



Office of Environmental Services

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March 28, 2005

**ADEQUACY DETERMINATION; FINAL ENVIRONMENTAL IMPACT
STATEMENT; MINNESOTA TRUNK HIGHWAY 371, MORRISON COUNTY,
MINNESOTA**

To Whom it May Concern:

As the Responsible Government Unit, the Minnesota Department of Transportation (Mn/DOT) has determined that the Final Environmental Impact Statement (FEIS) for the reconstruction of Trunk Highway (TH) 371 in Morrison County, Minnesota is adequate.

As described in Minnesota Rules 4410.2800, subpart 4, a FEIS shall be determined adequate if it:

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

All conditions specified above have been satisfied. The record of this decision is found in the attached Adequacy Determination.

Copies of the Adequacy Determination are being distributed pursuant to Minnesota Rules 4410.2800 Subp 6.

Yours truly,

A handwritten signature in black ink, appearing to read "Richard Elasky".

Richard Elasky
Chief Environmental Officer,
Director, Office of Environmental Services

BACKGROUND

The Draft EIS was approved in December 2003. This document analyzed, in detail, four build alternatives (all four-lane alternatives) and identified the potential social, economic and environmental impacts associated with each Build Alternative and the No-Build Alternative. The Draft EIS was published for public review and comment on December 19, 2003. A public hearing was held on January 14, 2004. After concluding the Draft EIS comment period on February 9, 2004, an evaluation process was initiated to identify a preferred alternative.

The evaluation process considered all public and agency comments received and weighed the project goals and needs against the technical analysis and potential effects of each alternative. Through this process, Alternative 2 was identified as the preferred alternative. The alternatives considered and reasons for their dismissal in favor of the selected alternative (Alternative 2) are discussed in detail in the Final EIS.

The proposed improvements include reconstructing TH 371 North to a four-lane divided, controlled access highway that primarily follows the existing highway alignment. The total length of the project corridor is approximately 16.0 miles.

Mn/DOT presented Alternative 2 as the preferred alternative at a public meeting on June 24, 2004. Based on comments received, revisions to the alignment were made to further minimize potential impacts. For example, the centerline spacing was reduced through the Nisswa Lakes Area and north of downtown Pequot Lakes from 90 feet to 75 feet. Other modifications included minor alignment shifts to minimize social impacts (right-of-way acquisition and relocations) and environmental impacts (wetlands) and to minimize impacts on the Paul Bunyan Regional Trail corridor. A revised analysis of potential social, economic, and environmental impacts resulting from the preferred alternative is presented in the Final EIS which was approved in January 2005.

IMPACTS AND MITIGATION

A variety of measures have been identified to mitigate social, economic, and environmental impacts associated with the construction of the selected alternative. The specific elements of the proposed mitigation plan are detailed in the FEIS, and key elements are listed below. All practicable measures to minimize environmental harm have been incorporated into the decision. These measures include:

Section 4(f)

The preferred alternative has been designed to avoid Section 4(f) resources to the extent practical and minimize harm where avoidance was not possible. The Final Section 4(f) Evaluation presented in Appendix B of the Final EIS provides a complete evaluation of three Section 4(f) resources: Paul Bunyan Regional Trail, Pine River Depot, and the Brainerd and Northern Minnesota Railway Corridor that will be impacted by the selected alternative. The Final Section 4(f) Evaluation also details the problems associated with alternatives that avoid using land from the Section 4(f) properties. The social, economic, and environmental impacts reach extraordinary magnitudes as a result of the avoidance alternatives.

Right of Way and Relocation

All relocation and right-of-way acquisition will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

Paul Bunyan Trail

The Paul Bunyan Trail will be impacted as a result of the selected alternative. Mn/DOT and the Minnesota Department of Natural Resources (MNDNR) have agreed on the proposed use of portions of the existing trail and proposed mitigation strategies. The two agencies will continue to actively coordinate through the final design phase to define specific mitigation for each impact area to ensure the trail will be "made whole" as part of the highway reconstruction project.

Historic Properties (Section 106)

Mn/DOT will carry out the commitments stipulated in the Section 106 Memorandum of Agreement for the Pine River Depot and the Brainerd and Northern Minnesota Railway corridor.

Contaminated Properties

During the final design process, properties to be acquired will be investigated further for potential contaminated materials and to determine the extent and magnitude of contaminated soil or groundwater in the areas of concern. Evidence of contamination will be reported to the Minnesota Pollution Control Agency (MNPCA) and the current property owner. In addition, coordination and consultation with the MNPCA Voluntary Investigation and Cleanup Unit, the Voluntary Petroleum Investigation and Cleanup Unit, the Petroleum Remediation Unit, and the Minnesota Department of Agriculture Voluntary Cleanup/Technical Assistance Program will occur as appropriate, to obtain assurances that contaminated site cleanup work, and/or contaminated site acquisition, will not result in long-term environmental liability for the contamination, and to obtain contaminated soil and/or groundwater handling and cleanup plan approval.

Excess Materials

The construction contractor(s) will adhere to state and local regulations and special provisions to ensure protection of wetlands and waterways in disposing unusable excavated material.

Surface Water Management and Water Quality

A detailed storm water pollution prevention plan (SWPPP) will be developed during the final design phase. This plan will be completed in accordance with the National Pollutant Discharge Elimination System (NPDES) Phase II permit requirements. Short-term and long-term best management practices will likely include: grassed swales with berms, wet swales, vegetated filter strips, rock ditch checks, rapid revegetation of exposed areas, infiltration basins, detention ponds, and curb and catch basins in urban design segments. These mitigation strategies will be used to provide water quality treatment of storm water runoff before it is discharged into receiving water bodies. Furthermore, construction in or near waterways and wetlands will be undertaken in accordance with Mn/DOT's Standard

Specifications for Road and Bridge Construction and other special provisions identified in the SWPPP and NPDES Phase II permit to minimize erosion and sedimentation.

Floodplains

The reconstruction of TH 371 North over Cullen Brook, Hay Creek, the unnamed flowage south of downtown Jenkins, the unnamed flowage north of downtown Jenkins, Pine River, and Norway Brook will be designed to accommodate the 100-year flood stage by ensuring an acceptable clearance of road structures above the calculated 100-year flood elevation. Additional design features such as steeper side slopes and guardrail will be considered to minimize impacts to these floodplains.

Wetlands

Wetland impacts will continue to be avoided or minimized through the final design phase to the extent possible, as mandated by both federal and state law. Compensatory replacement of wetland impacts will comply with federal guidelines under Section 404 of the Clean Water Act, as well as the replacement criteria described under the rules of the Minnesota Wetland Conservation Act.

Vegetation

Native plant communities have been identified within the project area. If there are unavoidable impacts to sites of concern, collection of native seeds from the sites or transplant options will be explored, along with use of harvested seeds and native prairie seed mixes for revegetation of disturbed areas in the right-of-ways of the highway and the Paul Bunyan Regional Trail.

Threatened and Endangered Species

The final design of the preferred alternative will maintain and/or provide for wildlife passages at the following locations: Cullen Brook, County Road 107, Hay Creek, stream south of Hay Creek, south fork of Pine River, and Norway Brook. This project will be included as part of a statewide wildlife passage monitoring program to determine the types of animals using wildlife passages and the frequency of use. These mitigation commitments are in accordance with the United States Fish & Wildlife Service (USF&WS) Biological Opinion.

PERMITS

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

PUBLIC AND AGENCY COMMENTS

Two agency comments (one from the United States Environmental Protection Agency and one from the Minnesota Department of Natural Resources) and thirteen public comments were received during the comment period for the Final EIS. The substantive comments are summarized and responded to below. No response is provided for statements of preference, statements of fact, general opinions, or comments agreeing with the project information. Responses to these letters are as follows:

U.S Environmental Protection Agency (EPA)

Comment-The letter from the EPA, dated February 17, 2005, acknowledged that their comments had been adequately addressed.

Response-No response necessary

Minnesota Department of Natural Resources (MNDNR)

The letter from the MNDNR, dated February 16, 2005, offered comments concerning cumulative and secondary impacts and aggregate resource extraction.

Cumulative and Secondary Impacts

Comment-The Mn/DNR expressed a concern that the issues of cumulative and secondary impacts were not adequately addressed in the EIS.

Response-As discussed in the Draft EIS, a separate report entitled "Draft Technical Report: Assessment of Cumulative and Secondary Environmental Impacts, Trunk Highway 371 Corridor" was prepared as a result of several proposed projects along the TH 371 corridor. The report concluded "with growth trends already firmly in place, and with Mn/DOT in a mode of providing the needed infrastructure, there are no adverse cumulative impacts anticipated that would be linked directly to the highway improvements assessed in the EIS". Also, for secondary impacts, it was concluded that the extent to which highway improvements may contribute to development of an area is relatively small. It is unlikely that this project will cause any adverse secondary impacts.

Aggregate Resource Extraction

Comment-The MNDNR express a concern with the impacts from aggregate resource extraction that could result from the project.

Response- The contractor has discretion over areas in which to extract aggregate. The contractor is expected to complete appropriate environmental review prior to extracting aggregate from those areas.

Robert Morgan

Comment- The letter from Robert Morgan, dated February 8, 2005, and subsequent additional comments submitted, offered a number of design suggestions at the Highway 371/County Road 17 intersection, West Twin Lake Road and intersection north of Nisswa.

Response- The suggestions were evaluated by the Mn/DOT Design Team. In some cases, these suggestions are being incorporated into the project design. In other cases, engineering, cost or environmental impact consideration preclude their implementation.

John E. and Nancy R. Brunes

Comment- The letter from John and Nancy Brunes, dated February 14, 2005, requested a meeting with Mn/DOT to discuss changes in access to their property.

Response- John and Nancy Brune's property will lose direct access to TH 371. However, reasonable access will be provided in accordance with appropriate laws and policies. Mn/DOT has discussed the change in access with John Brunes.

Gloria Papillon

Comment- The letter from Gloria Papillon, dated January 30, 2005, offered comments concerning the placement of Ultra Flight Drive.

Response- Meetings have been held with Gloria Papillon and the design details of Ultra Flight Drive are being developed with her participation.

Jacquelyn Wesolosky

Comment- The e-mail messages from Jacquelyn Wesolosky, dated January 25, 2005 and February 16, 2005, offered comments concerning the alternatives that were studied, noise impacts to the Drew Cabin Complex, public involvement and wildlife impacts.

Response- Several alternate corridor options were investigated during the early stages of project development. Those alternatives that were studied in the Draft EIS represented the reasonable alternatives that met the purpose and need for the project. The selected alternative, Alternative 2, is the environmentally preferred alternative. This alternative minimizes impacts to the natural environment, requires the least amount of new right-of-way, has the fewest relocation impacts, has the best benefit-cost ratio, and has the lowest estimated project cost. In addition, this alternative allows for the implementation of access management strategies and provides a safe and efficient transportation facility. This alternative received the greatest amount of support from the public and city officials during the public comment period.

Concerning noise impacts, the EIS utilized standard noise measurement and modeling techniques to determine noise impacts. Specifically, at the Drew Cabins, noise measurements and predictions remain below federal and state standards. In addition, the noise modeling indicated a difference of 2 dBA between the No-Build and selected alternative, a difference that is imperceptible to humans.

Of the noise mitigation considered for this project, only one site, near Fritz's Resort and Campground, met the cost effectiveness criteria used by the Federal Highway Administration and Mn/DOT. However, based upon meetings with the Resort owner and the desire for visibility to the Resort, noise mitigation is no longer proposed at this location. Therefore, no noise mitigation will be incorporated into the project.

Concerning public involvement, it is unfortunate that Jacquelyn Wesolosky's family was able to attend only two of the fifteen public meetings for the project. However, there was considerable opportunity for public involvement on this project. Public meetings were held at appropriate times during the project development process.

Impacts to fish and wildlife were discussed in the Draft EIS. In addition, Section 7 consultation under the Endangered Species Act was completed with the USF&WS concerning the gray wolf, bald eagle and Canada lynx. The USF&WS concluded, on August 9, 2004, that the project would not likely adversely affect the gray wolf or the bald eagle. On September 22, 2004, the USF&WS concluded that the proposed project is not likely to jeopardize the continued existence of the Canada lynx.

Jane Ness

Comment- The letter from Jane Ness, dated February 15, 2005, expressed concerns regarding safety and impacts to "Bobber Land Park".

Response- Concerning safety, every effort will be made to design the TH 371 North project so that it is safe for all users. In particular, in Pequot Lakes, the highway will have an urban design. The sidewalk, concrete islands, and concrete medians at the future CSAH 11 intersection will be designed to safely direct pedestrians through the signalized intersection.

Concerning "Bobber Land Park", based on the assessment of the proposed highway improvements, the park property will not be directly impacted by the proposed project.

Claudia Hirschey

Comments- The letter from Claudia Hirschey, dated February 16, 2005, expressed concerns regarding potential cumulative adverse impacts and water quality.

Response- Concerning potential cumulative adverse impacts, as discussed in the Draft EIS, a separate report entitled "Draft Technical Report: Assessment of Cumulative and Secondary Environmental Impacts, Trunk Highway 371 Corridor" was prepared as a result of several proposed projects along the TH 371 corridor. The report concluded "with growth trends already firmly in place, and with Mn/DOT in a mode of providing the needed infrastructure, there are no adverse cumulative impacts anticipated that would be linked directly to the highway improvements assessed in the EIS".

Concerning water quality, it is difficult to determine the Best Management Practices (BMP's) to be used until the detail design phase of the project. At that time, specific BMP's will be designed in accordance with good design practice and permitting

requirements. As outlined in the Final EIS, potential BMP's will likely include: grassed swales with berms, wet swales, vegetated filter strips, rock ditch checks, infiltration basins, detention ponds, and curb and catch basins in urban design segments. Currently, existing surface water drains directly to area lakes, streams, and rivers. With the proposed project, this surface water will be treated. Therefore, overall water quality should improve.

Audrey and John Lundberg

Comment- The letter from Audrey and John Lundberg, dated February 3, 2005, requested specific information concerning the highway design near their property.

Response- The specific design of TH 371 at this location has been discussed with Audrey and John Lundberg. Coordination will continue with Audrey and John Lundberg throughout the design phase of the project.

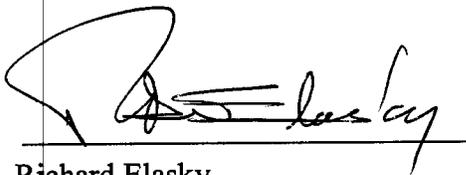
DETERMINATION

The selection of Build Alternative A1, was made after careful consideration of all social, economic, and environmental factors, and with input from municipalities, local, state and Federal agencies, and the public. All applicable laws, rules and regulations were given full consideration during the development of this project. Alternative A1 represents the best overall alternative to meet the project goals, while minimizing social, economic and environmental impacts of the project.

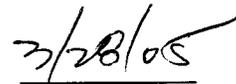
As the Responsible Governmental Unit for the above referenced project, the Minnesota Department of Transportation has determined that the FEIS is adequate. In reaching this decision Mn/DOT considered the following factors:

1. During the project development process, and within both the Draft and Final Environmental Impact Statements, Mn/DOT considered all the issues associated with this project which were raised during the scoping process. All issues for which information could reasonably be obtained have been analyzed.
2. The FEIS provided responses to all substantive comments which were received during the Draft EIS review and public comment period.
3. The FEIS was prepared in compliance with the procedures of Minnesota Statutes 116D, and Minnesota Rules, Chapter 4410.

This Determination of Adequacy concludes the Minnesota State Environmental Review Process.



Richard Elasky
Chief Environmental Officer
Director, Office of Environmental Services



Date