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March 1, 2012

To Whom It May Concern:

SUBJECT: Negative Declaration Regarding the Need for an Environmental Impact Statement for the TH 10 Project within Elk River (S.P. 7102-123)

The Minnesota Department of Transportation (MnDOT) has identified long-term improvements to Trunk Highway (TH) 10 in Elk River, including reconstruction of TH 10 from an urban arterial roadway to a freeway design within Elk River between Upland Avenue/County Road 44 and the TH 101/169 interchange. The project includes a grade-separated interchange at Upland/Proctor Avenues and a half interchange at Main Street (interchange ramps to and from the east). A one-way pair of frontage roads would connect interchange ramps at Upland/Proctor Avenues. At-grade intersections would be removed and frontage roads along TH 10 would provide local access. The BNSF Railway would be realigned to the north, and grade-separated crossings would be provided at Proctor Avenue, Jackson Avenue and Main Street. These future roadway improvements were defined in order to facilitate future land use and development planning and decision-making, since there is currently no funding identified for construction of the roadway improvements.

Under Minnesota rules, MnDOT is the Responsible Governmental Unit (RGU) for this project. The proposed action was described and analyzed in an Environmental Assessment/Environmental Assessment Worksheet (EA/EA W) circulated to the EA W Distribution List and others. A Notice of Availability appeared in the *EQB Monitor* on November 1, 2010. A public hearing was held on December 2, 2010. The comment period closed December 20, 2010.

As the RGU for work on the Minnesota trunk highway system, MnDOT has undertaken a thorough analysis of the project and its impacts. Through its own analysis, coordination with affected agencies, public and community involvement, and comment letters received, MnDOT has determined that the long-term improvements to TH 10 as described in the EA/EA W and the Findings of Fact and Conclusion does not have the potential for significant environmental impacts. MnDOT has concluded that an Environmental Impact Statement is not required and has issued a Negative Declaration Order for the project. This decision and determination is supported by the full administrative record of the project, including the Findings of Fact and Conclusions. The Negative Declaration concludes the Minnesota state environmental review process.

MnDOT does not intend to circulate paper copies of the Findings and Conclusions document or the Negative Declaration Order. These items and others are available on the project website at: http://www.dot.state.mn.us/d3/hwy10er/index.html. Should any readers not have access to these electronic documents, paper copies may be obtained by contacting Jim Hallgren at 218/828-5797.

For the Minnesota Department of Transportation

James Hallgren, P.E., Project Manager
Minnesota Department of Transportation

3/1/12
Date

FINDINGS OF FACT
AND
CONCLUSIONS

Trunk Highway 10 in Elk River

State Project: 7102-123

City of Elk River
Sherburne County, Minnesota

Minnesota Department of Transportation

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I. ADMINISTRATIVE BACKGROUND/STATEMENT OF ISSUE

The Minnesota Department of Transportation (MnDOT) has identified long-term improvements to Highway 10 in Elk River, including reconstruction of Highway 10 from an urban arterial roadway to a freeway design within Elk River between Upland Avenue/County Road 44 and the Highway 101/169 interchange (refer to Figures 1 and 2 in Appendix A).

MnDOT is the proposer and Responsible Governmental Unit for this project. An Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) has been prepared for this project in accordance with Minnesota Rules Chapter 4410 and the National Environmental Policy Act (NEPA) [42 USC 4321 et. seq.]. The EA/EAW was developed to assess the impacts of the project and other circumstances in order to determine if an Environmental Impact Statement (EIS) is indicated.

The EA/EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comments to the required EA/EAW distribution list. A "Notice of Availability" was published in the EQB *Monitor* on November 1, 2010, and a legal advertisement was published in the *Star News* on October 30, 2010. A press release was also provided to media outlets in the surrounding area.

The EA/EAW was made available for public review at the Elk River Public Library, Great River Regional Library, Elk River City Hall, Sherburne County Public Works Office, and MnDOT District 3 Offices.

An open house/public hearing for the proposed project was held on Thursday, December 2, 2010, at the Elk River City Hall. The hearing presented the project design and identified potential environmental impacts of the project. At the hearing, members of the public were given the opportunity to provide formal written comments or oral testimony on the proposed project.

Two written comments and no oral statements were received at the December 2 public hearing. Additional comments were received through December 20, 2010. Four additional written comments were received during the EA/EAW comment period, for a total of six comments. All comments received during the EA/EAW comment period, including those received from the open house/public hearing, were considered in determining the potential for significant environmental impacts. Comments received during the comment period are provided in Appendix B, and responses to the comments are provided in Appendix C.

Based upon the information in the record, which is composed of the EA/EAW for the proposed project, the issues raised during the public comment period, the responses to the comments, and other supporting documents, MnDOT makes the following Findings of Fact and Conclusions:

II. FINDINGS OF FACT

Project Description

The Highway 10 improvements studied in this EA/EAW include reconstruction of Highway 10 from an urban arterial roadway to a freeway design within Elk River between Upland Avenue/County Road 44 and the Highway 101/169 interchange. The project includes the construction of a grade-separated interchange at Upland/Proctor Avenues and a half interchange at Main Street (interchange ramps to and from the east). A one-way pair of frontage roads would connect interchange ramps at Upland/Proctor Avenues. At-grade intersections would be removed, and frontage roads along Highway 10 would be constructed to provide local access. The Burlington Northern Santa Fe (BNSF) Railway would be realigned to the north, and grade-separated crossings will be constructed at Proctor Avenue, Jackson Avenue, and Main Street. The proposed action would improve bicycle and pedestrian safety by providing grade-separated crossings of Highway 10 and the BNSF Railway at Bridge Street, Proctor Avenue, Jackson Avenue, and Main Street. Refer to Figure 4 in Appendix A for a depiction of the improvements studied in the EA/EAW.

The purpose of the project is to address regional mobility, traffic operations, and local connectivity/accessibility while serving as a guide for comprehensive planning in the City of Elk River. Currently, there is no funding in place for construction of the proposed project. This EA/EAW process is intended to support the anticipated future use of federal funding and to allow for land use and local transportation improvements consistent with the proposed project to be implemented over time as funding becomes available.

Corrections to the EA/EAW or Changes in the Project Since the EA/EAW was Published

- The ERDB file number referenced in the May 24, 2008 letter from the Minnesota Department of Natural Resources (MnDNR) in Appendix B of the EA/EAW is incorrect. The correct ERDB file number for this project is 20080649.
- In addition to the land use requirements highlighted in Section VII.A.14 of the EA/EAW, Minn R.7050.0180 classifies the segment of the Mississippi River adjacent to the project area as an Outstanding Resource Value Waters (ORVW). This classification calls for additional control on new or expanded discharges from either point or non-point sources to OWVRs.
- Since completion of the EA/EAW, a more recent Phase I Environmental Site Assessment was completed in February 2009. This Phase I ESA found 36 sites of documented or potential contamination within the study area. Nine (9) sites were identified as having high risk potential for contamination, and 19 were identified as medium risk potential sites. Table 12 from the EA/EAW has been revised to show the current properties with high or medium potential for contamination (see Table 1 below), and their locations are shown in revised Figure 7 in Appendix A. Five (5) high potential sites would be affected by right of way acquisition (3 total, 2 partial); 8 medium potential sites would be affected by right of way acquisition (7 total, 1 partial). Medium and high potential properties that are identified as total acquisitions are identified in Table 1 below (revised from Table 12 of the EA/EAW).

TABLE 1 (Revised from Table 12 of the EA/EAW)
KNOWN OR POTENTIALLY CONTAMINATED SITES NEAR HIGHWAY 10 CORRIDOR

Site ID	Site Name	Site Address	Risk Potential	Reason for Concern (Contaminant)[1]
1	Great River Energy	17845 Hwy 10	High	RCRA-CESQG, ERNS, FTTS, HIST FTTS, MLTS, FINDS, MN LS, UST, LAST, AST, Spills (multiple), TIER 2, SWF/LF (orphan)
2	Old Town Tavern	506 Main St.	Medium	Spill
3	USTs	Hwy 10 and Main St.	High	USTs
4	**Boelters Union 76**	**600 Hwy 10**	**Medium**	**LUST (Closed), UST**
5	USTs	West of 600 Hwy 10	High	USTs
6	**Sipe Auto Service**	**611 Hwy 10**	**Medium**	**LUST (Closed, Orphan), UST**
7	Nadeau's Cleaners Inc., Bluff Block Site, USTs	621 Main St.	High	RCRA-NonGen, FINDS, VIC, MN List of Sites, SRS
8	**USTs** **Amoco SS #5053, Hetricks**	**630 Main St.** **308 Jackson Place**	**High**	**LUST (closed), UST, Spill, AST**
9	**Elk River Flower**	**612 Railroad Dr.**	**Medium**	**Spill**
10	Elk River Section/Burlington Northern	US Hwy 10	Medium	UST
11	**Jackson Express**	**356 Jackson**	**Medium**	**UST**
12	US West	440 Jackson St. NW	Medium	LUST (closed)
13	**USTs**	**369 Jackson**	**High**	**USTs**
14	**Grand Rental Station**	**728 Railroad Dr.**	**Medium**	**RCRA-CESQG, FINDS, AST**
15	Napa Auto Parts	800/824 Railroad Dr.	High	LUST, UST
16	Elk River Machine Co.	828 4th St.	Medium	RCRA-SQG, ENF, TIER 2, FINDS, Spills (2), AIRS
17	Cinema Professional Building	657 Main St.	Medium	LUST (closed), UST
18	Elk River Hardware	665 (556) Main St.	Medium	RCRA-NonGen, FINDS, Spill
19	USTs	Hwy 10 and King Ave.	High	USTs
20	First National Bank	729 Main St.	Medium	Spill
21	**City of Elk River**	**307 King Ave.**	**Medium**	**Spill**
22	Charlie Browns Inc./Beaudry Oil	335 (actually 334) Lowell	Medium	LUST (Closed), UST, AST
23	**Beaudry Express/Beaudry Oil Company**	**610, 630 Proctor Ave.**	**High**	**LUST, UST, RCRA-NonGen, FINDS, Spill**
24	Houle Oil	793 Proctor Rd.	Medium	LAST (closed)
25	Lefebvre & Sons Inc.	615 Quinn Ave.	Medium	RCRA-NonGen, FINDS, LUST (closed), UST, ENF
26	Cretex Concrete Products North	1340 6th St.	Medium	RCRA-CESQG, FINDS, LUST (closed, 2), UST, AST, Spill, TIER 2
27	**Beaudry Oil Bulk Facility**	**720 Quinn Ave.**	**Medium**	**LAST**
28	Elk River Oil, Elk River Bulk Plant (Orphan)	533 6th St.	Medium	AST, LAST

Bolded sites identified for total acquisition based on preliminary design of the proposed project.

[1] Acronyms: Above Ground Storage Tank (AST); Underground Storage Tank (UST); Leaking Underground Storage Tank (LUST); Leaking Above Ground Storage Tank (LAST); Voluntary Investigation and Cleanup (VIC); Resource Conservation and Recovery Act (RCRA); Small Quantity Generators (SQG); Conditionally-Exempt Small Quantity Generators (CESQG); U.S. EPA Facility Index System (FINDS); MPCA Hazardous Waste Enforcement Summary (ENF), Aerometric Information Retrieval System (AIRS); Emergency Response Notification System (ERNS); Material Licensing Tracking System (MLTS); Minnesota List of Sites (MN LS)

Shaded areas represent sites with high risk.

III. DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT

An EIS is not necessary for the proposed project based on the following criteria:

A. Type, Extent, and Reversibility of Impacts

MnDOT finds that the analysis completed for the EA/EAW is adequate to determine whether the project has the potential for significant environmental effects.

The EA/EAW described the type and extent of impacts to the natural and built environment anticipated to result from the proposed project. This document provides corrections, changes, and new information since the EA/EAW was published. The proposed design for the project includes features to mitigate the identified impacts.

Following are the findings regarding potential environmental impacts of the proposed project and the design features included to avoid, minimize, and mitigate these impacts:

Contaminated Sites

A Phase I Environmental Sites Assessment (ESA) identified 36 sites of documented or potential contamination within the current study area. Nine (9) sites were identified as having high risk potential for contamination, and 19 were identified as medium risk potential sites. Five (5) high potential sites would be affected by right of way acquisition (3 total, 2 partial); 8 medium potential sites would be affected by right of way acquisition (7 total, 1 partial).

All potentially contaminated properties identified in the Phase I will be evaluated for their likelihood to be impacted by construction and/or acquired as right of way. Any properties with a potential to be impacted by the project will be drilled and sampled if necessary to determine the extent and magnitude of contaminated soil or groundwater in the areas of concern. The results of the drilling investigation will be used to determine if the contaminated materials can be avoided, or the project's impacts to the properties minimized. If necessary, a plan will be developed for properly handling and treating contaminated soil and/or groundwater during construction.

Protected Species

Black sandshell mussels (*Lingumia recta*), which are identified by the Minnesota Department of Natural Resources (DNR) as a state species of special concern, have been identified in the Mississippi River. The Mississippi River (a Public Waters) runs along the project area, but the project will not have any direct impacts on the Mississippi River.

The project is not anticipated to result in any physical impacts to the Mississippi River; however, reconstruction of Highway 10 east of Main Street is in close proximity to the river. As noted by the DNR in their initial review of the project, mussels in general are vulnerable to decreases in water quality, and in particular, increased siltation. Construction of the project could result in impacts to any mussels within the Mississippi River near the project area as a result of erosion

and sedimentation. Temporary construction erosion and sediment control measures in accordance with Minnesota Pollution Control Agency (MPCA) best management practices in place at the time of construction will be followed to minimize any sedimentation impacts. Removal of erosion control measures will not occur until all disturbed areas have been stabilized.

Blanding's turtles (*Emydoidea blandingii*), a state threatened species, have also been identified in the vicinity of the project area. A copy of the Blanding's Turtle Fact Sheet and Flyer will be included in the project special provisions to make project contractors aware of the possible presence of these turtles, and to help project contractors recognize the turtle in the field.

There are no federally listed endangered, threatened, or proposed candidate species or listed critical habitat identified in Sherburne County. A determination of effect for federally listed species will be made closer to the time of construction.

Wetlands

The project area is located within the Mississippi River Major Watershed. The Mississippi River, a DNR Public Watercourse and a Section 10 water of the U.S. regulated by the COE, flows through the southern limits of the project area. Lake Orono (DNR #13P) is a DNR Public Water at the western limits of the project area. Wetland W-2 is DNR public waters wetland #262W (see Figure 4, Appendix A).

Eight (8) wetlands were identified within the project area. These wetlands are shown on Figure 4, Appendix A. In general, most of the wetlands are surrounded by developed area consisting of commercial, industrial, and residential uses. The wetland edges are defined by a rise in topography and a noticeable change in vegetation, typically from cattails, reed canary grass, to a mown grass, wooded landscape, or a developed and impervious surface.

In addition, roadside ditches and stormwater treatment ponds were also identified along the project corridor. Stormwater ponds are labeled with "SP" and a number, and ditches are outlined on the plans but not numbered. The edges of theses ponds and ditches were identified for planning purposes and are illustrated in Figure 4 (see Appendix A). Stormwater ponds and roadside ditches differ from natural wetlands in that they were constructed in non-hydric soils in areas that were not previously wetlands for the purpose of managing and treating stormwater runoff.

Approximately 2.36 acres of wetland impacts will result from the proposed project. A wetland mitigation plan for replacement of the affected wetland areas will be developed during permitting and final design. That plan will reassess the areas of wetland impacts based on the results of a formal wetland delineations and final design. At the time of permitting, current laws and rules will be used to determine jurisdictional authority and mitigation.

Water-Related Land Use Management District

Drinking Water Management Supply Area

There are three delineated Drinking Water Management Supply Areas (DWMSA) located within the project area. Based on information from the Minnesota Department of Health, all three have

very low vulnerability for contamination. Final design studies will determine whether additional measures such as lining of proposed stormwater ponds are necessary to prohibit infiltration into groundwater. No impact to the drinking water supply is anticipated as a result of the proposed project.

Floodplain Impacts

The project will result in fill impacts to the Lake Orono floodplain near the western project terminus. Approximately 670 feet of transverse impact to the floodplain is anticipated. A floodplain assessment was completed in accordance with Presidential Executive Order 11988. No substantial floodplain impacts are anticipated as a result of the project. Floodplain impacts will be minimized during final design.

Local Land-Use Management Districts

State highways such as Highway 10 are not subject to local regulations; however, compatibility of the proposed action with local ordinances is an important consideration.

- **Shoreland Overlay District:** The City of Elk River has designated a shoreland overlay district adjacent to the Mississippi River and Lake Orono. The boundary of the shoreland overlay district along the Mississippi River corresponds to the Mississippi wild and scenic river land use district. The Elk River shoreland zoning ordinance is concerned with erosion control and utilizing natural vegetation and topography to screen views from public waters. Erosion control and re-vegetation will follow best management practices and MnDOT standard practices in place at the time of final design and construction.

- **Mississippi River Wild and Scenic Land Use District:** The City of Elk River has designated a wild and scenic river land use district adjacent to the Mississippi River. The wild and scenic river district boundaries within the City of Elk River are defined in Minnesota Rules parts 6105.0910 and 6105.0959. The proposed reconstruction of the Main Street intersection with CSAH 42, and the Main Street connection to the proposed Highway 10 frontage road, are located within the Mississippi wild and scenic land use district boundaries.

  The Elk River wild and scenic river district ordinance is concerned with erosion control and utilizing natural vegetation and topography to screen views from public waters. Erosion control will follow best management practices and MnDOT practices in place at the time of final design and construction. Vegetation and aesthetic enhancements (i.e., landscaping) will be identified prior to construction, consistent with MnDOT practices in place at the time of project implementation.

<u>Erosion and Sedimentation</u>

There is a potential for erosion during construction, due to the presence of areas of Highly Erodible and Potentially Highly Erodible land and steep slopes within the project area, primarily along the Mississippi River. The potential for erosion during construction will exist, as soils are disturbed by excavation and grading. Erosion and sedimentation of all exposed soils within the project corridor will be minimized by utilizing the appropriate best management practices during

construction. Temporary and permanent erosion control plans will be identified in the final site grading and construction plans for each stage as required by the National Pollutant Discharge Elimination System (NPDES) construction stormwater permit in place at the time of project implementation.

Water Quality

The project will increase the amount of impervious surface in the corridor, thereby increasing stormwater runoff that may contain roadway pollutants. The proposed project will include a combined urban and rural stormwater conveyance system. The urban stormwater conveyance system will feature storm sewer and discharge to designated stormwater treatment facilities; the rural stormwater conveyance system will utilize vegetated ditches. All stormwater generated from the Highway 10 corridor and interchanges will be directed to stormwater detention basins and/or infiltration/filtration basins located throughout the extents of the proposed project. The proposed best management practices are expected to mitigate the adverse effects of the increased impervious surfaces and pollutant generation. In addition to providing water quality treatment, the stormwater detention basins will also provide discharge attenuation. The project will be revisited during final design to ensure that the design is consistent with water quality and quantity regulations in place at that time.

As described above, the Phase I ESA identified 36 sites of documented or potential contamination within the project study area. These potentially contaminated sites will be taken into consideration when choosing stormwater management and dewatering locations in order to avoid further contamination.

Minnesota Rules 7050.0180 classifies the segment of the Mississippi River adjacent to the Highway 10 project area as an Outstanding Resource Value Waters (ORVW). This classification imposes additional control on new or expanded discharges from either point or non-point sources to ORVWs. The current National Pollutant Discharge Elimination System (NPDES) Construction Stormwater (CSW) permit requires additional best management practices (BMPs) be met before water is discharged to surface waters, as outlined in Appendix A of the NPDES CSW permit. Stormwater BMPs will be identified during final design, consistent with MnDOT practices and NPDES permitting requirements in place at that time.

Noise

State daytime and nighttime noise standards are exceeded along the project corridor under existing conditions. State daytime and nighttime noise standards are predicted to be exceeded with future (2030) Build conditions. Construction of the project will result in increases in traffic noise due to changes in traffic volumes and changes in the vertical and horizontal alignment of project-area roadways. Cost-effectiveness of noise barriers was calculated; one 15-foot high wall located along the south side of Highway 10 between Proctor Avenue and Bridge Street that achieved a 5 dBA reduction was found to be cost-effective and is proposed.

Traffic noise impacts and mitigation will be re-assessed in the future at the time of project implementation, based on conditions and land uses in place at that time. Decisions on noise mitigation to be included in the project will be based on the results of the future noise impact

assessment. Final mitigation decisions will be subject to community input, input from affected property owners, and final design considerations.

Archaeological and Historic Resources

The project has been reviewed for Section 4(f) involvement. The project will cause an adverse effect to the St. Paul and Pacific (BNSF) Railroad Corridor, a historic district that has previously been determined as eligible for listing in the National Register of Historic Places (NRHP). A Section 4(f) review was completed for this property. The Final Section 4(f) Evaluation, included measures to minimize harm, is provided in Appendix D.

The proposed project has been reviewed pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended), in accordance with 36 CFR 800. As noted above, this project would result in an adverse effect to the St. Paul and Pacific (BNSF) Railroad Corridor, a historic resource eligible for listing on the NRHP.

Mitigation for adverse effects to the St. Paul and Pacific (BNSF) Railroad Corridor are described in detail in a Memorandum of Agreement (MOA) in compliance with the Section 106 process. The MOA will govern mitigation for adverse effects as a result of the proposed project. This will include an interpretive display to be located at the Northstar Commuter Rail Station in Elk River. The content of the display will be developed in consultation with the State Historic Preservation Office (SHPO) at the time of project implementation.

A Phase I archaeological survey was completed for the proposed project. The Phase I survey area for archaeology includes two locations, one on the eastern end and one on the western end of the APE. The eastern survey area was visually inspected and determined to have low archeological potential. For this reason, no additional work is recommended for the eastern survey area. The western survey area is located near Tipton Circle, northeast of Lake Orono. Landowner permission to access this survey area was denied. A Phase I survey of the western survey area will be conducted once access is obtained.

Visual Impacts

The proposed project will not create adverse visual impacts during construction or operation. The existing project environment includes the BNSF Railway, roadways, traffic signals, as well as the existing built environment within downtown Elk River. The proposed project will alter the existing visual elements with views of additional pavement, new retaining walls, new storm water ponds, and new bridges and interchange ramps. MnDOT will coordinate with the City of Elk River prior to project implementation to identify appropriate aesthetic enhancements for the Highway 10 project corridor, consistent with MnDOT policies in place at that time.

Railroad

The proposed project includes realignment of the BNSF Railway to consolidate the Highway 10 corridor and BNSF Railway corridor through Elk River and to accommodate grade-separations at Main Street, Jackson Avenue, and Proctor Avenue. A 6,000-foot long segment of the BNSF Railway will be realigned to the north of its existing alignment from the Great River Energy (GRE) site to east of Proctor Avenue, including construction of three new bridges

over/under local roadways. The proposed BNSF Railway alignment is located approximately 100 feet north of its existing alignment at Main Street. The proposed railroad right of way width is 100 feet. The proposed railroad right of way is designed to accommodate a future third track.

Impacts associated with the BNSF Railway realignment within Elk River as part of the Highway 10 Project are summarized below.

- **Right of way:** BNSF Railway realignment will require 13.1 acres of new right of way. The proposed realignment will require the total acquisition and relocation of 4 residential units and the total acquisition of 18 parcels currently in commercial uses. Acquisition of the 18 commercial parcels would currently result in 17 business relocations. Additional partial acquisitions will be necessary.
- **Train Noise:** Train noise will be evaluated as part of future project documentation based on MnDOT practice and methodology in place at that time.
- **Vernon Cemetery:** The Vernon Cemetery was determined not eligible for listing on the NRHP (see SHPO correspondence in Appendix B). Realignment of the BNSF Railway to the north will require minor realignment of an access road within the Vernon Cemetery. Additional studies will be undertaken during final design to confirm that the access road will not impact any burial sites.
- **Railroad Operations:** Maintenance of railroad operations was a key consideration in project development. Because the BNSF Railway would be constructed on a new alignment, the existing tracks would remain in operation during construction of the proposed alignment. When construction is complete, train traffic would be shifted to the new alignment and construction of the Highway 10 freeway section at Main Street could be completed. The existing tracks could then be removed.

MnDOT District 3 is also proposing reconstruction of Highway 169 to a freeway facility through Elk River (SP 7106-73). The Highway 169 Project includes construction of the BNSF Railway on a new alignment to the north of its existing alignment from the GRE Site east to 171st Avenue, including construction of a new railroad bridge over Highway 169. Construction of the BNSF Railway on a new alignment allows the existing tracks and bridge to remain in operation while the new tracks and bridge are under construction.

The BNSF Railway realignment associated with the Highway 10 Project and Highway 169 Project have been designed so that it is feasible for each to be constructed to match existing conditions or proposed future conditions on the BNSF Railway. However, it is likely that construction of the proposed BNSF Railway alignment, grade separations through downtown Elk River, and new bridge over Highway 169 would occur as one project.

Access Changes

The proposed project will result in the closure of access along Highway 10. This includes the closure of all private driveways within the project limits with access to Highway 10. Under Build conditions, businesses that had direct driveway access to Highway 10 will have traffic redirected to proposed frontage roads and the local road system. Local residents will access Highway 10 via

interchange ramps at Upland Avenue (westbound), Proctor Avenue (eastbound), and Main Street (eastbound). Although these access changes result in more circuitous travel routes for some properties, the increased travel distances are offset by improved safety and traffic operations within the study area (compared to the No Build Alternative).

Right of Way Acquisitions and Relocation

Approximately 46.5 acres of right of way (135 affected parcels) would potentially be required as either total or partial acquisitions for the proposed project. The proposed project would potentially require the total acquisition of 44 individual parcels currently in residential land uses. Of these 44 parcels, 41 represent single-family residences and one represents an apartment building along the east side of Proctor Avenue south of School Street. This apartment building houses 21 units.

The timing of these acquisitions and relocations would be dependent upon funding for the proposed project. The project is not funded or programmed at this time. Because the timing of future acquisition and relocation is unknown, the supply of replacement housing in Elk River may fluctuate over time. However, given the current available housing supply, residential growth patterns in Elk River, and potential redevelopment of downtown Elk River, there is no reason to believe that adequate replacement housing would not be available in the future at the time of project construction.

The proposed project would potentially require the total acquisition of 47 individual parcels in commercial land uses representing 30 businesses. Eighteen of the affected commercial parcels are vacant, and four of the commercial parcels are parking lots.

The City of Elk River recently redeveloped a portion of downtown south of Highway 10 with available retail/commercial space. Other commercial/retail space is available within Elk River along the Highway 169 commercial corridor. Future redevelopment of downtown north of Highway 10 will likely create additional commercial/retail opportunities, although no specific plans are in place at this time. Therefore, there is no reason to believe that adequate space would not be available for business relocations in the future at the time of project construction.

B. Cumulative Potential Effects of Related or Anticipated Future Projects

Construction of this project is not yet funded, and the EA/EAW process is being done at this time to support the anticipated future use of federal funding and to allow for land use and local transportation improvements, consistent with the proposed project, to be implemented over time as funding becomes available. Over time, new development and redevelopment of currently developed land can be expected to occur in the project vicinity.

As discussed in Section VII.A.29 of the EA/EAW, the cumulative potential effect of related or anticipated future development has been considered and the proposed project has low potential for cumulative impacts to the resources directly or indirectly affected by the project. Given laws, rules, and regulations in place, as well as local regulatory requirements and comprehensive planning and zoning laws, adverse cumulative impacts to these resources are not anticipated.

C. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies and will be subject to the plan approval and permitting process. Permits and approvals that have been obtained or may be required prior to project construction include those listed in Table 2.

TABLE 2
PERMITS AND APPROVALS

Permit	Agency	Action Required
Federal		
Environmental Assessment	FHWA	Approved
EIS Need Decision	FHWA	Determination
Section 106	MnDOT CRU on behalf of FHWA	Determination of Effect
Section 404 – General Permit/Letter of Permission (GP/LOP)	U.S. Army Corps of Engineers	Permit
State		
Environmental Assessment	MnDOT	Approved
EIS Need Decision	MnDOT	Determination
Public Waters Work Permit (if necessary)	Minnesota Department of Natural Resources (DNR)	Permit
Wetland Conservation Act (Replacement Plan) for new roads and capacity expansion projects	MnDOT with review by Board of Soil and Water Resources, and Minnesota Department of Natural Resources	Approval/Review
Temporary Water Appropriation Permit (if needed for dewatering)	DNR	Permit
National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit	Minnesota Pollution Control Agency (MPCA)	Permit
Section 401	MPCA	Certification
Section 106 (Historic / Archeological)	Minnesota State Historic Preservation Officer (SHPO)	Concurrence
Local		
Municipal Consent	City of Elk River	Approval
Other		
Railroad Agreement	MnDOT and BNSF Railway	Written Agreement
Railroad Permit	MnDOT and BNSF Railway	Permit (stand-alone or part of Agreement)

D. Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Environmental Studies

The Minnesota Department of Transportation has extensive experience in roadway construction. Many similar projects have been designed and constructed throughout the metropolitan area. No problem is anticipated which the staff of MnDOT District 3 have not encountered and successfully solved many times in similar projects in or near the project area. Because the project proposed in the EA/EAW is not funded for construction at this time, subsequent environmental documentation may need to occur closer to the time of construction. Future environmental studies will need to confirm environmental impacts and mitigative measures. MnDOT finds that the environmental effects of the project can be anticipated and controlled as a result of assessment of potential issues during environmental review, and MnDOT experience in addressing similar issues on previous projects.

IV. CONCLUSIONS

1. All requirements for environmental review of the proposed project have been met.

2. The EA/EAW and the permit development processes related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.

3. Areas where potential environmental effects have been identified will be addressed during the final design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigative measures are incorporated into project design, and have been or will be coordinated with state and federal agencies during the permit process.

4. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.

5. An Environmental Impact Statement is not required for the proposed Highway 10 in Elk River project.

For the Minnesota Department of Transportation

Frank W Pafko

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

2/27/12
Date

APPENDICES

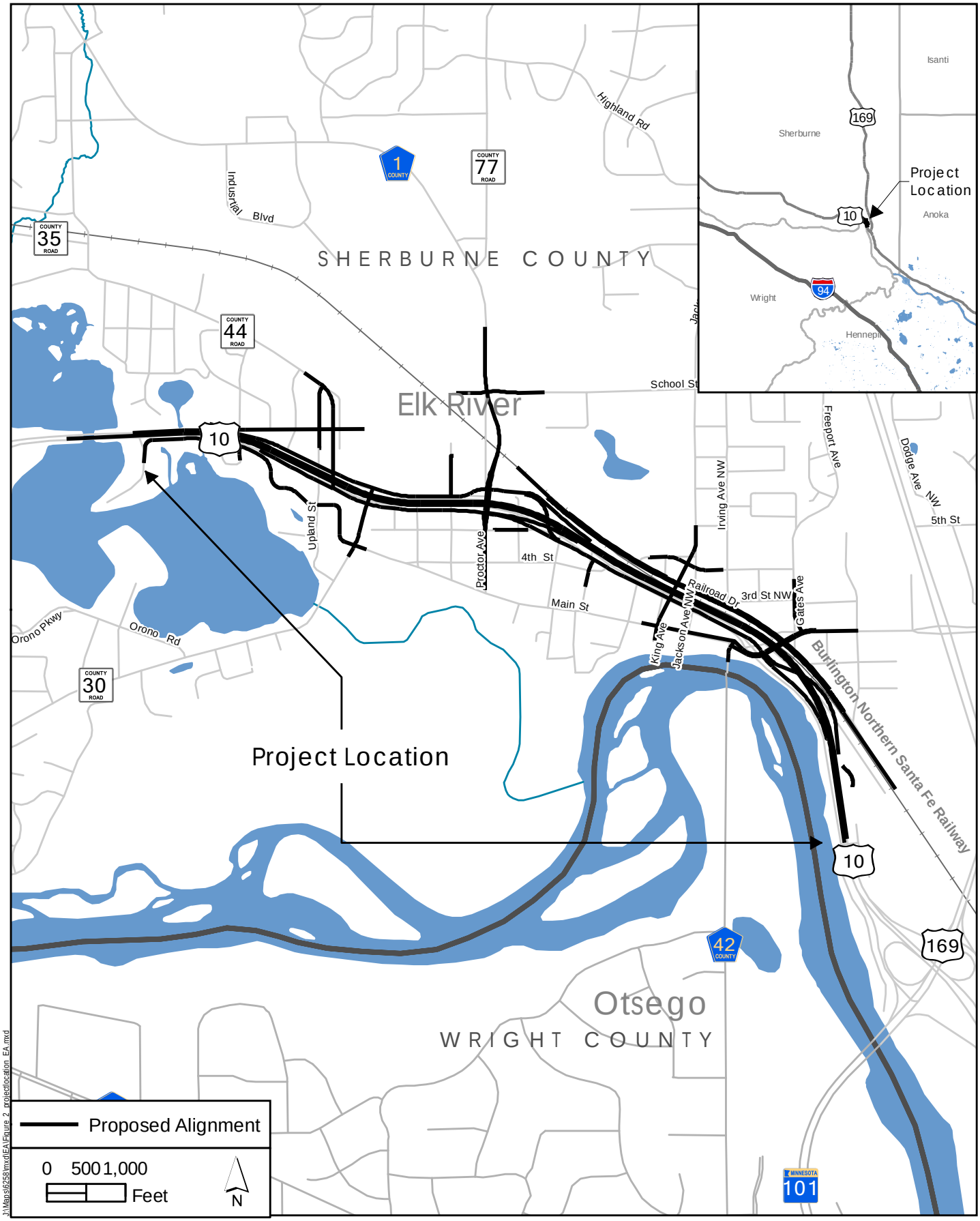
Appendix A

Figures

State Location Map

ENVIRONMENTAL ASSESSMENT
T.H. 10 - SP 7101-123

Figure 1



Project Location

ENVIRONMENTAL ASSESSMENT
T.H. 10 - SP 7101-123

Figure 2

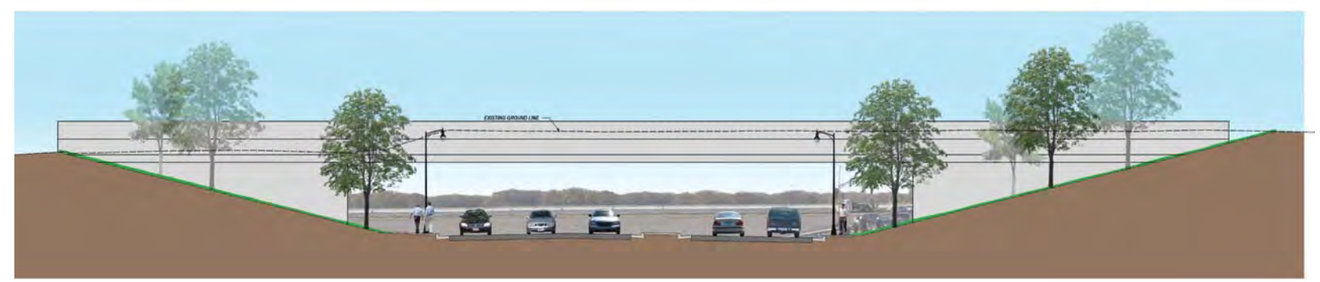
Mainline Cross-Sections

View from Highway 10, east of Upland Avenue, facing east.

View from Highway 10, west of Main Street, facing east

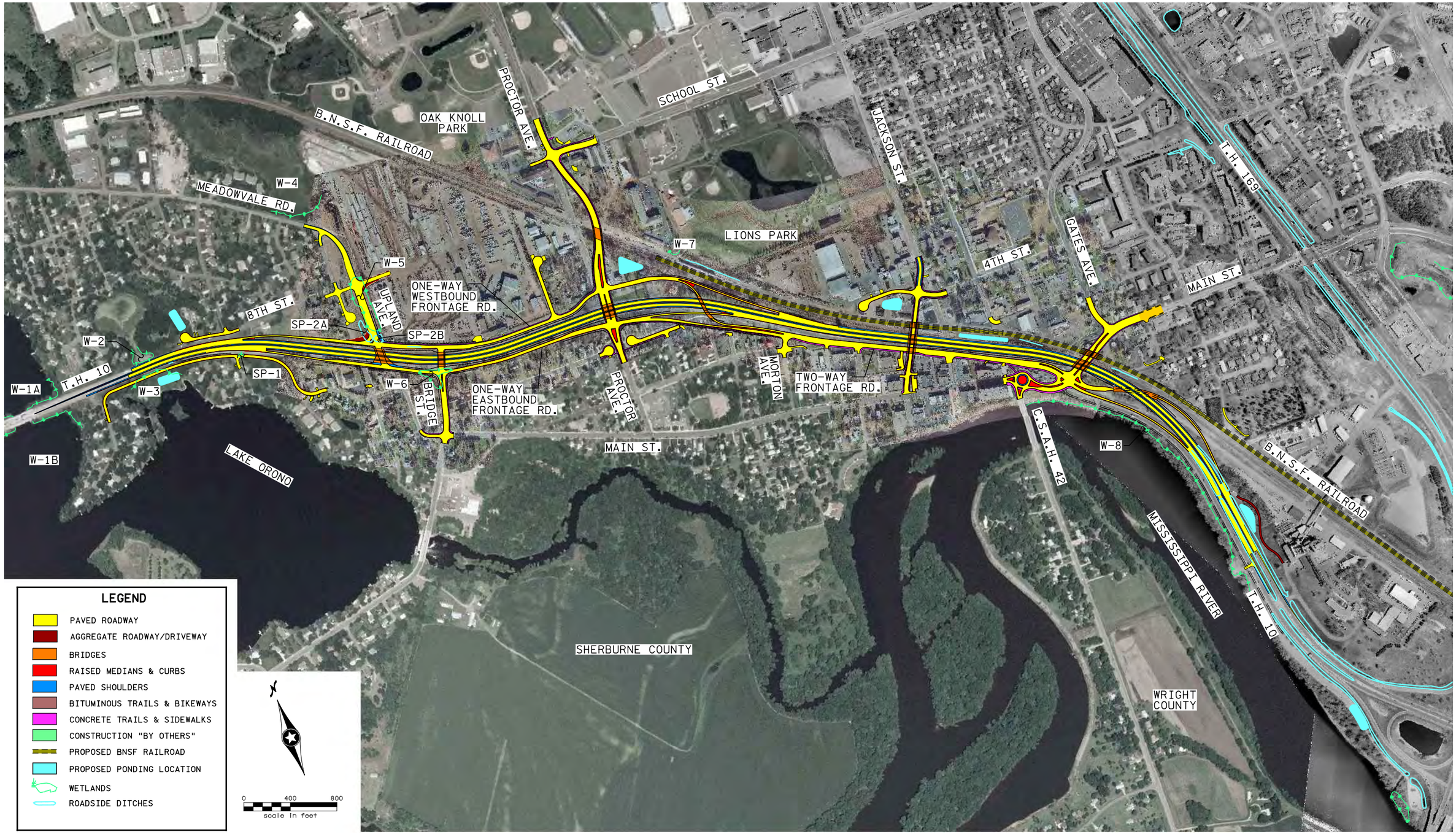
Cross Street Cross-Sections

View from Jackson Avenue, south of Highway 10, facing north



View from Main Street, north of Highway 10, facing south

Figure 3



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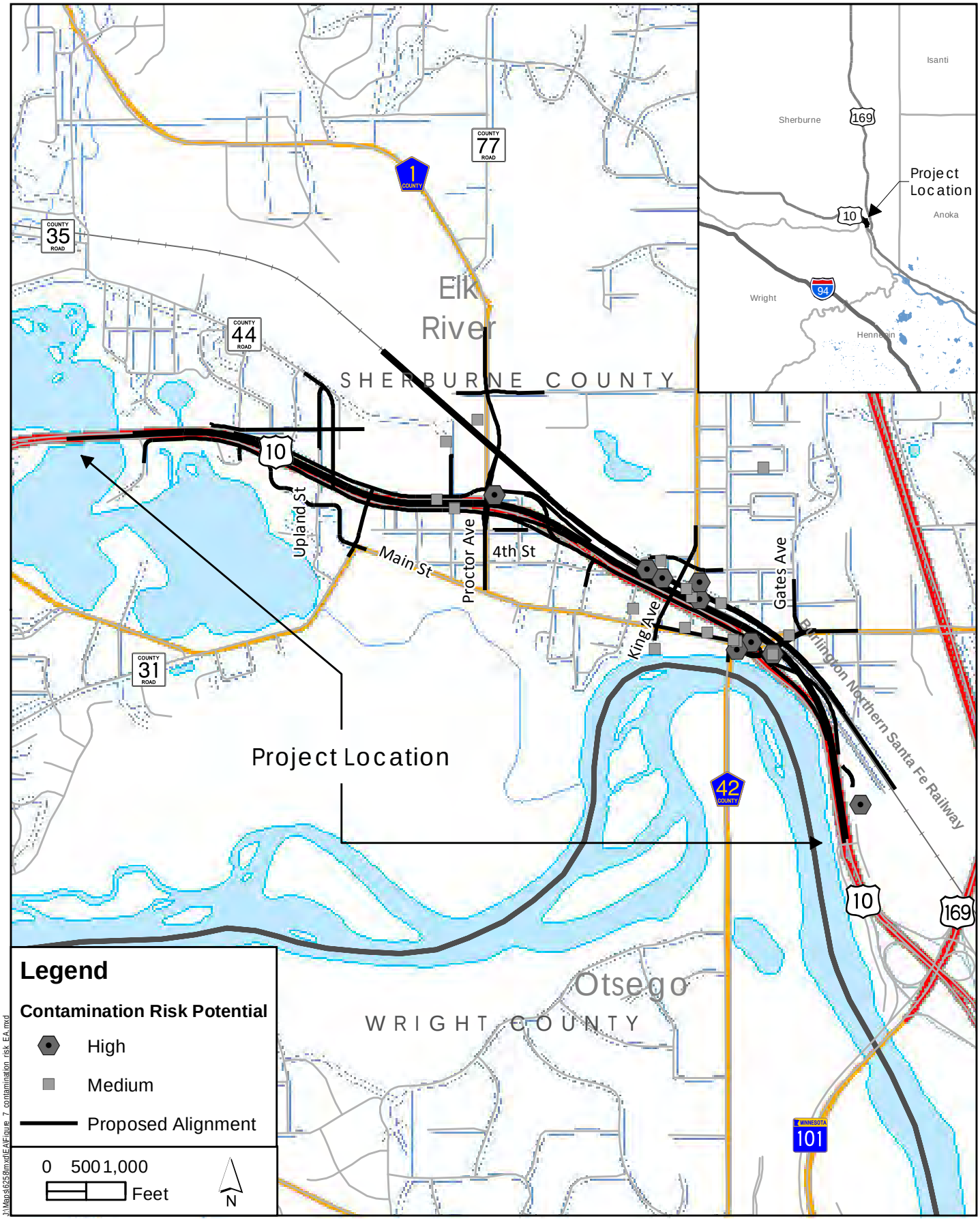
PROPOSED IMPROVEMENTS / WETLAND IMPACTS

ENVIRONMENTAL ASSESSMENT

T.H. 10 - SP 7102-123

Figure 4



Contamination Risk Potential

Figure 7

ENVIRONMENTAL ASSESSMENT
T.H. 10 - SP 7101-123

Appendix B

Comments Received

From:	Allison Radke
To:	Natalie Ries; James Hallgren; Greg Thompson
Subject:	Huber Court Reporting, public meetings 12/1 & 12/2 2010
Date:	Wednesday, December 29, 2010 1:08:38 PM

Attn: Natalie Ries
SRF Consulting
One Carlson Parkway North #150
Plymouth, MN 55447-4443

Dear Natalie:

Please be advised that the services of our agency, Huber Court Reporting, were retained by the Minnesota Department of Transportation to take down and transcribe into written record any public comments regarding environmental concerns at three public meetings held on the following dates, in the following cities: On December 1, 2010, in Zimmerman, Minnesota, at 5 to 7 p.m., and two meetings on December 2, 2010, in Elk River, Minnesota, both meetings at 5 to 7 p.m. As you will recall, you appeared as a represetative at each of these meetings on behalf of SRF Consulting.

This electronic communication is to document that no public comments were offered to the court reporters in attendance at any of the above three meetings. Therefore, no transcripts were prepared. Invoices for appearance fees have been submitted to MnDot, who contracted our services.

I would respectfully request you acknowledge receipt of this communication.
If I can be of any further assistance, Natalie, please do not hesitate to contact me.

Sincerely,

Allison Radke
Office manager
Huber Court Reporting
20702 27th Avenue East
Clearwater, MN 55320
800-247-1343

c: James Hallgren, MnDOT
Greg Thompson, MnDOT

Minnesota Department of Natural Resources

Division of Ecological and Water Resources
1200 Warner Road
St. Paul, MN 55106
651-259-5738

December 17, 2010 Transmitted Via E-mail

Jim Hallgren, Project Manager
Mn/DOT District 3
7694 Industrial Park Road
Baxter, MN 56425
James.hallgren@state.mn.us

RE: Trunk Highway 10 Reconstruction, Elk River Environmental Assessment/Environmental Assessment Worksheet (EA/EAW)

Dear Mr. Hallgren:

The Minnesota Department of Natural Resources (DNR) Central Region has reviewed the EA/EAW for the Trunk Highway 10 Reconstruction project in the City of Elk River. From a natural resources perspective, the document appears to be complete and accurate and does not require the preparation of an Environmental Impact Statement (EIS). However, the following comments are for your consideration.

A The Natural Heritage review referenced is dated 24 May 2008. The Division of Ecological and Water Resources maintains the Natural Heritage Information System (NHIS), a collection of databases that provides information on Minnesota's rare plants, animals, native plant communities, and other rare features. The NHIS is the most complete source of data on Minnesota's rare natural features because it is continually updated as new information becomes available. As such, our general policy is that Natural Heritage reviews should not be considered valid if it has been more than one year since the review. For future correspondence, please note that the ERDB file number referenced in the 24 May 2008 letter is incorrect. The correct ERDB number for this project is 20080649.

B A current query of the NHIS shows a peregrine falcon (*Falco peregrinus*) record in addition to those records listed on the May 2008 NHIS Index Report. Falcons have nested at the Great River Energy plant in each of the last four years. It is unlikely that the proposed construction activities will affect these birds, but if the birds exhibit unusual behaviors or other signs of potential distress during construction please contact Krista Larson, Central Region Nongame Wildlife Specialist, at 651-259-5775 or Krista.larson@state.mn.us.

C The document information indicates that, given the proximity of groundwater to the roadway surface within the project area, a DNR Permit Application for Appropriation of Waters may be necessary to acquire for project construction. Numerous known or potentially contaminated sites are located near the Highway 10 corridor. Dewatering locations should take these sites into consideration to avoid further contamination in this area.

Thank you for the opportunity to review this project and the EA/EAW. We look forward to receiving your record of decision and responses to comments at the conclusion of environmental review. Minnesota Rules part 4410.1700, subparts 4 and 5, require you to send us your Record of Decision within five days of deciding on this action.

If you have any questions about these comments, please call Melissa Doperalski, Regional Environmental Assessment Ecologist, at 651-259-5738, or by e-mail at melissa.doperalski@state.mn.us.

Sincerely,

Joseph M. Kurcinka
Regional Director

CC: Steve Colvin, Bernice Cramblit, Melissa Doperalski, Liz Harper, Roger Stradal, Krista Larson, Lisa Joyal, Paul Diedrich, Fred Bengtson, Nicholas Snavely, REAT (DNR)
Nick Rowse (USFWS)
Jon Larsen (EQB)

ELK10 TH 10 EAW.doc
ERDB#20080649

Minnesota Pollution Control Agency
520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

December 16, 2010

Mr. Jim Hallgren
Project Manager
Mn/DOT District 3
7694 Industrial Park Road
Baxter, MN 56425

Re: Trunk Highway 10 in Elk River Environmental Assessment/Environmental Assessment Worksheet

Dear Mr. Hallgren:

Thank you for the opportunity to review and comment on the Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) for the Trunk Highway 10 in Elk River project (Project) in Sherburne County, Minnesota. The Project consists of the reconstruction of Highway 10 within Elk River from an urban roadway to a freeway. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, MPCA staff has the following comments for your consideration.

Physical Impacts on Water Resources (Item 12)

A The MPCA rules governing wetlands, Minn. R. 7050.0186, should also be mentioned in this section of the EA/EAW. The statement that on-site "incidental wetlands" can be legally impacted without providing any compensatory mitigation needs to be revised to identify that while this may be correct under the Wetland Conservation Act, compensatory mitigation will still have to be provided for these wetlands under the MPCA rules. The Project will need to provide adequate compensatory mitigation for all on-site wetland impacts.

Water Use (Item 13)

B The discussion on dewatering indicates that dewatering may be necessary on this Project. The discussion indicated correctly that Minnesota Department of Natural Resources permits may be required but, in addition, the discussion should also include that when dewatering is conducted, the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater (CSW) Permit requires treatment (e.g., Sedimentation Basin or other appropriate best management practices [BMPs]) of the dewater before it is discharged.

Water-Related Land Use Management District (Item 14)

C
- This item correctly identifies the adjacent Mississippi River as a State-Designated Wild and Scenic River. The discussion should also include that MPCA water quality standards in Minn. R. 7050.0180 also classifies this as a designated scenic river segment and, therefore, as an Outstanding Resource Value Waters (ORVW), imposes additional anti-degradation limitations upon any discharges to this segment. Additionally, it should be noted in the EA/EAW that the NPDES CSW Permit will require additional BMPs during construction and also additional permanent stormwater treatment BMPs post construction as identified in Appendix A of the permit. An undisturbed buffer will be required to be maintained to protect the ORVW. Questions regarding construction stormwater permit requirements should be directed to Larry Zdon at 651-757-2839.

These additional BMPs in the CSW Permit Appendix A will require that the water quality volume of one inch of runoff from the new impervious surfaces created by the Project must be treated by the Project's permanent stormwater management system and, where site conditions allow, at least ½-inch of that water quality volume must be infiltrated where site conditions are appropriate and does not conflict with well head protection requirements.

- Orono Lake was correctly identified in the document in accordance with its impaired status as listed on the MPCA 303d Impaired Waters List. In addition, the EA/EAW should also note that because if this status the CSW Permit Appendix A will require that the water quality volume of one inch of runoff from the new impervious surfaces created by the Project discharging to this water body must be treated by the Project's permanent stormwater management system and where site conditions allow, at least ½-inch of that water quality volume must be infiltrated where site conditions are appropriate and does not conflict with well head protection requirements.

D

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EA/EAW, please contact me at 651-757-2508.

Sincerely,

Karen Kromar

Karen Kromar
Planner Principal
Environmental Review and Feedlot Section
Regional Division

KK:mbo

cc: Craig Affeldt, MPCA, St. Paul
Larry Zdon, MPCA, St. Paul
Scott Lucas, MPCA, Brainerd
Reed Larson, MPCA, Brainerd

GREAT RIVER
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December 16, 2010

Jim Halgren
Project Manager
Mn/DOT District 3
7694 Industrial Park Road
Baxter, MN 56425-8096

SUBJECT: EAW and DRAFT SECTION 4(f) EVALUATION COMMENTS
TRUNK HIGHWAY 169 ELK RIVER TO ZIMMERMAN (S.P. 7106-71)
TRUNK HIGHWAY 10 ELK RIVER (S.P. 7102-123)

Dear Mr. Halgren:

Representatives of Great River Energy attended the open house meeting hosted by the Minnesota Department of Transportation at the City of Elk River offices on Thursday December 2, 2010. Subsequently, several other staff members of Great River Energy have reviewed the conceptual State Highway 10 and 169 layout plans that were recently provided to us. We have identified several economic and operational impacts that would be incurred by Great River Energy if the proposed highway and railroad improvements materialize in the future.

The following list outlines several issues identified by Great River Energy:

- Economic impact resulting from the loss of four existing points of access
- Negative impact resulting from one lengthy and circuitous access provided by the new Carson Street.
- The new Carson Street access road travels through a residential neighborhood. Great River Energy needs guarantees from the City that all future truck traffic generated by its routine operations will be permitted to travel through this residential area. This issue may require modifications to the existing plant operating permit.
- A second point of access is essential to GRE's operations. The plan identifies a possible second access "by others". Great River Energy needs assurances this second point of access will be provided in a timely manner and at no cost to Great River Energy.
- A need for a traffic signal at the proposed Carson/Main intersection to provide safe and efficient ingress/egress movements for GRE's large trucks and trailers
- Intersection geometrics at proposed Carson/Main and Main/169 must accommodate the ultra-long trailers used for transporting large turbines, generators, and transformers (see enclosed photo for reference)
- Economic impact of potential generation plant shut-down during railroad realignment due to inability to operate the RDF conveyance system over the railroad tracks.

Direct Dial (763) 445-5979 E-Mail rheuring@grenergy.com FAX (763) 445-6779

- Probable impacts to the ingress/egress routes used by trucks delivering RDF to the receiving building as a result of the railroad realignment at the private road crossing.
- Vertical conflicts with RDF conveyor system caused by railroad realignment.
- Horizontal conflicts with RDF conveyor system pier caused by railroad realignment.
- Potential safety issues resulting from railroad realignment located in proximity of the three large fuel storage tanks.
- Loss of existing outdoor storage area caused by the railroad realignment and the City's need for a new ingress/egress route through GRE's property adjacent to the sewage treatment facility.
- Impact to existing GRE utilities (fuel oil piping, electrical conductors, and steam lines) under railroad (old coal tunnel).
- Great River Energy needs to maintain its ability to utilize the private railroad crossing at all times before, during and after the railroad realignment in order to maintain the critical and essential operation of its generating facilities.
- Great River Energy's 69 kV transmission lines (CO-ELX, EPX, EMX, EW, EP, and CO-ES) and 230 kV transmission lines (EO and PE) will likely be impacted by the proposed interchanges and highway realignment at 10/169 and 169/Main. Modifications and/or relocation of these transmission facilities will require transmission outage scheduling of up to two years in advance. The construction, permitting and right of way costs to relocate and/or modify these facilities will be significant. Great River Energy's position is that these relocation costs are fully reimbursable.
- Impact to heat pump loop currently located in MnDOT right of way.
- Impact to previous traffic patterns used for large trucks delivering/picking up materials at the outdoor storage yard located along Great River Energy Drive.
- Impact to the subsurface drainage collection system located adjacent to the main entrance along Hwy 10.

Thank you for providing Great River Energy the opportunity to comment on the two subject highway project reports.

Sincerely,

GREAT RIVER ENERGY

Mark Lucas
Manager, Facilities Services

Rick Heuring
Senior Field Representative

Enclosure

RH:jh\r:\allpropinfo\outpostlocations\elkriverfeeowned\GREcommentstoMndotreports.doc

Direct Dial (763) 445-5979 E-Mail rheuring@grenergy.com FAX (763) 445-6779

GT6-5000F(4)

Highway 10 in Elk River
Environmental Assessment / Environmental Assessment Worksheet
Public Hearing - December 2, 2010

COMMENT SHEET

YOUR COMMENTS ARE IMPORTANT TO US! Please write your comments regarding the EA/EAW on this form. Your comments will become part of the formal project record and will be used by Mn/DOT to help determine if further environmental study is needed. You may either put your completed form in the comment box or mail it to the address listed on the back.

Name: DAVID ANDERSON

Address: 14845 CORD 30 ELK RIVER, MN 55330

Your Comments: I WORK FOR CRETEX.

THE UPLAND REALIGNMENT GOES THROUGH A RETENTION/SETTLEMENT POND THE COLLECTS THE DRAINAGE FROM OUR CRETEX PLANT PROPERTY. FUTURE ACCOMODATIONS WILL HAVE TO BE MADE TO REPLACE THIS SYSTEM.

Thank you for participating!

NOTE: Mailed comments must be received by ***Monday, December 20, 2010.***

Highway 10 in Elk River
Environmental Assessment / Environmental Assessment Worksheet
Public Hearing - December 2, 2010

COMMENT SHEET

YOUR COMMENTS ARE IMPORTANT TO US! Please write your comments regarding the EA/EAW on this form. Your comments will become part of the formal project record and will be used by Mn/DOT to help determine if further environmental study is needed. You may either put your completed form in the comment box or mail it to the address listed on the back.

Name: Ken Beaudry

Address: 630 Proctor

Your Comments: The Hwy 10 Project doesn't allow for future C-3 Hwy comercial Anywhere that is feasible for a on/off type Business - I think 169 Turned out great, But I Looked and Looked Hwy 10 and it doesn't work. I'm ok with my Businesses Being Taken out, But to Re Build, There is No way to Mey it feasible the way it is proposed right now.

Thank you for participating!

NOTE: Mailed comments must be received by ***Monday, December 20, 2010.***

Brett Danner

From: Hallgren, Jim (DOT) [James.Hallgren@state.mn.us]
Sent: Friday, December 10, 2010 8:51 AM
To: Brett Danner; Dave Montebello
Subject: FW: D3 project highway 10

From: rhonda danielson [mailto:owlwoman@sherbtel.net]
Sent: Thursday, December 09, 2010 6:31 PM
To: Hallgren, Jim (DOT)
Subject: D3 project highway 10

Mr. Hallgren,

On behalf of my mother, Barbara Maricle, who is a resident of the city of Elk River and resides along the projected highway 10 corridor and myself as an interested party, I am e-mailing to you a list of questions regarding the proposed highway 10 project that my mother and I have arrived at after reading the literature that was available at the Thursday, December 2, 2010 meeting.

These questions appear in no particular order and for no particular municipality. Some of these questions are for the city of Elk River,
some are for the state of Minnesota, and some are for the federal transportation department.

The questions are as follows:

A What is the right of way footage for the expressway? For the frontage roads? And finally for the completed freeway as well?

B How will the city of Elk River and its businesses benefit from being bypassed by the expressway/freeway? Those businesses that are currently on the highway 10 corridor are visible and accessible from the highway. With the proposed road closings and interchanges those businesses will no longer be visible nor easily easily accessible. People <u>will not</u> make more than three turns to get to a business such as a gas station or restaurant that they see from a freeway.

C Will there be tax assessments on Elk River citizens/businesses to fund parts of this project? Specifically the land acquisitions and utility moves.

D With the widening of Highway 10, the rerouting of the railroad, the construction of the overpasses and drainage ponds and the frontage roads, how much of "Historic Elk River" which includes highway 10 (highway 10 being the Red River ox cart trail), the railroad as well as many of the buildings on either side of Highway 10, Jackson Street, Main St., Proctor Avenue and Upland Avenue will be left?

E Will the residents of Elk River, especially those affected by the highway 10 project be notified of project approval or denial? And if so, how.

F Does the EA/EAW and environmental impact studies take into account the sinkholes that open up periodically on the north side of Highway 10 between Main St. and Proctor? And if so, how does the state of Minnesota and the federal government plan to deal with the sinkholes considering that they are created by both the Mississippi river and the Elk river itself. Neither of these rivers can be drained.

G Once the period of public commentary is completed how long will it take until the project is either approved or denied at the federal level?

H Does the environmental impact study as well as the overall project study take under consideration the flooding that occurred in 1966 and 1968 that closed Hwy. 10 to all traffic except for semi's from the highway 101/169 interchange to Main Street? The project calls for lowering the grade of Highway 10 which would allow any flooding that occurred between the highway 101/169 interchange to Main Street to actually continue along Highway 10 to the west side of the city. In essence this project could conceivably be creating a new floodplain for the Mississippi river.

I What/where are the 26 contaminated sites and what are they contaminated with?

Is the nuclear reactor site on the grounds of what is now Great River Regional Energy one of the 26 contaminated sites?

J This study does not take into account the impact of the North Star Commuter Rail on traffic into and out of the metro area as the study is based upon 2007 and 2008 traffic information. Has the study been adjusted to account for ridership on the commuter rail? If not, why not? Ridership removes traffic from the highway 10 corridor, reduces crashes, and is growing. It is a factor in any traffic study for highway 10.

K With a contracting State, national and international population over the next 15 to 20 years where anywhere from 1/3 to 1/2 of the population of this state, this country and this planet will be dead, where are the federal DOT and state DOT getting the numbers that show an increased growth in population and traffic that adds another 20,000 to 30,000 vehicles per day to the traffic on highway 10? The growth rate cited in this study is physically and numerically impossible given the fact that overall population is contracting. There will be no immigration or outward movement from the metro area to support these numbers.

As project manager for the highway 10 reconstruction project your consideration of these questions and concerns would be greatly appreciated. If you need further clarification or additional information please contact either my mother or myself at the following addresses:

Barbara Maricle
1234 6th Street
Elk River MN55330
763-441-2505

Rhonda Danielson
8900 County Rd. 5 NW.
Princeton MN 55371
763-389-3506
owlwomam@sherbtel.net

Rhonda Danielson

Life is what you make of it friend.
If it doesn't fit, make alterations.
----------Stella from Silverado

Brett Danner

From: Hallgren, Jim (DOT) [James.Hallgren@state.mn.us]
Sent: Monday, December 20, 2010 8:00 AM
To: Dave Montebello; Brett Danner
Subject: FW: Highway 10 reconstruction and railroad realignment

fyi

From: rhonda danielson [mailto:owlwoman@sherbtel.net]
Sent: Saturday, December 18, 2010 5:26 PM
To: Hallgren, Jim (DOT)
Subject: Highway 10 reconstruction and railroad realignment

James,

I have just begun reading the actual written proposal and descriptions of the realignment of the BNSF railroad and the reconstruction of Highway 10 and the institution of service roads through Elk River.

Question for you, in developing this plan has anyone on this project talked to people who grew up in Elk River between the years of 1950 and 1980? Or better yet, second or third generation residents of Elk River?

I ask that because the plan to elevate the railroad at Jackson Street to me is absolutely insane. Why? Because that stretch of railroad between Proctor Avenue through Jackson and up to the back end of
L Great River Regional Energy is notorious for derailments. You really should check the records from 1950 through 1990 for the number of derailments, how fast the train was going, and where the train parts came to rest.

It is one thing to have train cars sliding along the railroad and highway right of ways, it is quite another to have those same train cars flying through the air because the track has been elevated.

Any bridge that is built over the train track (such as described at Proctor) would have to be able to withstand the impact of multiple train cars leaving those tracks at 45 miles an hour or better. Since
M Proctor Avenue is one of the main school bus routes between the two halves of town, what are acceptable losses of school buses and the children on them when a train derails and takes out the proposed bridge?

If BNSF no longer has the records for the derailments and who was cited and why, check with the Elk River Star News and their archives. I am sure their records are quite extensive both in reporting and in history.

Because of that stretch between Jackson and Great River Regional Energy I will not ride the commuter rail from Elk River to Big Lake. I will gladly get on at the Elk River station and take the train into Minneapolis.

Rhonda Danielson

Appendix C

Responses to Comments

COMMENT

Minnesota Department of Natural Resources

Division of Ecological and Water Resources
1200 Warner Road
St. Paul, MN 55106
651-259-5738

December 17, 2010

Transmitted Via E-mail

Jim Hallgren, Project Manager
Mn/DOT District 3
7694 Industrial Park Road
Baxter, MN 56425
James.hallgren@state.mn.us

RE: Trunk Highway 10 Reconstruction, Elk River Environmental Assessment/Environmental Assessment Worksheet (EA/EAW)

Dear Mr. Hallgren:

The Minnesota Department of Natural Resources (DNR) Central Region has reviewed the EA/EAW for the Trunk Highway 10 Reconstruction project in the City of Elk River. From a natural resources perspective, the document appears to be complete and accurate and does not require the preparation of an Environmental Impact Statement (EIS). However, the following comments are for your consideration.

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B A current query of the NHIS shows a peregrine falcon (*Falco peregrinus*) record in addition to those records listed on the May 2008 NHIS Index Report. Falcons have nested at the Great River Energy plant in each of the last four years. It is unlikely that the proposed construction activities will affect these birds, but if the birds exhibit unusual behaviors or other signs of potential distress during construction please contact Krista Larson, Central Region Nongame Wildlife Specialist, at 651-259-5775 or Krista.larson@state.mn.us.

C The document information indicates that, given the proximity of groundwater to the roadway surface within the project area, a DNR Permit Application for Appropriation of Waters may be necessary to acquire for project construction. Numerous known or potentially contaminated sites are located near the Highway 10 corridor. Dewatering locations should take these sites into consideration to avoid further contamination in this area.

Thank you for the opportunity to review this project and the EA/EAW. We look forward to receiving your record of decision and responses to comments at the conclusion of environmental review. Minnesota Rules part 4410.1700, subparts 4 and 5, require you to send us your Record of Decision within five days of deciding on this action.

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RESPONSE

Minnesota Department of Natural Resources (MnDNR)

Response A: There is currently no funding programmed for right of way acquisition and construction of the proposed project. It is anticipated that, at a minimum, a re-evaluation of the EA/EAW will be necessary prior to project implementation. MnDOT will coordinate with the MnDNR for further NHIS review at the time of the re-evaluation. The ERDB number has been corrected in the Findings of Fact and Conclusions document.

Response B: MnDOT will contact MnDNR Central Region Nongame Wildlife Specialist if peregrine falcons exhibit unusual behaviors or other signs of potential distress during project construction.

Response C: As discussed in Section II of the Findings of Fact and Conclusions document, the Phase I Environmental Site Assessment (ESA) has been updated since publication of the EA/EAW. The Phase I ESA was completed in February 2009, and it found 36 sites of documented or potential contamination within the project study area. These potentially contaminated sites along the Highway 10 corridor will be taken into consideration when choosing dewatering locations in order to avoid further contamination in this area.

COMMENT

Trunk Highway 10 Reconstruction – Elk River EA/EAW
DNR Comments
December 17, 2010

If you have any questions about these comments, please call Melissa Doperalski, Regional Environmental Assessment Ecologist, at 651-259-5738, or by e-mail at melissa.doperalski@state.mn.us.

Sincerely,

Joseph M. Kurcinka
Regional Director

CC: Steve Colvin, Bernice Cramblit, Melissa Doperalski, Liz Harper, Roger Stradal, Krista Larson, Lisa Joyal, Paul Diedrich, Fred Bengtson, Nicholas Snavely, REAT (DNR)
Nick Rowse (USFWS)
Jon Larsen (EQB)

ELK10 TH 10 EAW.doc
ERDB#20080649

RESPONSE

Minnesota Department of Natural Resources (MnDNR)

THIS COLUMN INTENTIONALLY LEFT BLANK

COMMENT

Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

December 16, 2010

Mr. Jim Hallgren
Project Manager
Mn/DOT District 3
7694 Industrial Park Road
Baxter, MN 56425

Re: Trunk Highway 10 in Elk River Environmental Assessment/Environmental Assessment Worksheet

Dear Mr. Hallgren:

Thank you for the opportunity to review and comment on the Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) for the Trunk Highway 10 in Elk River project (Project) in Sherburne County, Minnesota. The Project consists of the reconstruction of Highway 10 within Elk River from an urban roadway to a freeway. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, MPCA staff has the following comments for your consideration.

Physical Impacts on Water Resources (Item 12)

A The MPCA rules governing wetlands, Minn. R. 7050.0186, should also be mentioned in this section of the EA/EAW. The statement that on-site "incidental wetlands" can be legally impacted without providing any compensatory mitigation needs to be revised to identify that while this may be correct under the Wetland Conservation Act, compensatory mitigation will still have to be provided for these wetlands under the MPCA rules. The Project will need to provide adequate compensatory mitigation for all on-site wetland impacts.

Water Use (Item 13)

B The discussion on dewatering indicates that dewatering may be necessary on this Project. The discussion indicated correctly that Minnesota Department of Natural Resources permits may be required but, in addition, the discussion should also include that when dewatering is conducted, the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater (CSW) Permit requires treatment (e.g., Sedimentation Basin or other appropriate best management practices [BMPs]) of the dewater before it is discharged.

Water-Related Land Use Management District (Item 14)

C
- This item correctly identifies the adjacent Mississippi River as a State-Designated Wild and Scenic River. The discussion should also include that MPCA water quality standards in Minn. R. 7050.0180 also classifies this as a designated scenic river segment and, therefore, as an Outstanding Resource Value Waters (ORVW), imposes additional anti-degradation limitations upon any discharges to this segment. Additionally, it should be noted in the EA/EAW that the NPDES CSW Permit will require additional BMPs during construction and also additional permanent stormwater treatment BMPs post construction as identified in Appendix A of the permit. An undisturbed buffer will be required to be maintained to protect the ORVW. Questions regarding construction stormwater permit requirements should be directed to Larry Zdon at 651-757-2839.

Equal Opportunity Employer

RESPONSE

Minnesota Pollution Control Agency (MPCA)

Response A: Refer to Section III.A for a description of existing ditches and stormwater ponds within the project area. Incidental wetlands fall outside of the scope of the Wetland Conservation Act (WCA). At the time of permitting, current rules and laws will be used to determine jurisdictional authority and mitigation.

Response B: Given the proximity of groundwater to the roadway surface within the project area, it is likely that temporary dewatering will be needed during construction. Prior to construction, MnDNR groundwater appropriation permits and a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater (CSW) permit will be obtained before any temporary dewatering activities begin. All permit conditions (e.g., temporary/permanent sedimentation basins, or other BMPs) will be implemented prior to any dewatering activities. If water is discharged from a permanent or temporary sedimentation basin, it will be checked to ensure adequate treatment was obtained, and that no-nuisance conditions will result from the discharge.

Response C: In addition to the land use requirements highlighted in Section VII.A.14 of the EA/EAW, Minn R. 7050.0180 classifies the segment of the Mississippi River adjacent to the project area as an Outstanding Resource Value Waters (ORVW). This classification imposes additional control on new or expanded discharges from either point or non-point sources to OWVRs. The current NPDES CSW permit requires additional BMPs be met before water is discharged to surface waters, as outlined in Appendix A of the NPDES CSW permit. BMPs will be identified during final design, consistent with MnDOT practices and NPDES permitting requirements in place at that time.

COMMENT

Mr. Jim Hallgren
December 16, 2010
Page 2

These additional BMPs in the CSW Permit Appendix A will require that the water quality volume of one inch of runoff from the new impervious surfaces created by the Project must be treated by the Project's permanent stormwater management system and, where site conditions allow, at least ½-inch of that water quality volume must be infiltrated where site conditions are appropriate and does not conflict with well head protection requirements.

- Orono Lake was correctly identified in the document in accordance with its impaired status as listed on the MPCA 303d Impaired Waters List. In addition, the EA/EAW should also note that because if this status the CSW Permit Appendix A will require that the water quality volume of one inch of runoff from the new impervious surfaces created by the Project discharging to this water body must be treated by the Project's permanent stormwater management system and where site conditions allow, at least ½-inch of that water quality volume must be infiltrated where site conditions are appropriate and does not conflict with well head protection requirements. D

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EA/EAW, please contact me at 651-757-2508.

Sincerely,

Karen Kromar

Karen Kromar
Planner Principal
Environmental Review and Feedlot Section
Regional Division

KK:mbo

cc: Craig Affeldt, MPCA, St. Paul
Larry Zdon, MPCA, St. Paul
Scott Lucas, MPCA, Brainerd
Reed Larson, MPCA, Brainerd

RESPONSE

Minnesota Pollution Control Agency (MPCA)

Response D: This comment is noted. Orono Lake is listed on the 2010 draft 303d List of Impaired Waters for Minnesota, and is impaired for nutrient loading and eutrophication with the affected use of aquatic recreation. Stormwater discharges from the proposed project west of Proctor Avenue would be discharged to Lake Orono or the Elk River. Stormwater BMPs for the proposed project will be designed and implemented consistent with NPDES permit standards in place at the time of permitting and construction.

COMMENT

GREAT RIVER ENERGY

12300 Elm Creek Boulevard • Maple Grove, Minnesota 55369-4718 • 763-445-5000 • Fax 763-445-5050 • www.GreatRiverEnergy.com

December 16, 2010

Jim Halgren
Project Manager
Mn/DOT District 3
7694 Industrial Park Road
Baxter, MN 56425-8096

SUBJECT: EAW and DRAFT SECTION 4(f) EVALUATION COMMENTS
TRUNK HIGHWAY 169 ELK RIVER TO ZIMMERMAN (S.P. 7106-71)
TRUNK HIGHWAY 10 ELK RIVER (S.P. 7102-123)

Dear Mr. Halgren:

Representatives of Great River Energy attended the open house meeting hosted by the Minnesota Department of Transportation at the City of Elk River offices on Thursday December 2, 2010. Subsequently, several other staff members of Great River Energy have reviewed the conceptual State Highway 10 and 169 layout plans that were recently provided to us. We have identified several economic and operational impacts that would be incurred by Great River Energy if the proposed highway and railroad improvements materialize in the future.

The following list outlines several issues identified by Great River Energy:

- Economic impact resulting from the loss of four existing points of access
- Negative impact resulting from one lengthy and circuitous access provided by the new Carson Street.
- The new Carson Street access road travels through a residential neighborhood. Great River Energy needs guarantees from the City that all future truck traffic generated by its routine operations will be permitted to travel through this residential area. This issue may require modifications to the existing plant operating permit.
- A second point of access is essential to GRE's operations. The plan identifies a possible second access "by others". Great River Energy needs assurances this second point of access will be provided in a timely manner and at no cost to Great River Energy.
- A need for a traffic signal at the proposed Carson/Main intersection to provide safe and efficient ingress/egress movements for GRE's large trucks and trailers
- Intersection geometrics at proposed Carson/Main and Main/169 must accommodate the ultra-long trailers used for transporting large turbines, generators, and transformers (see enclosed photo for reference)
- Economic impact of potential generation plant shut-down during railroad realignment due to inability to operate the RDF conveyance system over the railroad tracks.

Direct Dial (763) 445-5979 E-Mail rheuring@grenergy.com FAX (763) 445-6779

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RESPONSE

Great River Energy (GRE)

MnDOT District 3 is proposing reconstruction of Highway 169 to a freeway facility through Elk River to Zimmerman (SP 7106-73 and SP 7106-71), including reconstruction of the Highway 10/101/169 system interchange. An EA/EAW evaluating the impacts of the Highway 169 Project was published in December 2010. A Findings of Fact and Conclusion (FOF&C) is anticipated to be completed concurrently with this FOF&C.

The Highway 169 Project includes construction of the BNSF Railway on a new alignment to the north of its existing alignment from the Great River Energy (GRE) Site to 171st Avenue, including construction of a new bridge over Highway 169. The BNSF Railway realignment associated with the Highway 10 Project and Highway 169 Project have been designed so that it is feasible for each to be constructed to match existing conditions or proposed future conditions. However, it is likely that construction of the proposed BNSF Railway alignment, grade separations through downtown Elk River, and new bridge over Highway 169 would occur as one project.

The bullet point list of issues and concerns identified by GRE in their letter are all related to the proposed Highway 169 Project (SP 7106-73 and SP 7106-71), and will be addressed in the Highway 169 FOF&C. Therefore, no response to these issues is provided in this FOFC.

COMMENT

Jim Halgren
Mn/DOT District 3
Page Two

- Probable impacts to the ingress/egress routes used by trucks delivering RDF to the receiving building as a result of the railroad realignment at the private road crossing.
- Vertical conflicts with RDF conveyor system caused by railroad realignment.
- Horizontal conflicts with RDF conveyor system pier caused by railroad realignment.
- Potential safety issues resulting from railroad realignment located in proximity of the three large fuel storage tanks.
- Loss of existing outdoor storage area caused by the railroad realignment and the City's need for a new ingress/egress route through GRE's property adjacent to the sewage treatment facility.
- Impact to existing GRE utilities (fuel oil piping, electrical conductors, and steam lines) under railroad (old coal tunnel).
- Great River Energy needs to maintain its ability to utilize the private railroad crossing at all times before, during and after the railroad realignment in order to maintain the critical and essential operation of its generating facilities.
- Great River Energy's 69 kV transmission lines (CO-ELX, EPX, EMX, EW, EP, and CO-ES) and 230 kV transmission lines (EO and PE) will likely be impacted by the proposed interchanges and highway realignment at 10/169 and 169/Main. Modifications and/or relocation of these transmission facilities will require transmission outage scheduling of up to two years in advance. The construction, permitting and right of way costs to relocate and/or modify these facilities will be significant. Great River Energy's position is that these relocation costs are fully reimbursable.
- Impact to heat pump loop currently located in MnDOT right of way.
- Impact to previous traffic patterns used for large trucks delivering/picking up materials at the outdoor storage yard located along Great River Energy Drive.
- Impact to the subsurface drainage collection system located adjacent to the main entrance along Hwy 10.

Thank you for providing Great River Energy the opportunity to comment on the two subject highway project reports.

Sincerely,

GREAT RIVER ENERGY

Mark Lucas
Manager, Facilities Services

Rick Heuring
Senior Field Representative

Enclosure

RH:jh\r:\allpropinfo\outpostlocations\elkriverleeowned\GREcommentstoMndotreports.doc

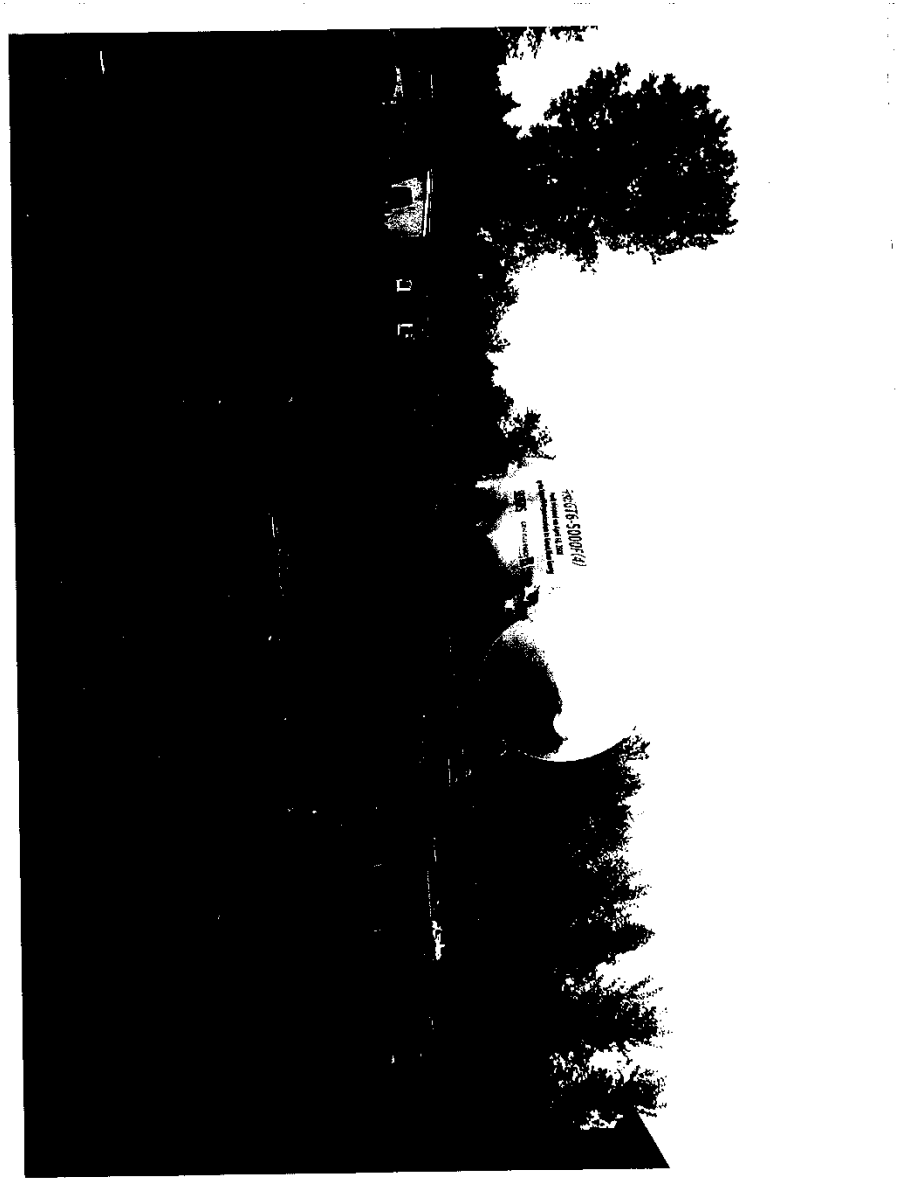
Direct Dial (763) 445-5979 E-Mail rheuring@grenergy.com FAX (763) 445-6779

RESPONSE

Great River Energy (GRE)

THIS COLUMN INTENTIONALLY LEFT BLANK

COMMENT



RESPONSE

Great River Energy (GRE)

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COMMENT

Highway 10 in Elk River
Environmental Assessment / Environmental Assessment Worksheet
Public Hearing - December 2, 2010

COMMENT SHEET

YOUR COMMENTS ARE IMPORTANT TO US! Please write your comments regarding the EA/EAW on this form. Your comments will become part of the formal project record and will be used by Mn/DOT to help determine if further environmental study is needed. You may either put your completed form in the comment box or mail it to the address listed on the back.

Name: DAVID ANDERSON

Address: 14845 CORD 30 ELK RIVER, MN 55330

Your Comments: I WORK FOR CRETEX.

THE UPLAND REALIGNMENT GOES THROUGH A RETENTION/SETTLEMENT POND THE COLLETS THE DRAINAGE FROM OUR CRETEX PLANT PROPERTY. FUTURE ACCOMMODATIONS WILL HAVE TO BE MADE TO REPLACE THIS SYSTEM.

Thank you for participating!

NOTE: Mailed comments must be received by ***Monday, December 20, 2010.***

RESPONSE

David Anderson (14845 County Road 30, Elk River, MN 55330)

Response: MnDOT will work with the property owner to accommodate for pond impacts once the project is funded and moves into final design. Compensation for right of way impacts will be determined during the right of way process, consistent with MnDOT policy at that time.

COMMENT

Highway 10 in Elk River
Environmental Assessment / Environmental Assessment Worksheet
Public Hearing - December 2, 2010

COMMENT SHEET

YOUR COMMENTS ARE IMPORTANT TO US! Please write your comments regarding the EA/EAW on this form. Your comments will become part of the formal project record and will be used by Mn/DOT to help determine if further environmental study is needed. You may either put your completed form in the comment box or mail it to the address listed on the back.

Name: Ken Beaudry

Address: 630 Proctor

Your Comments: The Hwy 10 Project doesn't allow for future C-3 Hwy comercial Anywhere that is feasible for a on/off type Business - I think 169 Turned out great, But I Looked and Looked Hwy 10 and it doesn't work. I'm ok with my Businesses Being Taken out, But to Re Build, There is No way to Make it feasible the way it is proposed right down.

Thank you for participating!

NOTE: Mailed comments must be received by ***Monday, December 20, 2010.***

RESPONSE

Ken Beaudry (630 Proctor, Elk River, MN 55330)

Response: Different types of commercial businesses are affected by changes in traffic. Highway commercial land uses typically depend on pass-by traffic.[1] Congestion, traffic back-ups and blocked accesses or intersections can act to reduce accessibility and can negatively affect businesses. Access, safety and traffic operations improvements can also serve to expand markets, benefitting commercial land uses. Highway and frontage road changes can affect the access and visibility of commercial properties.

Under the proposed project design, businesses that previous had direct driveway access to Highway 10 will have traffic redirected to proposed frontage roads and the local road system. The frontage road system and grade-separated crossings are included in the proposed project to provide access to adjacent land uses and improve local circulation (i.e., north-south accessibility across Highway 10). In addition, the frontage roads also separate local traffic circulating within Elk River from regional traffic on Highway 10. Interchange access is provided at Upland Avenue (to/from the west), Proctor Avenue (to/from the east), and Main Street (to/from the east), although this is less direct than existing at-grade access points.

The proposed Highway 10 profile from Main Street to east of Proctor Avenue is similar to the existing roadway profile in order to maintain visibility of the downtown Elk River area from the highway. The proposed roadway profile west of Proctor Avenue will be lower compared to the existing roadway profile to accommodate proposed grade separations. A majority of the land use west of Proctor Avenue is residential; however, commercial/industrial uses are currently located at Proctor Avenue.

RESPONSE TO COMMENTS CONTINUES ON PAGE C-10

[1] The City of Elk River zoning map shows highway commercial land uses (C-3) along Highway 10 from just west of Proctor Avenue to downtown Elk River.

COMMENT	RESPONSE
THIS COLUMN INTENTIONALLY LEFT BLANK	Where business relocations are necessary, MnDOT will work with the affected property owner(s) and provide relocation assistance. Potential negative impacts to businesses are anticipated to be offset by improvements to traffic operations, access and safety within the project corridor, which will benefit employees, customers, and the transportation of goods. The project design was developed in coordination with the City of Elk River. Completion of the environmental process at this time will allow the City of Elk River to incorporate the proposed Highway 10 design into their local comprehensive planning activities for land use and transportation, including opportunities for redevelopment to accommodate commercial land uses.

COMMENT

Brett Danner

From: Hallgren, Jim (DOT) [James.Hallgren@state.mn.us]
Sent: Friday, December 10, 2010 8:51 AM
To: Brett Danner; Dave Montebello
Subject: FW: D3 project highway 10

From: rhonda danielson [mailto:owlwoman@sherbtel.net]
Sent: Thursday, December 09, 2010 6:31 PM
To: Hallgren, Jim (DOT)
Subject: D3 project highway 10

Mr. Hallgren,

On behalf of my mother, Barbara Maricle, who is a resident of the city of Elk River and resides along the projected highway 10 corridor and myself as an interested party, I am e-mailing to you a list of questions regarding the proposed highway 10 project that my mother and I have arrived at after reading the literature that was available at the Thursday, December 2, 2010 meeting.

These questions appear in no particular order and for no particular municipality. Some of these questions are for the city of Elk River,
some are for the state of Minnesota, and some are for the federal transportation department.

The questions are as follows:

A What is the right of way footage for the expressway? For the frontage roads? And finally for the completed freeway as well?

B How will the city of Elk River and its businesses benefit from being bypassed by the expressway/freeway? Those businesses that are currently on the highway 10 corridor are visible and accessible from the highway. With the proposed road closings and interchanges those businesses will no longer be visible nor easily easily accessible. People will not make more than three turns to get to a business such as a gas station or restaurant that they see from a freeway.

C Will there be tax assessments on Elk River citizens/businesses to fund parts of this project? Specifically the land acquisitions and utility moves.

D With the widening of Highway 10, the rerouting of the railroad, the construction of the overpasses and drainage ponds and the frontage roads, how much of "Historic Elk River" which includes highway 10 (highway 10 being the Red River ox cart trail), the railroad as well as many of the buildings on either side of Highway 10, Jackson Street, Main St., Proctor Avenue and Upland Avenue will be left?

E Will the residents of Elk River, especially those affected by the highway 10 project be notified of project approval or denial? And if so, how.

F Does the EA/EAW and environmental impact studies take into account the sinkholes that open up periodically on the north side of Highway 10 between Main St. and Proctor? And if so, how does the state of Minnesota and the federal government plan to deal with the sinkholes considering that they are created by both the Mississippi river and the Elk river itself. Neither of these rivers can be drained.

1

RESPONSE

Rhonda Danielson (8900 County Road 5 NW, Princeton, MN 55371)
(On behalf of Barbara Maricle, 1234 6th Street, Elk River, MN 55330)

Response A: The expressway concept was developed to a planning-level concept for purposes of the alternatives evaluation process; however, it is anticipated that the expressway design would fit within the proposed right of way limits of the freeway design. Total right of way width for the proposed Highway 10 freeway design, including frontage roads and interchange areas, varies from approximately 240 feet to 600 feet.

The right of way impacts associated with the proposed project are described in Section VII.B.6 and Appendix G of the EA/EAW.

Response B: Under the proposed project design, businesses that had direct driveway access to Highway 10 will have traffic redirected to proposed frontage roads and the local road system. The frontage road system and grade-separated crossings are included in the proposed project to provide access to adjacent land uses and improve local circulation. The proposed Highway 10 profile from Main Street to east of Proctor Avenue is similar to the existing roadway profile in order to maintain visibility of the downtown area from the highway. Negative business impacts are anticipated to be offset by improvements to access and safety within the corridor, which will benefit employees, customers, and the transportation of goods.

As noted in the response to comments on page C-10, the project was developed in coordination with the City of Elk River. Completion of the environmental process at this time will allow the City of Elk River to incorporate the proposed Highway 10 design into their local comprehensive planning activities for land use and transportation, including opportunities for redevelopment to accommodate commercial land uses.

Response C: There is currently no funding programmed for right of way acquisition or construction of the proposed project, and it is not identified in the MnDOT District 3 Long-Range Transportation Plan (20-year timeframe). In the future, the project will likely be constructed with a combination of federal, state, and local funding sources. If local funding sources are required, the City of Elk River will need to identify sources of funding at that time, which could include assessments.

COMMENT

G Once the period of public commentary is completed how long will it take until the project is either approved or denied at the federal level?

H Does the environmental impact study as well as the overall project study take under consideration the flooding that occurred in 1966 and 1968 that closed Hwy. 10 to all traffic except for semi's from the highway 101/169 interchange to Main Street? The project calls for lowering the grade of Highway 10 which would allow any flooding that occurred between the highway 101/169 interchange to Main Street to actually continue along Highway 10 to the west side of the city. In essence this project could conceivably be creating a new floodplain for the Mississippi river.

I What/where are the 26 contaminated sites and what are they contaminated with?

Is the nuclear reactor site on the grounds of what is now Great River Regional Energy one of the 26 contaminated sites?

J This study does not take into account the impact of the North Star Commuter Rail on traffic into and out of the metro area as the study is based upon 2007 and 2008 traffic information. Has the study been adjusted to account for ridership on the commuter rail? If not, why not? Ridership removes traffic from the highway 10 corridor, reduces crashes, and is growing. It is a factor in any traffic study for highway 10.

K With a contracting State, national and international population over the next 15 to 20 years where anywhere from 1/3 to 1/2 of the population of this state, this country and this planet will be dead, where are the federal DOT and state DOT getting the numbers that show an increased growth in population and traffic that adds another 20,000 to 30,000 vehicles per day to the traffic on highway 10? The growth rate cited in this study is physically and numerically impossible given the fact that overall population is contracting. There will be no immigration or outward movement from the metro area to support these numbers.

As project manager for the highway 10 reconstruction project your consideration of these questions and concerns would be greatly appreciated. If you need further clarification or additional information please contact either my mother or myself at the following addresses:

Barbara Maricle
1234 6th Street
Elk River MN55330
763-441-2505

Rhonda Danielson
8900 County Rd. 5 NW.
Princeton MN 55371
763-389-3506
owlwomam@sherbtel.net

Rhonda Danielson

Life is what you make of it friend.
If it doesn't fit, make alterations.
----------Stella from Silverado

2

RESPONSE

Rhonda Danielson (8900 County Road 5 NW, Princeton, MN 55371)
(On behalf of Barbara Maricle, 1234 6th Street, Elk River, MN 55330)

Response D: The proposed project would potentially require the acquisition of 41 single-family residences and 30 businesses along the Highway 10 corridor. As shown in Figure 12 in Appendix A of the EA/EAW, the majority of businesses along the south side of Highway 10 within "historic Elk River" would not be impacted by the proposed project. For more discussion of right of way impacts, see Section VII.B.6 of the EA/EAW.

Response E: Notices of the federal and state environmental review decisions will be placed in the Minnesota *Environmental Quality Board (EQB) Monitor*. MnDOT will distribute its findings and conclusions regarding the proposed project to the Environmental Assessment Worksheet (EAW) distribution list and anyone who commented during the public comment period.

There is no funding identified for construction of any component of the improvements identified in the EA/EAW. Completion of the environmental review process does not mean that project construction would occur within the foreseeable future. Indeed, the project is not identified as an anticipated major project in the MnDOT District 3 20-Year Highway Investment Plan (2008-2029). Completion of the environmental process at this time will allow the City of Elk River to incorporate the proposed Highway 10 design into their local comprehensive planning activities for land use and transportation.

Response F: MnDOT and City of Elk River and records indicate that there are no known sinkholes on the north side of Highway 10 between Main Street and Proctor Avenue. A geotechnical study will be completed prior to project construction to help inform design decisions The precise project area will be examined prior to construction for the presence of sinkholes in order to ensure stable roadways and storm water ponds.

RESPONSE TO COMMENTS CONTINUES ON PAGE C-13

COMMENT

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RESPONSE

Rhonda Danielson (8900 County Road 5 NW, Princeton, MN 55371)
(On behalf of Barbara Maricle, 1234 6th Street, Elk River, MN 55330)

Response G: MnDOT will prepare a request for a "Finding of No Significant Impact" (FONSI) that will be submitted to FHWA. If FHWA agrees that this finding is appropriate, it will issue a FONSI, completing the environmental review process.

As noted in Response E above, the project is not currently funded and is not identified as an anticipated major project in the MnDOT District 3 20-Year Highway Investment Plan (2008-2029). This EA/EAW process was undertaken to identify future transportation system improvements to allow for long range comprehensive planning in the City of Elk River.

Response H: Floodway elevations for the Mississippi River were determined using Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps. The Mississippi River floodway boundary (special flood hazard areas inundated by 100-year flood) is located parallel to Highway 10 between the Highway 101/169 interchange and Main Street. The existing Highway 10 profile is located above the Mississippi River floodway elevation. The proposed project does not lower the Highway 10 elevation east of Main Street; therefore, interruption of the highway during flood events is not anticipated. Floodplain and floodway mapping revisions occur frequently. Floodway mapping will be revisited in the future prior to construction of the project to ensure that the Highway 10 profile is located above the Mississippi River floodway elevation.

Response I: Section VII.A – Item 9 of the EA/EAW (Table 12) lists the locations of 26 known or potentially contaminated sites near the Highway 10 project corridor. The Phase I Environmental Site Assessment report provides additional information on "potentially contaminated properties" (defined as properties where soil and/or groundwater may be impacted with pollutants, contaminants, or hazardous wastes).

RESPONSE TO COMMENTS CONTINUES ON PAGE C-14

COMMENT

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RESPONSE

Rhonda Danielson (8900 County Road 5 NW, Princeton, MN 55371)
(On behalf of Barbara Maricle, 1234 6th Street, Elk River, MN 55330)

These properties are identified through review of historic land use records, aerial photos, Environmental Protection Agency (EPA), Minnesota Pollution Control Agency (MPCA), and county/city records, as well as current property conditions. Not all of the reported "potentially contaminated properties" are necessarily contaminated. The Findings of Fact and Conclusions document has been updated to include the Great River Energy site as a potentially contaminated property near the project area. See discussion in Section II of these Findings.

Response J: The year 2030 traffic volume forecasts developed as part of this study included planned and programmed transportation system improvements including (but not limited to) the North Star Commuter Rail. Therefore, the traffic forecasts account for the North Star ridership projections available at the time.

Response K: The forecast year 2030 traffic volumes that were developed as part of this study used population and employment assumptions that are consistent with those provided in the 2006 *Sherburne County Transportation Plan*. City staff at every incorporated community in Sherburne County was contacted and their best assessments of growth patterns within their communities were requested and used wherever available. The City of Elk River provided their most recent transportation plan, and County staff was consulted regarding growth patterns in townships. The population and employment totals for the study area that were used to develop the forecast traffic volumes represent the best socio-economic data available and is consistent with the Metropolitan Council *Regional Development Framework* as revised March 5, 2005.

COMMENT

Brett Danner

From: Hallgren, Jim (DOT) [James.Hallgren@state.mn.us]
Sent: Monday, December 20, 2010 8:00 AM
To: Dave Montebello; Brett Danner
Subject: FW: Highway 10 reconstruction and railroad realignment

fyi

From: rhonda danielson [mailto:owlwoman@sherbtel.net]
Sent: Saturday, December 18, 2010 5:26 PM
To: Hallgren, Jim (DOT)
Subject: Highway 10 reconstruction and railroad realignment

James,

I have just begun reading the actual written proposal and descriptions of the realignment of the BNSF railroad and the reconstruction of Highway 10 and the institution of service roads through Elk River.

Question for you, in developing this plan has anyone on this project talked to people who grew up in Elk River between the years of 1950 and 1980? Or better yet, second or third generation residents of Elk River?

I ask that because the plan to elevate the railroad at Jackson Street to me is absolutely insane. Why? Because that stretch of railroad between Proctor Avenue through Jackson and up to the back end of
L Great River Regional Energy is notorious for derailments. You really should check the records from 1950 through 1990 for the number of derailments, how fast the train was going, and where the train parts came to rest.

It is one thing to have train cars sliding along the railroad and highway right of ways, it is quite another to have those same train cars flying through the air because the track has been elevated.

Any bridge that is built over the train track (such as described at Proctor) would have to be able to withstand the impact of multiple train cars leaving those tracks at 45 miles an hour or better. Since
M Proctor Avenue is one of the main school bus routes between the two halves of town, what are acceptable losses of school buses and the children on them when a train derails and takes out the proposed bridge?

If BNSF no longer has the records for the derailments and who was cited and why, check with the Elk River Star News and their archives. I am sure their records are quite extensive both in reporting and in history.

Because of that stretch between Jackson and Great River Regional Energy I will not ride the commuter rail from Elk River to Big Lake. I will gladly get on at the Elk River station and take the train into Minneapolis.

Rhonda Danielson

1

RESPONSE

Rhonda Danielson (8900 County Road 5 NW, Princeton, MN 55371)
(On behalf of Barbara Maricle, 1234 6th Street, Elk River, MN 55330)

Response L: The proposed elevation of the railroad at Jackson Street is approximately the same as the elevation of the existing railroad elevation. See Figure 3 in Appendix A.

Response M: Bridges that go over railroad tracks are designed to prevent failure in case of impact from derailment. All proposed bridges will be designed and constructed in accordance with engineering design standards in place at the time of project construction.

Appendix D

Final Section 4(f) Evaluation

Final
Section 4(f) Evaluation

Trunk Highway 10
Elk River

State Project: 7102-123
Minnesota Project: To Be Assigned

From: Approximately 1,000 feet west of Highway 10/101/169 system interchange
To: Approximately 1,900 feet west of Upland Avenue
in
City: Elk River
County: Sherburne
Section(s), Township(s), Range(s):
Section: 3; T32N; R26W
Sections 33-34; T33N; R26W

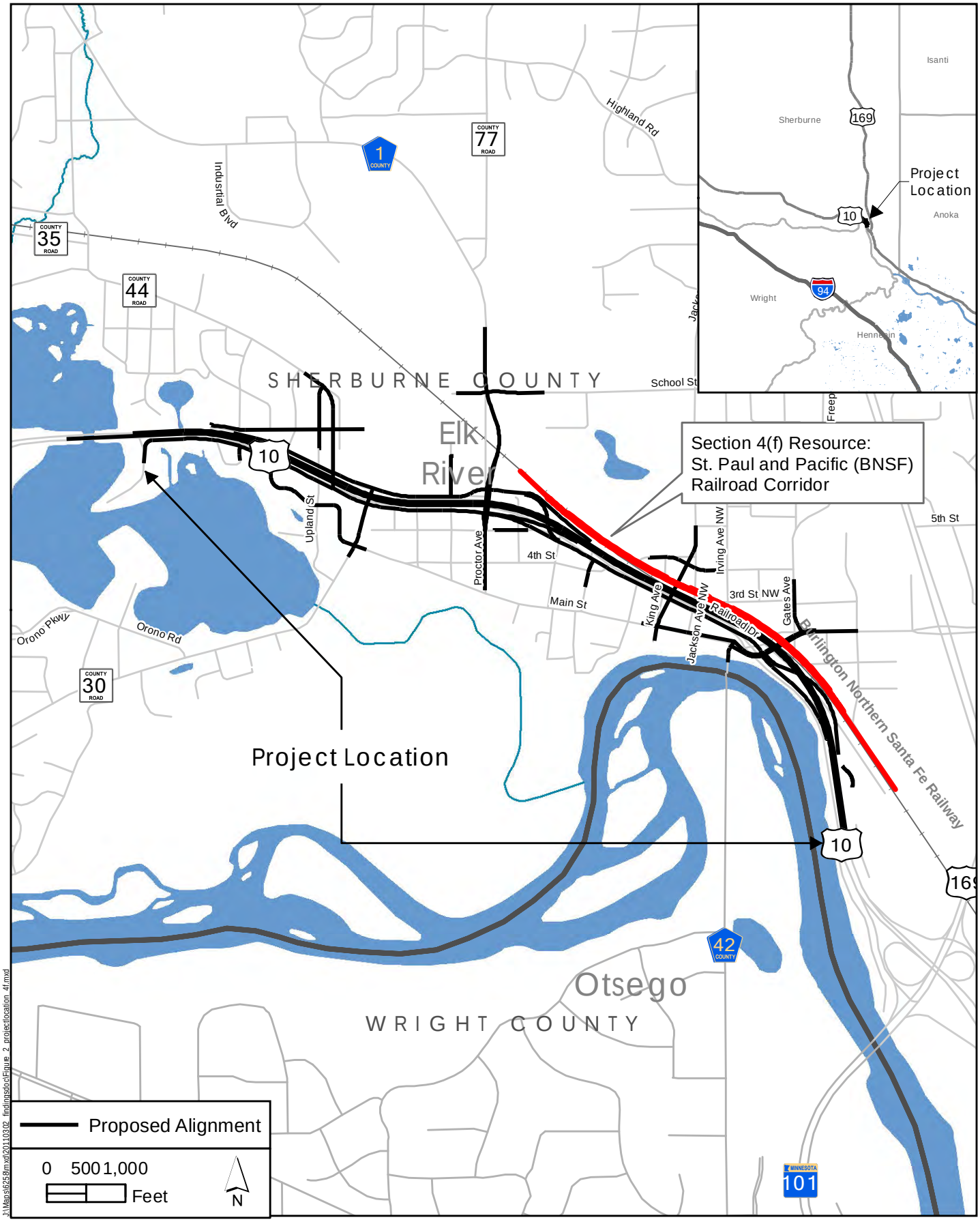
Conversion of Trunk Highway 10 to a freeway facility within Elk River

This document is available in alternative formats to individuals with disabilities by calling the Minnesota Relay Service at 1-800-627-3529.

State Location Map

Final Section 4(f) Evaluation
T.H. 10 - SP 7101-123

Figure 1



Project Location

Final Section 4(f) Evaluation
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Figure 2

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I. INTRODUCTION

The Section 4(f) legislation as established under the Department of Transportation Act of 1966 (49 USC 303, 23 USC 138) and as revised in 2005 by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (which included moving the Section 4(f) regulations to 23 CFR 774) provides protection for publicly owned parks, recreation areas, historic sites, wildlife and/or waterfowl refuges from conversion to a transportation use. The Federal Highway Administration (FHWA) may not approve the use of land from a significant publicly owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that:

- There is no feasible and prudent alternative to the use of land from the property; and
- The action includes all possible planning to minimize harm to the property resulting from such use (23 CFR 774.17).

Additional protection is provided for outdoor recreational lands under the Section 6(f) legislation (16 USC 4602-8(f) (3)) where Land and Water Conservation (LAWCON) funds were used for the planning, acquisition or development of the property. These properties may be converted to a non-outdoor recreational use only if replacement land of at least the same fair market value and reasonably equivalent usefulness and location is assured.

The purpose of this Section 4(f) Evaluation is to provide the information required by the Secretary of Transportation to make the decision regarding the use of properties protected by Section 4(f) and/or Section 6(f) legislation under the preferred alternative selected in the Trunk Highway (TH) 10 Elk River Environmental Assessment/Environmental Assessment Worksheet (EA/EAW).

This Section 4(f) Evaluation describes all identified Section 4(f) and/or Section 6(f) properties proposed to be “used” under the preferred alternative, potential impacts on those properties, and possible mitigation measures to minimize impacts. A “use” occurs (1) when land from a Section 4(f) site is acquired for a transportation project, (2) when there is an occupancy of land that is adverse in terms of the statute's preservationist purposes, or (3) when the proximity impacts of the transportation project on the Section 4(f) sites, without acquisition of land, are so great that the purposes for which the Section 4(f) site exists are substantially impaired (normally referred to as a constructive use).

The Section 4(f) process requires that any impacts from use of a park, recreation area, historic site, wildlife or waterfowl refuge for highway purposes be evaluated in context with the proposed highway construction/reconstruction activity. An inventory of these types of properties was completed for the TH 10 (Elk River) project area. Based on this inventory, a review of the proposed design, and assessment of the project’s impacts, the realignment of the St. Paul and Pacific Railroad Corridor (BNSF Railway) constitutes a

Section 4(f) use. The St. Paul and Pacific (BNSF) Railroad Corridor was determined eligible for the National Register of Historic Places as an historic rail corridor. The Measures to Minimize Harm section (Section VI) below describes efforts made to avoid and minimize use of the Section 4(f) resource.

The TH 10 (Elk River) Project has been reviewed for potential Section 6(f) involvement. No Section 6(f) involvement exists on this project.

II. PROPOSED ACTION

A description of the proposed project, and an explanation of the purpose and need for the project, are in the Environmental Assessment/Environmental Assessment Worksheet document. Please refer to the Alternatives section of that document for a description of the proposed action (Section IV.B.2 of the EA/EAW), and the Purpose and Need section of that document (Section III) for the purpose and need of the project.

III. SECTION 4(f) PROPERTY

Map of Section 4(f) Property/Location

The project map on page ii (Figure 2) illustrates the location of the Section 4(f) resource (St. Paul and Pacific Railroad Corridor) relative to the project area.

Description of St. Paul and Pacific (BNSF) Railroad Corridor

The St. Paul and Pacific (BNSF) Railroad Corridor runs in a northwesterly direction parallel to Highway 10. The St. Paul and Pacific (BNSF) Railroad Corridor crosses Highway 169 just north of the Highway 10/101/169 interchange, runs through downtown Elk River, and separates from the Highway 10 corridor as the Highway turns to the west. The railroad corridor is double tracked. The railroad corridor bridges over Highway 169, and is at-grade with local street crossings in downtown Elk River and to the east of Highway 169. The railroad right of way is generally 100 feet wide, but expands to approximately 200 feet in downtown Elk River, in the area that historically accommodated the Elk River Station.

A Phase I Architectural History Survey and Phase II Architectural History Evaluation conducted for this project determined that the former St. Paul and Pacific Railroad Corridor constitutes a railroad corridor historic district. The St. Paul and Pacific (BNSF) Railroad Corridor District is eligible for listing on the National Register of Historic Places (NRHP). Contributing elements to the railroad corridor historic district are the double-tracked railroad corridor and associated ditches within the right of way.

The corridor is significant for its association with the St. Paul and Pacific railroad, which built the first railroad in Minnesota in 1862 between St. Paul and St. Anthony Falls. The

corridor through Elk River was built in 1864 and reached the Sauk Rapids area by 1867. Portions of the railroad corridor's setting have been redeveloped with modern buildings and other transportation infrastructure, and other portions retain the general historic characteristics.

Ownership of Section 4(f) Property

The St. Paul and Pacific Railroad Corridor is currently owned and operated by the BNSF Railway Corporation.

Function of Section 4(f) Property

Historic Function

The historical function of the corridor, as described in the Phase I Architectural History Survey and Phase II Architectural History Evaluation is summarized below.

> The St. Paul and Pacific Railroad built the first railroad in Minnesota in 1862 between St. Paul and St. Anthony Falls. The corridor through Elk River was built in 1864 and reached the Sauk Rapids area by 1867. The railroad was an important early transportation corridor, providing the first railroad access to the communities and sawmills along the Mississippi River north of Minneapolis. The corridor also served the Northern Pacific, the St. Paul Minneapolis and Manitoba (Manitoba) and the Great Northern Railroads. The corridor provided the Northern Pacific with its only northwest route into and out of Minneapolis from 1870, when it gained control of the St. Paul and Pacific, through the end of the historic period… For the Manitoba/Great Northern, the corridor was also critical from 1879, when the Manitoba gained control of the St. Paul and Pacific and gained access to Duluth, albeit in a roundabout fashion, until 1898, when the Great Northern built the Coon Creek cutoff south of Anoka.

The St. Paul and Pacific Railroad Corridor historic district was previously determined eligible for listing on the NRHP. Prior to the Phase I and Phase II cultural resource studies completed for the proposed TH 10 Project, the segment within Elk River had not been previously surveyed. The St. Paul and Pacific Railroad Corridor within Elk River constitutes a railroad corridor historic district, is significant for its association with the St. Paul and Pacific Railroad, and is eligible for listing on the NRHP.

Current Function

The BNSF Railway Corporation currently operates the St. Paul and Pacific (BNSF) Railroad Corridor as a rail transportation facility. BNSF Railway refers to this rail line as the Staples Subdivision, which extends from Moorhead, Minnesota to Minneapolis, Minnesota.

Description and Location of All Existing and Planned Facilities

Historic Context (Railroads and Agricultural Development)

As described above, St. Paul and Pacific Railroad Corridor within Elk River constitutes a railroad corridor historic district and is significant for its association with the St. Paul and Pacific Railroad. The railroad was an important early transportation corridor, providing the first railroad access to the communities and sawmills along the Mississippi River north of Minneapolis. Within the context of agricultural development, railroad corridors, including the St. Paul and Pacific, hauled crops and animal products from farm to market facilitating a transition to diversified agriculture by connecting commodity producers with processors, as well as facilitating industrial crop production, large-scale milling, and mass marketing of food products.

Current Railroad Operations

The existing railroad corridor is described in the section above. According to information from BNSF Railway, more than 40 freight trains travel on this rail line through Elk River each day.

In addition to freight services, the Northstar Commuter Rail operates on the St. Paul and Pacific (BNSF) Railroad Corridor from Big Lake, Minnesota to downtown Minneapolis, Minnesota. A park-and-ride facility and rail station is located along the St. Paul and Pacific (BNSF) railroad corridor in Elk River, east of the TH 169 (Elk River to Zimmerman) project area at 171st Street and Twin Lakes Road.

Future Railroad Expansion

The addition of a third track by BNSF Railway parallel to the existing tracks is planned for the future.

Access

The St. Paul and Pacific (BNSF) railroad corridor is owned by a private company. BNSF Railway maintains access roads parallel to the railroad tracks for maintenance activities. There are several at-grade crossings to the west of Highway 169 (Proctor Avenue, Jackson Street, Main Street) and to the east of Highway 169 in Elk River.

Relationship to Other Similarly Used Lands in the Vicinity

Not applicable to this railroad corridor historic district.

Applicable Clauses Affecting the Ownership

None. This property is owned by BNSF Railway and is used for transportation purposes.

Unusual Characteristics Reducing or Enhancing the Value of the Property

None.

IV. IMPACTS ON THE SECTION 4(f) PROPERTY

The proposed project would include realigning the St. Paul and Pacific (BNSF) Railroad Corridor to the north of its existing alignment from the Great River Energy (GRE) site to a point located approximately 750 feet east of Proctor Avenue. The existing at-grade railroad crossings at Proctor Avenue, Jackson Avenue and Main Street would be removed and replaced with grade separated crossings. Proctor Avenue would bridge over the St. Paul and Pacific (BNSF) Railroad Corridor, whereas the railroad would bridge over Jackson Avenue and Main Street. The proposed railroad grade will be constructed approximately up to three feet higher than the existing railroad corridor grade.

Total length of the St. Paul and Pacific (BNSF) Railroad Corridor reconstruction is approximately 6,000 feet. The centerline of the proposed double track alignment is located approximately 100 feet to the north of the existing centerline alignment at Main Street in downtown Elk River. The proposed railroad right of way width in the realigned section is approximately 100 feet. The proposed alignment would accommodate construction of a future third track by BNSF Railway at a later time.

Realignment and impacts to the St. Paul and Pacific (BNSF) Railroad Corridor and are necessary as part of the Highway 10 (Elk River) Project for the following reasons:

- Grade Separations (Safety): The St. Paul and Pacific (BNSF) Railroad Corridor runs northwesterly parallel to Highway 10, bisecting downtown Elk River. At-grade crossings are located at Proctor Avenue, Jackson Avenue and Main Street. The at-grade crossings present safety concerns for vehicular traffic as well as non-motorized traffic (e.g., bicyclists and pedestrians) as described in the need for the project.

  Grade-separations from the railroad corridor are needed to address safety concerns for both motorized and non-motorized traffic (bicyclists and pedestrians). Grade separations eliminate conflicts between train traffic and vehicular traffic, and train traffic and non-motorized traffic. Raising the railroad corridor elevation through downtown Elk River is necessary to accommodate the minimum vertical clearance requirements at the proposed grade-separations at Jackson Avenue and Main Street. Realigning the St. Paul and Pacific (BNSF) Railroad Corridor to the north of its existing alignment would allow for the proposed grade separations to be constructed while maintaining train operations along the existing tracks during construction (discussed in greater detail below, “Construction Staging”).

- Grade Separations (Traffic Operations): Traffic operations are expected to deteriorate along Highway 10 under future (year 2030) conditions, with key intersections operating at an unacceptable LOS F in the p.m. peak hour. Both regional and local traffic are experiencing these intersection delays. The BNSF Railway influences

traffic operations along Highway 10 and intersecting local roadways. Every time a train passes through Elk River along the BNSF Railway, it interrupts traffic flow on and off of Highway 10 at Main Street, Jackson Avenue, and Proctor Avenue. These events result in increased delay and long vehicular queues on the Main Street, Jackson Avenue, and Proctor Avenue approaches to Highway 10 that requires several traffic signal cycles to recover, contributing to poor traffic operations in downtown Elk River.

The proposed grade separations would address traffic operations problems by removing the congestion and delays created by train operations along the St. Paul and Pacific (BNSF) Railroad Corridor. The proposed grade separations would improve local north-south traffic circulation and cohesion between downtown Elk River and land uses north of the St. Paul and Pacific (BNSF) Railroad Corridor by eliminating the railroad as a barrier to these movements.

- Local Connectivity (Traffic Operations): There is currently no continuous frontage road system parallel to Highway 10 in downtown Elk River. Because of existing development south of Highway 10 and the St. Paul and Pacific (BNSF) Railroad Corridor north of Highway 10, it is not physically feasible to construct an east-west roadway parallel to Highway 10 without affecting either downtown Elk River or the St. Paul and Pacific (BNSF) Railroad Corridor. As a result, a large number of local trips within Elk River are diverted to Highway 10, conflicting with through, regional trips. This results in disruptions to both local and regional traffic, and impacts traffic operations on Highway 10 (discussed in Section III.B of the EA/EAW, "Need for the Project").

  In order to construct a local roadway/frontage road parallel to Highway 10 through downtown Elk River, the Highway 10 alignment must move to the north so that the local roadway can utilize the existing highway right of way and avoid impacts to downtown businesses and residences (discussed in greater detail in Section V, "Slight Alignment Changes"). Subsequently, moving the Highway 10 alignment to the north places it along the St. Paul and Pacific (BNSF) Railroad Corridor alignment, requiring the realignment of the railroad corridor described above.

- Construction Staging: The St. Paul and Pacific (BNSF) Railroad Corridor is part of the BNSF Railway main line between the Twin Cities and Fargo/Moorhead and beyond. This BNSF Railway line currently carries approximately 46 freight trains per day. The St. Paul and Pacific (BNSF) Railroad Corridor also carries the Northstar Commuter Rail between Big Lake and Minneapolis (additional 12 trains per day). Because of the importance of this corridor for freight movement and commuter rail, maintaining operations on this railroad line during project construction was a key consideration during project development. It is not feasible to construct the proposed grade separations along the existing St. Paul and Pacific (BNSF) Railroad Corridor alignment and maintain rail operations at the same time. Realignment of the St. Paul and Pacific (BNSF) Railroad Corridor would allow rail operations to continue on the existing tracks during construction of grade separations between the railroad and local roadways. After the new railroad tracks and railroad bridges at Jackson Avenue

and Main Street are constructed and in place, train traffic would shift to the new tracks, the existing tracks would be removed, and construction of proposed Highway 10 would proceed.

V. AVOIDANCE ALTERNATIVES

No Build/Do Nothing Alternative

The No Build Alternative would avoid any impacts to the BNSF Railway. However, the No Build Alternative would not adequately address safety concerns related to the existing Highway 10 corridor within Elk River, and safety concerns associated with the existing at-grade crossings within downtown Elk River. The No Build Alternative does not correct the capacity and operational deficiencies associated with the existing Highway 10 corridor in downtown Elk River, and does not address local connectivity and accessibility. The No Build Alternative does not meet the Purpose and Need for the project; therefore, it is not a feasible and prudent alternative.

Slight Alignment Changes

Slight alignment changes in Highway 10 and the parallel frontage road were considered to permit the St. Paul and Pacific (BNSF) Railroad Corridor to remain along its existing alignment; however, a slight alignment change in Highway 10 and the parallel frontage road is not feasible because of the proximity among the existing St. Paul and Pacific (BNSF) Railroad Corridor, the existing highway alignment, and existing development along the highway within Elk River. The existing Highway 10 right of way is located south of and parallel to the St. Paul and Pacific (BNSF) Railroad Corridor right of way (see attached Figure 3). Because the St. Paul and Pacific (BNSF) Railroad Corridor and existing Highway 10 corridor are located adjacent to one another, the only way that the St. Paul and Pacific (BNSF) Railroad Corridor can remain is if the Highway 10 corridor also remains along its existing alignment. Any alignment shift in the Highway 10 corridor to the north would affect the St. Paul and Pacific (BNSF) Railroad Corridor.

Thus, in order to permit the existing St. Paul and Pacific (BNSF) Railroad Corridor to remain along its existing alignment, the proposed Highway 10 improvements (i.e., conversion to a freeway facility) would also remain along its existing alignment, and the proposed east-west frontage road would be located to the south of the existing Highway 10 right of way. As previously noted, an east-west frontage road parallel to Highway 10 would address Highway 10 traffic operations needs by reducing the number of local trips being diverted to Highway 10, and minimizing conflicts between through, regional trips and local traffic. The distance between this frontage road alignment and the existing Highway 10 right of way at Jackson Street (centerline to edge of existing right of way) is approximately 50 feet. A sketch of the Highway 10 avoidance alignment location is illustrated in relation to the proposed improvements in the attached Figure 3.

Reconstructing Highway 10 on its existing alignment and constructing the proposed east-west frontage road to the south of the existing Highway 10 alignment to permit the existing St. Paul and Pacific (BNSF) Railroad Corridor to remain was considered; however this alternative was not considered feasible and prudent for the following reasons: [1]

- Impacts to the Mississippi River: The Mississippi River is a state-designated Wild and Scenic River. This segment of the Mississippi River is designated by the Minnesota Department of Natural Resources (DNR) as "recreational." Recreational rivers are those rivers that may have undergone some impoundment or diversion in the past and that may have adjacent lands which are considerably developed, but that are still capable of being managed so as to further the purposes of the State Wild and Scenic Rivers Act.

  Maintaining the St. Paul and Pacific (BNSF) Railroad Corridor on its existing alignment would shift the Main Street alignment to the south, resulting in the Main Street/frontage road intersection being located on the bluff overlooking the Mississippi River. The Main Street connection under Highway 10 and to CSAH 42 would impact the river bluff and result in fill impacts to the Mississippi River and 100-year floodplain. The entrance ramp from Main Street and the frontage road to eastbound Highway 10 would also result in fill impacts to the Mississippi River and associated floodplain.

- Main Street (Commercial and Residential Relocations): The Main Street alignment to the west of the Main Street/CSAH 42 intersection would need to be realigned to the south of its existing alignment. This realignment would result in the acquisition and relocation of The Bluffs of Elk River, a mixed used development that includes a 67 unit condominium building located along the Mississippi River bluff.
- Frontage Road (Commercial and Residential Relocations): The downtown Elk River business district currently includes 36 businesses between the Highway 10/Main Street intersection and Lowell Avenue. A mixed use development that includes retail and residential uses was recently constructed in the southeast quadrant of the Highway 10/Jackson Street intersection. Locating the frontage road alignment south of the existing Highway 10 right of way would result in the relocation of businesses that are currently located adjacent to Highway 10, from Morton Avenue to Main Street. This frontage road would also result in the relocation of residential condominiums and apartments above the commercial uses at Highway 10 and Jackson Street (e.g., Jackson Place Apartments).
- Impacts to Downtown Elk River (Community Cohesion): Maintaining Highway 10 along its existing alignment and locating the parallel frontage road alignment to the south, permitting the St. Paul and Pacific (BNSF) Railroad Corridor to remain, would

[1] The avoidance alignment concept was developed based on horizontal alignments only. It is likely that additional impacts would be observed if vertical profiles were considered.

result in a severe disruption to historic downtown Elk River and its established business community.

When a project affects the physical, social and economic factors that provide the people in a community with a sense of place or perception of common interest, it is considered to have affected the community's cohesion. Downtown Elk River is identified as the central business district (CBD) for the City. Although the properties within the downtown CBD are not considered eligible for the National Register of Historic Properties (NRHP), the downtown area is locally referred to as historic downtown Elk River. Downtown Elk River and its commercial uses date back to the late nineteenth century, as settlement and commerce centered around the St. Paul and Pacific (BNSF) Railroad Corridor and areas around Main Street and Jackson Street.

Downtown Elk River, including adjacent residential land uses to the north and west, are referred to in the City's Comprehensive Plan as "Old Town"[2]. According to the Comprehensive Plan, the Old Town "is an essential part of Elk River's heritage and identity. The Old Town land use seeks to preserve and enhance the commercial districts and residential neighborhoods in this area". The current focus of the Comprehensive Plan is on the CBD, with future emphasis placed on surrounding residential land uses. The Comprehensive Plan goes on to state that the Old Town area offers the greatest opportunity for connection and access to the Mississippi River, which is also an important component of the City's character and identity. Since completion of the Comprehensive Plan, the City has developed Rivers Edge Commons Park in downtown Elk River along the Mississippi River at Jackson and Main Streets. Rivers Edge Commons Park includes a gazebo along the river, an outdoor amphitheater, and a street-level plaza.

As noted above, the commercial uses in downtown Elk River and connection to the Mississippi River are important components of the City's character and identity. Relocating a substantial number of the businesses located adjacent to existing Highway 10 within downtown Elk River would have substantially negative impacts on community cohesion and the identity of downtown Elk River as central business district of the City.

Build on Alternative Alignment Location

Build on an alternative alignment location to permit the St. Paul and Pacific (BNSF) Railroad Corridor to remain on its existing alignment was considered; however, this alternative was determined to not be feasible as this is an existing trunk highway facility. Build on an alternative alignment location would not address the project need, including safety (motorized and non-motorized traffic), capacity and traffic operations, and access considerations. Additionally, the existing Highway 10 alignment is located in downtown Elk River, a fully-developed, urbanized area. South of downtown Elk River is the Mississippi River and associated floodway. An avoidance alignment concept that

[2] *City of Elk River Comprehensive Plan. Building the Future of Elk River*. August 2004.

maintains the existing St. Paul and Pacific (BNSF) Railroad Corridor with an alignment shift in the local frontage road is described above.

Conclusion

Because none of the avoidance alternatives were found to be feasible and prudent, the only remaining alternative was the preferred alternative.

VI. MEASURES TO MINIMIZE HARM

To mitigate the unavoidable impacts to the Section 4(f) resource – St. Paul and Pacific (BNSF) Railroad Corridor– resulting from the preferred alternative, measures to minimize harm/mitigate were jointly developed between the Mn/DOT Cultural Resources Unit (CRU), Mn/DOT District 3, State Historic Preservation Office (SHPO) and FHWA. The MOA in the Attachments describes the agreement reached among these parties.

As previously described, St. Paul and Pacific (BNSF) Railroad Corridor is also used as a commuter rail facility. A park-and-ride facility and commuter rail station (under construction) is located to the east of Highway 169 at 171st Avenue and Twin Lakes Road. Mitigation for impacts to the St. Paul and Pacific Railroad Corridor includes future construction of an interpretive display on Mn/DOT property at the park and ride facility. The details of this interpretive display, such as content and design, will be subject to SHPO review prior to design and construction.

The proposed project is not funded for construction. Timing of implementation of this mitigation measure will be dependent upon project construction funding. Implementation of mitigation will occur in the future concurrent with project implementation.

VII. COORDINATION

The development process for this project included coordination between the Mn/DOT CRU, the Minnesota SHPO, and the FHWA. As a result of the Phase I and Phase II studies, CRU determined, and SHPO concurred, that there would be an adverse effect to the St. Paul and Pacific Railroad Corridor. A consensus was reached regarding the impacts and the proposed mitigation of Section 4(f) resources. A copy of correspondence between CRU and SHPO is attached. A copy of the Memorandum of Agreement between the FHWA, Mn/DOT and Minnesota SHPO is also attached.

VIII. CONCLUSION

Basis for Concluding That There Are No Feasible and Prudent Alternatives to the Use of the Section 4(f) Property

The supporting information in Sections IV and V demonstrates that based on social, economic, and environmental impacts and project need, the use of alternatives that avoid the St. Paul and Pacific (BNSF) Railroad Corridor reach extraordinary magnitude as summarized below:

No Build Alternative

The No Build alternative is not feasible and prudent because it would not address the purpose and need of the proposed action. The No Build alternative would not address safety concerns related to the existing Highway 10 corridor within Elk River, and safety concerns associated with the existing at-grade crossings within downtown Elk River. The No Build Alternative would not correct the capacity and operational deficiencies associated with the existing Highway 10 corridor in downtown Elk River, and would not address local connectivity and accessibility.

Minor Alignment Shifts or Design Alternatives

It is not feasible and prudent to avoid Section 4(f) lands by making slight alignment changes to Highway 10 and the parallel frontage road because of the proximity among the existing St. Paul and Pacific (BNSF) Railroad Corridor, the existing highway alignment, and existing development along the highway within Elk River.

Any northern alignment shift in the Highway 10 corridor would affect the St. Paul and Pacific (BNSF) Railroad Corridor, because the railroad and existing Highway 10 corridor are located adjacent to one another and existing Highway 10 right of way is located south of and parallel to the St. Paul and Pacific (BNSF) Railroad Corridor right of way. The only way that the St. Paul and Pacific (BNSF) Railroad Corridor can remain unaffected is if the Highway 10 corridor also remains along its existing alignment.

Any southern alignment shift in the proposed east-west frontage road is not feasible and prudent because it would cause impacts to the Mississippi River, relocations for commercial and residential properties, and impacts to Downtown Elk River. A sketch of the avoidance alignment location is illustrated in relation to the proposed improvements in the attached Figure 3.

Constructing on a New Alignment

It is not feasible and prudent to construct the proposed Highway 10 project on an alternative alignment location because this would not address the project need, including safety (motorized and non-motorized traffic), capacity and traffic operations, and access considerations. Additionally, the existing Highway 10 alignment is a trunk highway

facility that is located in downtown Elk River, a fully-developed, urbanized area. South of downtown Elk River is the Mississippi River and associated floodway.

Basis for Concluding That the Proposed Action Includes All Possible Planning to Minimize Harm to the Section 4(f) Property

The preferred alternative is a feasible and prudent alternative as it addresses the project purpose and need and has the least harm on the St. Paul and Pacific (BNSF) Railroad Corridor after considering mitigation. As described in Section VI, mitigation measures include future construction of an interpretive display on Mn/DOT property at the park and ride facility (located east of Highway 169 at 171st Avenue and Twin Lakes Road). The details of this interpretive display, such as content and design, will be subject to SHPO review prior to design and construction.

The officials having jurisdiction over the St. Paul and Pacific (BNSF) Railroad Corridor have agreed, in writing, with the assessment of impacts resulting from the use of the St. Paul and Pacific (BNSF) Railroad Corridor and with the mitigation measures to be provided. This project included close coordination between the Mn/DOT CRU, Minnesota SHPO, and FHWA. This coordination includes development of a Section 106 MOA. A copy of the signed MOA between the FHWA, Mn/DOT and Minnesota SHPO is attached.

Summary of the Formal Coordination

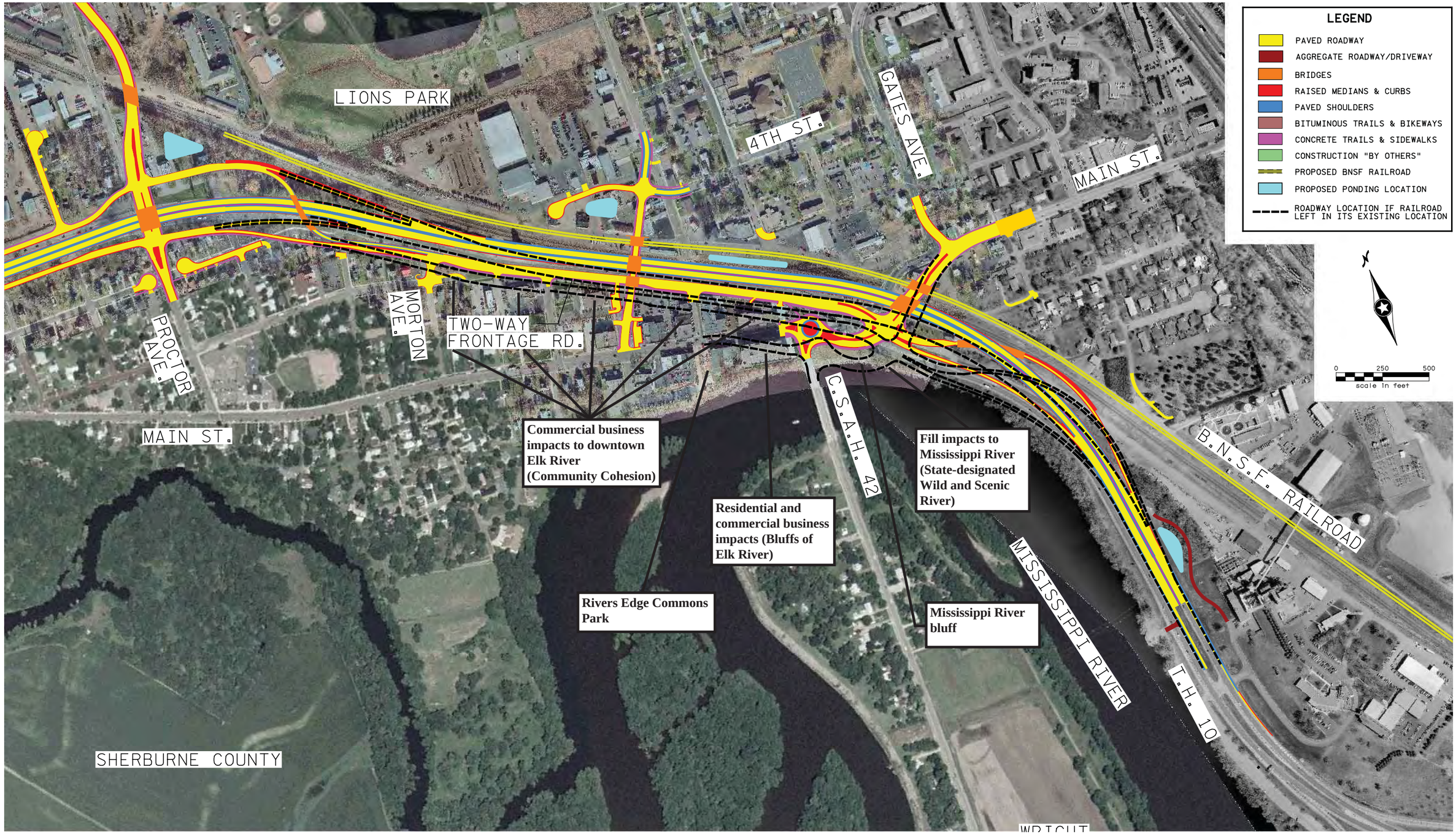
Coordination has occurred with BNSF, Mn/DOT, Minnesota SHPO, and FHWA. A Section 106 Memorandum of Agreement has been developed to identify measures to avoid or minimize adverse effects to the Section 4(f) property. The mitigation measured identified in the Memorandum of Agreement are summarized above. A copy of the signed Memorandum of Agreement is attached.

Concluding Statement

Based upon the above considerations, there is no feasible and prudent alternative to the use of land from the St. Paul and Pacific (BNSF) Railroad Corridor, and the proposed action includes all possible planning to minimize harm to the St. Paul and Pacific (BNSF) Railroad Corridor resulting from such use.

ATTACHMENTS

- **Avoidance Alternative Location (Figure 3)**
- **Minnesota State Historic Preservation Office Concurrence Letter**
- **Section 106 Memorandum of Agreement**



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AVOIDANCE ALTERNATIVE

FINAL SECTION 4(f) EVALUATION
T.H. 10 - SP 7102-123

Figure 3

Minnesota
Historical Society
STATE HISTORIC PRESERVATION OFFICE

June 19, 2009

Mr. Craig Johnson
Cultural Resources Unit
MN Dept. of Transportation
Transportation Building, Mail Stop 620
395 John Ireland Blvd.
St. Paul, MN 55155-1899

RE: S.P. 7102-123, T.H. 10
Grade-separated intersections, realignment, and frontage roads
SHPO Number: 2009-0777

Dear Mr. Johnson:

Thank you for your letter regarding the above-referenced project.

We concur with your assessment that the project will have an adverse effect on the St. Paul and Pacific Railroad Historic District.

We note that your letter acknowledges that an archaeological survey of this project is yet to be completed. We will not be able to reach a determination of effect for the project as a whole until that survey is reviewed.

Contact us at (651) 259-3456 with questions or concerns.

Sincerely,

Dennis A. Gimmestad
Government Programs & Compliance Officer

SECTION 106 MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION (FHWA)
AND THE
MINNESOTA STATE HISTORIC PRESERVATION OFFICE (SHPO)
PURSUANT TO 36 CFR 800.6 (B) (IV)
REGARDING THE TRUNK HIGHWAY 10 FREEWAY CONVERSION PROJECT
(S.P. 7102-123)
IN
ELK RIVER, SHERBURNE COUNTY, MINNESOTA

WHEREAS, the Minnesota Department of Transportation (Mn/DOT) plans to reconstruct Trunk Highway (TH) 10 as a freeway facility in Elk River from a point located approximately 1,000 feet west of the TH 10/101/169 system interchange to a point located approximately 1,900 feet west of Upland Avenue; and

WHEREAS, preliminary engineering, design, and environmental documentation is being completed using local funds provided by the City of Elk River. It is anticipated that construction of the proposed project would likely use future Federal-Aid highway funds to be provided by the Federal Highway Administration (FHWA); and

WHEREAS, the Project is not funded for construction within the 2009-2028 planning period for Mn/DOT District 3. The TH 10 freeway conversion through Elk River from its junction with TH 169 to Upland Avenue is identified in the *Draft District 3 Highway Investment Plan 2009-2028* (February 2009) as a high priority unfunded need; and

WHEREAS, the FHWA, in consultation with the Minnesota State Historic Preservation Office (SHPO), identified the St. Paul and Pacific (BNSF) Railroad Corridor Historic District as a historic property eligible for the National Register of Historic Places; and

WHEREAS, the FHWA, in consultation with the SHPO, has determined that reconstruction of an approximately one-mile long segment of the St. Paul and Pacific (BNSF) Railroad Corridor Historic District on a new alignment located approximately 100 feet to the north of the existing alignment will have adverse effects to the property under Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800); and

WHEREAS, the FHWA has consulted with the SHPO and the Minnesota Department of Transportation (Mn/DOT) pursuant to 36 CFR 800.6(b)(1) to resolve the adverse effects of the undertaking on historic properties; and

WHEREAS, the FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its finding of adverse effect in accordance with 36 CFR 800.6(a)(1), and has provided the documentation specified in 36 CFR 800.11(e) and the ACHP has declined to participate in the consultation; and

WHEREAS, the FHWA, in consultation with the SHPO, has invited Mn/DOT to sign this MOA as an invited signatory in accordance with 36 CFR 800 (c) (4); and

WHEREAS, since this project has the same adverse effect on the St. Paul and Pacific (BNSF) Railroad Corridor Historic District as the TH 169 reconstruction project in Elk River and Zimmerman (S.P. 7106-71 & 7106-73), the mitigation to resolve the adverse effect is the same for both projects and require separate MOA's; and

NOW, THEREFORE, the FHWA, the SHPO, and Mn/DOT agree that upon the FHWA's approval of the undertaking, the FHWA will ensure that the following stipulations shall be implemented in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

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

STIPULATION I. INTERPRETIVE DISPLAY

A. The Mn/DOT will develop an interpretive display (e.g., kiosk) for the St. Paul and Pacific (BNSF) Railroad Corridor Historic District. This interpretive display will focus on the role of the St. Paul and Pacific (BNSF) Railroad Corridor Historic District in the development of the Elk River area and the importance of the railroad corridor in providing railroad access to communities along the Mississippi River. The interpretive display will be placed on Mn/DOT-owned property at the Elk River Northstar Commuter Rail Park and Ride facility (north of the St. Paul and Pacific [BNSF] Railroad Corridor). The placement of the interpretive display on Mn/DOT property at the Northstar Commuter Rail Park and Ride facility will be coordinated with the State Historic Preservation Office (SHPO).

B. Mn/DOT will submit a draft of the interpretive display content and draft design of the interpretive display, including how it relates to the Park and Ride facility and Northstar Commuter rail station to the SHPO for review and concurrence.

C. Mn/DOT will construct and install the interpretive display at the Elk River Northstar Commuter Rail Park and Ride facility within one (1) year of project letting.

STIPULATION II. AMENDMENTS

Any signatory to this Memorandum of Agreement (MOA) may request in writing to the FHWA that it be amended, whereupon the parties shall consult to consider the proposed amendment. The regulations at 36 CFR 800 shall govern the execution of any such amendment.

STIPULATION IIII. DISPUTE RESOLUTION

Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree, any one of the signatories may request the participation of the ACHP to assist in resolving the dispute.

STIPULATION IV. TERMINATION

Any signatory to this MOA may terminate the agreement by providing thirty (30) days' written notice to the other signatories, provided the signatories consult during the period prior to termination to agree on amendments or other actions that would avoid termination.

STIPULATION V. DURATION

If the terms of this agreement have not been completed within two (2) years from the date the project is let, this agreement will be considered null and void. If the FHWA anticipates that the agreement will not be implemented within this timeframe, it will notify the signatories in writing at least thirty (30) days prior to the agreement becoming invalid. The agreement may be extended by the written concurrence of the signatories. If the agreement becomes invalid and the FHWA elects to continue with the undertaking, the FHWA will reinitiate review of the undertaking in accordance with 36 CFR 800.

Execution of this MOA by the FHWA and the SHPO and implementation of its terms evidence that the FHWA has taken into account the effects of its undertaking on historic properties and has afforded the ACHP opportunity to comment.

FEDERAL HIGHWAY ADMINISTRATION (FHWA)

By: Cheryl B. Martin 10/22/09

for Derrell Turner, Division Administrator Date

MINNESOTA STATE HISTORIC PRESERVATION OFFICE (SHPO)

By: Britta L. Bloomberg 9/28/09

Nina Archibal, State Historic Preservation Officer Date

Britta L. Bloomberg, Deputy SHPO

Invited Signatories:

MINNESOTA DEPARTMENT OF TRANSPORTATION (Mn/DOT)

By: 9/30/09

Thomas K. Sorel, Commissioner Date

Appendix E

Public Hearing Documentation

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

..... CERTIFICATE OF COMPLIANCE.....

MINNESOTA PROJECT NO. _____ STATE PROJECT NO. SP 7102-123

TRUNK HIGHWAY NO. 10 **OR** LOCAL AGENCY ROUTE NO. _____
(CSAH, MSAS, Other)

Being that section of the highway between:
Upland Avenue/County Road 44 to TH 10/101/169 Interchange

in Sherburne County, the State of Minnesota.

In conformance with the requirements of SECTION 128, TITLE 23, UNITED STATES CODE, the undersigned does hereby certify that

_____ the public has been afforded an opportunity for a public hearing, **or**

X a public hearing was held

and that consideration has been given to the social and economic effects of the project, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community.

The public was advised of the

_____ objectives of such a hearing, the procedures for requesting a hearing, the deadline for the submission of such a request, **or**

X time, place, and objectives of the hearing

by notices published in news media having a general circulation within the area of said project. Affidavit(s) of such publication is (are) enclosed herewith.

_____ The deadline date for the submission of a request for a hearing was _____20__, **or**

X The hearing was held on December 2 20 10 in Elk River, Minnesota.
(City, Township, Other)

Signed _____ this 2nd day of December 20 10
Mn/DOT District Engineer

OR

Signed _____ this _____ day of _____ 20 __
Local Agency Title:

AFFIDAVIT OF PUBLICATION

PUBLIC HEARING FOR THE TRUNK HIGHWAY 10 IN ELK RIVER ENVIRONMENTAL ASSESSMENT/ ENVIRONMENTAL ASSESSMENT WORKSHEET AND DRAFT SECTION 4(f) EVALUATION

The Minnesota Department of Transportation (Mn/DOT) encourages the public to attend an open house and public hearing for the proposed Trunk Highway (TH) 10 in Elk River project (S.P. 7102-123).The proposed project is located in the City of Elk River, Sherburne County, Minnesota. The open house and public hearing will be held Thursday December 2, 2010 from 5:00 to 7:00 p.m. at the Elk River City Hall, 13065 Orono Parkway, Elk River, MN 55330. The purpose of the open house and public hearing is to inform the public about the project, and encourage the public to comment and ask questions. Maps, drawings, and other pertinent information, including the Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) and Draft Section 4(f) Evaluation, will be available for public inspection. During the open house the public will be able to discuss the project in an informal manner with Mn/DOT officials and the design and environmental consultants. Comments will be received either written or orally (by a court reporter, and will become part of the official public hearing record. The comments will be considered when making future project related decisions.

The proposed project involves reconstruction of TH 10 from an urban arterial roadway to a freeway design within Elk River between Upland Avenue/County Road 44 and the TH 10/101/169 interchange. The project includes the construction of a grade-separated interchange at Upland/Proctor Avenues and a half interchange at Main Street (interchange ramps to and from the east). A one-way pair of frontage roads will connect interchange ramps at Upland/Proctor Avenues.At-grade intersections will be removed, and frontage roads along TH 10 will be constructed to provide local access. The BNSF Railway will be realigned to the north, and grade-separated crossings will be constructed at Proctor Avenue, Jackson Avenue, and Main Street.

The purpose of the project is to address regional mobility, traffic operations, and local connectivity/accessibility while serving as a guide for compre-

STATE OF MINNESOTA)
COUNTY OF SHERBURNE) SS

Marlys Ellingson, being duly sworn on oath says that she is the sales manager of the Newspaper known as the Star News, and has full knowledge of the facts which are stated below:

(A) The Newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statue 331A.02, 331A.07 and other applicable laws, as ammended.

(B) The printed legal notice, which is attached was cut from the columns of said newspaper and was printed and published once a week for one week; it was first published on Saturday, the 30th day of October, 2010, and was therefore printed and published on every Saturday to and including Saturday, the 30th day of October, 2010, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice

a b c d e f g h i j k l m n o p q r s t u v w x y z

Marlys Ellingson

Sales Manager

Subscribed and sworn to before me on
this 30th day of October, 2010

Heidi Jo Quanrud

HEIDI JO QUANRUD
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2015

Notary Public

RATE INFORMATION

(1) Lowest classified rate paid by commercial users for comparable space	$ 21.00 (line, word or inch rate)
(2) Maximum rate allowed by law for the above matter	$ 15.50 (line, word or inch rate)
(3) Rate actually charged for the above matter	$ 15.00 (line, word or inch rate)

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connectivity/accessibility while serving as a guide for comprehensive planning in the City of Elk River. There is no funding in place for construction of the Preferred Alternative. This EA/EAW process is intended to support the anticipated future use of federal funding and to allow for land use and local transportation improvements, consistent with the proposed project, to be implemented over time as funding becomes available.

The EA/EAW, which documents the purpose and need of the project along with the anticipated social, economic, and environmental impacts, including Federal Section 106 and Section 4(f) impacts, will be available for review during the public hearing, and copies are also available for public viewing during business hours at the following locations:

- Mn/DOT District 3 Offices, 7694 Industrial Park Road, Baxter, MN 56425
- Mn/DOT District 3 Offices, 3725 12th Street North, St. Cloud, MN 56303
- Elk River City Hall, 13065 Orono Parkway, Elk River, MN 55330
- Sherburne County Public Works, 425 Jackson Avenue, Elk River, MN 55330
- Elk River Public Library, 13020 Orono Parkway, Elk River, MN 55330
- Great River Regional Library, 1300 W St. Germain, St. Cloud, MN 56301

Written comments can be mailed, prior to the close of the public comment period on December 20, 2010, to Jim Hallgren, Project Manager, Mn/DOT District 3, 7694 Industrial Park Road, Baxter, MN 56425, Email james.hallgren@state.mn.us.

Accessibility and ASL

To request an ASL interpreter, call the Minnesota Relay Service at 1-800-627-3529 (TTY, Voice or ASCII) or 711. To request other reasonable accommodation(s) call 218-828-5797. Or email your request (for either of above) to ADArequest@dot.state.mn.us.

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