

13.0 COMMENTS AND COORDINATION

Public and agency involvement for this project has been on-going since 1995. This chapter describes the process used to involve governmental agencies and the public in choosing a Preferred Alternative since completion of the DEIS. Refer to the DEIS for a detailed discussion of comments and coordination that informed that document.

The River Corridor Advisory Committee (RCAC) has met three times since the DEIS; the Technical Advisory Committee (TAC) has met twice; and there have been several meetings with public agencies and local governments since the DEIS. A public open house was held on January 26, 2006. Each of these meetings has played an important part in the selection and review of the Preferred Alternative and preparation of this FEIS.

13.1 POST-DEIS AGENCY/LOCAL GOVERNMENT COORDINATION

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

Project officials met with Wright County local government representatives on August 30, 2004 and Sherburne County local government representatives on September 9, 2004 to give them an opportunity to provide input on refinement of the Preferred Alternative design and issues to be addressed in the FEIS (particularly locally-specific issues). The meetings also included a discussion of the project's status and schedule.

In addition to these meetings, representatives of agencies and local government were involved as participants of either the project Technical Advisory Committee (TAC) and/or the River Corridor Advisory Committee (RCAC). Refer to Sections 13.1.1 and 13.1.2 for additional details on these committees. See Tables 13.1 and 13.2 for a complete list of the agencies that have participated in various ways in providing comments on the DEIS, in choosing the Preferred Alternative, and in informing design changes that have been made.

A meeting was held with FHWA and Mn/DOT OES to discuss post-DEIS design changes and FEIS formatting on November 22, 2005. Meeting participants concluded that, because changes had been made to the alignment since the DEIS, a condensed FEIS (rather than an abbreviated FEIS) is the appropriate format for environmental documentation to follow.

On February 21, 2006, Clearwater Township adopted a resolution opposing the Preferred Alternative as a result of its post-DEIS design modifications. This resolution stated that the modifications resulted in the following negative impacts for Township residents: right of way impacts (including farmland and agricultural impacts), water quality impacts, and potential interference with recreational facilities. Mn/DOT responded to the resolution by providing additional project information to Clearwater Township. Analysis of the impacts itemized in the resolution is provided throughout this FEIS.

**TABLE 13.1
INVOLVED AGENCIES**

<p>Lead Agencies Federal Highway Administration (FHWA) Minnesota Department of Transportation (Mn/DOT)</p> <p>Cooperating Agencies U.S. Army Corps of Engineers (COE) Minnesota Department of Natural Resources (MnDNR) St. Cloud Area Planning Organization (APO)</p>
<p>TAC FHWA U.S. Army COE Mn/DOT MnDNR Minnesota Pollution Control Agency (MPCA) Minnesota Department of Health (MDH) Stearns County Sherburne County Wright County St. Cloud APO City of Becker City of Clearwater City of St. Cloud</p>
<p>RCAC Mn/DOT City of St. Augusta City of Becker City of Clear Lake City of Clearwater City of St. Cloud St. Cloud APO Sherburne County Stearns County Wright County Becker Township Clear Lake Township Haven Township Lynden Township Silver Creek Township</p>
<p>Other Agencies Consulted U.S. Department of the Interior - Fish and Wildlife Service (USFWS) Minnesota State Historic Preservation Office (SHPO) U.S. Department of Agriculture – Natural Resource Conservation Offices in Stearns, Sherburne and Wright Counties Clearwater Area Economic Development Stearns County Soil & Water Conservation District Wright County Soil and Water Conservation District</p>

**TABLE 13.2
AGENCIES AND ORGANIZATIONS RECEIVING COPIES OF THE DEIS**

<p>Federal Agencies</p> <ul style="list-style-type: none"> U.S. Army Corps of Engineers U.S. Fish and Wildlife Service U.S. Environmental Protection Agency U.S. Department of Agriculture-Natural Resource Conservation Service U.S. Department of the Interior
<p>State Agencies</p> <ul style="list-style-type: none"> Minnesota Department of Natural Resources Minnesota Department of Agriculture Minnesota Department of Commerce Minnesota Environmental Quality Board Minnesota Pollution Control Agency Minnesota State Historic Preservation Officer Minnesota Department of Health Board of Water and Soil Resources Minnesota State Patrol Division-Department of Public Safety
<p>Metropolitan Planning Organization</p> <ul style="list-style-type: none"> St. Cloud Area Planning Organization (APO)
<p>Counties</p> <ul style="list-style-type: none"> Wright Sherburne Stearns
<p>Cities</p> <ul style="list-style-type: none"> Becker Clear Lake Clearwater St. Augusta St. Cloud
<p>Townships</p> <ul style="list-style-type: none"> Haven Clear Lake Clearwater Becker
<p>Libraries</p> <ul style="list-style-type: none"> Legislative Reference Library Environmental Conservation Library Great River Regional Library St. Cloud Public Library Becker Branch of the Sherburne County Library Clearwater Branch of the Wright County Library

13.1.1 Technical Advisory Committee (TAC)

The TAC is made up of agency representatives who advise Mn/DOT and provide input on policy and technical issues; its focus extends beyond transportation-related issues to include planning and environmental concerns. The TAC met on April 15, 2004 to discuss comments received during the DEIS comment period, rationale for identifying the Preferred Alternative, and to provide input on the design of the Preferred Alternative. Members of the TAC concurred with the identification of Alternative C as the Preferred Alternative, and that design and mitigation details would be developed during the FEIS and final design.

The TAC met again on December 21, 2005, for the first time since the Transportation Commissioner's identification of Alternative C as the Preferred Alternative. The purpose of the meeting was to review the project's status and schedule, and receive additional input from the TAC. Current geometric layouts were provided, and the group discussed the post-DEIS design modifications that had been made to the Preferred Alternative. The TAC was provided with an overview of the design activities still underway, including those related to drainage, storm water, and access issues. The TAC also discussed changes to social, economic, and environmental impacts resulting from the design changes. An anticipated project timeline was discussed.

Table 13.1 shows a list of the agencies involved with the TAC. Refer to Section 13.1.1 of the DEIS for additional information on the TAC and its pre-DEIS meetings.

13.1.2 River Corridor Advisory Committee (RCAC)

The RCAC is comprised of local elected officials and has met three times since the DEIS. This group met on February 19, 2004, during the DEIS comment period, to provide a summary of project status and begin collecting preliminary feedback to the four Build Alternatives presented in the DEIS. Project officials emphasized that local government comments on the DEIS should provide substantive information that would assist Mn/DOT in evaluating each of the alternatives.

The next RCAC meeting was held on April 21, 2004. The purpose of the meeting was to review the rationale developed for evaluation of project alternatives and identification of the Preferred Alternative with local government representatives, and to document local government positions regarding the proposed Preferred Alternative. Representatives also identified issues requiring additional examination in the FEIS. A discussion of next steps (e.g., decision by Transportation Commissioner regarding the Preferred Alternative, completion of the FEIS, future meetings, and final design) concluded the meeting.

The third RCAC meeting took place on December 19, 2005, and was this group's first meeting after the Transportation Commissioner's identification of Alternative C as the Preferred Alternative. The purpose of the meeting was to review the project's status and schedule and receive additional input from the RCAC. Current geometric layouts were provided, and the group discussed the post-DEIS design modifications that had been made to the Preferred Alternative. The group was provided with an overview of the design activities still underway (e.g., storm water/drainage design, access issues), and discussed changes to social, economic, and environmental impacts resulting from the design changes. An anticipated project schedule was discussed.

Table 13.1 shows a list of the agencies involved with the RCAC. Refer to Section 13.1.2 of the DEIS for additional information on the RCAC and its pre-DEIS meetings.

13.1.3 Natural Resources Coordination

In addition to the natural resource coordination/discussions that occurred during project TAC meetings, separate meetings were held with agency staff to discuss water and natural resource issues. On April 13, 2004, Mn/DOT met with representatives of wetland regulatory agencies in the project area (USFWS, the Board of Water and Soil Resources, MPCA, COE, and the U.S. Environmental Protection Agency). The meeting was held to review the project alternatives development and evaluation process and to document individual and group agency positions regarding the proposed Preferred Alternative for future reference during project permitting. Each of the represented agencies indicated no preliminary concerns regarding the Preferred Alternative, and it was clarified that the positions stated at the meeting did not guarantee approval of future project permitting. Meeting participants discussed approaches for Public Notice procedures for long-range projects (i.e., Section 404). Attendees also discussed mitigation strategies, and agreed that the identification of potential mitigation sites during the FEIS is important in order to ensure that those sites will be preserved for future use.

On August 26, 2004, Mn/DOT met with the MnDNR to discuss the agency's comments regarding the project's secondary and cumulative impacts to local communities and the Brainerd Lakes area, in addition to impact avoidance, minimization, and mitigation for natural resources at the river crossing. MnDNR staff also raised questions and provided comments about project impacts to water quality, floodplain/floodway, wetlands, wildlife movement, and visual impacts.

On February 7, 2006, Mn/DOT met with MnDNR staff to review bridge design work and overall post-DEIS alignment modifications. Mn/DOT discussed the impacts of modifications on such issues as wetlands, farmland, oak woodland, floodplain, and the heron rookery. MnDNR staff discussed minimizing visual impacts to the riverway with design and engineering techniques (for instance, building a long-span bridge in order to minimize the number of piers placed in the river), storm water treatment, and floodplain impacts.

On July 27, 2006, Mn/DOT and FHWA met with representatives of the COE. Meeting participants discussed COE comments on the project's potential wetland impacts and the permitting process. Attendees also discussed design modifications that had more recently been proposed by residents of the Fish Lake area and Mn/DOT. The possibility of revising the north end of the alignment in order to avoid impacts to Cater Lake (Wetland BC-4) was also discussed. COE staff members agreed to accept the TEP's decision about wetlands' topographic settings, in order to confirm over which wetlands the agency has jurisdiction (i.e., those not classified as "isolated"). The TEP meeting was held on August 23, 2006. Attendees included Wright and Sherburne County representatives, who reached consensus on the project's wetland delineations and "isolated" status.

Mn/DOT has also worked with MnDNR staff regarding the design changes that have eliminated the need for fill in Cater Lake (Wetland BC-4). MnDNR staff have indicated approval of the revised project layout.

13.1.4 Cultural Resources Coordination

As discussed in Section 8.2 of this FEIS, a potential pioneer burial ground was identified within proximity to the Preferred Alternative's corridor during the comment period of the DEIS. After additional coordination with the Minnesota State Archaeologist, avoidance of the potential site was recommended. The modified alignment of the Preferred Alternative does avoid this potential site; no further review is anticipated until the right of way acquisition process.

The Preferred Alternative corridor was re-evaluated after the DEIS, in coordination with the Minnesota Department of Transportation – Cultural Resources Unit (Mn/DOT CRU), for structures that will be over 50 years old in 2015 (this project's anticipated build date). No such resources were observed; no further review is necessary and no additional action is anticipated. Refer to Appendix A for copies of SHPO and Mn/DOT CRU letters. If any eligible or listed sites are identified within the project area henceforth, coordination with the appropriate authorities will be initiated according to state and federal regulations.

13.2 PUBLIC INVOLVEMENT

Public and agency involvement throughout the EIS process has occurred in compliance with both federal (National Environmental Policy Act) and Minnesota (Minnesota Environmental Policy Act) environmental review and public involvement requirements. The public involvement process has endeavored to be inclusive of all residents in the project area and did not exclude anyone because of income, race, color, religion, national origin, sex, age or handicap.

13.2.1 Media Coverage

Press releases for the two post-DEIS open house meetings were provided to the Mn/DOT District 3 'News and Views' webpage (ihub.dot.state.mn.us/d3/news.html). A full-page report on the project was run in the February 13, 2004 edition of the *Clearwater Tribune*.

13.2.2 Public Open House Notices

Several public open houses have been held since the DEIS was released to provide the public information and the opportunity to comment on the project, alternatives and potential impacts. Following is a brief summary of these meetings. This information is available at the Mn/DOT District 3 offices.

March 2004 Open House Meeting

March 2004 public open house meeting notices were mailed as part of the March 2004 newsletter, which was sent to property owners adjacent to the proposed study area and interested persons to inform them about the progress of the environmental review (release of the DEIS) and the March 2004 public open house meeting. The newsletter was sent to a mailing list of approximately 500 people that was developed by using county databases as well as property tax identification information. The mailing list included those persons who received the March 2002 and March 2003 newsletters or were added since the March 2002 or March 2003 open houses, adjacent property owners, interested persons, regulatory agencies and local government officials. Press releases of the meeting were provided to 26 newspapers, 11 radio stations, 6 cable stations and the Mn/DOT website.

The open house was held on Thursday, March 4, 2004 from 4:30 p.m. to 7:30 p.m. at St. Marcus Church in Clear Lake. An open house format was used for this meeting, allowing attendees to come at any time during the three-hour period. The purpose of the meeting was to allow the public to review concept layouts for the four Build Alternatives; review social, economic, and environmental impacts associated with each Alternative, including the No-Build Alternative; and ask questions and comment on the information presented at the meeting and/or on the DEIS.

Approximately 150 people attended the open house. Boards and maps that were displayed at the meeting included: Alternative Alignments Studied in the DEIS; Comparative Summary of Alternative Impacts—Transportation and Fiscal Impacts; Comparative Summary of Alternative Impacts—Social, Economic and Environmental Impacts; 400 Scale Layouts of Alternatives A, B, C, and D; System Concept Layouts of Alternatives A, B, C, and D; and Next Steps.

In addition to verbally submitting comments at the public hearing (a court reporter was present), attendees were given comment cards that could be submitted at the meeting or any time before the March 23, 2004 comment period closing date. A total of 44 individual transcribed or written comment cards/letters were received. Of those, 34 expressed preference for and/or objection to one or more alternatives. The positions expressed can be summarized as follows: 11 expressed support for Alternative A; 2 expressed support for Alternative B; 7 expressed support for Alternative C (with 1 additional as a second choice to Alternative A and 1 additional as a second choice to Alternative D); 9 expressed support for Alternative D (with 1 additional as a second choice to Alternative A); 6 expressed objection to Alternative A; 4 expressed objection to Alternative B; 6 expressed objection to Alternative C; and 3 expressed objection to Alternative D. The public hearing record is available from Mn/DOT's project manager. Oral comments reflected those received in written form. A public open house package/record was completed for the March 2004 open house, including the written comments received and a summary of written and verbal comments.

October 2004 Open House Meetings

Two open houses (October 4 and 5, 2004) were held with property owners at St. Marcus Church in Clear Lake. The meetings were held to discuss identification of the Preferred Alternative. Project layouts were shown; these included potential modifications to the alignment and horseshoe ramps. The meeting also provided an opportunity to identify meeting attendees' concerns and issues specific to the Preferred Alternative corridor. These were the first meetings held after the identification of the Preferred Alternative. A total of approximately 40 people attended the meetings, and one comment card was submitted, expressing the desire for access to the commenter's property to be resolved.

January 2006 Open House Meeting

The open house was held from 4:30 to 7:30 p.m. at St. Marcus Church in Clear Lake on January 26, 2006. The open house provided the public with an opportunity to review the current I-94/TH 10 Interregional Connection design and ask questions of the project representatives. This was the first public open house since the Transportation Commissioner identified the Preferred Alternative, and since design modifications were made. Public comment on project updates were received and recorded. Notification of this meeting was published in the January 2006 newsletter.

Approximately 150 people attended the open house. Boards and maps that were displayed at the meeting included: the Preferred Alternative design, Project Schedule, Major Issues to be Studied in the FEIS, and Right of Way Acquisition information.

In addition to verbally submitting comments at the public hearing, attendees were given comment cards that could be submitted at the meeting or mailed to Mn/DOT. A total of 11 individual written comment cards were received, most of which were requesting additional project information (e.g., online access to project maps, individual property access impacts). Three comment cards indicated that the Hastey/Becker river crossing location was preferable to the Preferred Alternative's, and one comment card raised concerns about providing adequate environmental protection around Fish Lake. Two comment cards expressed support for the Preferred Alternative as presented at the meeting.

Additional Public Coordination

Subsequent to the close of the public comment period for the DEIS, a group of property owners from the Fish Lake area contacted Mn/DOT with a number of concerns regarding the Preferred Alternative's potential impacts. Mn/DOT responded to each of these concerns throughout this FEIS and has provided the group with requested project information. For example, after residents expressed concerns about the visual impacts associated with tower lighting at the I-94 interchange, Mn/DOT determined that tower lighting will not be required for this interchange and has agreed to study lighting options during project design and incorporate lighting which balances project needs with minimizing visual impacts to nearby residents (refer to Section 6.7 of this FEIS for additional detail). In response to residents' concerns about the project's noise analysis, Mn/DOT conducted additional noise monitoring, modeling and analysis. Refer to Section 6.3 of the FEIS for further discussion. Additional correspondence between Fish Lake residents and Mn/DOT is available on file at Mn/DOT District 3 offices.

In addition to Mn/DOT coordination with Fish Lake residents, on April 7, 2006, a State Senator and State Representative facilitated a meeting with property owners affected by the proposed project. Concerns expressed at the meeting included potential impacts to Clear Lake Township's zoning and impacts to the Fish Lake area.

On July 19, 2006, FHWA staff met with Fish Lake residents to further discuss their concerns. At this meeting, residents presented an alternative I-94 interchange design, which has been reviewed by Mn/DOT's Geometrics division and FHWA staff. Mn/DOT and FHWA staff have found the residents' proposed design to be inconsistent with current freeway design practices for the following reasons:

- Major movements would be on a tight loop rather than a more directional movement ramp. The proposed loop creates less safe conditions for roadway users than the design included as part of the Preferred Alternative.
- Visibility would be reduced for traffic traveling on the southbound crossing to eastbound I-94 because the design includes a crest curve on the bridge at a point where drivers will be expected to slow driving speeds prior to the loop. This reduced visibility prior to turning onto the ramp loop creates unsafe conditions.

- The loop limits roadway capacity when compared to the Preferred Alternative design, which is inconsistent with the project's purpose and need.
- No substantial right of way savings result from the alternative when compared to the Preferred Alternative.
- Eastbound I-94 to northbound river crossing (low volume movement) movements would merge onto the river crossing via a left-lane entrance, which is inconsistent with optimal freeway movements.

On September 27, 2006, representatives from Mn/DOT and project consultants met with residents of the Fish Lake area to discuss the project's noise impacts. Project staff explained the methodology according to which noise data was collected and the associated noise analysis was prepared. In addition, project staff members discussed potential noise mitigation efforts with residents.

13.2.3 FEIS Notice of Availability and Agency Decision

The availability of the FEIS will be published in the Federal Register and the Minnesota *EQB Monitor*. Press releases announcing the availability of the FEIS will be provided to various local publications. Adjacent property owners and interested persons will also be mailed notices announcing availability of the FEIS, and the FEIS will be posted on the Mn/DOT project website (ihub.dot.state.mn.us/d3/news.html). Copies of the FEIS will be available to the public for a minimum of 30 days following publication in the Federal Register and *EQB Monitor*. Public comments on the adequacy of this FEIS will be taken during those 30 days. No public hearing will be held after publication of the FEIS.

Once the FEIS has been published and the public comment period has ended, decisions on its adequacy will be made at both the state and federal levels. Mn/DOT will make this decision at the state level, which is called an Adequacy Determination. A notice will be submitted for publication in the *EQB Monitor* within five working days of this decision.

The FHWA is responsible for making a decision on this project at the federal level. FHWA will prepare a Record of Decision (ROD) at least 30 days following publication of the Notice of Availability in the Federal Register. Once approved, a Notice of Approval and Availability of the ROD will be published in the Federal Register.

Copies of both decision documents will be made available to interested persons upon request. Press releases announcing the decisions will be provided to local publications and media.

13.3 PROJECT COMMITMENTS

Throughout the DEIS and FEIS preparation processes, Mn/DOT has committed to a number of mitigation measures that will be implemented as part of the proposed project, including commitments to further coordination with appropriate agencies. It should be noted that a number of commitments have been made to coordinate with other agencies where Mn/DOT does not

have direct authority to implement certain programs or services; these reflect Mn/DOT's position that some actions must be accomplished jointly in order to meet certain goals. Some of the commitments itemized here are legal requirements, and some are not. This project will comply with all federal and state laws and regulations which are applicable at the time of construction.

**TABLE 13.3
PROJECT MITIGATION COMMITMENTS**

<ul style="list-style-type: none"> • No tower lighting will be used on I-94 interchange. Conduct additional analysis at time of design to determine best lighting option.
<ul style="list-style-type: none"> • Continuous lighting will not be installed at I-94 acceleration ramp where the southbound river crossing traffic movement comes in. Although only lighting at the nose will be provided at the time of construction, Mn/DOT reserves the right to install additional lighting in the area if night crash rates warrant it.
<ul style="list-style-type: none"> • Conduct second mussel survey in Mississippi River prior to construction. Relocate any mussels that are found in the project area.
<ul style="list-style-type: none"> • Provide standard Blanding's Turtles notification to project contractor.
<ul style="list-style-type: none"> • Remove abandoned parking area along old TH 24 rest area (near the Mississippi River).
<ul style="list-style-type: none"> • Avoid acquisition of property at Clearwater/Clear Lake water treatment site.
<ul style="list-style-type: none"> • Include MnDNR in bridge concept meetings. Bridge design/treatments will be as non-intrusive as possible.
<ul style="list-style-type: none"> • Commit to a long-span bridge concept over the river channel (average pier spacing to be 260 to 300 feet—estimate that two piers will be required in channel).
<ul style="list-style-type: none"> • Avoid acquisition of Pazik property near Fish Lake.
<ul style="list-style-type: none"> • Provide trail continuity along CSAH 8, CSAH 75, and existing TH 24.
<ul style="list-style-type: none"> • Cooperate with MnDNR to establish native grasses within Mn/DOT right of way in the project corridor and interchange areas.
<ul style="list-style-type: none"> • Construct a reduced cross-section on TH 10 to avoid impacts to Cater Lake.
<ul style="list-style-type: none"> • Provide information regarding noise setback distances to local land use officials.
<ul style="list-style-type: none"> • Work with local officials on official mapping.
<ul style="list-style-type: none"> • Minimize impacts to wildlife and habitat by providing wildlife crossings under river crossing bridge and revegetation with native plants.
<ul style="list-style-type: none"> • Construction within the river is to wait until after June 15 to control erosion/sedimentation.
<ul style="list-style-type: none"> • Re-review project area for presence of Blanding's Turtles prior to construction.
<ul style="list-style-type: none"> • Bluff cuts will be limited to 10 feet; cleared vegetation will be replaced with native species.
<ul style="list-style-type: none"> • Gowan Pond (proposed stormwater pond) will include measures to prevent the migration of materials from the Mississippi River to the pond.
<ul style="list-style-type: none"> • Roadway within Clear Lake wellhead protection area will use clay-lined ditches to prevent contamination.
<ul style="list-style-type: none"> • Assuming such a commitment is found to be consistent with Mn/DOT regulations, Mn/DOT will fund the installation of a flapgate at Fish Creek if a local government agrees to take ownership of it, including all maintenance.
<ul style="list-style-type: none"> • Work with adjacent property owners along the proposed I-94 ramps so berming can be constructed at minimal cost.