



## **Annual Project Summary Report**

(March 2007 through February 2008)

This summary report for the St. Croix River Crossing Project is developed in accordance with the Amended Section 106 Memorandum of Agreement (MOA), the Riverway Memorandum of Understanding (MOU), the 2006 Supplemental Final Environmental Impact Statement (SFEIS) and the FHWA's Record of Decision (ROD).

This summary report describes the actions taken by FHWA, Mn/DOT, WisDOT and other agencies during the prior year to implement the project and the mitigation commitments. This report will be distributed to the signatories of the MOA & MOU's and members of the Stakeholder Group. The report will also be available on the project's website.

Implementation status of the 2006 SFEIS's mitigation package is found on the attached chart "Status of Mitigation Related Consultant Agreements/Contractors".

A timetable of actions completed this past year is shown below:

### **March – June 2007:**

The Terra Terminal Building above ground was removed as the first stage of this mitigation item. The second stage includes removal of the foundation and relocating the Shoddy Mill and Warehouse to this site. The timing of the second stage will be tied to the construction of the new Hwy 36/95 interchange. (Questions about the Terra Terminal Building Removal, contact Todd Clarkowski at 651-234-7714)

**March - October 2007:**

City of Oak Park Heights Complaint against State of Minnesota (Mn/DOT) regarding Municipal Consent Law:

Complaint filed by Oak Park Heights on 10/10/06, contending that the former, pre-2001, MN Statute be utilized instead of the current statute as Mn/DOT used with Stillwater and Bayport. City argued that the former statute should be followed because consent was first submitted in 1995 under the former statute. Washington County District Judge William Ekstrom issued Findings of Fact, Conclusions of Law, and Order (Court file CO-06-6815, dated 10/18/07) siding with the city that the former, pre-2001 statute should be followed.

For details on City of Oak Park Heights Complaint against State of Minnesota (Mn/DOT) regarding Municipal Consent Law, including the following, go to <http://www.dot.state.mn.us/metro/projects/stcroix/documents.html>

- a) Summons and Complaint - by City of OPH - 10/10/06
- b) Defendant's Answer to Complaint - by State of Minnesota-Mn/DOT 11/3/06
- c) Plaintiff's Request for Production of Documents - by City of OPH - 12/29/06
- d) State of Minnesota's Answers to Plaintiff's Request for Production of Documents - by State of Minnesota-Mn/DOT - 1/26/07
- e) Amended Summons by City of OPH - 6/4/07
- f) Motion to Dismiss - by State of Minnesota-Mn/DOT- 6/6/07
- g) Memorandum in Support of Defendant's Motion to Dismiss - by State of Minnesota-Mn/DOT - 6/6/07
- h) Plaintiff's Memorandum of Law in Support of its Motion for Summary Judgment - by City of OPH - 6/20/07
- i) Affidavit of Dennis Postler, Bonestroo, Consulting Engineers for the City of Oak Park Heights - by City of OPH 7/9/07
- j) Notice of Entry - Findings of Fact, Conclusions of Law, and Order - by Judge William Ekstrom 10/18/07

(Questions about the City of Oak Park Heights Complaint, contact Nick Thompson at 651-234-7728, Adam Josephson at 651-234-7719 or Todd Clarkowski at 651-234-7714)

**March 2007 - February 2008:**

The Transit Feasibility Study, started in August 2006 is expected to be completed in the summer of 2008. This study is one of the project mitigation items described in Chapter 15 of the SFEIS at <http://www.dot.state.mn.us/metro/projects/stcroix/docs/sfeis.html> (Questions about this study, contact Nick Thompson at 651-234-7728 or Jennifer Conover at 651-234-7711)

**June 2007 - February 2008:**

Sierra Club complaint against FHWA and NPS: Complaint is primarily challenging Section 4F (parks and historic properties) and NPS Section 7A (Wild and Scenic River) issues.

For details on the Sierra Club's Complaint against FHWA and NPS, including the following, go to

<http://www.dot.state.mn.us/metro/projects/stcroix/documents.html>

- a) Sierra Club filed a complaint against FHWA and NPS. Complaint for Declaratory and Injunctive Relief by Sierra Club on 6/5/07.
- b) Motion to Dismiss and Memo of Support by Department of Justice on 12/20/07
- c) Plaintiff's Memorandum in Opposition to Defendant's Motion to Dismiss by Sierra Club on 1/17/08
- d) Reply Memorandum of Law in Support of Motion to Dismiss by Department of Justice on 1/25/08
- e) US District Court Summary Judgment Hearing on 2/22/08, decision expected later this summer

(Questions about this Sierra Club complaint, contact Cheryl Martin at 651-291-6120)

**July 2007:**

- a) Mn/DOT hired consultants (facilitator, historian and bridge engineer) to work with the Stillwater Lift Bridge Advisory Committee (SLBAC) to develop the Lift Bridge Management Plan and Repair Project. Establishment of the SLBAC occurred in April of 2007. The first SLBAC meeting was held in July 2007, and an Open House is scheduled for March 27, 2008 at the Houlton Elementary School from 5:00-7:00 P.M.. The SLBAC is reviewing the Lift Bridge portion of the Loop Trail as they recommend a management plan and a bike/pedestrian conversion project. This activity is one of the project's mitigation items and can be found at <http://www.dot.state.mn.us/metro/projects/liftbridge/index.html> and as described in the Amended Section 106 MOA at <http://www.dot.state.mn.us/metro/projects/stcroix/pdfs/stcroix-amended106moa5-16-06.pdf> (Questions about this issue, contact Todd

Clarkowski at 651-234-7714, Jim Lilly at 651-747-2127 or Kristen Zschomler at 651-366-3633.)

- b) Mn/DOT completed the nominations for the following Minnesota historic properties to the National Register of Historic Places: South Main Archeological District (includes Hersey Bean site), Bergstein Shoddy Mill & Warehouse, Log Cabin (a.k.a. Club Tara), and Stillwater Overlook-South. Nominations of these sites are one of the project mitigation items. The project's mitigation items are described in Chapter 15 of the SFEIS at <http://www.dot.state.mn.us/metro/projects/stcroix/docs/sfeis.html> . (Questions about the nominations, contact Todd Clarkowski at 651-234-7714 or Jackie Sluss at 651-366-3624)
- c) Meeting held with all applicable Federal and State agencies to discuss permitting of the project. (Questions about permitting, contact Todd Clarkowski at 651-234-7714 or Terry Pederson at 715-836-2857.)

#### **September 2007:**

FHWA, Mn/DOT and WisDOT attended a Project Management Plan (PMP) Workshop sponsored by FHWA. Because this project is considered a "Major Project" under Federal guidance, a PMP and a Annual Financial Plan are required for federal funding assistance. This workshop began the PMP process according to: <http://www.fhwa.dot.gov/programadmin/mega/pmpguide.cfm>  
FHWA, Mn/DOT, WISDOT are developing the PMP and the Annual Financial Plan. (Questions on the PMP, contact Jean Wallace at 651-291-6119)

#### **November 2007:**

- a) A Loop Trail Animation, based on the SFEIS and the Visual Quality Manual, was completed and distributed widely.  
The Loop Trail Animation can be found at:  
<http://www.dot.state.mn.us/metro/projects/stcroix/visualanim.html>  
(Questions on the Loop Trail Animation, contact Todd Clarkowski at 651-234-7714)
- b) WisDOT completed the nominations for the Wisconsin historic properties (Nicholas Thelen Farmstead and Louis Kriesel Farmstead) to the National Register of Historic Places. Nominations of these sites are one of the project mitigation items. The project mitigation items are described in Chapter 15 of the SFEIS at <http://www.dot.state.mn.us/metro/projects/stcroix/docs/sfeis.html>  
(Questions about the nominations, contact Terry Pederson at 715-836-2857 or Bob Newbery at 608-266-0369)

#### **December 2007:**

Permitting meeting held with FHWA, Mn/DOT, WisDOT, Corps of Engineers, and National Park Service regarding Section 404 Permit and Final Section 7(a) evaluation. (Questions about permitting, contact Todd Clarkowski at 651-234-7714 or Terry Pederson at 715-836-2857.)

**January 2008:**

New River Crossing Bridge – refinement of concept- scope of services drafted by Mn/DOT and WisDOT for hiring a consultant to develop information necessary to write a Request for Proposal (RFP) for the potential procurement of Design-Build services for the River Bridge. Draft scope of services was sent to FHWA along with a request for FHWA authorization to proceed with this phase of the project. Mn/DOT is leading the consultant hiring. A consultant is expected to be hired by July 2008. (Questions about this issue, contact Todd Clarkowski at 651-234-7714 or Terry Pederson at 715-836-2857.)

**Next Steps for the upcoming year: Timetable for implementation is being determined by FHWA, Mn/DOT and WisDOT**

- 1) Resolve Sierra Club's legal complaint issues.
- 2) Continued Stakeholder Involvement:
  - <http://www.dot.state.mn.us/metro/projects/stcroix/stakeholder.html>
  - SLBAC
  - Permitting Agencies
- 3) Mitigation Package Related:
  - a) Lift Bridge Management Plan and Repair Project with the SLBAC
  - b) Transit Feasibility Study
  - c) Continued planning and implementing of additional critical path items (see attached)
  - d) Continued work on defining funding and timing of other mitigation items
- 4) Design Related:
  - a) New River Crossing Bridge – concept refinement
  - b) Permitting coordination with Federal, State and Local agencies
  - c) Final Roadway Design activities for the Minnesota and Wisconsin approaches
- 5) Communications Related:

Continue with news releases, website updates, formal and informal communications to keep interested parties informed about the project.
- 6) Funding Related:
  - a) Financial Strategies Planning (FHWA lead agency) & Annual Financial Plan Development
  - b) Project Management Plan
  - c) Project Cost Estimate, considering construction cost indices and inflation (see attached)

## **Project Team Contact info:**

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Project specific information, including the current project status, can be found at <http://www.dot.state.mn.us/metro/projects/stcroix/>

Attachments: Project Layout – Preferred Alternative - on Aerial Photo, dated 4/24/06  
Status of Mitigation Related Consultant Agreements/Contractors Chart, dated 2/26/08  
Project Cost Estimate One-Pager, dated February 2008

Filename: P:/myfiles/stcroixrivercrossing/stcroix-annual report for march 2008.doc