX D

COMMENTS ON DRAFT EIS

- **Comments:** Copies of comment letters are provided with numeric references to responses, which are provided at the end of this Appendix. Only those letters received during the official Draft EIS Comment period are included.
- **Responses to Comments:** Responses are numbered for each comment letter.



U.S. Department
of Transportation

Federal Aviation
Administration

AIRPORTS DISTRICT OFFICE
6020 28th Avenue South, #102
Minneapolis, Minnesota 55450-2706

March 23, 2004

Ms. Cheryl Martin
Environmental Engineer
Federal Highway Administration
380 Jackson St.
St. Paul, MN 55101-2904

SUBJECT: I-94/TH 10 Interregional Connection Draft Environmental Impact Statement

Dear Ms. Martin:

Thank you for the opportunity to review the I-94/TH 10 Interregional Connection Draft Environmental Impact Statement.

The DEIS identifies four "Build" alternatives directly affecting land in the following communities:

- Lynden Township
- Fairhaven Township
- St. Augusta
- Clear Lake and the surrounding area,
- Becker, and the area north and east of Becker
- Big Lake and the area south and east of Big Lake
- St. Cloud
- Haven Township
- Clearwater
- Clearwater Township
- Silver Creek Township

The Federal Aviation Administration (FAA) Minneapolis Airports District Office has identified the following airports that are located in or generally near the communities that are directly affected:

- Buffalo – Buffalo Municipal Airport
- Clear Lake – Leaders Clear Lake Airport
- Maple Lake – Maple Lake Municipal Airport
- Monticello – Pilots Cove Airport
- St. Cloud – St. Cloud Regional Airport

It is difficult to determine from the document if any of the alternatives would necessarily result in direct impacts to the location or relocation of navigational aids or generally create obstructions that would affect navigable airspace.

Table 1.7 of the DEIS identifies the various federal, state, local, and special district agencies that will likely need to provide permits or concurrence for the project. The list does not indicate that there is any likely approval or concurrence that will be required from the FAA. The following comments are offered for your consideration as the project proceeds.

Federal Regulation Title 14 Part 77 establishes standards and notification requirements for objects affecting navigable airspace. This notification serves as the basis for:

- Evaluating the effect of the construction or alteration on operating procedures.
- Determining the potential hazardous effect of the proposed construction on air navigation.
- Identifying mitigating measures to enhance safe air navigation.
- Charting of new objects.



Section 77.13 states that any person/organization who intends to sponsor construction or alteration activity must notify the Administrator of the FAA for the following actions:

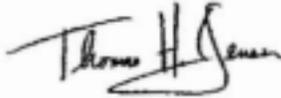
- Any construction or alteration exceeding 200 ft above ground level.
- Any construction or alteration
 - within 20,000 ft of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 ft.
 - within 10,000 ft of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 ft.
 - within 5,000 ft of a public use heliport which exceeds a 25:1 surface.
- Any highway, railroad or other traverse way whose prescribed adjusted height would exceed that above noted standards.

If a potential impact or problem is identified, the submission of FAA Form 7460-1 (notice of proposed construction or alteration), along with appropriate project review data is required for any proposed construction or alteration. This applies to, but is not limited to, the following:

- Any object of natural growth or terrain.
- Permanent or temporary construction or alteration, including equipment or materials used therein, and/or apparatus of a permanent or temporary character.
- Structures with a change in height (including appurtenances) or lateral dimensions, including equipment or materials that are used.
- Proposed changes in the land use practices that would attract or sustain hazardous wildlife populations at or near airports (see FAA Advisory Circular No. 150/5200-33).

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

Sincerely,



Thomas H. Jensen, AICP
Environmental Protection Specialist
612-713-4362
tom.jensen@faa.gov





Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-40__

March 23, 2004

Chad Casey
Project Manager
Mn/DOT - District 3
3725 - 12th Street North
Mail Stop 030
St. Cloud, MN 56303-2130

Subject: I-94/TH 10 Interregional Connection DEIS

Dear Mr. Casey:

The Department of Natural Resources (DNR) has reviewed the I-94/TH10 Interregional Connection Draft Environmental Impact Statement (DEIS) as part of the public review. We offer the following comments for your consideration.

Cumulative and Secondary Impacts

The issues of cumulative and secondary impacts are inadequately addressed in the DEIS. MnDOT has identified the need to improve the capacity and safety of the connection between I-94 and TH 10. However, in so doing, it compounds another aspect of stakeholder values, in that by moving traffic faster and more efficiently to their desired destinations, adverse impacts to land and water resources can result. For example, the rapid urbanization and associated sprawl within the I-94/TH10 corridor is only further magnified. By moving traffic faster to and through communities like Clearwater, Clear Lake, Becker, Big Lake, St. Michael, and St. Cloud, additional burdens are created on local land use, infrastructure and regulatory programs. In addition, by moving traffic up north faster, we also continue the trend towards shoreland and back lot/second tier development in the Brainerd lakes area and lake areas further north. MnDOT discusses some of these problems in the cumulative impact section of the document, but only identifies the implementation of mitigation strategies (i.e., state and federal regulations, local land use practices, etc.) as being key in avoiding/minimizing the extent and severity of impacts from the proposed project and future development. The DEIS does not adequately evaluate the ability of these mitigation strategies to protect resources of concern. Local units of government within the study area should be encouraged to assess their land use planning and zoning programs prior to project construction. If local government units do not have the technical or financial resources to administer such programs and/or adopt protective measures for resources of concern, then MnDOT could provide such assistance as part of project mitigation.

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Alternative Selection

The No Build Alternative is the best choice to protect the Wild and Scenic River. However, it is not a realistic alternative with what MnDOT is planning and what stakeholder groups have identified as priorities.

Alternative A is not an acceptable alternative. It would result in significant impacts to a segment of the river that is designated as Scenic, and where there are currently no crossings. This alternative would introduce traffic, noise, and pollution to a very scenic area of the river, where there is currently none. A new crossing at this location would significantly impact the river and river users' experiences.

Alternative B works well with what the Wild and Scenic River rules say about new crossings.

Public Road Permits - 6105.0190 Subp. 1. In reviewing permit applications required for road or railroad crossings, primary consideration shall be given to crossing located with or adjacent to existing facilities, such as roads or utilities.
6105.0200 Subp. 2. In general, avoid wild, scenic, and recreational river land use districts, especially wild river land use districts, whenever practicable. But if there is no feasible alternative, the following standards and criteria shall apply. Criteria are found in 6105.0200 Subp. 3 - Route Design addressing topography, location, vegetation, and soil characteristics.

Implementation of Alternative B would result in the most displacement of homes, businesses, and commercial infrastructure, and would result in localized problems with vehicular, bicycle and pedestrian traffic flows within the City of Clearwater.

Implementation of Alternative C offers somewhat of a compromise among the five alternatives: the bridge would be located near an already urbanized segment of the river, adjacent to an existing crossing, and in a segment of the river designated Recreational. It has less impact than Alternative B on homes and businesses, though there could be some economic impacts to the City of Clearwater with less traffic traveling through it.

Alternative D offers little benefit for the impacts a new crossing will have on this segment of the river. Although the river is designated as recreational in this area, it is very scenic as it flows through land that has been preserved in a natural state due in part to its ownership by Xcel Energy. There are several islands, one with a campsite on it, as well as a public landing, making this segment of river important to recreational users. A crossing of this magnitude would significantly impact the river and river users' experiences.

Of the build alternatives, Alternative C could have the least environmental impact while still satisfying the purpose of the proposal. How this alternative would be implemented is very important. MnDNR will work with MnDOT to address the potential impacts to the Mississippi Wild and Scenic River during the permitting process.

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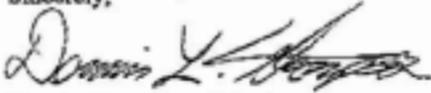
Details

Page 3-3, section 3.1.2 I-94/TH 10 Regional Connection Scoping Process, paragraph two should include a discussion of the Mississippi Wild & Scenic River that is an important state recreation and natural resources protection program.

3

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

Sincerely,



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

C: Balcom, Tom
 Colvin, Steve
 Denz, Amy
 Gerbig, Bruce
 Lais, Dan
 North, Mike

H:\Environmental Review\I-94-TH10 DEIS Resp.doc





Minnesota Pollution Control Agency

March 19, 2004

Mr. Chad Casey, Project Manager
Minnesota Department of Transportation – District 3
3725 - 12th Street North, Mail Stop 030
Saint Cloud, MN 56303-2130

Ms. Cheryl Martin, Environmental Engineer
Federal Highway Administration
380 Jackson Street, Suite 500
Saint Paul, MN 55101-2904

RE: Comments on the I-94/TH 10 Interregional Connection
Draft Environmental Impact Statement

Dear Mr. Casey and Ms. Martin:

The Minnesota Pollution Control Agency (MPCA) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed project referenced above. This correspondence details MPCA staff comments related to the proposal that should be addressed and incorporated into the Final Environmental Impact Statement (FEIS) decision making process.

The MPCA staff has examined this document applying two criteria: a) whether the DEIS adequately identifies the environmental impacts the proposed project is anticipated to have in Minnesota; and, b) whether, based upon those impacts, the DEIS sufficiently addresses the mitigative measures that are necessary to protect human health and the environment. In addition, we examined the document for overall completeness and accuracy.

Section 3.2.2. Build Alternatives

In general, this section of the document is well written. Part of the alternatives selection process included a benefit/cost (B/C) analysis. While a thorough description of the B/C analysis may have been included in previous documents placed on public notice, it would have been helpful to the reviewer and will be helpful to the decision-maker to at least describe the B/C elements and analytical uncertainty used in the evaluation in order to better understand the alternatives review process.

One concern noted in this section is the description of each of the alternatives selected for further review in the DEIS. This is a good summary in describing the scope of work for the various crossovers, however, it does not provide a description of the land disturbances that would result with each option. While much of this is covered in detail within the body of the DEIS, a few sentences that summarize disturbances would also be helpful to orient the reviewer and the decision-maker regarding the potential impacts of each alternative.

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Section 6.1. Air Quality

The DEIS has done a good job describing in detail traffic impacts for each of the build alternatives analyzed in the document. A detailed carbon monoxide (CO) analysis was also conducted for the build conditions using Alternative B as the worst-case scenario. The maximum predicted CO concentrations for both 1-hour and 8-hour were well below the state ambient CO standards. Therefore, no significant air quality impacts are expected from construction of the proposed project regardless of the alternative selected. Short-term construction impacts as well as other pollutants of concerns including ozone and particulate matter were qualitatively addressed in the DEIS document.

Section 7.2.2. Environmental Consequences

Providing stormwater treatment is always a challenge for highway development especially in an urban environment. The DEIS has provided a discussion of the potential pollutants, as well as identified potential ponding areas and treatment methods. The MPCA Stormwater Program staff has reviewed this section of the DEIS and have the following comments.

Stormwater Best Management Practices that include ponding typically correlate to a robust breeding population of mosquitoes. The primary concern with mosquitoes relates to West Nile Virus and is becoming a significant emerging Public Health issue. Some discussion of mosquito control in the FEIS would be helpful.

The use of rural drainage systems as a means of stormwater treatment for all the alternatives identified is presented in the DEIS. The use of rural drainage systems as a means of stormwater treatment through settlement, infiltration, and plant uptake is highly speculative in light of the existing agricultural pollutant load already carried by most agricultural drainage systems. Additionally, the use of rural drainage systems for this purpose would likely not meet the NPDES permitting standards under the MPCA Stormwater Program.

Stormwater treatment is complicated by the urban setting and Alternative B clearly presents this issue. Mention is made of possibly using an underground detention system as a means of holding and treating stormwater if Alternative B is selected. Underground detention facilities, such as vaults, pipes and tanks, are designed to provide temporary storage of stormwater runoff. Significant water quality improvements should not be expected from the use of underground detention facilities. For example, without sunlight, phosphorus and other nutrients will tend to pass through the system with less removal. There would be an increased chance of creating anaerobic conditions in the system causing a high biological oxygen demand in the effluent. A number of other pollutants identified in the DEIS present specific concerns to human health and the environment (e.g., chrome, nickel, and cyanide). This presents yet another concern regarding the fate of stormwater held in an underground system. If it is designed as a passive infiltration process, ground-water contamination may also be a concern. If the stormwater is discharged to a surface-water treatment standards may apply.

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Mr. Chad Casey, Project Manager
Ms. Cheryl Martin, Environmental Engineer
Page 3

In sum, underground detention facilities should mainly be used as part of a treatment system that provides stormwater storage (to limit downstream effects due to high peak flow rates) prior to treatment. Like detention basins, underground detention systems are designed to empty out between runoff events so that storage capacity is available for subsequent runoff events. In light of the current and projected water quality conditions of the Upper Mississippi River, the MPCA would prefer a this type of storage method, if selected, in conjunction with a more effective means of treatment after storage, particularly in light of the potential contaminants identified in the DEIS.

One possibility is the use of a wetland treatment system. A natural ecosystem with frogs and other biological activity provides a certain measure of natural mosquito control. This type of system also significantly reduces stormwater pollutants prior to discharge, as well as providing a buffer to natural aquatic ecosystems. It can also create a habitat for flora and fauna and provide an attractive public amenity. Limitations for this type of method will likely involve spatial resources, particularly with Alternative B.

Section 11.1.4. Past, Present, and Future Conditions in the Study Area

The DEIS indicates that the Mississippi Scenic Riverway CIS describes the methodology used to develop the 2040 population and employment projections for the area. It is important to provide a brief narrative of the methodology in order for the reviewer to better understand the conclusions and data presented in this analysis.

6

Section 11.2.1.1. Existing Conditions [Wetlands]

The second paragraph of this section discusses the policies regulating wetland impacts. Of particular concern is the wetland replacement process. Wetlands exist under very specific conditions. Replicating these conditions is often difficult and not always successful. The FEIS should include mention of potentially favorable sites (within the same watershed where the existing wetlands reside) where wetland reclamation activities, if needed, can be successfully implemented.

7

Section 11.2.1.4. Potential for Cumulative Impacts [Wetlands]

An impact comparison is made regarding the European settlement activities and their relationship to wetland impacts with respect to the wetland impacts of the proposed projects. In terms of loss, the European settlement activities have had a clear and significant effect on the landscape. However, this project does not directly relate to the issues of colonial and territory development over the past one hundred years. The nature of the potential environmental impacts from this project is very different with far greater impacts to the remaining wetland resources. Examples include heavy metals and volatile organic compounds from automobile use as well as a variety of salts and sediment as a product of road usage and construction. The impact of these pollutants on the existing wetlands makes the nature of any impact far more significant as we have less wetland resources than existed one hundred years ago.

This section also provides additional support for the state and federal wetland policies illustrated in the previous section. It is important to note the how successful the various wetland reclamation projects have been over the years and whether or not this is a suitable approach in this situation.



Section 11.2.3.4. Potential for Cumulative Impacts (Vegetation, Wildlife, and Fisheries)

In the second paragraph, the authors mention that the additional incremental impact from the proposed project would be small compared to the impacts from future development. This statement is also made in Section 11.2.4.4. regarding farmland. This statement seems to attempt to sever the relationship between the proposed bridge crossing and the enhanced development potential of properties along the corridor. This concern is also referenced in Section 11.2.8.3. regarding additional bridges across the riverway. Ultimately, it would be more appropriate to posit within the EIS that the proposed project enables future development through increased mobility and therefore, has greater environmental impact potential.

8

Section 11.2.6. Cultural Resources

The MPCA does not take an active role in cultural resource management. The only comment on this section relate to the need for a contingency plan in the event that cultural resources are unearthed in areas outside the predictions of the MN/Model.

9

Section 11.2.9.3. Impacts from Other Sources

As the report states, future residential and commercial development in the study area would result in increased impervious surface areas and thus an increase in stormwater runoff within the study area. The report then implies that all future impacts will be mitigated for by the NPDES requirements for construction activity. It is important to note that the NPDES Permit does not regulate stormwater discharge flow rate increases in any way. This permit requires some detention time for water quality improvements during smaller storm events but this does little to reduce flooding.

10

Post-EIS Monitoring

As you are likely aware, the effectiveness of an EIS analysis is difficult to determine without some form of post-project monitoring to assess the predicted impacts of the proposed action. Such an effort will lead to greater predictive accuracy in the environmental review process and ultimately, add to the body of knowledge on impact assessment. The DEIS does not specifically mention post-EIS monitoring and is not a part of the scope of the project. In light of the Wild and Scenic nature of the area and the importance of the surface and ground-water resources to the surrounding community, every effort should be made to coordinate with existing and future monitoring projects in an effort to tier a post-EIS monitoring presence. The monitoring could include ground-water quality and supply impacts from development as a result of the bridge crossing; surface-water quality; aquatic, and terrestrial biodiversity, as well as the effectiveness of various stormwater mitigation efforts.

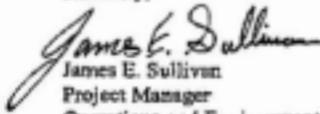
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Mr. Chad Casey, Project Manager
Ms. Cheryl Martin, Environmental Engineer
Page 5

The MPCA thanks you for the opportunity to review and comment on the DEIS. We look forward to reviewing your response to comments and the final decision on this issue. If you have any questions on our comments or the various MPCA programs, please feel free to contact me directly at (651) 297-1788.

Sincerely,



James E. Sullivan
Project Manager
Operations and Environmental Review Section
Regional Environmental Management Division

JES:gs

cc: Beth Lockwood, MPCA, Regional Environmental Management Division, Operations and Environmental Review Section
Todd Smith, MPCA, Regional Environmental Management Division, North Central Region
Elise Doucette, MPCA, Regional Environmental Management Division, Metro Region
Innocent Eyoh, MPCA, Regional Environmental Management Division, Metro Region





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

MAR 19 2004

COPY FOR YOUR
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REPLY TO THE ATTENTION OF:

B-19J



Ms. Cheryl Martin
U.S. Department of Transportation
Federal Highway Administration
Galtier Plaza
380 Jackson Street, Suite 500
St. Paul, MN 55101

Re: EPA Review and Comments on the Draft Environmental Impact Statement I-94/TH 10
Interregional Connection from St. Cloud to Becker, Minnesota. CEQ No. 040047.

Dear Ms. Martin:

In accordance with the U.S. Environmental Protection Agency's (EPA) responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Draft Environmental Impact Statement (DEIS), signed by the Federal Highway Administration (FHWA) on January 22, 2004, for the I-94/Trunk Highway 10 (TH 10) Interregional Connection (IRC) Proposal. Based on our review, we rate the DEIS an EC-2 (Environmental Concern - insufficient information). A copy of our rating sheet is enclosed. EPA's environmental concerns regard the proposal's contribution to potential substantial secondary land use and cumulative impacts. We also have concerns about mitigation.

Purpose and Need/Alternatives

According to the DEIS, the purpose of the proposal is to improve capacity and safety to the IRC between I-94 and TH 10 to meet existing and future year 2040 traffic demands. The DEIS identifies "an immediate need" to identify a preferred alternative and preserve the best corridor due to increasing growth in the study area. The IRC proposal is currently in the Minnesota Department of Transportation - District 3 (MnDOT) Long-Range Plan with construction planned to begin in the year 2015, but construction could be advanced if funds become available.

The DEIS identifies and evaluates a No-build Alternative and four build corridor alternatives (i.e., Alternatives A, B, C and D) for the IRC. All four build alternatives are proposed as a limited access 4-lane freeway between 5.2 and 6.5 miles in length, with 2 to 3 interchanges, a new bridge over the Mississippi River, and grade separation at the Burlington Northern Santa Fe (BNSF) railroad. The DEIS identifies that by the year 2040 the existing TH 24 bridge over the Mississippi River would need to be replaced as part of the No-build Alternative. Alternatives A, C and D include the year 2040 TH 24 bridge replacement. All alternatives would impact the

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Mississippi River, a state designated Wild and Scenic River (Mississippi Scenic Riverway) and state canoe/boating route.

Alternative A is a new terrain corridor (6.5 miles long) and would introduce an additional bridge in the Mississippi Scenic Riverway. Alternative B (5.2 miles long) would utilize a substantial portion of the existing TH 24 corridor and includes construction of a new bridge at the location of the existing TH 24 bridge. Alternative C (5.5 miles long) substantially utilizes a new terrain corridor and would add an additional bridge in the Mississippi Scenic Riverway. Alternative D (5.9 miles long) utilizes a new terrain corridor and would introduce an additional bridge in the Mississippi Scenic Riverway and includes a realignment of a portion of TH 25. The DEIS does not identify a Preferred Alternative.

The DEIS adequately identifies and substantiates the Purpose and Need for the proposal and the alternatives. In addition, the DEIS does a good job at identifying and evaluating the direct and indirect impacts and the efforts made, to date, to avoid and minimize impacts for each alternative analyzed. Secondary land use and cumulative impacts analyses are included. A variety of potential mitigation/compensation measures are identified. However, the specific mitigation and compensation measures that will be undertaken are not identified or committed to in the DEIS.

1

Environmental Consequences and Secondary Land Use/Cumulative Impacts

The DEIS secondary land use and cumulative impacts analyses identify that substantial future new development will occur throughout the study area due to the predicted substantial increase in future population by the year 2040. The DEIS acknowledges that the IRC would speed up the rate of this development and influence where some of the development will occur. The DEIS acknowledges that the development in the study area could have a substantial impact on all resources of concern.

Resources of concern in the IRC study area include surface and ground water quality, drinking water supply/wellhead protection areas, wetlands, floodplains, aquatic and terrestrial wildlife habitat/corridors, state and federal threatened and endangered species, farmland, historic resources, and the Mississippi-Scenic Riverway. All IRC build alternatives would have direct and indirect impacts on many of the resources of concern. Consequently, construction and implementation of the IRC would contribute to the potential substantial cumulative impacts predicted in the DEIS for the resources of concern in the study area.

The DEIS is deficient in that it does not adequately disclose/identify and evaluate existing local policies, plans, zoning ordinances and regulations, and compliance and enforcement records, to determine whether these measures adequately protect resources of concern throughout the study area. Based on the information in the DEIS, it appears that the majority of the cities, towns, townships and counties that are part of the study area do not have land use plans and other resource protection measures in place. The DEIS does not disclose the protection measures for those communities that do have them, and does not evaluate their adequacy to protect potential resources of concern from potential impacts of existing and projected future development.

2



Because of the potential for substantial impacts to occur in the IRC study area, we believe it is important to disclose this information in the NEPA documentation for this proposal. The information will serve to inform and alert local communities and local governmental units that have jurisdiction in the study area as to the adequacy of their current planning and resource protection measures. It will also serve to inform neighboring and overlapping jurisdictions as to the adequacy of their combined resource protection measures. By including this information in the NEPA documentation for this proposal, it will allow time for citizens and local units of government to work together to identify and implement resource protection measures prior to project construction.

Mitigation

The DEIS identifies that the implementation of mitigation strategies (i.e., state and federal regulations, local land use practices, etc.) is a key component of the sequential strategy of avoiding, then minimizing, and finally compensating for the extent and severity of impacts from the proposed project and future development. The DEIS also identifies that it will be local communities and local governments that will need to adopt strategies (e.g., land use plans, zoning ordinances, watershed protection districts, rule making, regulations and enforcement measures, etc.) if the study area is to avoid substantial impacts to the resources of concern. We agree. The DEIS states that if adequate mitigation is not implemented for future development and the proposed project, the resulting cumulative impacts could be substantial.

Consequently, all possible steps should be taken now during the NEPA documentation for this proposal to identify and commit to specific mitigation measures that will adequately compensate for the project's impacts and help local units of government at the city, town, township and county level to identify and assess their current protection measures and work on implementing adequate resource protection measures throughout the study area prior to project construction. If local governments lack the technical and financial resources to adopt protective measures for the resources of concern in the project study area, FHWA and MnDOT should consider providing such assistance as part of project mitigation.

2

Due to the potential substantial future cumulative impacts that could result to resources of concern no matter which alternative is chosen, including the No-build Alternative, mitigation measures are a crucial part of this project. We strongly recommend that a mitigation plan with specific mitigation measures be developed and included in the FEIS for the preferred alternative identified.

1

The mitigation plan should include the specific measures that will be undertaken to protect and compensate for impacts to surface and ground water quality, public drinking water supplies/wellhead protection areas, wetlands, natural communities, floodplains, aquatic and terrestrial wildlife habitats/corridors, state and federal threatened and endangered species, farmland, historic resources and the Mississippi Scenic Riverway. Special emphasis should be placed on identifying and committing to measures that reduce the visual and noise impacts associated with a new bridge over the Mississippi River and sensitive noise receptors throughout

1



the IRC. In addition, measures for the adequate treatment of roadway/bridge storm water runoff and for hazardous spills retention should be identified and committed to. The FEIS should identify and evaluate the feasibility of using noise-reducing roadway pavements and energy-efficient, low-impact lighting. If they are found to be feasible, they should become part of the mitigation plan.

3

In order to preserve the IRC corridor, the DEIS identifies that the IRC proposal is being proposed now due to the rate of development in the study area. Consequently, the FEIS mitigation plan should identify possible wetland and forest land mitigation sites that should be acquired in the study area and commit to acquiring these compensation areas at the same time corridor acquisition takes place. The FEIS and mitigation plan should also acknowledge that if additional information comes to light prior to project construction, additional NEPA documentation may be necessary and additional mitigation measures may need to be identified and implemented. This may include mitigation measures that may be required by the Clean Water Act Section 404 permitting process.

4

If you have any questions regarding U.S. EPA's comments or would like to discuss this project further, please contact Virginia Laszewski at (312) 886-7501.

Sincerely,

Kenneth Westlake, Chief
Environmental Planning and Evaluation Branch

enclosure

- cc: USFWS
- COE
- MNDOT
- MNDNR
- MNPCA



I-94/TH 10 Regional Connection Coalition
c/o John Paul Martin, Chair
444 Cedar Street, Suite 2050
St. Paul, MN 55101

March 22, 2004

VIA FACSIMILE & FEDERAL EXPRESS

Mr. Chad Casey, Project Manager
MnDOT District 3 – St. Cloud
3725 - 12th Street North
St. Cloud, MN 56303

Re: I 94/TH 10 Regional Connection
Draft EIS Comments

Dear Mr. Casey:

Please consider the following supplementary comments to my earlier comment letter, dated March 4, 2004, a copy of which is attached for ease of reference.

1. The total cost of interregional connection Alternate D overstates by comparison by including funds for TH25. An apples-to-apples comparison would exclude improvements to connect TH25 rendering Alternate D the least costly of the "Build" alternatives at (\$103,328,800.00). | 1
2. There is no discussion of the transportation benefits which are unique to Alternate D by providing alternative routing to TH25. Consequently, the reliability of the benefit/cost analysis is suspect. | 2
3. There is no discussion of the potential for phasing construction of the connection to TH25 as an alternative to a Build-No Build choice with respect to Alternate D. | 3
4. Alternative C has potential impact to threatened or endangered species which has not been considered including:
 - 4.1 There is a colony of great blue herons within the proximity of the proposed bridge span. This colony is extremely sensitive to human intrusion in its area of habitat. | 4a
 - 4.2 There is a bald eagle nest site near Alternate C which is not mentioned in the Comparative Summary of Alternative Impacts in the draft EIS. | 4b



- 4.3 Alternate C is within a corridor which includes a bald eagle staging area. During the fall of 2003, as many as 10-12 eagles were observed at one time staging for movement South. 4c
- 4.4 There is scant discussion of the habitat fragmentation effect in the relatively undisturbed Big Woods forest remnant on the North River side of Alternate C. 4d
5. The small number of persons displaced by right of way acquisition using Alternate D (7 compared to next lowest 23) is striking. It highlights the relative hardship for land owners in the other alternate sites. 5
6. Without an immediate phasing of a connection to TH25, what are the number of acres to be acquired and the number of acquisitions using Alternate D? 6
7. In comparing tax losses of various alternatives, the study should consider more than lost real estate tax revenues. It cannot be assumed that businesses displaced will relocate in the immediate area. Therefore, other economic losses such as job losses should be included. Given Alternate D displaces zero commercial businesses, this is the best alternate economically. 7
8. Alternate C has the greatest potential for encouraging sprawl in the area. It is the only alternative that includes an interchange in the design. This interchange will encourage development of an otherwise agricultural and open space area. 8
9. There is local government support for Alternate D, which is not reflected in the Draft EIS. The City of Becker has passed a 2004 resolution in favor of Alternate D. The City of Foley has passed a resolution in favor of Alternate D. Silver Creek Township which had earlier (1996) supported Alternate D, did not vote to reconsider the issue in 2004 and therefore the earlier support stands. The Wright County Transportation Committee has expressed it is neutral on Alternate D but opposes Alternate C. 9
10. Cumulative environmental impact on Alternate C includes oak forest, floodplain forest and floodplain habitat. Migratory flyway impact, forest fragmentation and disturbance of floodplain are likely to have a greater combined effect on more wildlife and vegetation than Alternate D. 10
11. Alternate D corridor will likely be subject to greater population pressure than Alternate C, with or without a connection. Therefore, wildlife habitat preservation is more likely attainable in avoiding the "C" corridor. 11



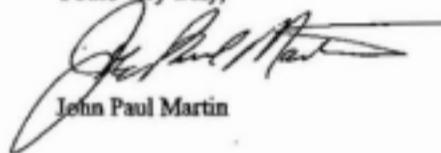
Chad Casey
MnDOT District 3 – St. Cloud
March 22, 2004
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- 12. With a physical structure of more than 300 feet longer than Alternate D, the visual impact of an Alternate C bridge span will be is greater and more deleterious. | 12
- 13. Given the fact that Alternate D provides the greatest safety benefit, has this been factored into the cost/benefit analysis? | 13
- 14. If TH10 improvements are contemplated in the future, why not contemplate those improvements with this project so as to provide the most well-coordinated transportation option which will provide long lasting state, regional and local benefit? | 14

Conclusion

We believe that Alternate D provides the safest and best local and regional option. We are greatly concerned with the lack of constant factors for comparison, particularly between Alternate C and D. We encourage more and closer scrutiny to the environmental and societal drawbacks to selection of Alternate C.

Yours very truly,



John Paul Martin

JPM:csb

Enclosure



Chad Casey - I-94/TH 10 Interregional Connection (Alternative C)

From: <Jrfampasos@aol.com>
To: <terry.humbert@dot.state.mn.us>
Date: 3/22/2004 8:52 AM
Subject: I-94/TH 10 Interregional Connection (Alternative C)
CC: <chad.casey@dot.state.mn.us>

Gentlemen:

March 20, 2004

At our February and March Township board meetings one of the topics of discussions was the Mississippi River crossing known as "Alternative C". Clear Lake Township has been a strong advocate of preserving the tillable farm land as witnessed by the stringent zoning of the entire township as agricultural and requiring that only one home per 40 acres for newly constructed homes. In reviewing the Alternative C routing we find it enters the township and immediately begins dividing some of the most productive irrigated farm land within the state of Minnesota. The entire route through Clear Lake Township runs through irrigated farm land affecting 1,418 acres. It either makes it impossible to irrigate the land or on some of the fields it requires shortening up the irrigation systems to the extent that they are not practical or economically feasible. It also would create a hardship for the farmers in attempting to get from one farm field to another due to the separation by this interstate crossing. It would require the traveling with farm equipment for several miles to get to the County Road 8 cross over to reach the other fields.

We the Board Members of Clear Lake Township oppose the "alternative C" routing as we feel over the years there already has been too much farm land permanently taken out of production within this state and throughout the United States. As stated above, the farm land affected by this alternative C route is some of the most productive farm land within the state of Minnesota. We owe it to future generations to keep this farm land in production.

We appreciate the opportunity of voicing our concerns regarding this possible highway routing through Clear Lake Township and ask that you give our concerns serious consideration.

Sincerely,

Jack R. Gallagher
Chairman
Clear Lake Township Board
Clear Lake, Mn.

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3/22/2004



The Izaak Walton League of America
Central Minnesota Chapter
23826 Gaberdine Road
St. Cloud, MN 56301
320-259-1498



March 22, 2004

Chad Casey
Minnesota Department of Transportation, District 3
3725 12th Street North, Mail Stop 030
St. Cloud, MN 56303-2130

Dear Mr. Casey,

The following are comments of the Central Minnesota Chapter of the Izaak Walton League of America regarding the Draft Environmental Impact Statement for the I-94/TH 10 Interregional Connection. These comments are in addition to verbal comments made at the March 4, 2004 public meeting in Clear Lake.

- The Central Minnesota Chapter of the IWLA is very concerned about the impacts of new crossings (Alternatives A, C, and D) on the high quality (and fragile) wildlife, plant and fish communities in the riparian area along the Mississippi. The value of these resources to the region will continue to increase as development of the surrounding area continues, and will be impossible to duplicate or replace. Furthermore, species of special concern (including the Bald Eagle, Osprey, Blandings Turtle, and Red Shouldered Hawk) reside in this area in significant numbers.
- We are opposed to Alternative A, primarily because of its devastating intrusion into the Wild and Scenic portion of the Mississippi River and its significant impacts on wildlife and the adjacent habitat throughout the proposed corridor.
- If there is to be an improved I-94/TH 10 connection, we prefer the rebuild option for the existing crossing (Alternative B) to minimize environmental impact. We prefer use of the existing "footprint" as much as possible.
- We would like to know if MnDOT has assessed the possibility of a rebuilt crossing at this site that is not an expressway, which could therefore impact less the communities of Clearwater and Clear Lake.
- We would like to know if the current bridge would be maintained if Alternatives A, C, or D are constructed, and if so, if those costs have been calculated as part of those alternatives.
- We are concerned about the visual impact of a new or expanded bridge on the Wild and Scenic portion of the River, and also ask how runoff (including road chemicals), noise, and air pollution would be mitigated.

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In conclusion, the Central Minnesota Chapter of the Izaak Walton League of America opposes the construction of Alternative A, has significant concerns about Alternatives C and D, and recognizes Alternative B as the option with the least environmental impact.

Thank you.

Don J. Dinndorf
President, Central Minnesota Chapter
Izaak Walton League of America

