

**STATE OF MINNESOTA  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
ADEQUACY DETERMINATION**

**I-94/TH 10 INTERREGIONAL CONNECTION PROJECT  
FINAL ENVIRONMENTAL IMPACT STATEMENT**

The pages to follow contain the Minnesota Department of Transportation Adequacy Determination regarding the Final Environmental Impact Statement for the I-94/TH 10 Interregional Connection Project. This Determination was developed in conformance with Minnesota rules 4410, particularly 4410.2800. Those rules charge the Minnesota Responsible Governmental Unit (RGU) with making such a Determination whenever it has completed a Final EIS, and further set forth the conditions under which a Final EIS shall be determined Adequate:

Regarding the Adequacy Determination required by State of Minnesota environmental review rules, Minnesota rule 4410.2800 stipulates the following:

**Subp. 4. Conditions. The final EIS shall be determined adequate if it:**

- A. addresses the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed in conformance with part 4410.2300, items G and H;**
- B. provides responses to the substantive comments received during the draft EIS review concerning issues raised in scoping; and**
- C. was prepared in compliance with the procedures of the act and parts 4410.0200 to 4410.6500.**

A Draft Environmental Impact Statement (DEIS) was completed for the I-94/TH 10 Interregional Connection project in January 2004 and approved by the Minnesota Department of Transportation (Mn/DOT) and the Federal Highway Administration (FHWA). A Final Environmental Impact Statement (FEIS) was approved by Mn/DOT and the FHWA in December 2006. The Minnesota Department of Transportation is the Responsible Governmental Unit (RGU) under the environmental review laws and rules found at Minnesota Statutes 116D and Minnesota Rules Chapter 4410.

## I. DECISION

The Selected Alternative for the construction of the Interstate 94 (I-94)/Trunk Highway (TH) 10 Interregional Connection, as described in the Final Environmental Impact Statement (EIS), is Alternative C, with modifications, from the Draft EIS (see Figure 1). The Selected Alternative intersects with I-94 at a point approximately 1.6 miles southeast of the existing TH 24/I-94 (Clearwater) interchange. It continues in a north-northeast direction on a new alignment across the Mississippi River until it intersects with Sherburne County State Aid Highway (CSAH) 8. It then continues north on an existing local road alignment (70<sup>th</sup> Avenue) to intersect with TH 10 at a point approximately 1.2 miles northwest of the existing TH 24/TH 10 intersection. The Selected Alternative includes a freeway design with interchanges at I-94 and TH 10 and a grade-separated rail crossing near TH 10. The Selected Alternative also includes an interchange at existing TH 24 to provide local access to/from the Cities of Clear Lake and Clearwater. The Selected Alternative assumes the replacement of the existing TH 24 Bridge over the Mississippi River by 2040 as a separate project. The total length of the project is approximately 5.4 miles in Sherburne and Wright Counties, Minnesota.

The Draft EIS was approved for the I-94/TH 10 Interregional Connection project in January 2004. In summer 2004, Alternative C from the Draft EIS was identified as the Preferred Alternative for the I-94/TH 10 Interregional Connection. Based on input from local communities, comments received, and additional survey and mapping data obtained subsequent to the Draft EIS, design revisions to the alignment were made to further minimize impacts. A revised analysis of social, economic, and environmental impacts resulting from the Preferred Alternative was presented in the Final EIS which was approved in December 2006.

The Selected Alternative consists of the following design details, as modified from Alternative C in the Draft EIS:

- The 124-foot centerline spacing was reduced to 90 feet.
- The design speeds on the following ramps were evaluated to identify the best balance between minimizing project impacts and meeting safe design standards, in response to concerns expressed by property owners and resource agencies.
  - I-94 interchange “horseshoe” ramp (eastbound I-94 to northbound Interregional Connection) revised from a 35-mph design to a 40-mph design.
  - TH 10 interchange “horseshoe” ramp (westbound TH 10 to southbound Interregional Connection) revised from a 35-mph design to a 40-mph design speed.
  - Ramp from westbound I-94 to northbound Interregional Connection modified from 60-mph design speed to 70-mph design speed. The ramp from southbound Interregional Connection to eastbound I-94 remains at a 60-mph design speed.
  - Ramp from eastbound TH 10 to southbound Interregional Connection modified from 60-mph design speed to 70-mph design speed. The ramp from northbound Interregional Connection to westbound TH 10 remains at a 60-mph design speed.

- The ramps for southbound Interregional Connection to westbound I-94 and northbound Interregional Connection to eastbound TH 10 use 50-mph design speeds; the alignment radii of both these ramps have been reduced to the minimum acceptable radii for a 50-mph design speed, in order to minimize property impacts
- The mainline design was adjusted to more closely follow the section line. Efforts were made to avoid splitting areas of impact (e.g., residential properties, farmland, and irrigated agricultural areas) on both sides of the proposed roadway. Compared to the alignment for Alternative C in the Draft EIS, the alignment was shifted approximately 42 feet west from a point 2,500 feet south of the TH 24 interchange and returned to the previous alignment at a point 1,000 feet north of County Road 57. This shift, however, resulted in wetland impacts in the area additional to those evaluated in the Draft EIS (e.g., Wetland C-3).
- The proposed roadway was realigned from 430 feet south of CSAH 8 through the I-94 interchange based on updated mapping and community input. The shift was necessary to avoid substantial impacts to a private golf course, as well as impacts to the Clearwater/Clear Lake Wastewater Treatment facility, which was the original intent of the Alternative C alignment. The modification shifts the I-94 interchange approximately 1,300 feet southeast of the original proposed interchange location.
- The alignment radii on the second curve for both exit ramps to TH 24 (at the interchange with the proposed Interregional Connection) were reduced to minimize right of way impacts.
- Despite the I-94 interchange design modifications, the extension of the Fish Creek culvert will be held at approximately 10 feet.
- The following design features were incorporated to avoid impacting Wetland BC-4 (Cater Lake):
  - The 60-mph design speed for the northbound Interregional Connection to westbound TH 10 ramp eliminated the Selected Alternative’s initial impact on Wetland BC-4 and reduced its impact on Wetland BC-3.
  - The cross-section of mainline TH 10 was tightened by shifting westbound TH 10 to the south 24 feet and introducing median barriers (medians are approximately 2,300 feet long).
  - The inside shoulder at Cater Lake was reduced from a 10-foot shoulder to a 6-foot shoulder.
  - The addition of an urban-type median, revisions to the TH 10 alignment, and shoulder width reduction created an opportunity to flatten the inslope (from 1:2 to 1:4) between TH 10 and Cater Lake. This permits improved infiltration and reduces erosion potential.
  - South Cater Lake Pond was added to treat runoff from the roadway east of Cater Lake. The pond was pulled in toward TH 10 and elongated in order to minimize property impacts.
  - North Cater Lake Pond was added to treat runoff from the roadway west of Cater Lake. This pond was located adjacent to CSAH 66 in old road right of way.

- The bridge for the eastbound TH 10 to southbound Interregional Connection ramp and that for the westbound TH 10 to southbound Interregional Connection ramp, were combined into one bridge structure in order to minimize crossings over the railroad, as well as to reduce overall project costs.
- A 12-foot trail was incorporated on the north side of the CSAH 75 bridge over the proposed Interregional Connection roadway.
- A 12-foot trail was incorporated on the south side of the CSAH 8 overpass over the proposed Interregional Connection roadway.
- A 12-foot trail was incorporated on the north/west side of the TH 24 interchange bridge over the proposed Interregional Connection roadway.

It was determined that the Draft EIS alignment of Alternative C would have very substantial impact on the golf course. Alternative C would have required the removal of three holes, removing the functionality of the course. The impacts to the golf course would have been substantial without the alignment modification and could have required relocation of the entire golf course at a substantial cost. In addition, the Selected Alternative evaluated in the Final EIS avoids impacts to the Clearwater/Clear Lake Wastewater Treatment facility. Because of these factors, the Selected Alternative as evaluated in the Final EIS is a better overall option than the Draft EIS Alternative C.

Subsequent to the close of the public comment period for the Draft EIS, a group of property owners from the Fish Lake area contacted Mn/DOT with a number of concerns regarding the Preferred Alternative's potential impacts. Mn/DOT has met with this group and responded to each of these concerns throughout the Final EIS and has provided the group with requested project information. Refer to Table 1 in Section IV below for a list of Mn/DOT's project mitigation commitments, some of which are in response to the concerns of Fish Lake residents.

Questions have been raised as to the need for minor movement ramps, particularly those designed with a "horseshoe" configuration (I-94 eastbound to northbound, TH 10 westbound to southbound), because this configuration results in substantial right of way impacts. Project traffic forecast analyses found that 10 percent of the total daily traffic projected to use the Selected Alternative would use the I-94 eastbound to northbound Interregional Connection, and nine percent would use the TH 10 westbound to southbound movement. While these percentages are relatively low compared to 75 percent of the volume that are using the main ramps, the volumes on these minor movements are not inconsequential. Placing these minor ramp volumes on a local arterial street (e.g., TH 24) with at-grade intersections would require an additional lane in each direction to accommodate this volume. In other words, while these numbers are considered "minor" when compared to the mainline movements, they are substantial when considered in the context of magnitude with TH 24 volumes.

Further, users generally select routes with the shortest travel time (not necessarily distance) and the most reliability. The alternate route to the Selected Alternative's river crossing (TH 24) will have a minimum of five signals and a busy rail crossing that limits traffic flow and at times

disrupts traffic. The TH 24 route, while shorter for some minor movement trip patterns, is not as reliable due to the possibility of stops and railroad crossing interruption.

Finally, federal access policy governing the Interstate Highway system strongly supports access for all movements. Partial movement interchanges are discouraged. As a result, providing for all movements was included at the connection with I-94.

## **II. ALTERNATIVES CONSIDERED**

The process of developing alternatives for the I-94/TH 10 Interregional Connection included a number of studies and an increasing level of refinement of alternative concepts over the past ten years. A broad range of potential connections was evaluated in the *Mississippi River Crossing Study* conducted in 1995-1996 and the *Addendum to Mississippi River Crossing Study* in 1997, with four potential corridors ultimately recommended for further study. These corridors were refined to four specific alignments during the EIS scoping process documented in the 1997 *I-94/TH 10 Regional Connection Scoping Document/Draft Scoping Decision Document* and the 2001 *I-94/TH 10 Regional Connection Scoping Decision Document*. During the Draft EIS process, the scoping alignments were further refined with respect to interchange configurations and system connection issues and a number of sub-alternatives were developed and evaluated, ultimately resulting in identification of four Build Alternatives (one in each of the alignments carried forward from scoping) that were analyzed and documented in detail in the Draft EIS. The four Build Alternatives in the Draft EIS ranged from expansion of the existing TH 24 corridor with a realignment at the north end (Alternative B) to three new corridor alignments (Alternatives A, C and D). The average length of the Build Alternative corridors was six miles with each alternative planned as a four-lane freeway. Following is a brief description of the alternatives analyzed in the Draft EIS.

### **NO-BUILD ALTERNATIVE**

The No-Build Alternative consisted of reconstruction of the existing two-lane TH 24 corridor (as required by routine maintenance) between I-94 and TH 10 within the study area. It was assumed that by 2040, the existing TH 24 bridge over the Mississippi River would need to be replaced as part of the No-Build Alternative. The No-Build Alternative did not include improvements to at-grade access, intersection/interchange configurations, or highway alignments and geometrics. The No-Build Alternative was used as a baseline for comparison with the Build Alternatives, but was dismissed from further consideration because it did not address the project purpose and need objectives.

### **ALTERNATIVE A**

Alternative A was located east of the City of St. Cloud. This alternative intersected with I-94 at a point approximately 4.5 miles northwest of the existing I-94/TH 24 interchange. It continued in a northeasterly direction on a new alignment across the river, then headed north to connect to TH 10 in the vicinity of the intersection of Sherburne CSAH 3 with TH 10. This alternative would have been a freeway design with interchanges at I-94 and TH 10 and a grade-separated rail crossing near TH 10. This alternative assumed the replacement of the existing TH 24 bridge over the Mississippi River by 2040 as part of a separate project. It was determined that a future

local interchange at CSAH 8 was physically and operationally possible, based on a review completed in response to the City of St. Cloud and the St. Cloud Area Planning Organization's (APO) request; however, the interchange would not have been constructed as part of Alternative A. The interchange would have been pursued independently by the local jurisdiction.

Alternative A was not identified as the Selected Alternative because of environmental, cultural, and social considerations, as noted below:

- Alternative A met the transportation need; however the Selected Alternative was rated better with respect to vehicle miles traveled (VMT), vehicle hours traveled (VHT) and benefit/cost (B/C).
- Construction of Alternative A would have been within the relatively undeveloped 'scenic' section of the Mississippi Riverway, making it an unacceptable Alternative with respect to this primary consideration, since there were other feasible Build Alternatives (e.g., the Selected Alternative) located outside of the 'scenic' section of the Riverway.
- Alternative A was located upstream from good fisheries habitat; within areas identified as locations of 'known concentrations' (north of TH 10 in the Alternative A study area) and 'potentially important' habitat for Blandings turtles (between I-94 and the Mississippi River near the southern portion of Alternative A); and in an area identified as a Loggerhead Shrike nesting area (north of the Mississippi River along Alternative A).
- There was also a farmstead identified as potentially eligible for the National Register of Historic Places that would have been directly impacted by Alternative A, resulting in Section 106 and Section 4(f) impacts.

## **ALTERNATIVE B**

Alternative B was located along the existing TH 24 alignment from its interchange with I-94, through the City of Clearwater, across the Mississippi River and northeast to the intersection of TH 24 with a local road (70th Avenue, same alignment as Alternative C) approximately 0.8 mile northeast of Sherburne CSAH 8. The alignment continued north on 70th Avenue (the same road alignment as identified for Alternative C) to intersect with TH 10 at a point approximately 1.2 miles northwest of the existing TH 24/TH 10 intersection. Alternative B assumed replacement of the existing TH 24 Bridge over the Mississippi River. Alternative B would have been a freeway design with interchanges at I-94 and TH 10, and a grade-separated rail crossing near TH 10. This alternative also included an interchange at Sherburne County Road (CR) 57 to provide local access to/from the City of Clear Lake.

Alternative B was not identified as the Selected Alternative because of the following environmental, cultural, and social considerations:

- Alternative B would have resulted in substantial negative local access (business access and community cohesion) and property acquisition impacts in Clearwater.

- There were other alternatives that met the transportation need as well as or better than Alternative B, and, although it would have minimized impacts to the Mississippi Scenic Riverway, the impacts to Clearwater did not justify retaining this alternative solely for its lesser impacts to the Riverway. (This position was supported by the Minnesota Department of Natural Resources (MnDNR) comment letter on the Draft EIS).
- Alternative B could have impacted a potential archaeological resource.

### **ALTERNATIVE C – SELECTED ALTERNATIVE**

The Selected Alternative C design features are summarized above in Section I. Alternative C intersects with I-94 at a point approximately 1.6 miles southeast of the existing TH 24/I-94 (Clearwater) interchange. It continues in a north-northeast direction on a new alignment across the river until it intersects with Sherburne CSAH 8, it then continues north on an existing local road alignment (70th Avenue – the same road alignment as identified for Alternative B) to intersect with TH 10 at a point approximately 1.2 miles northwest of the existing TH 24/TH 10 intersection. This alternative includes a freeway design with interchanges at I-94 and TH 10 and a grade-separated rail crossing near TH 10. This alternative also includes an interchange at existing TH 24 to provide local access to/from the City of Clear Lake. Alternative C assumes the replacement of the existing TH 24 Bridge over the Mississippi River by 2040 as a separate project.

Alternative C, as described in the Final EIS, is the environmentally preferred alternative. It balances a number of environmental, economic, social, and historic resources concerns that will be avoided or minimized while meeting the transportation purpose and need of the project to provide safe and efficient mobility. Key findings that led to the selection of Alternative C are summarized as follows:

- Alternative C was found to best meet the transportation purpose and was identified by MnDNR staff as the alternative that “could have the least environmental impact, while still satisfying the purpose of the proposal” (regarding its impact to the Mississippi River, a state-designated Wild and Scenic River) because it is located in the vicinity of the existing TH 24 crossing and in the relatively developed area within the City of Clearwater.
- Alternative C has no Section 4(f) impacts.
- Alternative C is located at the southern end of the City of Clearwater and it bypasses downtown Clear Lake, so direct impacts to concentrated development in these communities will not result.
- A heron rookery is located along the river, in the vicinity of the Alternative C crossing, but at a distance that it should not be disrupted by the crossing.
- The majority of other environmental impacts resulting from Alternative C were found to be on the same order of magnitude as other alternatives.

## **ALTERNATIVE D**

Alternative D was located west of the City of Becker. This alignment intersected with I-94 at a point approximately 0.6 mile west of the freeway rest area east of the Hasty interchange. It continued in a northerly direction on a new alignment parallel to existing Barton Avenue, then across the river to 0.2 mile east of the existing intersection of TH 10 and Sherburne CSAH 53. With this alternative, TH 25 north of TH 10 would have been realigned to connect to the new Interregional Connection alignment at the TH 10 interchange. This alternative included a freeway design with interchanges at I-94 and TH 10 and a grade-separated rail crossing near TH 10. Alternative D assumed the replacement of the existing TH 24 Bridge over the Mississippi River by 2040 as a separate project.

Alternative D was not identified as the Selected Alternative because of the following environmental, cultural, and social considerations:

- Alternative D met the transportation need; however the Selected Alternative was rated better with respect to VMT, VHT, and B/C.
- Although Alternative D did not directly impact Clearwater or Clear Lake, it could have indirect negative impacts. Secondary impacts from regional system improvements related to Alternative D (i.e., construction of TH 10 as a freeway to St. Cloud) would have restricted access for Clear Lake residents, emergency vehicles and farmers across TH 10 and resulted in direct construction impacts at the TH 10/ TH 24 commercial area for construction of an overpass needed to maintain TH 24 access under TH 10.
- Both Clearwater and Clear Lake identified the potential for loss of drive-by retail customers, since their communities would have been by-passed by Alternative D's regional connection system.
- Alternative D would have had substantial impacts to the Mississippi Scenic Riverway. In their comment letter on the Draft EIS, MnDNR staff indicated that this alternative would "significantly impact the river and river users' experiences" since it is located in a relatively scenic, natural area near an island campsite and at the public boat landing at Snuffy's Landing.
- Good fisheries habitat and locations of a bald eagle nest and heron rookery nearby (both of which were located on the northeast side of Alternative D's proposed crossing) were other reasons for concern about potential impacts from this alternative.

### **III. SECTION 4(F)**

A Federal Draft Section 4(f) Evaluation was prepared in conjunction with the Draft EIS. The Draft Section 4(f) Evaluation identified one Section 4(f) property, a farmstead that was eligible for listing on the National Register of Historic Places, which would have been impacted by Alternative A. However, the Selected Alternative will not result in any impacts to Section 4(f) resources. The Selected Alternative was chosen in part because it will not result in a "use" of any Section 4(f) property.

#### IV. MEASURES TO MINIMIZE HARM

A variety of measures have been identified to mitigate social, economic, and environmental impacts associated with the construction of the Selected Alternative. The specific elements of the proposed mitigation plan are detailed in the Final EIS. Commitments typically include components that will be incorporated in the final design of the Selected Alternative and mitigation measures that will be implemented as part of the construction project. This project will comply with all federal and state laws and regulations which are applicable at the time of permitting.

All practicable measures to minimize environmental harm have been incorporated into the decision. These measures are noted in “bold” text.

##### A. RIGHT OF WAY ACQUISITION AND RELOCATION

Five-hundred and eight (508) acres of right of way will need to be acquired for the Selected Alternative. Unused remnants will be released for sale by Mn/DOT. Seven single-family residential properties, five residential/agricultural properties (properties which include a homesteaded property and agricultural land), four agricultural properties, one commercial property (affecting fewer than five part-time employment positions and no full-time employment positions), and two municipal properties (owned by the Village and Township of Clear Lake) will be acquired as a result of construction of the Selected Alternative.

**All relocation and right-of-way acquisition will be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended. In addition, property acquisition from the Clearwater/Clear Lake water treatment site will be avoided. Mn/DOT will work with local officials to “officially map” the proposed corridor.**

##### B. PARKLAND/RECREATION AREAS

The primary recreational resource within the Selected Alternative’s project area is the Mississippi River, which is designated as a part of the state Wild and Scenic River System and as a state Canoe/Boating Route from Anoka to St. Cloud (see the next section). There is also a state Grant-in-Aid (GIA) snowmobile trail currently designated on an abandoned railroad bed that parallels CSAH 75 from St. Cloud to Monticello.

Several planned trails have been identified for the area. The City of Clearwater’s *River Country Regional Trail Concept Plan* (January 2002) identifies the River Country Regional Trail as a potential extension of the Beaver Island Regional Trail along CSAH 75 from Warner Lake Park west of Clearwater to Monticello. This off-road trail would traverse the Selected Alternative project area. The earliest anticipated design start date for the section that traverses the Interregional Connection corridor is 2010. In addition, the *Sherburne County Parks, Trails, and Open Space Policy Plan* (June 2005) identifies CSAH 8, including its location in the Selected Alternative corridor, as a future trail corridor which would constitute part of a river trail corridor

connecting St. Cloud to Elk River. Although this trail is a priority for Sherburne County, it has not been funded.

**Twelve-foot trails have been incorporated in the Selected Alternative design on the north/west side of the proposed TH 24 interchange bridge, on the north side of the CSAH 75 overpass over the Interregional Connection, and on the south side of the CSAH 8 overpass over the Interregional Connection.** These trails have been included in the Selected Alternative's design in order to accommodate bicycles and pedestrians, and in recognition of local governments' proposals to increase the number of trails in the area. **If it still exists in its current location at the time of project construction, provisions for the existing MnDNR GIA snowmobile trail (adjacent to CSAH 75) will be provided.** Continued coordination with the appropriate agencies (e.g., Sherburne County Parks, Clearwater, Wright County, MnDNR) will be conducted.

### C. WILD AND SCENIC RIVERS AND CANOE/BOATING ROUTES

All Alternatives that were evaluated for this project would have included a crossing over the Mississippi River, a state Wild and Scenic River for the 53-mile length from St. Cloud to the western border of the Cities of Anoka and Champlin at the northwest corner of the Twin Cities metropolitan area. The MnDNR was involved in evaluating all potential alternatives and identified the Selected Alternative as the best overall, for its ability to minimize environmental impacts, while still satisfying the transportation purpose of the proposal.

The potential impacts of the Selected Alternative on natural/scientific values of the riverway in the project vicinity were considered during the analysis which followed the identification of the Preferred Alternative. These impacts include indirect impacts to the riverway (e.g., siltation from erosion at the 10-foot bluff cut—although no good fisheries habitat areas are identified in the vicinity), and potential impacts to two native communities (oak woodland at the north bluff and floodplain forest in the river bottom).

The bridge and bridge approaches will visually alter this segment of the Mississippi River corridor. Neighbors will view the bridge as a strong structural visual element in an otherwise natural landscape. Mississippi Riverway users will be able to view the bridge from approximately one-half mile upstream amongst the dominantly natural landscape. In the immediate vicinity of the bridge, the bridge and piers will dominate the landscape, with the bridge approximately 20 feet above the top of the riverbank. However, because this area is designated as part of a "rural residential" land use district (in which limited vegetative clearing will be permitted in the future), part of the existing visual value of the area near the river may be protected. **A long-span bridge was identified preliminarily as the preferred river crossing concept; this concept decreases the number of piers required in the river.** Additional alterations to the existing landscape will result from the required 10-foot cut in the northern bluff for the bridge approach. Travelers on the new roadway will benefit from the opportunity to view this segment of the river. (See the "Visual" section below for further information.)

#### D. COMMERCIAL AND FISCAL

There will be one business acquisition in the project area resulting from the Selected Alternative, affecting fewer than five part time employment positions and no fulltime employment positions. In addition, the project will divert regional traffic away from TH 24, which will have some impact on existing businesses in both downtown Clearwater and Clear Lake. However, traffic forecasts indicate that much of the initial loss of regional traffic will be replaced by local traffic in the downtowns. The local access interchange on the Selected Alternative at TH 24 will provide convenient access to both communities from the Interregional Connection.

The Selected Alternative will result in the total acquisition of 19 parcels. These acquisitions are anticipated to correspond to an annual estimated tax loss of \$17,862 in Sherburne County and \$5,192 in Wright County (both numbers using 2006 taxes payable figures). This represents a loss of approximately 0.01 percent of Sherburne County's total payable taxes and less than 0.01 percent of Wright County's total payable taxes (2006 taxes payable).

#### E. ENVIRONMENTAL JUSTICE

The Selected Alternative will not have disproportionately high and adverse human health or environmental effects to any minority population or low income population.

#### F. FARMLAND

The Selected Alternative will affect an estimated total 152 acres of "prime and unique" or "statewide and local important" farmland within Sherburne and Wright Counties, or approximately 0.06 percent in Sherburne County and approximately 0.04 percent in Wright County. Four agricultural and five residential/agricultural landowners are affected by the Selected Alternative. The Selected Alternative will also impact the center pivot irrigation systems of nine fields, primarily between CSAH 75 and CR 76.

**As mentioned previously, all right-of-way acquisition will be in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.**

#### G. VISUAL

Construction of the Selected Alternative will cause an adverse impact on the existing visual setting of the project area. Visual impacts of the Selected Alternative cannot be avoided. **The Selected Alternative incorporates a number of design elements to minimize the visual impacts of the project, including:**

- **Tower lighting in the I-94 interchange area has been eliminated. At the time of project design, project lighting options will be studied and a determination made on which lighting type offers the best balance between project needs and minimizing visual impacts to nearby residents;**

- **Reducing the visual impacts to nearby residents by installing lighting only at the nose of the I-94 acceleration ramp;**
- **Removing the abandoned parking area along the existing TH 24 rest area near the Mississippi River;**
- **Reducing the number of piers and apparent mass of the bridge structural components;**
- **Continuing to include the MnDNR in bridge concept meetings in order to ensure that bridge design and treatments are as non-intrusive as possible;**
- **Limiting bluff cuts to 10 feet;**
- **Minimizing impacts to river users by locating the new crossing relatively close to the next closest crossing (TH 24 bridge, approximately 1.6 miles upstream) in order to create greater distances to the next closest bridge (TH 25 crossing in Monticello, approximately 15 miles downstream); and**
- **Minimizing impacts to river camping sites by locating the river crossing at least four miles from these uses, as of the date of this Adequacy Determination.**

## H. AIR QUALITY

Under the Selected Alternative in the design year (2040), it is expected there would be reduced Mobile Source Air Toxic (MSAT) emissions in the immediate area of the project, relative to the No-Build Alternative, due to the reduced VMT associated with more direct routing, and due to EPA's MSAT reduction programs.

The Selected Alternative will not result in an exceedance of carbon monoxide (CO).

## I. NOISE

The Selected Alternative will result in year 2040 noise levels exceeding Minnesota daytime and nighttime state noise standards at several locations in the project area.

Modeling was done for the Selected Alternative alignment with regard to noise impacts experienced by boaters on the river itself. Analysis results show that noise levels (L<sub>10</sub>) will exceed state daytime noise standards within 800 feet of the Selected Alternative river crossing. Noise levels (L<sub>10</sub>) approach or exceed federal noise abatement criteria between 400 and 800 feet of the Selected Alternative river crossing.

An analysis of potential noise mitigation measures was completed for the Selected Alternative. Noise mitigation has been found to not meet Mn/DOT's cost-effectiveness criteria for the construction of noise barriers.

**Mn/DOT will provide information regarding noise setback distances to local land use officials.**

## J. CONTAMINATED SITES

There were no contaminated sites of concern identified that will be affected by the Selected Alternative. **During construction, all areas of excavation will be observed for contamination and any incidence of contamination will be handled according to applicable federal and state laws and regulations.**

## K. PROTECTED SPECIES

In 1997, the United States Fish and Wildlife Service (USF&WS) issued a determination that this project will “not likely to adversely affect” federally listed species or designated critical habitat. This determination precluded the need for further action as required under Section 7 of the Endangered Species Act of 1973, as amended. However, because of the approximate ten-year lapse since the original determination, it was decided that the consultation process needed to be reinitiated and the action reevaluated in 2007.

According to the information provided by the Natural Heritage Database maintained by the MnDNR and USF&WS records, no bald eagles are nesting in the vicinity of the project area. Because of the location and type of activity proposed, the Mn/DOT Biologist determined, and the USF&WS concurred, that the project is “not likely to adversely affect” any federally listed or proposed threatened or endangered species or their critical habitat (see agency correspondence in Appendix B).

The MnDNR identified a Blanding’s Turtle (a state-listed threatened species) sighting near Clearwater (approximately four miles west of the Selected Alternative). In addition to this agency coordination, residents of the Fish Lake area contacted Mn/DOT and reported a potential sighting of a Blanding’s Turtle in Fish Creek, within the project area. Additional coordination with USF&WS and MnDNR staff will continue in the future, closer to construction, to determine if additional or revised information on sensitive species should be considered in project planning/implementation. **In addition, as a precautionary measure and to reduce the probability that the project will adversely impact Blanding’s Turtles, the Fish Creek area will be reviewed with a biologist for existence of the species prior to construction. Also, at the time of project construction, project contractors will be provided with the MnDNR’s environmental review fact sheets about Blanding’s Turtles.**

The MnDNR completed a mussel survey 300 meters upstream and downstream of Alternative C. The Selected Alternative is within the survey area. No threatened or endangered mussel species were noted. **Another mussel survey will be conducted closer to the time of project construction and mussels in the project area that are identified by that survey will be relocated.**

**Impacts to wildlife and habitat will be minimized by providing areas under the Mississippi River Bridge that can be used for wildlife movements.**

## L. VEGETATION

The Selected Alternative will require the removal of trees and vegetation on the river bluffs and other areas due to bridge, interchange, and approach roadway construction, resulting in the overall loss of these resources within the study area. In particular, the Selected Alternative will impact approximately 0.7 acre of floodplain forest and 4.7 acres of oak woodland along the Mississippi River. **Native grasses will be established within the right of way of the project corridor and interchange areas. Disturbed vegetation will be replanted with native species unless biologically not warranted.**

## M. WATER QUANTITY (DRAINAGE)

The Selected Alternative will increase the amount of impervious surface in the project area. Based on the increase in impervious area, the volume of runoff is expected to increase. The proposed rural roadway design for the Selected Alternative will include vegetated ditches and culverts for the majority of the new alignment. **Where possible, storm water will be directed to storm water basins. Bridge runoff will be directed to the ends of the bridge and through ponding systems, which are intended to attenuate the rate of discharge to the Mississippi River. Given the regular occurrence of water flowing from the Mississippi River into Fish Lake, the final design of Gowan Pond's outlet structure will include measures to prevent materials within the pond from migrating to Fish Creek. Also, if such a commitment is determined to be consistent with Mn/DOT regulations, Mn/DOT will fund the installation of a flapgate at Fish Creek if a local government assumes ownership, including maintenance of it.**

## N. WATER QUALITY

The Mississippi River is the dominant water body in the project area. The Minnesota Pollution Control Agency (MPCA) includes the Mississippi River from the CSAH 7 Bridge in St. Cloud to the northwestern limits of Anoka County in their list of "Outstanding Resource Value Waters." Specifically, this segment of the River is classified as a "Federal or State Designated Scenic or Recreational River Segment"<sup>1</sup>. This classification places more stringent water quality standards on the River compared to some other waters in Minnesota as per the MPCA Chapter 7050 regulations. The drainage area of the Mississippi River located upstream from the project area is relatively large. Therefore, water quality of the Mississippi River within and downstream from the project area is influenced by land uses and water quality improvement practices upstream.

Existing storm water runoff in the project area is from rural/agricultural land uses and, to a lesser extent, urban land uses. The Selected Alternative has the potential to impact water quality because it will result in an increase in the runoff of pollutants. The key to responding to this

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<sup>1</sup> Minnesota Pollution Control Agency – Northern District Brainerd Office, Upper Mississippi River Basin Information Document – Section III: Mississippi River Basin, 2000.

potential impact is the ability to provide design features that remove pollutants prior to discharge to a water body.

**A reduced cross-section will be constructed on TH 10 to avoid impacts to Cater Lake.**

**All runoff from the project will be treated via a combination of rural drainage systems (i.e. vegetated ditches) and ponds. Storm water runoff from the proposed bridge will also be routed through a wet detention basin prior to discharging into the Mississippi River.**

**Roadway within the Clear Lake wellhead protection area will use clay-lined ditches to prevent contamination.**

#### O. FLOODPLAINS

Construction of the Selected Alternative will result in fill in the floodplains along the Mississippi River. The Selected Alternative will result in approximately 900 feet of transverse encroachment and approximately 5.2 acres of fill within the floodplain. All roadway grade elevations will be above the 100-year floodplain elevation. An increase of 0.1 foot in the 100-year flood stage will result from constructing the bridge and/or filling a portion of the floodplain fringe, outside of the floodway. The impact is small because the embankment construction occurs in a wooded portion of the floodplain fringe that conveys a small portion of the overall discharge.

#### P. GROUNDWATER

The profile of the Selected Alternative is not likely to intersect the groundwater table; thus, no impacts to groundwater are anticipated.

#### Q. WETLANDS

The Selected Alternative will affect 6.46 acres of wetland area. Complete avoidance of wetland impacts was not possible due to the need to balance avoidance of other impacts, such as property acquisition, while satisfying the transportation need with a cost effective project. There is no practicable alternative to the proposed construction in wetlands, and the Selected Alternative includes all practicable measures to minimize harm to wetlands which may result from such use.

Three potential wetland replacement sites have been identified for the Selected Alternative: one within the project area, one within the same watershed as the Selected Alternative (the Mississippi River St. Cloud watershed), and one in the Mississippi River (Sartell) watershed.

The U.S. Army Corps of Engineers (COE) has provided a jurisdictional determination (see agency correspondence in Appendix B). The COE determined that wetland basins C-3, BC-1, BC-2, BC-3 and the mitigation basins are isolated for Section 404 purposes. Therefore, impacts to waters of the U.S. are approximately 0.11 acre to Fish Creek for culvert extension and roadway work and unknown impact for bridge piers in the Mississippi River. Fish Creek, the Mississippi River, and the wetlands adjacent to, or part of, the tributary system of the Mississippi

River are regulated under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. Therefore, the project, as proposed would be evaluated for a General Permit for impacts under 0.5 acre.

**A final wetland compensation plan for replacement of total affected wetland areas will be developed for the project and will reassess the exact areas of wetland impacts and mitigation based on final design.**

#### R. ARCHAEOLOGICAL AND HISTORIC RESOURCES

Through coordination with the Mn/DOT Cultural Resources Unit (CRU) and the Minnesota State Historic Preservation Office (SHPO), no eligible or listed sites were located within the Selected Alternative's area of potential effect (APE) by any of the four cultural resources studies that were conducted for the project. However, during the comment period of the DEIS, a potential pioneer burial ground was identified within proximity to the Selected Alternative corridor. Based upon coordination with the Minnesota State Archaeologist, avoidance of the potential site was recommended. The revised alignment of the Selected Alternative does avoid this potential site; no further review is anticipated until the right of way acquisition process. **At that time, the Minnesota State Archaeologist will be contacted to confirm that all impacts have been avoided.**

In response to a property owner's request, Mn/DOT's CRU reviewed the possibility of an historic Red River Trail on the owner's property. Based upon a literature review and field investigation, it was concluded that there are no additional eligible historic properties within the APE for the Selected Alternative and that the finding of "no historic properties affected" remains appropriate. Per letter dated August 14, 2007, the SHPO concurred in this determination (see agency correspondence in Appendix B).

#### S. CONSTRUCTION

The Selected Alternative will result in unavoidable temporary construction impacts related to air quality, noise, dust generation, vibration, traffic, river substrate disruption, wetlands, and roadway access due to necessary construction activities. Most impacts will be short in duration. **Mitigation of construction-related impacts will include implementation of a detailed erosion control plan; a plan for management and disposal of excess material; a construction staging plan; special construction techniques for river bridge construction; traffic flow management techniques; and access maintenance and/or detour plans. Construction within the Mississippi River will not begin until after June 15 to control erosion/sedimentation. Construction activities will follow standard specifications. In addition, safety measures (e.g., fencing, signage) will be used to prevent the public from entering construction areas or from passing beneath bridge construction (when overhead activities are a concern).**

## T. INDIRECT EFFECTS

Two geographic areas potentially affected by improved mobility or access changes under the Selected Alternative were identified: the proposed local access interchange of TH 24, and the area that will be impacted by improvements planned for I-94 and TH 10 (both to be completed as separate projects in the future).

The relative amount of development in the project area is anticipated to be the same regardless of whether or not the Selected Alternative is constructed; however, the construction of the Selected Alternative's TH 24 local access interchange may result in planned growth occurring in a slightly different configuration than previously anticipated. For example, implementation of the Selected Alternative could result in commercial development occurring in the vicinity of the TH 24 local access interchange, rather than at some other location in the community. The Selected Alternative could also affect the timing of communities' planned development. If proposed developments are not in place by the time the proposed project is constructed, the construction of the Selected Alternative could accelerate the timing of development in the immediate vicinity of the local access interchange at TH 24. Based upon discussions with the affected communities, local land use controls are considered adequate to manage any potential development in the TH 24 interchange area. Therefore, no substantial or adverse indirect impacts are anticipated due to the TH 24 local access interchange construction.

Because the future I-94 and TH 10 improvement projects are independent of the Selected Alternative, no indirect impacts are anticipated to occur as a result of this project. Local governments have the authority and responsibility for making land use decisions in the project area and have several tools in place that, if implemented, would minimize indirect impacts to land use. While implementation of the Selected Alternative is not anticipated to substantially influence the type, intensity or location of most development, ongoing local planning efforts are being updated to reflect its implementation. In addition to local land use controls, there are state and federal regulations, permitting and approval processes in place to help minimize development impacts.

## U. CUMULATIVE IMPACTS

As noted in both the *Mississippi Scenic Riverway Cumulative Impacts Study* (June 2003) and the Final EIS, communities along the I-94 and TH 10 corridors between the Twin Cities and St. Cloud metropolitan areas have experienced high growth rates over the past 30 years. It is anticipated that similar growth increases will continue to be experienced by these communities over the next 40 years, regardless of whether or not a new Interregional Connection is constructed between I-94 and TH 10.

The potential for cumulative impacts resulting from the Selected Alternative, combined with the future land use and associated infrastructure planned for the project area, was examined for those resources with the greatest potential for cumulative impacts, including: wetlands; vegetation, wildlife and fisheries; farmland; traffic noise; visual; water quality; and the Mississippi Scenic Riverway. The Mississippi Scenic Riverway was determined to be a resource with the greatest

potential for substantial cumulative impacts from the Selected Alternative in combination with other foreseeable future actions (future development and additional river crossing bridges). The other resources analyzed in the cumulative impacts assessment could also be susceptible to substantial future cumulative impacts if mitigation strategies are not adequately implemented. The implementation of mitigation strategies (e.g., state and federal regulations, local land use practices, etc.) is key in avoiding/minimizing the extent and severity of impacts from the Selected Alternative and future development.

Mn/DOT has no authority over land uses outside the roadway right of way and has no authority in these controls. Mn/DOT continues to coordinate with the local communities impacted by the Selected Alternative and encourages them to use the time between now and proposed project construction (2015) to ensure that existing land use plans and ordinances protect resources of concern throughout the project area.

### **SELECTED ALTERNATIVE MITIGATION - SUMMARY**

A number of mitigation measures will be implemented as part of the proposed project, including commitments to further coordination with appropriate agencies. Refer to Table 1 below for an itemization of these commitments.

**TABLE 1.  
PROJECT MITIGATION COMMITMENTS**

All relocation and right-of-way acquisition will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.
Twelve-foot trails have been incorporated in the Selected Alternative design on the north/west side of the proposed TH 24 interchange bridge, on the north side of the CSAH 75 overpass over the Interregional Connection, and on the south side of the CSAH 8 overpass over the Interregional Connection. This will provide trail continuity along CSAH 8, CSAH 75, and existing TH 24.
If it still exists in its current location at the time of project construction, provisions for the existing MnDNR GIA snowmobile trail (adjacent to CSAH 75) will be provided.
Tower lighting in the I-94 interchange area has been eliminated. At the time of project design, project lighting options will be studied and a determination made on which lighting type offers the best balance between project needs and minimizing visual impacts to nearby residents.
Reducing the visual impacts to nearby residents by installing lighting only at the nose of the I-94 acceleration ramp.
A long-span bridge was identified preliminarily as the preferred river crossing concept over the Mississippi River channel; this concept decreases the number of piers required in the river (average pier spacing to be 260 to 300 feet—estimate that two piers will be required in channel).
Continuing to include the MnDNR in bridge concept meetings in order to ensure that bridge design and treatments are as non-intrusive as possible.
Remove abandoned parking area along old TH 24 rest area near the Mississippi River.
During construction, all areas of excavation will be observed for contamination and any incidence of contamination will be handled according to applicable federal and state laws and regulations
Re-review project area for presence of Blanding’s Turtles prior to construction.
Project contractors will be provided with the MnDNR’s environmental review fact sheets about Blanding’s Turtles.
Another mussel survey will be conducted closer to the time of project construction and mussels in the project area that are identified by that survey will be relocated.

Native grasses will be established within the right of way of the project corridor and interchange areas. Disturbed vegetation will be replanted with native species unless biologically not warranted. Tree replacement within ROW will be considered
Where possible, storm water will be directed to storm water basins. Bridge runoff will be directed to the ends of the bridge and through ponding systems, which are intended to attenuate the rate of discharge to the Mississippi River.
Given the regular occurrence of water flowing from the Mississippi River into Fish Lake, the final design of Gowan Pond's outlet structure will include measures to prevent materials within the pond from migrating to Fish Creek.
A final wetland compensation plan for replacement of total affected wetland areas will be developed for the project and will reassess the exact areas of wetland impacts and mitigation based on final design.
The revised alignment of the Selected Alternative avoids a potential pioneer burial ground. However, during the acquisition of right of way, the Minnesota State Archaeologist will be contacted to confirm that all impacts have been avoided.
Mitigation of construction-related impacts will include implementation of a detailed erosion control plan; a plan for management and disposal of excess material; a construction staging plan; special construction techniques for river bridge construction; traffic flow management techniques; and access maintenance and/or detour plans. Construction activities will follow standard specifications. In addition, safety measures (e.g., fencing, signage) will be used to prevent the public from entering construction areas or from passing beneath bridge construction (when overhead activities are a concern).
Construction within the Mississippi River will not begin until after June 15 to control erosion/sedimentation.
Construct a reduced cross-section on TH 10 to avoid impacts to Cater Lake.
Avoid acquisition of property at Clearwater/Clear Lake water treatment site.
Provide information regarding noise setback distances to local land use officials.
Work with local officials on official mapping.
Minimize impacts to wildlife and habitat by providing areas under the Mississippi River crossing bridge that can be used for wildlife movements.
Bluff cuts will be limited to 10 feet.
Roadway within Clear Lake wellhead protection area will use clay-lined ditches to prevent contamination.

## V. MONITORING OR ENFORCEMENT PROGRAM

The proposed project is subject to further review by federal and state agencies and local units of government during final design. Several permits will be required prior to the commencement of construction. The review and permit process will be implemented in cooperation with the appropriate regulatory agencies.

Additional specific monitoring and enforcement that will occur for the I-94/TH 10 Interregional Connection project includes:

- Erosion prevention and storm water treatment monitoring, inspection, and reporting will be required during construction as part of the National Pollutant Discharge Elimination System permit requirements.

## VI. COMMENTS ON THE FINAL EIS

Written comments on the I-94/TH 10 Interregional Connection Project Final EIS were accepted until the end of the comment period on February 12, 2007. A total of 32 written comments (including letters and e-mails) were received during the public comment period, including correspondence from regulatory agencies, local governments, interest groups, elected officials, and private citizens. Three letters and e-mail messages were received from private citizens supporting the project and 19 opposed the project and/or commented on issues of concern. Local

governments that provided comments in opposition to the Selected Alternative include the City of Clearwater, City of Becker, and City of Maple Lake. Comments received by the City of Becker and Maple Lake also indicated support for Draft EIS Alternative D.

The substantive comments specific to the adequacy of the Final EIS content or process are summarized and responses provided below. No response is provided for statements of preference, statements of fact, general opinions, or comments agreeing with the project information. Many of the comments received addressed similar aspects of the Final EIS content or process. These have been summarized below and are responded to in common. Where appropriate, responses have been provided to specific, substantive comments.

United States Environmental Protection Agency (US EPA) (February 7, 2007)

The letter from the U.S. EPA recommended that the Record of Decision (ROD) answer the following questions:

1. Roadway/Interchanges/Bridge Lighting: Does Mn/DOT propose to light the bridge within the Mississippi Scenic Riverway? If so, what type of lighting will be used?

**Response:** If Mn/DOT determines that bridge lighting is necessary, bridge lighting fixtures will be designed to direct lighting at the roadway area and minimize “spillover” lighting into the Mississippi Riverway.

2. Flapgate at Fish Creek: Is Mn/DOT going to fund construction of a flapgate at Fish Creek?

**Response:** Section 13.3 of the Final EIS, Project Commitments, states that, “[a]ssuming such a commitment is found to be consistent with Mn/DOT regulations, Mn/DOT will fund the installation of a flapgate at Fish Creek if a local government agrees to take ownership of it, including all maintenance.” Mn/DOT remains committed to this mitigation measure; at this time, no local government has agreed to assume responsibility for the ownership of a flapgate at Fish Creek. Coordination with local governments will be ongoing.

3. Upland Forest Loss: The Final EIS does not commit to compensate for the loss of the 4.8 acres of oak woodland within the Wild and Scenic Riverway boundary that would be lost on the east bluff due to project construction. We recommend planting native saplings at a 1:1 replacement ratio within the Mississippi Scenic Riverway in the project study area. Does Mn/DOT commit to compensating for the loss of 4.8 acres of oak woodland? If yes, how and where?

**Response:** Mn/DOT will look for opportunities within project right of way to replace the loss of oak woodland with appropriate vegetation. No land will be acquired to provide for woodland replacement.

4. Threatened and Endangered Species: Has the United States Fish and Wildlife Service (USF&WS) recently concurred with the Final EIS findings concerning the proposal’s impact on Threatened and Endangered Species?

**Response:** In 1997, the USF&WS issued a determination that this project is “not likely to adversely affect” federally listed species or designated critical habitat. This determination precluded the need for further action as required under Section 7 of the Endangered Species Act of 1973, as amended. However, because of the approximate ten-year lapse since the original determination, it was decided that the consultation process needed to be reinitiated. In 2007, the Mn/DOT Biologist reviewed the proposed project and determined, and the USF&WS concurred, that the project is “not likely to adversely affect” any federally listed or proposed threatened or endangered species or their critical habitat (see agency correspondence in Appendix B).

5. Construction Impacts/Air Quality: We recommend that Mn/DOT consider strategies to reduce diesel emissions, such as project construction contracts that require the use of equipment with clean diesel engines and the use of clean diesel fuels. Does Mn/DOT commit to implement these strategies for this project?

**Response:** Project contractors will be required to follow standard practices and use equipment according to current Mn/DOT standard specifications at the time of project construction.

6. Federal Wetland Jurisdiction: It is not clear whether the St. Paul District of the Corps of Engineers (COE) has approved the project’s delineation or the interpretation of what wetlands are jurisdictional for Section 404 purposes.

**Response:** Pre-application consultation has been conducted with the COE, and an August 23, 2006 meeting of the Technical Evaluation Panel (TEP) resulted in concurrence with the project’s delineation and jurisdictional interpretations. The St. Paul District of the COE issued its jurisdictional determination for the project on February 23, 2007 (see agency correspondence in Appendix B). The COE determined that wetland basins C-3, BC-1, BC-2, BC-3 and the mitigation basins are isolated for Section 404 purposes. Therefore, impacts to waters of the U.S. are approximately 0.11 acre to Fish Creek for culvert extension and roadway work and unknown impact for bridge piers in the Mississippi River. Fish Creek, the Mississippi River, and the wetlands adjacent to, or part of, the tributary system of the Mississippi River are regulated under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. Therefore, the project, as proposed would be evaluated for a General Permit for impacts under 0.5 acre.

7. Wetland Assessment Documentation: The project’s MnRAM data should be appended in the ROD.

**Response:** MnRAM data for this project are included in Appendix C.

8. Existing Mitigation Site: The Final EIS is not clear if the mitigation credits for the existing, impacted mitigation area (0.67 acre) have been applied to another project.

**Response:** The mitigation site that would be impacted by the Selected Alternative was created as a result of a landowner violation (filling 6,000 square feet of Type 3 wetland for a driveway without a replacement plan). The landowner was required to replace at a 2:1 ratio on site. The replacement was certified completed in April 2005 at a 4:1 ratio (25,000 square feet). Because

the site was strictly mitigation for a violation, credits were not acquired for it. According to the Sherburne County Soil and Water Conservation District, this replacement site has taken on wetland characteristics and no longer needs monitoring. Under Wetland Conservation Act (WCA) rules, impacts to this wetland would have to be replaced at a 2:1 ratio. The initially-impacted wetland was isolated, as is the mitigation basin itself, so it continues to be outside of COE jurisdiction.

9. Potential Compensatory Mitigation Sites: Compensatory mitigation for the proposed wetland losses is only at the conceptual stage for the Final EIS. There is no information presented on the nature of the soils, hydrology, or surrounding land use of the three identified potential wetland mitigation sites. Much more planning work will be necessary to successfully offset the wetland loss of the project in the Section 404 phase. Since the project will not be built for some time, these issues will be resolved prior to construction.

**Response:** Comment noted. It is Mn/DOT's intent to perform additional information collection and mitigation planning between now and project construction. As the project's wetland mitigation sites are identified closer to construction, all required information will be included in determining appropriate mitigation sites. A final wetland compensation plan for replacement of total affected wetland areas will be developed for the project and will reassess the exact areas of wetland impacts and mitigation based on final design.

#### St. Cloud Downtown Council (February 3, 2007)

The letter received from the St. Cloud Downtown Council expressed support for a project alternative through St. Cloud, and asks whether such an alternative would be considered a "reasonable alternative" according to Minnesota Rule 4410.2300, item G.

**Response:** As noted in Section 1.2 of the Final EIS, the development of alternatives for the I-94/TH 10 Interregional Connection project has been the result of a number of studies and the refinement of alternative concepts over a period of over ten years—including the *Mississippi River Crossing Study* (1995-1996), the *I-94/TH 10 Regional Connection Scoping Document* (1997), the project's *Scoping Decision Document* (2001), and the Draft EIS (2004). An alternative through downtown St. Cloud is outside of the project area and would not address the project purpose and need. No alternative located in St. Cloud was part of the Draft EIS or Final EIS. As a result, it is outside of the area identified during scoping and is not relevant to the adequacy of the Final EIS.

#### Six letters commented on the commercial and financial impacts of the Selected Alternative.

**Response:** Section 5.3 of the Final EIS discusses economic impacts of the Selected Alternative, which "will divert regional traffic away from TH 24, which will have some impact on existing businesses, as recognized in the *City of Clearwater Comprehensive Plan*. Similarly, the ... [Selected] Alternative will direct regional traffic away from downtown Clear Lake, which could affect existing businesses there. However, traffic forecasts indicate that much of the initial loss of regional traffic will be replaced by local traffic. The local access interchange...at TH 24 will

provide convenient access to both communities from the Interregional Connection.” The Final EIS was adequate in its treatment of this issue.

Two citizen letters noted that comments provided on the Draft EIS were not responded to in the Final EIS.

**Response:** Only substantive comments received during the Draft EIS comment period that addressed content or process were responded to in the Final EIS. Statements of fact, opinion, and/or preference were not directly responded to in the Final EIS. Comments received during the Draft EIS comment period that indicated a preference for or against a particular alternative were tallied and summarized in Section 13.2.2 of the Final EIS.

Two citizen letters questioned the appropriateness of the Final EIS format.

**Response:** The use of the condensed Final EIS format is consistent with federal rules, and has been determined appropriate by Mn/DOT, in consultation with FHWA. The Final EIS is consistent with Minnesota Rules 4410.2700. A comparison of impacts between Alternative C, as described in the Draft EIS, and those of the Final EIS Selected Alternative indicated that the magnitude of the impacts were similar enough that the condensed Final EIS format is appropriate.

Four citizen letters indicated that the project should have been re-scoped because it changed from a “regional connection” to an “interregional connection.”

**Response:** The I-94/TH 10 Interregional Connection project was scoped to provide a high-speed connection between I-94 and TH 10. The name change to which these comments refer (from “regional connection” to “interregional connection”) reflect a change in Mn/DOT terminology on an agency-wide basis during this project’s development process. Under Mn/DOT’s Interregional Corridor system, this connection is part of a high priority interregional corridor. The name change affected how corridors are referred to; it does not correspond to a change in this project’s scope, or the transportation purpose and need it is intended to meet.

Two citizen letters commented on the public informational and review process followed by the project, including the length of the Final EIS comment period.

**Response:** The public review and comment process followed by this project is in conformance with Minnesota Rule 4410.2600 and 23 CFR Part 771.

Six citizen letters commented that the Final EIS inadequately addresses the extent to which the Selected Alternative may encourage development, particularly in currently agricultural areas.

**Response:** As noted in both the *Mississippi Scenic Riverway Cumulative Impacts Study* (June 2003) and the Final EIS, communities along the I-94 and TH 10 corridors between the Twin Cities and St. Cloud metropolitan areas have experienced high growth rates over the past 30 years. It is anticipated that similar growth increases will continue to be experienced by these communities over the next 40 years, regardless of whether or not a new Interregional Connection

is constructed between I-94 and TH 10. Section 10.1.1 of the Final EIS states that, “these communities have indicated that the projected growth is anticipated with or without the addition of a new river crossing and Interregional Connection. None of the communities indicated an intention to reduce growth if the proposed project was not implemented.”

Section 10.2.1 of the Final EIS acknowledges that construction of the Selected Alternative could result in planned growth to occur in a slightly different configuration than previously anticipated or it could also affect the timing of communities’ planned development. However, as stated in the Final EIS, it is the responsibility of local governments (not of Mn/DOT) to control development impacts, intensity, and type through local land use plans and zoning and subdivision regulatory authorities. As noted in Section 11.3 of the Final EIS, “Mn/DOT has no authority or controls over land uses outside the roadway right of way and, as the project proposer, has no ability or authority to directly involve themselves in these controls. Projects proposed by Mn/DOT, including the new interregional connection, certainly affect local jurisdictions’ land use plans, if in no other way by necessitating the reservation and acquisition of corridor right of way”.

The Final EIS cumulative impacts analysis identified which potentially-impacted *resources, ecosystems, and human communities* should be studied (Section 11.1.2 of the Final EIS); local land use plans, zoning codes, and land use decisions are mechanisms by which certain resources may be protected. The analysis did, however, address cumulative impacts on farmland in the project area, which appears to be one of the major resources of concern to several citizens. Section 11.2.4.4 of the Final EIS states that, “the... [Selected] Alternative, in combination with future development, could result in a substantial loss of valuable farmland within the project area if development pressure occurs. However, the incremental impact of the ... [Selected] Alternative on farmland would be small compared to the impact from future development, which would impact more farmland. In order to protect farmland within the project area, local government units have the authority to regulate development and can take measures to protect farmland as part of their local planning efforts.”

Mn/DOT continues to coordinate with the local communities impacted by the Selected Alternative and encourages them to use the time between now and proposed project construction (year 2015) to ensure that existing land use plans and ordinances protect resources of concern throughout the project area.

Three citizen letters stated that the “past” reference year, 1976, used by the *Cumulative Impacts Study for the Mississippi Scenic Riverway* (2003) and the Final EIS cumulative impacts analysis is arbitrary.

**Response:** The methodology described in the Council on Environmental Quality publication “Considering Cumulative Effects Under the National Environmental Policy Act” was used as the basis for the *Cumulative Impacts Study*. The issues, timeframe, and geographic area studied in the *Cumulative Impacts Study* were agreed upon by the study Technical Advisory Committee consisting of representatives from a number of resource agencies. As identified in the *Cumulative Impacts Study* and in Section 11.1.1 of the Final EIS, the year 1976 was chosen as the “past” reference year for the study of cumulative impacts because it was the year that

construction of the I-94 corridor between the Twin Cities and St. Cloud was completed, and was the year that the Mississippi River was designated as part of the state Wild and Scenic River program. In addition, data is more readily available beginning at this timeframe. Therefore, 1976 represents a benchmark year in respect both to the use and protection of the river, the transportation mobility system, the development of improved access between the Twin Cities and St. Cloud, and land use development.

One citizen letter questioned the geographical area considered in the cumulative impacts analysis.

**Response:** Cumulative impacts were evaluated in the Final EIS for an area beyond the immediate limits of the Selected Alternative. As stated in Section 11.1.3 of the Final EIS, the potential cumulative impacts of the Selected Alternative, in combination with other actions, were studied for the following area: ½-mile west of the western-most limits of Draft EIS Alternative A within the City of St. Cloud to the west, parallel to and ½-mile beyond I-94 to the southwest, parallel to and ½-mile beyond TH 10 to the northeast, and to the eastern limits of the City of Becker to the east. These boundaries were chosen by the Project Management Team as representing a reasonable area to study cumulative impacts since it represented the area of influence for the majority of resources. However, for the Mississippi Scenic Riverway, an appropriate geographic boundary was determined to be the Mississippi Scenic Riverway Management Area as defined by the MnDNR. Although the Mississippi Scenic Riverway Management Area's southern and northern boundaries (from 10<sup>th</sup> Street bridge in St. Cloud to the western border of the cities of Anoka and Champlin) extend far beyond the project area, impacts to Riverway scenic quality and recreational uses were considered in the context of the entire 53-mile corridor.

One citizen letter commented that there is an inadequate discussion of mitigation measures for cumulative impacts.

**Response:** FHWA and Mn/DOT have a responsibility to address and consider cumulative effects in the National Environmental Policy Act and Minnesota state environmental review processes. However, the cumulative impacts analysis considers effects from all actions regardless of what agency or person undertakes those actions. FHWA and Mn/DOT are not responsible for mitigating the impacts not attributable directly or indirectly to the project. Therefore, no mitigation for potential cumulative effects is proposed. Potential cumulative impacts are typically considered through local and county comprehensive planning efforts or the actions of other federal and state agencies. These impacts can be avoided or minimized through local land use controls, site plan/development controls, roadway access restrictions, and other measures.

Four citizens commented that the Final EIS did not reference several land use plans.

**Response:** Section 5.2 of the Final EIS addresses land use within the project area. Detailed information on the planning controls currently in place are summarized by jurisdiction, including a reference to the jurisdiction's plan.

One letter stated that the Final EIS failed to address economic and social impacts on the Rivertown Assisted Living Complex, the Rivertown Expansion High-End Patio Homes, the 35 acres removed from the Clearwater Orderly Annexation Area (COAA) Industrial Area and the 30 acres removed from the COAA medium density residential housing.

**Response:** The Final EIS recognizes that a portion of the area affected by the Selected Alternative is within the COAA; however, the Final EIS documents the impacts of the Selected Alternative based on current zoning/land use classifications, which, for much of the referred area, remains agricultural.

Three citizens commented that the Final EIS did not include several local jurisdictions' resolutions or interest group resolutions regarding the project.

**Response:** Local jurisdictions' resolutions regarding the project have been noted as statements of opinion supporting or opposing specific project alternatives, as have resolutions made by interest groups. Throughout the EIS process, extensive efforts have been made to involve agencies, local governments and the public to identify potentially controversial issues and resolutions.

Three letters stated that the Selected Alternative impacts a bicycle/pedestrian trail that is planned for CSAH 75 right of way.

**Response:** As noted in Section 13.3 of the Final EIS, Mn/DOT has committed to maintain continuity for this planned trail by including in its project design a 12-foot trail on the north side of the CSAH 75 bridge over the Selected Alternative. Mn/DOT would replace a trail in this location if disrupted by the highway construction.

One citizen letter questioned including the cost of replacing the TH 24 bridge in the Draft EIS benefit/cost analysis, but assuming the TH 24 bridge is a separate project in the Final EIS.

**Response:** As stated in Section 3.1.2 of the Final EIS, it has always been assumed that the existing TH 24 bridge over the Mississippi River would be reconstructed, regardless of which Draft EIS Alternative was identified as the Selected Alternative (including the No-Build Alternative). However, for purposes of the Benefit/Cost Analysis completed for the Draft EIS, the cost of the TH 24 bridge reconstruction was included in the cost of all corridor alternatives, to provide an even basis for comparing alternatives.

One citizen letter stated that inadequate attention was given to the alternative I-94 interchange design that was proposed by a group of residents.

**Response:** As discussed in Section 13.2.2 of the Final EIS, the alternative I-94 interchange design was studied by Mn/DOT and FHWA staff, but was found to be inconsistent with current Interstate design practices.

Two citizen letters questioned the accuracy of the real estate valuation used for the project.

**Response:** The real estate tax and assessment data presented in the Final EIS was based on 2006 county information for affected parcels (using property identification numbers). In addition to grouping parcels into categories and assigning per-acre values by category, parcels with existing buildings were assigned a 10 percent severance damage rate.

One citizen letter questioned the air quality analysis conducted for the project.

**Response:** The air quality analysis conducted for this project is in conformance with regulations set forth in the Clean Air Act of 1970, 40 CFR 93, 40 CFR 1502.22(b).

One citizen letter commented on the stormwater pond that is proposed to be constructed on the west side of Cater Lake.

**Response:** Mn/DOT will continue to work with this property owner to identify the stormwater pond placement that best balances pond effectiveness and property impacts.

One citizen letter identified a potential historic resource in the project area.

**Response:** In response to this property owner's request, Mn/DOT's CRU reviewed the possibility of an historic Red River Trail on the owner's property. Based upon a literature review and field investigation, it was concluded that there are no additional eligible cultural resources within the APE for the Selected Alternative and that the finding of "no historic properties affected" remains appropriate. Per letter dated August 14, 2007, the SHPO concurred in this determination (see agency correspondence in Appendix B).

One citizen commented that most of the agricultural land affected by the Selected Alternative is capable of producing the same quality and quantity of crops as land classified as prime and unique.

**Response:** Section 6.3 of the Final EIS evaluates the Selected Alternative's potential impacts to farmland, in accordance with the Federal Farmland Protection Policy Act and the Minnesota Agricultural Land Preservation and Conservation Policy Act. Mn/DOT does not control the designation of prime and unique and statewide and local important farmland. Section 11.2.4.4 of the Final EIS recognizes that "the ... [Selected] Alternative, in combination with future development, could result in substantial loss of valuable farmland within the project area if development pressure occurs. However, the incremental impact of the ... [Selected] Alternative on farmland would be small compared to the impact of future development, which would impact more farmland. In order to protect farmland within the project area, local governmental units have the authority to regulate development and can take measures to protect farmland as part of their local planning efforts."

Three comments were received from the public regarding water quality, including specific reference to Fish Creek and Fish Lake.

**Response:** The EIS process has addressed water quality. The Final EIS identifies potential impacts to water quality as a result of the Selected Alternative and addresses mitigation strategies. Pondering Best Management Practices will be incorporated into the project design to meet State and Federal water quality requirements.

Four comments were received regarding the traffic noise analysis and traffic noise mitigation analysis.

**Response:** The traffic noise analysis and noise mitigation analysis was conducted using MPCA-approved methodologies consistent with the Mn/DOT Noise Policy for assessing the reasonableness (i.e., cost effectiveness) and feasibility of constructing noise barriers. For highway construction projects, Mn/DOT will analyze a future development area if the final plat was approved prior to Mn/DOT's environmental review process. If development occurs after this date, any noise mitigation is the responsibility of the local governmental unit as per Minnesota State Rule 7030.0030.

Additional noise studies were completed during the Final EIS to provide information to local governments responsible for planning and land use controls within their community. The results of this analysis identified distances from the project corridor where State noise standards would be met, if no site plan elements (e.g., berms, fencing, increased setbacks) were incorporated into the development. The purpose of this analysis is to provide information that can be used as a guide for local governments to help minimize future traffic noise impacts on currently undeveloped lands, and can be used as a tool when contemplating land use decisions along the project corridor.

Two citizens provided comments concerning issues (e.g., property access) that will be resolved through the detailed design process.

**Response:** Mn/DOT will work with these individuals to ensure that their issues are addressed as part of the detailed design process.

Two comments were received about the St. Cloud Area Planning Organization's (APO) support for Alternative A and the St. Cloud area's 33<sup>rd</sup> Street river crossing.

**Response:** Staff from Mn/DOT attended the April 22, 2004 meeting of the St. Cloud APO Board to review the Draft EIS document, comment period findings regarding the relative impacts and benefits of the Draft EIS alternatives, and the recommendation of Alternative C as the Preferred Alternative. The Board passed a motion endorsing the recommendation of Alternative C as the Preferred Alternative.

The 33<sup>rd</sup> Street crossing is a separate project and its impacts will need to be justified based upon that project's purpose and need. A separate EIS process has been initiated for that project.

Four citizen letters stated a preference for linking I-94 and TH 10 by making improvements to existing TH 15.

**Response:** Use of the TH 15 corridor would not address this project's transportation purpose and need because the local traffic and numerous entrance and exit ramps would lead to congestion and safety concerns. As noted in Section 1.2 of the Final EIS, the development of alternatives for the I-94/TH 10 Interregional Connection project has been the result of a number of studies and the refinement of alternative concepts during a period of over ten years—including the *Mississippi River Crossing Study* (1995-1996), the *I-94/TH 10 Regional Connection Scoping Document* (1997), the project's *Scoping Decision Document* (2001), and the Draft EIS (2004). The Selected Alternative as presented in the Final EIS (2006) is the alternative that has been identified as best meeting the project purpose and need while minimizing social, economic and environmental impacts.

One letter stated that the impact the NorthStar Commuter Rail Line may have on the I-94/TH 10 Interregional Connection project should have been discussed in the Final EIS.

**Response:** The NorthStar Commuter Rail is currently funded to terminate in Big Lake, 15 miles south of the Selected Alternative. The daily ridership at its northern terminus is projected to be approximately one percent of the total Average Annual Daily Traffic of the I-94/TH 10 Interregional Connection project. The NorthStar Commuter Rail Line is therefore not expected to impact the overall need for, impacts of, or design of the I-94/TH 10 Interregional Connection project.

## ADEQUACY DETERMINATION

Regarding the Adequacy Determination required by State of Minnesota environmental review rules, Minnesota rule 4410.2800 stipulates the following:

**Subp. 4. Conditions. The final EIS shall be determined adequate if it:**

**A. addresses the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed in conformance with part 4410.2300, items G and H;**

**B. provides responses to the substantive comments received during the draft EIS review concerning issues raised in scoping; and**

**C. was prepared in compliance with the procedures of the act and parts 4410.0200 to 4410.6500.**

As indicated in the pages above, the Final EIS addressed all the potentially significant issues which were identified during the scoping phases of this project. All issues for which information could reasonably be obtained have been thoroughly analyzed.

The Final EIS provided responses to all substantive comments which were received during the Draft EIS review period.

As outlined above, the Scoping Process, and Draft EIS and Final EIS were completed in full compliance with the procedures of Minnesota Statute 116D and with Minnesota Rules parts 4410.0200 to 4410.6500.

As a result of these considerations, and the complete administrative record, the Final Environmental Impact Statement for the I-94/TH 10 Interregional Connection is determined to be Adequate.

  
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Frank W. Pafko  
Chief Environmental Officer  
Director, Office of Environmental Services  
Minnesota Department of Transportation

10/25/07  
Date