

**AMENDED
SCOPING DECISION DOCUMENT**

TRUNK HIGHWAY 371 – MAJOR CONSTRUCTION

MINNESOTA DEPARTMENT OF TRANSPORTATION

State Project Number: S.P. 1116-22

Trunk Highway Number: TH 371

The project proposes to improve approximately 16.0 miles of Trunk Highway 371 (Highway 371) from the intersection of Highway 371 and Crow Wing County Road 18 in Nisswa, Minnesota to the intersection of Highway 371 and Cass County Road 42 in Pine River, Minnesota. The project is located within Crow Wing County and Cass County, Minnesota.

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I. REPORT PURPOSE

An Environmental Impact Statement (EIS) will be prepared for this project. The first step in the EIS process is "scoping", the purpose of which is to focus the EIS on a small number of potentially feasible build alternatives and to determine which impact areas will be examined and at what level of detail they will be studied. The *Scoping Document* was distributed in November 2002 to local, state, and federal agencies; local libraries; and citizens/interest groups with an interest in the proposed project. The *Scoping Document* also contained a *Draft Scoping Decision Document* and asked for comments on that decision. The *Scoping Decision Document* was distributed in February 2003. This document included the listing of alternatives that will be retained for analysis in the Draft EIS.

A substantial amount of technical analysis and public involvement has occurred since completing the *Scoping Decision Document*. This analysis and input led to a much greater understanding of the potential beneficial and adverse impacts associated with each alternative identified in the February 2003 scoping decision. As a result, it was decided to amend the February 2003 *Scoping Decision Document* to further refine the alternatives to be addressed in the Draft EIS.

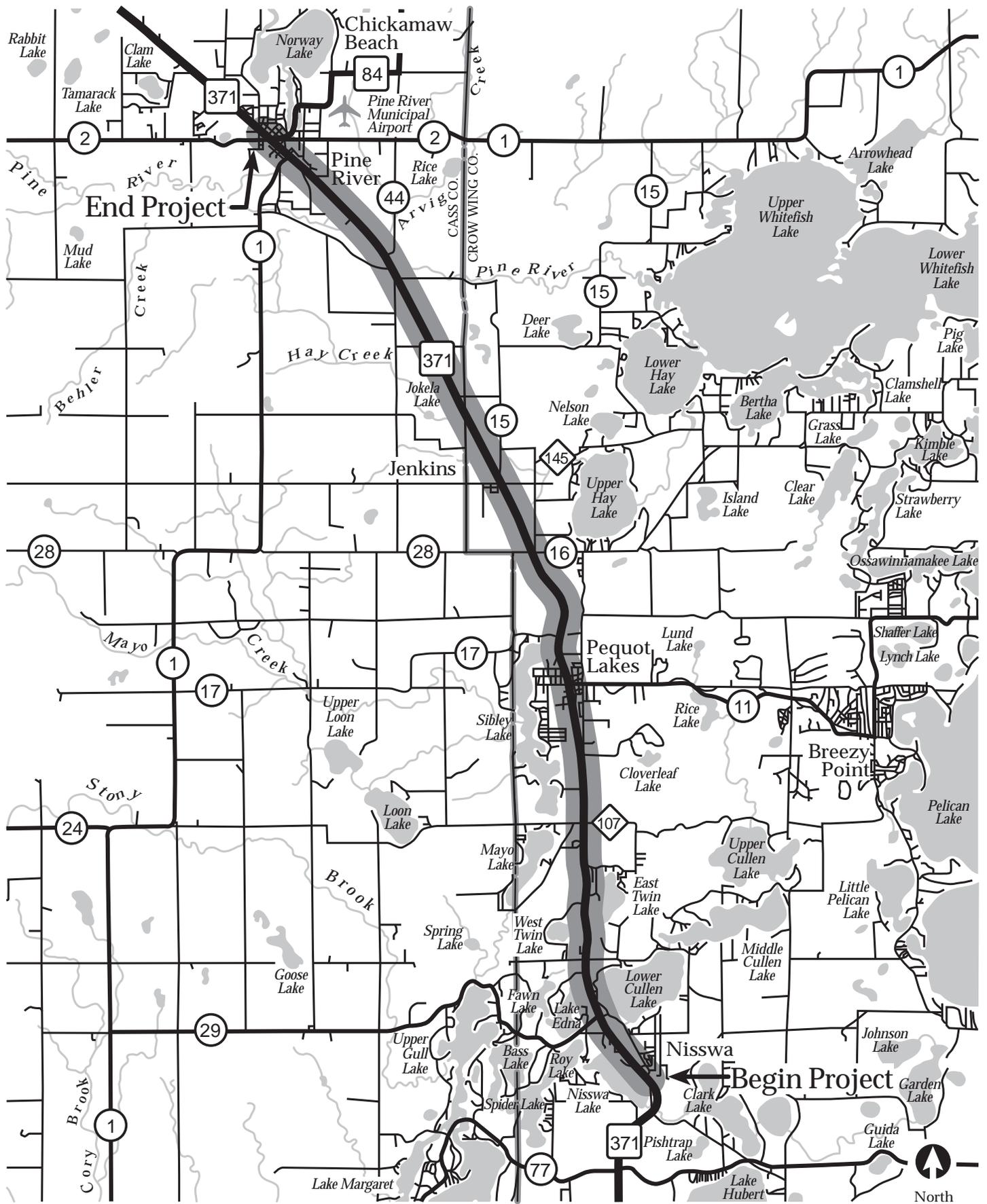
II. PROJECT DESCRIPTION

Minnesota Department of Transportation (Mn/DOT) proposes improvements to Highway 371 in Cass County and Crow Wing County, Minnesota. The project corridor extends from Crow Wing County Road 18 in the City of Nisswa, Minnesota to approximately Cass County Road 42 in the City of Pine River, Minnesota. The total length of the project corridor is approximately 16.0 miles (see Figure 1).

Highway 371 is a major north-south route on the State of Minnesota Trunk Highway System. Locally and regionally, Highway 371 connects citizens and communities to jobs, retail centers, and recreational/tourist destinations. Tourist travel along this segment of Highway 371 creates high seasonal traffic peaks. These peaks commonly cause traffic delays, congestion, and safety hazards. The major considerations to be addressed in the planning and design of this project include potential community impacts to four urban areas (Nisswa, Pequot Lakes, Jenkins, and Pine River), the Paul Bunyan Regional Trail, scattered residential and commercial developments, and potential environmental resource impacts, such as wetlands, lakes, rivers, and wildlife habitat.

III. PURPOSE AND NEED

Purpose and Need for the proposed improvements to Highway 371 from Nisswa to Pine River were discussed extensively in the *Scoping Document* and remains unchanged for this *Amended Scoping Decision Document*. The interested reader may refer to pages 6 through 16 of the *Scoping Document* for that discussion.



IV. PROJECT SCHEDULE

The following is the anticipated project schedule for completion of the Highway 371 North Improvement Project Scoping Study and EIS:

Fall 2002	Federal Notice of Intent
November 2002	Release of <i>Scoping Document/Draft Scoping Decision Document</i> for public comment; begin the 30-day comment period
December 5, 2002	Public Scoping Meeting
February 2003	<i>Scoping Decision Document</i>
November 2003	<i>Amended Scoping Decision Document</i>
Winter 2003	State EIS Preparation Notice
Winter 2003	Distribute Draft EIS for agency/public comment; start of Draft EIS comment period
Winter 2003	Public Hearing on Draft EIS
Winter 2003	Identification of Preferred Alternative by Mn/DOT and FHWA
Summer 2004	Distribute Final EIS
Winter 2004	Federal Highway Administration Record of Decision
2008	Begin Right-of-Way Acquisition Process
2010-2011	Anticipated Construction

V. ALTERNATIVES

The purpose of this section is to present the rationale for amending the alternatives retained for further review in the EIS as presented in the February 2003 *Scoping Decision Document*.

ALTERNATIVES THAT REMAIN UNCHANGED FROM FEBRUARY 2003 SCOPING DECISION DOCUMENT

- Alternative 1 – No-Build Alternative
- Alternative 2 – Construct Four-Lane Highway on Existing Alignment
- Pequot Lakes East Bypass Option

ALTERNATIVES THAT HAVE BEEN AMENDED FROM FEBRUARY 2003 SCOPING DECISION DOCUMENT

Pine River Bypass Option

The February 2003 *Scoping Decision Document* concluded that a western bypass of Pine River be carried forward into the Draft EIS for further consideration and analysis. Since that time, a substantial amount of technical analysis and public involvement has occurred that has led to a much greater understanding of the potential beneficial and adverse impacts associated with the options in the Pine River area. With this, it was decided to assemble the available data into a matrix for purposes of determining whether the Bypass Option should be retained or removed from consideration in the Draft EIS.

Table 1 documents the comparative assessment between the Bypass, Through-Town, and No-Build Alternatives.

The data in the table indicates that compared to the Through-Town Alternative, the Bypass has substantially higher construction costs (\$22.5 million vs. \$10.9 million), requires acquisition of more property (144.2 acres vs. 16.6 acres), impacts more acres of wetlands (11.5 acres vs. 1.1 acres) including a highly sensitive tamarack marsh, requires acquisition of 27 residences compared to 5, and impacts 1.4 acres of old-growth forest on Minnesota Department of Natural Resources (MNDNR) property. The MNDNR has indicated that this old growth forest on public land is a highly valued resource and that all reasonable measures should be taken to avoid any impact.

By comparison, the Through-Town Alternative has greater noise impacts (especially nighttime violations) and requires removal or relocation of the Pine River Depot (eligible for the National Register of Historic Places).

Both build alternatives require relocation of a portion of the Paul Bunyan Regional Trail. The Through-Town Alternative impacts 11,600 feet of existing trail and the Bypass Option impacts 6,800 feet of trail.

**Table 1
Evaluation of Pine River Area Alternatives**

Issues/Impact	No-Build	Bypass	Through-Town
Right-of-Way Costs (\$2003)	Unknown ¹	\$11,000,000	\$3,000,000
Construction Costs (\$2003)	Unknown ¹		
with interchanges	N/A	\$22,510,000	N/A
without interchanges	N/A	\$13,510,000	\$10,880,000
Wetland mitigation costs	Unknown ¹	\$138,000	\$13,600
Wetlands (total acres)	0	11.5	1.1
Type 1	0	0.0	0.1
Type 2	0	0.0	0.3
Type 6	0	9.8	0.7
Type 7	0	1.7	0.0
Right-of-Way			
Land Acquisition (acres)	0	144.2	16.6
Residential Relocations	0	27	5
Commercial Relocations	0	5	3
Historic Structures	0	0	1
Paul Bunyan Trail			
Length of Trail Relocation	0	6,780 ft.	11,600 ft.
Length of New Trail	0	8,500 ft.	11,650 ft.
Noise			
Daytime Violations	29 parcels	33 parcels	42 parcels
Nighttime Violations	43 units	55 units	104 units
Old Growth Forest (acres)	0	1.4	0

¹ There are no construction costs for the No-Build Alternative because no specific improvements have been identified.

Federal Section 4(f) Considerations

The Paul Bunyan Trail and Pine River Depot are both Section 4(f) resources. Section 4(f) legislation provides protection for publicly owned recreation areas and historic sites. The Federal Highway Administration may not approve the use of land from a Section 4(f) resource unless a determination is made that there is no feasible and prudent alternative to the use of land from the property and that the action includes all possible planning to minimize harm to the property resulting from such use.

The Paul Bunyan Trail extends along the Highway 371 corridor through the length of the study area, and as a result, it is not possible to expand the highway without impacting the trail. Coordination with the MNDNR, who owns and operates the trail, will continue and all reasonable minimization measures will be evaluated. In meetings held with MNDNR staff, they have indicated that they are aware the trail will be affected by any expansion to Highway 371, and they see opportunities to enhance the Trail through mitigation planning.

With the Through-Town Alternative, impact to the Pine River Depot is unavoidable, and as a result, a specific mitigation plan for addressing the impact will need to be defined. The mitigation planning efforts will include the ongoing

local efforts to relocate the Depot from its current location independent of whether or not Highway 371 is improved.

Pine River Bypass Option Conclusions

After assessing the technical information, it was concluded that because of excessive construction and right-of-way costs, impacts to sensitive tamarack wetland and a prime old growth forest, and substantially greater residential acquisitions, the Bypass Option is not reasonable or prudent. As a result, the Bypass Option will be removed from further consideration in the Highway 371 North Improvement Project and will not be addressed in the Draft EIS.

Jenkins Bypass Option

The February 2003 *Scoping Decision Document* concluded that a Bypass Option should be considered as an option to avoid the potential for impacts through downtown Jenkins associated with widening the existing alignment. An eastern bypass corridor was initially identified because it avoided the need to cross the Paul Bunyan Regional Trail as would be required with a western bypass option.

After more detailed consideration was given to the ability to accommodate interchanges at County Road 16 and County Road 15, it became evident that the preliminary corridor assessed in the *Scoping Document* was not feasible. Specifically, in order to accommodate the interchange at County Road 16, the east bypass alignment had to be shifted farther east. This shift resulted in substantial impacts to the local road network and placed the corridor within one-quarter mile of Upper Hay Lake and its immediate watershed. The County Road 15 interchange along with the shift in the east bypass alignment also created direct impacts to Hay Creek, which has been identified as a significant natural resource.

For the above reasons, it was concluded that the east Jenkins Bypass was not a feasible or reasonable option. As a result, the Jenkins Bypass Option was shifted to the west side of the downtown area to avoid issues associated with Upper Hay Lake, continuity of the local road network, and direct impacts to Hay Creek. Furthermore, in reviewing the west bypass layout, MNDNR staff did not have any substantial concern about the potential impact on the Paul Bunyan Trail. The shift from the east Jenkins bypass concept to the west Jenkins bypass concept was communicated to the Jenkins residents and officials through a series of community meetings.

Federal Section 4(f) Considerations

As discussed with the Pine River Bypass Option, the Paul Bunyan Trail is a federal Section 4(f) resource. Because the trail extends along the Highway 371 corridor through the length of the study area, it is not possible to expand the highway and avoid impacts to the trail. As a result, it will be important to evaluate all possible minimization measures and to continue to work closely with the MNDNR who own and operate the trail. In meetings already held with the MNDNR staff, they have indicated that they are aware the trail will be affected by

any expansion to Highway 371, and they see opportunities to enhance the Trail through mitigation planning.

Jenkins Bypass Option Conclusion

A west bypass option will be carried forward for further consideration in the Draft EIS.

PRESENTATION OF BUILD ALTERNATIVES

In order to analyze the alternatives in the Draft EIS, logical build alternatives needed to be defined to provide a fair and reasoned presentation of the impact information. After considering the different methods for presenting and analyzing the build alternatives, it was decided that complete corridor length alternatives should be developed. Consideration was given to using a segmentation approach to allow more direct comparison between the Through-Town and Bypass Options for each community. However, this approach was not possible because there is no common match point for all the alternatives between Pequot Lakes and Jenkins.

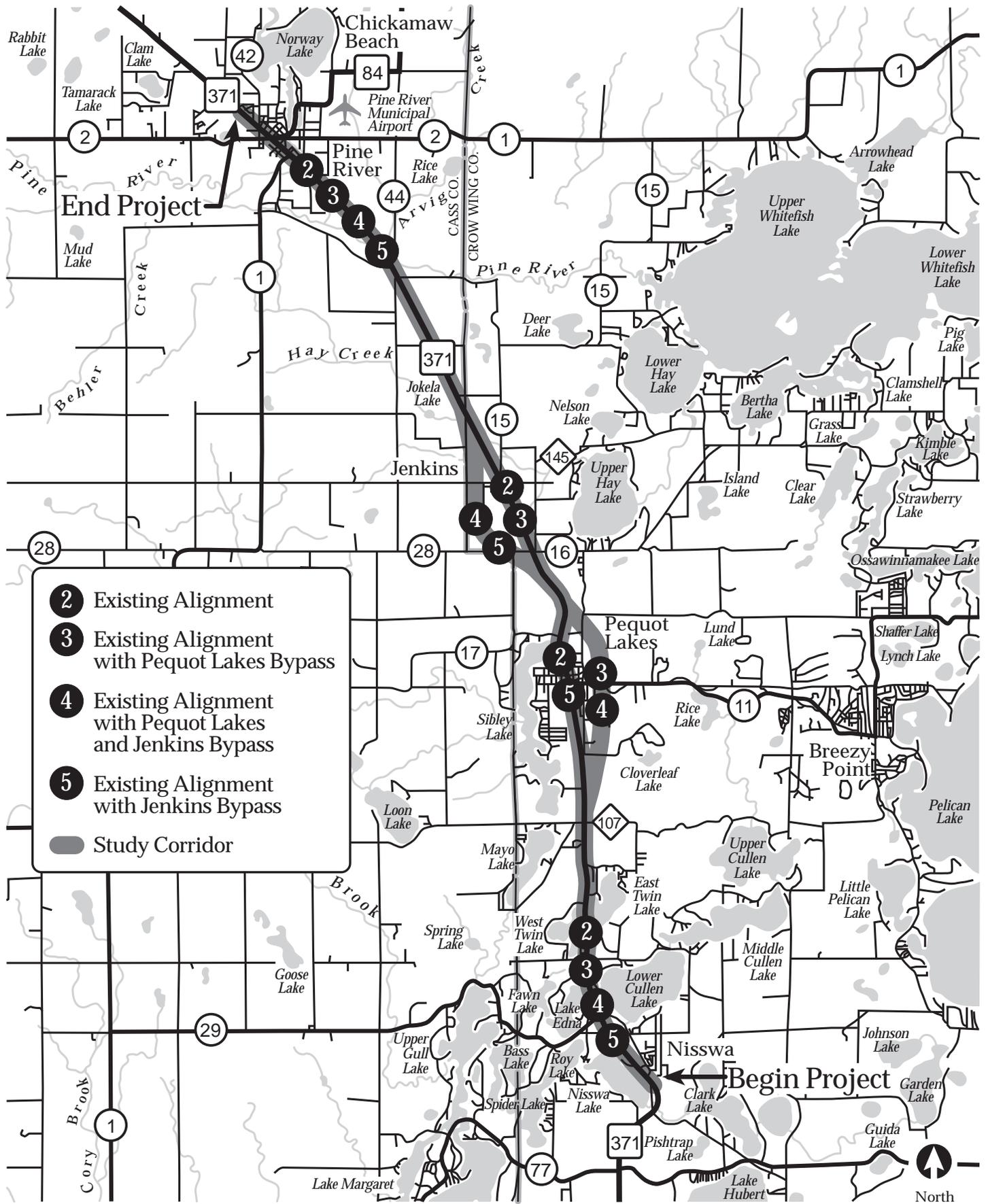
Applying the corridor level evaluation approach, the following build alternatives are possible:

- Nisswa to Pine River on Existing Alignment (Scoping Alternative 2)
- Nisswa to Pine River with the East Pequot Lakes Bypass
- Nisswa to Pine River with the East Pequot Lakes Bypass and West Jenkins Bypass
- Nisswa to Pine River with the West Jenkins Bypass

Alternatives Retained for Further Analysis in the Draft EIS

Four build alternatives along with the No-Build Alternative remain for consideration and detailed analysis in the Draft EIS. The alternatives and their number labeling is listed below and illustrated on Figure 2.

- Alternative 1 – No-Build
- Alternative 2 – Nisswa to Pine River on Existing Alignment
- Alternative 3 – Nisswa to Pine River with East Pequot Lakes Bypass
- Alternative 4 – Nisswa to Pine River with East Pequot Lakes Bypass and West Jenkins Bypass
- Alternative 5 – Nisswa to Pine River with West Jenkins Bypass



VI. SOCIAL, ECONOMIC, AND ENVIRONMENTAL IMPACT ASSESSMENT

The following issues will be addressed in the EIS.

- Right-of-Way and Relocation
- Economic
- Social and Community
- Land Use
- Parks and Recreational Areas, Section 4(f)/6(f)
- Pedestrian and Bicycle Movements
- Environmental Justice
- Transit
- Utilities
- Cumulative/Secondary Impacts
- Historic and Archaeological Resources
- Noise
- Surface Water Drainage
- Water Quality
- Floodplains
- Water Body Modification
- Groundwater
- Wetlands
- Vegetation
- Wildlife
- State and Federal Threatened and Endangered Species
- Prime and Unique Farmlands
- Air Quality
- Visual Resources
- Soil and Water Contamination
- Construction Impacts
- Relationship of Short-term Uses versus Long-term Productivity
- Irreversible & Irretrievable Commitment of Resources

SPECIAL REPORTS

The following is a list of special reports that will be prepared and incorporated into the EIS.

- Traffic Analysis
- Noise Assessment
- Cultural Resources (Archaeological and Historical Sites)
- Environmental Site Assessment (Contaminated Properties)

VII. PUBLIC AND AGENCY INVOLVEMENT

Mn/DOT is committed to public involvement/outreach at all levels in decision-making related to the Highway 371 North Improvement Project. Mn/DOT will continue to engage community organizations, area property owners, business

owners, residents, and local, county, regional, state, and federal agencies in the development of the project.

A series of meetings were held in the winter and spring 2003 to gather, discuss, and distribute corridor specific information. The meetings were focused around the four community areas along the corridor to facilitate the presentation and discussion of information. The areas included: Lakes Area (Nisswa Lake, Cullen Lakes, and Twin Lakes area), Pequot Lakes Area, Jenkins Area, and the Pine River/Wilson Township Area.

PERMITS/APPROVALS

It is anticipated that federal, state, and other local permits/approvals may be required for the proposed action. It is probable that the following permits and approvals will be required (an updated list of permits/approvals will be included in the EIS):

- Section 404 Permit from the USCOE
- Section 401 Water Quality Certification from MPCA
- National Pollutant Discharge Elimination System (NPDES) from MPCA
- Protected Waters Permit from the MNDNR
- Wetland Conservation Act from Mn/DOT
- Municipal approval from the Cities of Nisswa, Pequot Lakes, Jenkins, and Pine River

VIII. LEVEL OF ACTION

This project is considered a federal Class I action because there is the potential for significant environmental effects as documented in the Social, Economic, and Environmental Impact Assessment section. This project meets the mandatory EIS threshold test at Minnesota Rule 4410.4400, subpart 16. Mn/DOT is the RGU for this project.

IX. OFFICIAL PUBLIC AND AGENCY COMMENTS

The official comment period on the *Scoping Document/Draft Scoping Decision Document* began on November 11, 2002 and remained open until December 13, 2002. A public Scoping Meeting to receive comments on the Highway 371 North Improvement Project *Scoping Document/Draft Scoping Decision Document* was held as follows:

December 5, 2002, 5:30 p.m. to 8:00 p.m.
Pequot Lakes High School
4276 W Lake Street
Pequot Lakes, MN 56472

Approximately 400 individuals attended the public scoping meeting. An informational handout was provided that described the proposed project and summarized the open house exhibits that were available to provide additional information. Attendees were invited to provide comments on the *Scoping*

Document/Draft Scoping Decision document through one of two ways, oral statements to a tape recorder and/or written statements.

During the official comment period, a total of 97 comments/statements were received from citizens, business representatives, interest groups, and government agencies. The majority of the public comments were related to specific design details. Although these comments are not addressed in this document, they will be considered during the preliminary design phase of project development.

Several comments were received that requested additional social, economic, or environmental resources be reviewed in the EIS or that a greater level of analysis be conducted for a particular resource while preparing the Draft EIS. The following is a list of these comments and Mn/DOT's response in terms of if or how they will be addressed in the EIS. Mn/DOT's responses are in italic text.

Air Quality – The Minnesota Pollution Control Agency (MPCA) suggested that a detailed air quality analysis be conducted for the EIS that would assess local carbon monoxide concentrations at key intersections located along the corridor.

The scope of the project alternatives does not indicate that air quality impacts would be expected due to the relatively low traffic volumes on intersecting roadways. Furthermore, the project is not located in an area in which conformity requirements apply. Therefore, Mn/DOT does not anticipate the need to conduct a detailed air quality ("Hot Spot") analysis at any intersection along the corridor.

Secondary & Cumulative Impacts – The Minnesota Department of Natural Resources (MNDNR) and the Environmental Protection Agency (EPA) suggested that a thorough examination of the secondary and cumulative impacts of the highway improvement project be included in the EIS. Furthermore, it was suggested that a Secondary and Cumulative Impact Study be added to the list of Special Studies.

A Secondary & Cumulative Effects Analysis (SCEA) was previously completed for the Highway 371 corridor. The findings of this report will be reviewed and incorporated into the Highway 371 North Improvement Project EIS. If necessary, the findings will be updated to reflect recent developments and new information to assist in the determination of potential secondary and cumulative effects of the project.

Aggregate Resources – The MNDNR suggested that the impacts from the extraction of aggregate resources that would be necessary for the construction of the highway improvement project be assessed in the EIS.

This item continues to be a policy issue between Mn/DOT and other state agencies that cannot be resolved on an individual project basis. The contract bidding process allows contractors the flexibility in locating and obtaining acceptable aggregate resources. However, new and/or existing borrow sites are subject to environmental review under Minnesota Rule Chapter 4410.4300, subp. 12.

Wetland Mitigation Plan – The EPA suggests a detailed wetland mitigation plan be incorporated into the EIS.

Only general mitigation discussions are anticipated in the Draft EIS. However, the Final EIS will further discuss mitigation commitments and permit requirements. A conceptual wetland mitigation plan will be included in the Final EIS. This will indicate how and where wetland impacts associated with the preferred alternative will most likely be mitigated.

Mussel Research – The MNDNR suggested that potential mussels in the Pine River and Norway Brook be fully assessed in the EIS.

In accordance with normal sequencing measures, Mn/DOT will first attempt to avoid any potential impact to the Pine River and Norway Brook. This may include looking at several bridge design options to avoid impacting the stream channel. If stream bottom impacts become inevitable, an instream search for listed mussel species will be performed.

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