

**FEDERAL HIGHWAY ADMINISTRATION  
RECORD OF DECISION  
ST. CROIX RIVER CROSSING PROJECT  
FHWA-MN-EIS-90-02-FS**

From a point 700 feet east of the TH 5/TH 36 interchange in Oak Park Heights,  
Washington County, Minnesota to a point 100 feet southwest of the 150<sup>th</sup> Avenue  
overpass on STH 35/64 in St. Joseph, St. Croix County, Wisconsin  
Minnesota State Projects 8214-114 and 8217-12  
Wisconsin State Project I.D. 1550-00-02

**I. DECISION**

**A. PROJECT AREA HISTORY AND PREVIOUS DOCUMENTATION**

The existing St. Croix River crossing at Stillwater, Minnesota is a two-lane highway bridge connecting downtown Stillwater, Minnesota to the Town of St. Joseph, Wisconsin. This existing crossing consists of a 10-span bridge and a 750-foot earthen causeway. It is universally referred to as “the Lift Bridge” because one of the 10 spans is a distinctive vertical lift span. Opened in 1931, the Lift Bridge is a vertical-lift highway bridge that was listed on the National Register of Historic Places (NRHP) in 1989. The Lift Bridge spans approximately 1,050 feet across the St. Croix River, with an additional 750-foot earthen causeway extending from the Wisconsin shoreline.

The Lift Bridge links Minnesota Trunk Highway (TH) 36 to Wisconsin State Trunk Highway (STH) 64. TH 36 is a four-lane divided highway through Oak Park Heights, Minnesota that merges with TH 95 near the St. Croix River, a National Wild and Scenic River. TH 36/TH 95 is a two-lane highway connecting Oak Park Heights to downtown Stillwater, where TH 36 continues east to the Lift Bridge. STH 64 is a three-lane rural highway up the Wisconsin bluff into Houlton in the Town of St. Joseph, Wisconsin. STH 64 merges with STH 35 in Houlton and continues as a two-lane rural highway northeast through the Town of St. Joseph, expanding to a four-lane highway at 150th Avenue.

The Lift Bridge, at over 70 years old, is of the age where substantial investments are required to keep the bridge operating and to maintain navigation on the St. Croix River. Traffic is often disrupted due to the bridge deck lifts, flooding, and maintenance of the Lift Bridge. The narrow widths and functional deficiencies of the approach roadways cause safety and congestion issues, as these roadways are at or above traffic capacity. Chapter 2 of the Supplemental Final Environmental Impact Statement (EIS) provides a detailed description of the transportation needs within the project area, including a discussion of the role of the Lift Bridge.

The project purpose is to provide a safe, reliable, and efficient transportation corridor improving roadway safety, and providing an adequate level of service for forecasted year 2030 traffic volumes. The Selected Alternative proposes to improve Minnesota TH 36 and Wisconsin STH 64 between TH 5/County State Aid Highway 5 in Oak Park Heights and Stillwater, Minnesota, and 150th Avenue in the Town of St. Joseph, Wisconsin. Transportation needs for this project fall into two primary categories:

- Transportation mobility on a safe and efficient facility; and
- A reliable crossing of the St. Croix River.

A Draft EIS was first completed by the Federal Highway Administration (FHWA), Minnesota Department of Transportation (Mn/DOT), and Wisconsin Department of Transportation (WisDOT) in 1990. A Final EIS was completed and approved by FHWA in April 1995. A Record of Decision (ROD) was issued by FHWA in July 1995.

Following the 1995 ROD, the National Park Service (NPS), in response to federal permit applications for the project, evaluated the project under Section 7(a) of the National Wild and Scenic Rivers Act. In December 1996, the NPS determined that the project, as a water resources project, would have a direct and adverse effect on the outstandingly remarkable values (scenic, recreational and geologic) for which the Lower St. Croix River was included in the National Wild and Scenic Rivers System. As a result of the finding, federal permits from the U.S. Army Corps of Engineers and the U.S. Coast Guard could not be issued for the project, and it was not allowed to proceed. In April 1998, the U.S. District Court upheld the NPS authority to review the project under the National Wild and Scenic Rivers Act and its determination.

New alternatives, including consideration of the future of the Lift Bridge, were identified as part of the Braun Facilitation Process in 1998. This led to identification of the Braun C Alternative, later referred to as the "Consensus Alternative." Documentation of the Braun C Alternative in a Supplemental Draft EIS was halted in January 2001 due to the inability to reach a consensus on the future of the Lift Bridge and mitigation.

## B. STAKEHOLDER RESOLUTION PROCESS AND PUBLIC INVOLVEMENT

Based on the recommendations of a conflict assessment report completed by the U.S. Institute of Environmental Conflict Resolution in November 2001 and updated in January 2002 and, the issuance of Presidential Executive Order 13274 "Environmental Stewardship and Transportation Infrastructure Project Reviews", a Stakeholder Resolution Process was established to resolve issues surrounding a new crossing of the St. Croix River. In September 2002, the facilitation firm RESOLVE, Inc. was selected by a multi-agency and stakeholder panel, through the U.S. Institute of Environmental Conflict Resolution, to proceed with the project's National Environmental Policy Act (NEPA) decision process through mediation. The facilitator from RESOLVE, Inc. developed a dispute resolution process that centered on a "Stakeholders Group", made up of representatives of the diverse interests in the project area who would provide input to the project decision-making process. This process, the "Stakeholder Resolution Process", responded to the need for a new start to the project, and a new approach to address the

environmental, historic, social, and transportation concerns surrounding the project. Formal facilitated Stakeholder meetings began in June 2003, leading to the *2003 Amended Scoping Document/2003 Amended Draft Scoping Decision Document*, the *2004 Amended Final Scoping Decision Document*, the *2004 Supplemental Draft EIS*, and the *2006 Supplemental Final EIS*. The formal Stakeholder Process was completed in July 2006. Additional involvement by Stakeholders will continue in succeeding phases of the project.

Extensive public participation and comment on the project was solicited and received throughout the scoping and EIS processes through a number of methods, including: scoping meetings; Supplemental Draft EIS public hearings; open houses and other public information meetings; publication of newsletters and brochures; informational sessions; presentations; small group meetings; one-on-one meetings; phone conversations; e-mails; news releases; media coverage and the project website. Section 16.2 of the Supplemental Final EIS describes public involvement activities conducted for the project.

#### C. SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

The Supplemental Draft EIS was approved for the St. Croix River Crossing Project in August 2004. The document “supplements” the 1990 Draft EIS by providing information related to the Build Alternatives as well as updating information related to the No-Build Alternative. A Supplemental Final EIS was approved by FHWA in June 2006.

#### D. SELECTED ALTERNATIVE

The Selected Alternative for the St. Croix River Crossing is B-1<sub>a</sub>, as described in the 2006 Supplemental Final EIS. Alternative B-1<sub>a</sub> best meets the needs to provide safe and efficient mobility while considering the environmental, economic, social, and historic resources concerns present within the project area.

Selected Alternative B-1<sub>a</sub> includes:

**River crossing location and approach roadway designs.** The bridge will be constructed as a new four-lane river crossing south of the Lift Bridge that includes conversion of the Lift Bridge to a pedestrian/bicycle facility. The river crossing location is approximately 7,550 feet south of the Lift Bridge on the Minnesota shoreline and approximately 6,450 feet south of the Lift Bridge on the Wisconsin shoreline (see attachment). The reasons for selecting Alternative B-1<sub>a</sub> are discussed in Section II.E.

The project includes the following design features:

- Reconstruction of the TH 36 at-grade intersections through Oak Park Heights and Stillwater, including construction of pulled-back frontage roads at Oakgreen Avenue/Greeley Street;
- Full access interchange providing a direct connection between TH 36 and TH 95;
- Reconstruction of approximately 1.4 miles of TH 95 as a four-lane section adjacent to the TH 36/TH 95 interchange;

- A four-lane, extradosed bridge to cross the St. Croix River, with a pedestrian/bicycle trail on the north side of the bridge;
- A four-lane, urban highway section in Wisconsin through the Wisconsin bluff. This urban section roadway transitions to a four-lane, rural highway section east of a STH 35 overpass, connecting to the existing four-lane rural highway section near 150th Street;
- Full access interchange providing a direct connection between STH 64, relocated STH 35, and relocated County Trunk Highway (CTH) E; and
- A new loop trail system for pedestrians and bicyclists that includes the Lift Bridge as a pedestrian/bicycle facility, the new river crossing, and trail connections between the Lift Bridge and the new river crossing in both Minnesota and Wisconsin. Parking facilities will be constructed in Wisconsin to provide access to the loop trail system. This system will be connected to other regional trails.

**Bridge type.** The Selected Alternative includes an extradosed bridge type. The rationale for selecting the extradosed bridge type is summarized in Section II.E.

**Future use of the Lift Bridge.** Under the Selected Alternative, the Lift Bridge will no longer carry vehicular traffic and will be converted to a pedestrian/bicycle facility. The Lift Bridge will be a component of the loop trail mitigation item, which will provide a trail connection between Minnesota and Wisconsin utilizing both the Lift Bridge and new river crossing.

**Mitigation package.** The Selected Alternative mitigation package consists of two parts: items integral to the design of the project and non-design related items. Non-design items include measures to minimize harm to the Riverway, historic preservation enhancement, and growth management activities and are estimated at \$16.5 million. Details concerning the mitigation package are discussed in Section IV.

## II. ALTERNATIVES CONSIDERED

Formal assessment of alternatives began with preparation of the *St. Croix River Crossing Draft Study Outline and Scoping Document* in 1985. This led to the identification of three river crossing corridor alternatives, consideration of tunnel alternatives, and three distinct No-Build options (no-action; Transportation System Management (TSM) strategies; replacement on-site) as described in the *Scoping Decision Document/Final Study Outline for the Stillwater-Houlton Bridge Study* (January 1987). The three river crossing corridor alternatives, two tunnel alternatives, and the three variations of the No-Build Alternative were analyzed in the *Stillwater-Houlton Draft Environmental Impact Statement and Section 4(f) Evaluations*, approved in March 1990.

Based on studies completed as part of the Draft EIS in 1990 and further definition of alignments within the identified river crossing corridors, a Preferred Alternative alignment was identified and documented in the *Final Environmental Impact Statement and Section 4(f) Evaluation for the New St. Croix River Crossing* (April 1995). The 1995 Final EIS Preferred Alternative was located approximately 6,300 feet south of the Lift Bridge. The ROD for the 1995 Preferred Alternative was issued in July 1995. The project was suspended in 1996 as previously described in Section I.A.

Following suspension of the project, evaluation of project alternatives was re-initiated in 1999 with release of an *Amended Scoping Decision Document* (February 1999). This Amended Scoping Decision Document identified the "Consensus Alternative", an alternative approximately 3,600 feet south of the Lift Bridge to be studied in a Supplemental Draft EIS. As noted in Section I.A, work on this Supplemental Draft EIS was halted in January 2001.

As part of the "Stakeholder Resolution Process", all alternatives previously studied as well as new alternatives were reconsidered. Five build alternatives (Alternative A, Alternative B, Alternative C, Alternative D, and Alternative E) and a No-Build Alternative were identified by the Stakeholder Group and documented in the *2003 Amended Scoping Document/2003 Amended Draft Scoping Decision Document* (November 2003). Of these alternatives, two were dismissed from further study (Alternative A [TSM/Transportation Demand Management Alternative] and Alternative B, the 1995 Preferred Alternative) in the *2004 Amended Final Scoping Decision Document* (March 2004). An optional alignment of Alternative B, Alternative B-1, as well as Build Alternatives C, D, and E were documented in the *2004 Amended Final Scoping Decision Document* and evaluated in the *2004 Supplemental Draft EIS*.

The following summarizes the No-Build Alternative and four build alternatives evaluated in the *2004 Supplemental Draft EIS*. Also, the balancing of values which formed the basis for the selection of Alternative B-1<sub>a</sub> is summarized.

#### A. NO-BUILD ALTERNATIVE

The No-Build Alternative was not identified as the Selected Alternative because existing deficiencies (operational, geometric, and capacity) would persist and become worse as anticipated growth in the project area will increase traffic on the roadway system in the future. The following summarizes deficiencies with the existing roadway system:

- Operational issues
  - Poor traffic operations at downtown Stillwater intersections and along TH 36 and TH 95 through Oak Park Heights and Stillwater.
  - Delays due to Lift Bridge operations resulting in traffic queues, backups, and local traffic diversions.
  - High pedestrian volumes in downtown Stillwater affecting traffic operations.
  - Diversion of traffic from arterial roadways to local collector streets.
- Geometric and capacity constraints contributing to deficiencies in future traffic operations.
- Reliability issues (deck lift interruptions; flooding; physical condition) associated with the Lift Bridge.
- Safety issues with the existing roadway system, including delayed emergency vehicle response within the project area and western Wisconsin.

## B. ALTERNATIVE C

Under Alternative C, similar to the "Consensus Alternative", TH 36 would have been reconstructed as a grade-separated facility from TH 5 to Osgood Avenue, and a new TH 36/TH 95 interchange east of Osgood Avenue would have been constructed. The Alternative C four-lane river crossing would have been located approximately 4,450 feet south of the Lift Bridge on the Minnesota shoreline of the St. Croix River and approximately 3,600 feet south of the Lift Bridge on the Wisconsin shoreline. Alternative C consisted of two alignment options in Wisconsin. Alternative C – Option 1 would have continued northeast from the Alternative C river crossing, turning north after passing under existing STH 35, and connecting with existing STH 35/STH 64 northeast of Houlton. Alternative C – Option 2 would have continued northeast from the Alternative C river crossing, connecting with existing STH 35/STH 64 at 20th Street. Under Alternative C, the Lift Bridge would either have been converted to a pedestrian/bicycle facility or remained open for local, vehicular traffic.

Alternative C was similar to the Selected Alternative in many transportation impacts, although less crash reduction would have been possible compared to the Selected Alternative. Alternative C was not identified as the Selected Alternative because of environmental, cultural, and social considerations, as noted below.

- Construction of the Alternative C river crossing would have required acquisition of property from the Stillwater Municipal Barge Facility property (a Section 4(f) resource) which is a City of Stillwater-planned park.
- While Alternative C – Option 2 in Wisconsin would have resulted in fewer farmland acres acquired compared to the Selected Alternative, Alternative C – Option 2 would have resulted in greater fragmentation of both farmland and woodland between 13th Street and 20th Street. Alternative C – Option 2 also would have resulted in the acquisition of 10 residential lots in the Settler's Glen development.
- More residential receptors would have experienced noise impacts under both Alternative C – Option 1 and Option 2 than with the Selected Alternative.
- Nine high-risk, potentially contaminated sites requiring remediation would have been potentially affected by Alternative C compared to six sites for the Selected Alternative.
- Greater disturbance on the Wisconsin bluff than with the Selected Alternative.
- Greater longitudinal impacts to the 100-year floodplain in Minnesota from roadway construction would have occurred than with the Selected Alternative.
- Greater area of wetland encroachment (approximately 0.6-acre greater with Option 1; approximately 1.25 acres greater with Option 2) would have occurred compared to the Selected Alternative.

## C. ALTERNATIVE D

Under Alternative D, TH 36 would have been reconstructed in Minnesota as a grade-separated facility from TH 5 to Osgood Avenue. A new TH 36/TH 95 interchange would have been constructed east of Osgood Avenue, and a directional three-level interchange would have been constructed near downtown Stillwater to provide for all movements from TH 36/TH 95 and

downtown Stillwater. Alternative D would have constructed a four-lane river crossing approximately 1,900 feet south of the Lift Bridge on the Minnesota shoreline and approximately 160 feet south of the Lift Bridge on the Wisconsin shoreline. Alternative D would have reconstructed STH 64 in Wisconsin as a four-lane facility from the Lift Bridge to the project terminus near 150th Avenue. A new interchange would have been constructed east of Houlton, along with roadways connecting to this interchange. Under Alternative D, the Lift Bridge would have been converted to a pedestrian/bicycle facility.

Like Alternative C, Alternative D was similar to the Selected Alternative in several transportation impacts, although Alternative D would have resulted in:

- Unacceptable level of service (LOS) at the TH 36/TH 95 interchange ramps. (LOS is an indicator of intersection operations as measured in average delay per vehicle. Six LOSs are defined by facility type with the letters A – F designating each level, with LOS A representing the best operating conditions, and LOS F the worst.)
- More local intersections operating at unacceptable LOS E or F compared to the Selected Alternative.
- Less forecasted crash reduction under Alternative D compared to the Selected Alternative.

Environmental, cultural, and social considerations, as noted below, were also critical in rejecting Alternative D:

- More residential and commercial properties would have been acquired under Alternative D than with the Selected Alternative.
- Potential environmental justice impacts in Houlton, Town of St. Joseph, Wisconsin.
- Substantial portions of the Stillwater Municipal Barge Facility property (a Section 4(f) resource) would have been acquired to accommodate TH 95 and the Alternative D river crossing, resulting in a limited amount of land available for future park development.
- Close proximity of the Alternative D river crossing to downtown Stillwater would have resulted in visual impacts to Lowell Park (a Section 4(f) resource).
- Land would have been acquired from Kolliner Park (a Section 4(f) resource) in Wisconsin to accommodate the Alternative D river crossing and new STH 64 whereas the Selected Alternative does not require the acquisition of land from Kolliner Park.
- Nine high-risk, potentially contaminated sites requiring remediation would have been potentially affected by Alternative D compared to six sites for the Selected Alternative.
- While the Alternative D approach roadway in Wisconsin would have been located within an existing bluff cut, the quantitative impacts to the bluff would have been substantially larger and would have also required substantial retaining wall systems to minimize bluff cut activities.
- Greater longitudinal and transverse impacts to the 100-year floodplain in Minnesota from roadway and pond construction than with the Selected Alternative.
- Greater area of wetland encroachment (approximately 1.3 acres greater) compared to the Selected Alternative.



In addition to the items listed above, the National Park Service had indicated that Alternative D would be unlikely to sustain a Section 7(a) review. This contributed to the elimination of Alternative D from further consideration.

#### D. ALTERNATIVE E

Under Alternative E, TH 36 in Minnesota would have been reconstructed as a grade-separated facility from TH 5 to Osgood Avenue. A new TH 36/TH 95 interchange would have been constructed east of Osgood Avenue. A ramp and intersection on TH 95 would have provided access from downtown Stillwater to the Alternative E eastbound river crossing.

Under Alternative E, a two-lane new river crossing would have been constructed to accommodate one-way, eastbound traffic, while the Lift Bridge would have been converted to accommodate one-way, westbound traffic. The new Alternative E river crossing would have been located approximately 2,000 feet south of the Lift Bridge on the Minnesota shoreline and approximately 200 feet south of the Lift Bridge on the Wisconsin shoreline. The Lift Bridge would have remained on the trunk highway system. Eastbound STH 64 would have joined westbound STH 64 near the Wisconsin shoreline and continued as a four-lane facility up the Wisconsin bluff. STH 35/STH 64 in Wisconsin would have been reconstructed through Houlton to the eastern project terminus under Alternative E in the same manner as summarized for Alternative D.

Alternative E was not identified as the Selected Alternative because of the following transportation related impacts:

- River crossing reliability would have been compromised with the Lift Bridge operating as a trunk highway facility for two lanes of one-way westbound traffic. The Lift Bridge and trunk highway traffic would have still been subjected to closures due to deck lifts, flooding, and maintenance.
- The reduction in projected traffic volumes on TH 36/STH 64 under Alternative E compared to the Selected Alternative would have resulted in constrained traffic conditions (would not have met the demand).
- Closure of the Lift Bridge would have resulted in substantial congestion impacts because Alternative E relied on the Lift Bridge for westbound traffic.
- Regional Vehicle Hours Traveled (VHT) would have decreased with Alternative E compared to the No-Build Alternative; however, this decrease would have been less than with the Selected Alternative.
- Regional Daily Vehicle Miles Traveled (VMT) would have increased with Alternative E compared to the No-Build Alternative. Regional Daily VMT will decrease with the Selected Alternative.
- More local intersections would have operated at unacceptable LOS (LOS E or F) than with the Selected Alternative.
- The forecasted congestion in downtown Stillwater, particularly during Lift Bridge closings, would have substantially affected incident management/emergency response times.
- Less crash reduction would have been possible than with the Selected Alternative.



- Westbound trunk highway traffic would have continued to travel through downtown Stillwater, resulting in continued vehicle/pedestrian conflicts, thus creating unsafe conditions for both pedestrians and motorists.
- Alternative E was less compatible with regional transportation plans, because the Lift Bridge would have operated for trunk highway traffic.

Environmental, cultural and social considerations, as noted below, were also critical in rejecting Alternative E:

- While the Alternative E approach roadway in Wisconsin would have been located within an existing bluff cut, the quantitative impacts to the bluff would have been substantially larger and would have also required substantial retaining wall systems to minimize bluff cut activities.
- More residential and commercial properties would have been acquired under Alternative E than with the Selected Alternative.
- Potential environmental justice impacts in Houlton, Town of St. Joseph, Wisconsin.
- Substantial portions of the Stillwater Municipal Barge Facility property (a Section 4(f) resource) would have been acquired to accommodate TH 95 and the Alternative E river crossing, resulting in a limited amount of land available for future park development.
- Close proximity of the Alternative E river crossing to downtown Stillwater would have resulted in visual impacts to Lowell Park (a Section 4(f) resource).
- Land would have been acquired from Kolliner Park (a Section 4(f) resource) in Wisconsin to accommodate the Alternative E river crossing and new STH 64 whereas the Selected Alternative does not require acquisition of land from Kolliner Park.
- Greater longitudinal and transverse impacts to the 100-year floodplain in Minnesota would have occurred from roadway and pond construction than with the Selected Alternative.
- Greater area of wetland encroachment (approximately 1.3 acres greater) compared to the Selected Alternative.

In addition to the items listed above, the National Park Service had indicated that Alternative E would be unlikely to sustain a Section 7(a) review. This contributed to the elimination of Alternative E from further consideration.

#### E. ALTERNATIVE B-1<sub>a</sub> - SELECTED ALTERNATIVE

The Selected Alternative, B-1<sub>a</sub>, location and design features are summarized in Section I.D. Section 3.3 of the Supplemental Final EIS contains a detailed description of the Selected Alternative location and design features. FHWA, Mn/DOT and WisDOT's selection of Alternative B-1<sub>a</sub> (including the conversion of the Lift Bridge to a pedestrian/bicycle facility) as the Selected Alternative was determined by the balancing of a number of environmental, economic, social, and historic resources concerns that should be avoided or minimized by the project, while considering the transportation purpose and need of the project to provide safe and efficient mobility. Key findings that led FHWA, Mn/DOT and WisDOT to select alternative B-1<sub>a</sub> are summarized as follows:

- The proposed four-lane river crossing provides sufficient capacity to meet forecasted year 2030 travel demand, with sufficient excess capacity to meet additional travel demands beyond 2030. The four-lane crossing also reduces diversion of traffic to the I-94 St. Croix River Crossing, thereby addressing capacity concerns at that crossing as well.
- The proposed alignment lies far enough south of downtown Stillwater to remove a substantial number of regional through trips from downtown streets, thereby reducing congestion.
- Construction of a new river crossing for both directions of traffic eliminates concerns regarding the structural condition, geometric restrictions and reliability associated with the existing river crossing.
- Construction of a new river crossing and elimination of vehicular use of the Lift Bridge will eliminate traffic congestion in downtown Stillwater resulting from bridge raisings.

In addition, the Stakeholder Group-developed Purpose and Need identified a number of environmental, economic, social, and historic resources concerns that should be avoided or minimized by the project. Compared to Alternatives C, D and E, the Selected Alternative best addresses these concerns as summarized below:

- The proposed roadway alignment avoids and/or reduces direct impacts to National Register of Historic Places listed or eligible properties, as it is the farthest in distance from the Lift Bridge, the Stillwater Commercial Historic District, and the Stillwater Cultural Landscape District. The Selected Alternative also avoids the Section 4(f) use of contributing sites within the Landscape District, including the Hersey and Bean site in the Stillwater South Main Street Archaeological District, and the Tourist Camp and Legion Park sites in Kolliner Park.
- The Selected Alternative alignment minimizes impacts to the Lower St. Croix National Scenic Riverway by minimizing river crossing distance through an alignment more perpendicular to the river centerline (as compared to the 1995 Selected Alternative).
- The Selected Alternative alignment is located in an area previously disrupted through construction of a water treatment facility and an electrical generating plant in Minnesota.
- The Selected Alternative alignment avoids substantial right-of-way taking from local parks (Section 4(f) resources) including the Stillwater Municipal Barge Facility property, Lowell Park, and Kolliner Park.
- Conversion of the Lift Bridge to a pedestrian/bicycle facility under the Selected Alternative allows the new river crossing project to be compatible with the *Lower St. Croix Management Plan* and Lower St. Croix Management Commission policy of “non-proliferation” of transportation crossings. And, it allows the historic Lift Bridge to be preserved as a recreational amenity.

#### **Other Resources Issues**

- Fewer contaminated sites are affected under the Selected Alternative. Although all alternatives potentially affected roughly the same number of medium-risk sites, the Selected Alternative may only affect six high-risk sites, compared to nine sites under the other alternatives.

- The Selected Alternative minimizes impacts on the Wisconsin and Minnesota bluffs by locating the bridge in an existing bluff cut in Minnesota and an existing bluff ravine in Wisconsin;
- All alternatives exerted similar impacts on protected species, the fish and aquatic community, the terrain and climate, and wildlife. The Selected Alternative results in less removal of trees and undergrowth along shorelines and upland/bluff areas, with the amount estimated at 2.18 acres. Other alternatives required removal of 3.98 to 13.29 acres.
- Impacts were similar for all alternatives for water quantity (drainage), water quality and groundwater. The Selected Alternative results in substantially less longitudinal impact (900 feet) and no transverse impact to the 100-year floodplain from road and pond construction. Impacts from other alternatives ranged from 1,600 to 5,400 feet of longitudinal and additional transverse impacts to the 100-year floodplain.
- The Selected Alternative will impact the fewest acres of wetlands, with a total of 7.71 acres affected.

Following publication of the Supplemental Draft EIS in August 2004, the Supplemental Draft EIS public hearing in September 2004, and identification of Alternative B-1<sub>a</sub> as the Preferred Alternative, the alternative was refined during development of the *2006 Supplemental Final EIS* to address community, environmental, and right-of-way concerns, as well as to incorporate elements of the Preferred Alternative mitigation package (e.g., loop trail, drainage). Changes that were incorporated into the Preferred Alternative include:

Use of the “1995 layout” in the TH 5 to Osgood Avenue segment avoids a substantial number of commercial property takings in the cities of Oak Park Heights and Stillwater while improving short term traffic operations and safety concerns in this segment of TH 36. The *2004 Supplemental Draft EIS* proposed reconstruction of TH 36 as a grade-separated facility using “buttonhook” type interchanges. To address community concerns raised after the release of the Supplemental Draft EIS, the existing TH 36 at-grade facility will be reconstructed with pulled-back frontage roads at Oakgreen Avenue/Greeley Street. This at-grade signalized intersection design is consistent with the design that was given municipal consent by the communities in 1995. The cities of Oak Park Heights and Stillwater will continue working toward long-term operational improvements for this segment of TH 36 that will address the cities’ right-of-way and economic concerns.

The extradosed bridge type and profile minimizes impacts to the Riverway by minimizing bluff disturbance, reducing the number of piers in the River, and allowing for an aesthetic design compatible with the character and “outstandingly remarkable values” of the St. Croix National Scenic Riverway.

Additional impacts associated with these design modifications (e.g., TH 36 at-grade design; loop trail) are fully described in the *2006 Supplemental Final EIS*.

The Selected Alternative, Alternative B-1<sub>a</sub>, is the environmentally preferred alternative by addressing the transportation purpose and need while balancing the environmental, economic, social, and historic resources values within the project area.

### III. SECTION 4(f)

The Selected Alternative has been designed to avoid Section 4(f) resources and minimize harm where avoidance was not possible. There are two Section 4(f) resources, the Lower St. Croix National Scenic Riverway and Bergstein Shoddy Mill and Warehouse, which will be directly impacted (“used”) by the Selected Alternative.

The *Final Section 4(f) Evaluation* presented in Appendix E of the Supplemental Final EIS provides a complete evaluation of the Section 4(f) impacts and measures to minimize harm to the Lower St. Croix National Scenic Riverway. There is no feasible and prudent alternative to the use of the Lower St. Croix National Scenic Riverway. The proposed action includes all possible planning to minimize harm resulting from such use.

A Final Section 4(f) Evaluation was completed for the Moritz Bergstein Property (Bergstein Shoddy Mill) in April 1995. Under the 1995 Selected Alternative, the structures on the Bergstein Shoddy Mill would have been removed and the property re-graded. Alternatives and design variations of the Selected Alternative were evaluated but were found not to be feasible and prudent. Under the 2006 Selected Alternative documented in the *2006 Supplemental Final EIS*, the Bergstein Shoddy Mill will be acquired for right-of-way and the buildings moved or demolished. Avoidance alternatives, similar to those described in the *1995 Final Section 4(f) Evaluation*, are not feasible and prudent. The *Amended Section 106 Memorandum of Agreement* includes mitigation for impacts to the Bergstein Shoddy Mill. Based upon the above considerations and documentation in the *1995 Final Section 4(f) Evaluation*, there is no feasible and prudent alternative to the use of land from the Bergstein Shoddy Mill. The proposed action includes all possible planning to minimize harm to the property resulting from such use.

The Selected Alternative will not permanently use any other Section 4(f) properties (i.e. historic sites or publicly owned parks, recreation facilities, or wildlife and waterfowl refuges).

The Selected Alternative will not permanently use any properties from the three public parks (Stillwater Municipal Barge Facility property, Lowell Park and Kolliner Park). Impacts to these properties are not considered a Section 4(f) use. Rather, these impacts are considered a temporary occupancy of Section 4(f) resources. A Letter of Agreement between Mn/DOT and the City of Stillwater, dated June 16, 2005, document these temporary occupancies.

Section 6(f) of the Land and Water Conservation Fund Act of 1965 (LAWCON) requires additional environmental review if parklands purchased or improved with money from the LAWCON fund are potentially impacted by a proposed action. LAWCON funds were not used for any of the areas described above. Therefore, Section 6(f) does not apply to this project.

### IV. SUMMARY OF IMPACTS AND MEASURES TO MINIMIZE HARM

Per 23 CFR 771.109, it shall be the responsibility of the State Departments of Transportation, in cooperation with the FHWA, to implement the mitigation measures stated as commitments in the

Supplemental Final EIS. The FHWA will assure that this is accomplished as a part of its program management responsibilities that include reviews of designs, plans, specifications, and estimates (PS&E), and construction inspections. In addition, these mitigation measures have been set forth in this ROD for the St. Croix River Crossing Project. Per Part 1505.3 of the "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," FHWA shall include appropriate conditions, including mitigation measures and monitoring and enforcement programs; in grants, permits or other approvals.

The Mn/DOT, WisDOT and FHWA each acknowledge that:

"pursuant to generally recognized principles of administrative law, agencies will be held accountable for preparing Records of Decision that conform to the decisions actually made and for carrying out the actions set forth in the Records of Decision. This is based on the principle that an agency must comply with its own decisions and regulations once they are adopted. Thus the terms of a Record of Decision are enforceable by agencies and private parties. A Record of Decision can be used to compel compliance with or execution of the mitigation measures identified therein" (Question 34d, *Forty Most Asked Questions about NEPA*, 46 Federal Register 18026, March 23, 1981).

The above agencies understand and acknowledge that private parties, including non-governmental organizations, have standing to seek judicial enforcement of the mitigation measures described in the ROD for this project.

A variety of measures to mitigate documented social, economic, and environmental impacts associated with the construction of the Selected Alternative have been identified. A matrix which summarizes the Selected Alternative mitigation is attached. All practicable measures to minimize environmental harm have been incorporated into the decision. The Supplemental Final EIS (Chapter 15, in particular) and Section 4(f) Evaluation contain specific discussion of anticipated impacts and mitigation commitments. This project will comply with all applicable federal and state laws and regulations. A summary of anticipated impacts and the specific mitigation measures are described below:

#### A. RIGHT-OF-WAY ACQUISITION AND RELOCATION

Two-hundred seventy eight (278) acres<sup>1</sup> of right-of-way will need to be acquired for the Selected Alternative. Approximately 89 acres would be acquired in Minnesota and approximately 189 acres would be acquired in Wisconsin.

Seventy-four acres of right-of-way were previously acquired in Minnesota for the 1995 Selected Alternative; all of this right-of-way will be utilized for the 2006 Selected Alternative. An additional 15 acres of right-of-way will be acquired for the Selected Alternative in Minnesota. One hundred thirty-three acres of right-of-way were acquired in Wisconsin for the 1995 Selected Alternative; a portion of this right-of-way (approximately 90 acres) will be utilized for the 2006 Selected Alternative.

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<sup>1</sup> Includes right-of-way previously acquired for the 1995 Final EIS Selected alternative.

Six single-family residential properties (three in Minnesota; three in Wisconsin) must be acquired. A total of 61 single-family and four multi-family residences were acquired in Minnesota for the 1995 Selected Alternative. No residences were acquired in Wisconsin for the 1995 Selected Alternative.

Two commercial properties, one each in Minnesota and Wisconsin, will need to be acquired for the Selected Alternative. Four commercial properties were previously acquired in Minnesota for the 1995 Selected Alternative. The relocation of the business in Minnesota will be conducted in accordance with Mn/DOT policy for business relocation. The relocation of the business in Wisconsin will be conducted in accordance with Wisconsin Statutes Section 32.185-32.27 and Chapter Comm 202 of the Wisconsin Administrative Code.

All right-of-way acquisition and relocation will be in accordance with the Uniform Relocation and Real Property Acquisition Act of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 and 49 CFR, Part 24, effective April 1989 (revised January 2005).

#### B. PARKLAND/RECREATION AREAS

The Selected Alternative will require temporary use of land from the Stillwater Municipal Barge Facility property (the site of a planned city park) for road and bridge construction. The site may be used as a staging area during bridge and road construction. The Selected Alternative will impact approximately 1.4 acres of the site for the construction of an access road at the south end of the property. Implementation of the Selected Alternative mitigation items will result in temporary construction impacts to the Stillwater Municipal Barge Facility property.

Construction of the Selected Alternative river crossing will not require the use of land from Kolliner Park. However, implementation of the Selected Alternative mitigation items will result in temporary construction impacts to Kolliner Park.

Construction of the Selected Alternative river crossing will not require the use of land from Lowell Park in downtown Stillwater.

The Selected Alternative south frontage road connection between Osgood Avenue and Stagecoach Trail in Oak Park Heights will be located within the north boundary limits of the Moelter Site (a potential future park). The alignment of the south frontage road and potential parking lot connections to the south frontage road have been incorporated into preliminary plans for the site and will not affect future plans for recreational use of the site.

#### C. LOWER ST. CROIX NATIONAL SCENIC RIVERWAY

The Selected Alternative will result in adverse visual and recreational impacts to the Lower St. Croix National Scenic Riverway. To address impacts to the Riverway, the Selected Alternative mitigation package includes items totaling \$9.6 million. These mitigation items are described in detail in the attached *Riverway Memorandum of Understanding* (Riverway MOU;

see Section V.A). Implementation of the Riverway mitigation items, as well as funding mechanisms and administrative oversight, are also documented in the Riverway MOU.

The National Park Service determined, as documented in their draft Section 7(a) Evaluation, that the Preferred Alternative river crossing, when considered with the mitigation package, would not have a direct and adverse effect on the scenic and recreational values for which the Riverway was included in the National Wild and Scenic Rivers System. This finding is contingent upon the mitigation measures identified in the draft Section 7(a) Evaluation being incorporated into the project.

#### D. COMMERCIAL AND FISCAL

The Selected Alternative requires the relocation of one business in Minnesota, an auto repair shop, which is located at the proposed TH 36/TH 95 interchange. There will be no business relocations in the downtown Stillwater area resulting from the Selected Alternative. With conversion of the Lift Bridge to a pedestrian/bicycle facility, there is the opportunity to increase the number of parking stalls in downtown Stillwater on Chestnut Street. The Selected Alternative also requires the acquisition of one business, a liquor distribution center, in Wisconsin. This acquisition is required due to construction of the loop trail system in the bluff area that would result in the closing of the access road to the business.

With the maintenance of at-grade access and no business relocations resulting from the Selected Alternative in Minnesota along the TH 36 commercial corridor, no permanent adverse commercial impacts are anticipated to result to the TH 36 commercial corridor in Oak Park Heights and Stillwater.

With the exception of one business (gas station/convenience store), most businesses in Houlton are not greatly dependent on drive-by traffic and will not be affected by the realignment of STH 35/STH 64 under the Selected Alternative.

Because residential acquisition and business relocation is limited to a total of eight properties, no further adverse fiscal impacts to any communities in the project area are anticipated to result from the Selected Alternative.

#### E. ENVIRONMENTAL JUSTICE FINDING

The Selected Alternative will not have disproportionately high and adverse human health or environmental effects on any minority or low income populations.

#### F. FARMLAND

The Selected Alternative will affect an estimated 140 acres of the 310,178 acres of land in farms within St. Croix County, Wisconsin, or approximately 0.04 percent. Fourteen Wisconsin landowners are affected by the Selected Alternative. The Selected Alternative will divide several fields, primarily south of existing CTH E and near the existing STH 35/STH 64 roadway northeast of Houlton in the Town of St. Joseph.



Farm owners will be compensated in accordance with 49 CFR Part 24, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (as amended) and in accordance with Wisconsin Statutes Section 32.185-32.27 and Chapter Comm 202 of the Wisconsin Administrative Code.

WisDOT will implement the following measures to address farmland impacts:

- Landowners whose access must be altered will be consulted. If land is severed and safe and efficient access cannot be provided, the severed land may be purchased by WisDOT;
- The County Conservationist will be consulted to ensure that construction proceeds in a manner that minimizes drainage problems, crop damage, soil compaction, and soil erosion on adjacent farmland; and
- Advance notice of acquisition and construction will be provided, and timed, to the extent feasible, to minimize impacts to affected farm operations.

## G. VISUAL

Construction of the Selected Alternative will cause an adverse impact on the existing visual setting of the project area. Visual impacts of the Selected Alternative cannot be avoided. The project incorporates a number of design elements to minimize the visual impacts of the project, including:

- An alignment of the new crossing that is more perpendicular to the river centerline (as compared to the 1995 Selected Alternative);
- Minimizing impacts on the Wisconsin and Minnesota bluffs by locating the bridge in an existing bluff cut in Minnesota and an existing bluff ravine in Wisconsin;
- Incorporation of a signature bridge design with the “extradosed” bridge type. The extradosed bridge introduces a visually unique bridge type to the river corridor, a type that does not correspond to the nearby Lift Bridge or to other bridge types found along the St. Croix River. It presents a visually dramatic form and structural appearance to viewers and users, and
- Minimizing the number of piers and apparent mass of the structural components of the new bridge to decrease adverse visual impacts on the St. Croix River.

Items included with the Selected Alternative mitigation package to offset the visual impacts of a new river crossing include:

- Removal of the Xcel Energy barge unloading facility and mooring cells (one pivot cell from the barge off-loading facility will remain);
- Mitigation for damages to bluffslands by providing funding for the protection of replacement lands;
- Bluffsland restoration, including removal of the Buckhorn sign and restoration of the existing CTH E and STH 64 Wisconsin approaches;
- Restoration of Kolliner Park to a more natural state; and
- Removal of the Terra Terminal building, solid waste clean up, and removal of construction debris (asphalt and concrete) used for bank stabilization near the building and the removal of below-water debris near the shoreline from the Stillwater Municipal

Barge Facility property. Replacement materials for bank stabilization will also be provided.

Aesthetic enhancements for the proposed project are being determined through the Visual Quality Planning Process (VQPP) and *Visual Quality Manual* (VQM) development. The VQM will establish design concepts, materials selection and visual standards that will guide the aesthetics of the final design plans for the project. Because of the unique nature of the project area and values of the Lower St. Croix National Scenic Riverway, mitigation for additional aesthetic funding above the maximum limit will be allocated for implementation of the VQM.

#### H. AIR QUALITY

Emissions of projected priority mobile source air toxics (e.g., acetaldehyde; acrolein; benzene; 1,3-butadiene; formaldehyde; and diesel particulate matter) are expected to decline between the present and year 2030. There are no state or federal standards for air toxics concentrations or emissions. Overall, the project would reduce gaseous air toxics emissions from the No-Build condition.

The Selected Alternative will not result in an exceedance of carbon monoxide standards in Minnesota or Wisconsin.

#### I. NOISE

The Selected Alternative will result in year 2030 noise levels exceeding Minnesota daytime and nighttime state noise standards at several locations in the Minnesota portion of the project area. In Wisconsin, the Selected Alternative will also result in noise levels that exceed the state definition of "noise impact" at three locations along the project corridor. However, noise mitigation has been found to not meet Mn/DOT and WisDOT's cost-effectiveness criteria for the construction of noise barriers. Therefore, no noise barriers will be constructed with the project. Other noise mitigation measures identified in 23 CFR 772.113(c) were found to not be reasonable or feasible.

An analysis of noise levels from the Selected Alternative in Wisconsin was completed to evaluate noise levels at various distances from the roadway for purposes of future land use planning. This analysis indicated that sensitive receptors (i.e., residences) should be located at distances greater than 200 feet from the centerline of travel lanes to avoid approaching or exceeding Wisconsin noise abatement criteria.

Peak-hour traffic noise levels from the Selected Alternative river crossing bridge will approach or exceed federal noise abatement criteria (70 dBA) at the river level below the bridge and continue to a distance approximately 200 feet north and south of the bridge centerline.

#### J. CONTAMINATED SITES

Six properties identified as high environmental risk sites are located within close proximity to the Selected Alternative in Minnesota. Three properties identified as having excessive clean up

costs and/or environmental liability are located within close proximity to the Selected Alternative. There are no sites of concern identified in Wisconsin that will be affected by the Selected Alternative.

Prior to construction activities, all properties of concern will be evaluated for their potential to be impacted by construction and/or acquired as right-of-way. If necessary, a plan will be developed for properly handling and treating contaminated soil and/or groundwater encountered during construction.

#### K. PROTECTED SPECIES

The Selected Alternative will result in disruption of the river habitat of the Higgins eye pearlymussel (*Lampsilis higginsii*); however the U.S. Fish and Wildlife Service (USF&WS) has concluded that the project is not likely to jeopardize the continued existence of this federally-endangered species. Relocating freshwater mussels from construction areas near the Wisconsin shoreline to other suitable habitat is proposed as mitigation for impacts on mussels in the project area. Mussels will be relocated from the work areas and barge docking areas that will be adversely impacted by bridge construction activities. The mussel relocation protocol is documented in the *Proposed mussel relocation protocol for a crossing of the St. Croix River between Oak Park Heights, Minnesota and the Town of St. Joseph, Wisconsin* (Minnesota Department of Transportation, 1996) and as updated by the USF&WS in their September 2005 Biological Opinion.

The USF&WS has determined that the project is unlikely to adversely affect the winged mapleleaf mussel (*Quadrula fragosa*), a federally-endangered species.

Potential introduction of the exotic invasive zebra mussel by construction barges and equipment will be reduced through decontamination protocols.

An active bald eagle (*Haliaeetus leucocephalus*) nest within the project area is avoided by the Selected Alternative. Design measures have been taken to avoid the nest and efforts will be made during project construction to reduce impacts to nesting activities, including:

- An area around the tree will be fenced and signed to warn people from approaching/disturbing the tree and nest during the nesting season from March 1 to July 31;
- Avoidance of all tree cutting within 100 feet of the eagle nest;
- Limiting construction near the nest during the nesting season depending upon the line of sight to the active eagle nest;
- Monitoring and reporting to the Twin Cities Field Office of the USF&WS, of the nesting activities of the eagle pair during project construction; and
- With the exception of the removal of existing pavement structure, no construction activities will occur within 100 feet of the nest tree.

Other species of concern include nesting swallows, osprey and peregrine falcons. Nesting swallows are located on the Lift Bridge. An active peregrine falcon nest is located on the

exhaust stack of the Xcel King Power Plant. No impacts are anticipated to either species with construction of the Selected Alternative.

An active osprey nest is located on the barge off-loading facility at the Xcel King Power Plant. Xcel Energy will move the osprey nesting platform to a new location in the general area during the non-nesting season prior to the removal of the barge off-loading facility.

Dotted blazing star (*Liatrix punctata* var. *nebraskiana*), a Wisconsin state-endangered plant species, has been identified along the Wisconsin bluff in the project area. Field surveys for dotted blazing star will be performed prior to construction and mitigation measures such as relocation will be completed.

#### L. VEGETATION

The Selected Alternative will require the removal of trees and vegetation on the river bluffs and other areas due to bridge, interchange, and approach roadway construction, resulting in the overall loss of these resources within the study area. Vegetation impacts will be mitigated through landscaping and revegetation as defined in the Visual Quality Manual.

#### M. WATER QUANTITY (DRAINAGE)

The Selected Alternative will increase the amount of impervious surface in the project area. Based on the increase in impervious area, the volume of runoff is expected to increase. However, the incorporation of wet detention ponds, infiltration basins, new conveyance systems, and diversion of some flow through existing outflow areas, is expected to mitigate any effects on specific water bodies that are susceptible to flooding. Drainage-related information is contained in the *TH 36/95 St. Croix River Crossing Water Resources Preliminary Design Report* (January 2006).

#### N. WATER QUALITY

The Selected Alternative will change the existing rural section of TH 36 and TH 95 in Oak Park Heights and Stillwater to an urban section with curb and gutter and storm sewer to convey stormwater for handling and treating runoff. Benefits of additional treatment and newly established treatment will be achieved. The proposed drainage system includes water quality treatment facilities, consisting of wet detention ponds, infiltration basins and grass swales.

The majority of the Wisconsin portion of the Selected Alternative will be constructed as a rural drainage system in an area where no roadway currently exists. The rural highway section will maintain the existing drainage patterns and improve treatment through the use of wet detention ponds, infiltration basins, grass ditches, and culverts.

The 59 percent proposed drainage system removal for Minnesota drainage areas provided as part of the Selected Alternative attains the level of performance typically attributed to ponding systems. Other areas, such as the Wisconsin systems, attain higher total phosphorous removal through infiltration measures. Therefore, the phosphorous loading of 171 pounds on an average

annual basis provides a reduction from existing conditions of 19 percent. In order to achieve the 30 percent loading reduction goal for the watershed as set forth by the St. Croix Basin Water Resources Team, additional phosphorus removal measures would need to be employed, which would require a substantial amount of additional right-of-way in both Minnesota and Wisconsin. Right-of-way and community impacts do not make this feasible within the project area. Discussions have already taken place and will continue with regulatory agencies during final design to determine if further loading reductions utilizing banking or other active and passive means within the St. Croix Basin can be incorporated into the project.

A formal coordinated review process has been identified to address water quality permitting activities associated with the project. This formal process is documented in the attached *Water Quality Memorandum of Understanding* (Water Quality MOU) and provides an opportunity for discussion and input among agencies to identify Best Management Practices to minimize construction-related impacts to the Riverway.

#### O. FLOODPLAINS

The construction of the Selected Alternative will result in fill in the floodplain along the St. Croix River. The Selected Alternative will result in approximately 900 feet of longitudinal encroachment in Minnesota and none in Wisconsin. The loop trail mitigation item will result in approximately 2,700 feet of longitudinal encroachment in the Stillwater Municipal Barge Facility property in Minnesota and approximately 350 feet of transverse encroachment on the Lift Bridge causeway in Wisconsin. Stormwater ponds for the Selected Alternative will also be partially located within the 100-year floodplain.

No potential for interruption of a transportation facility will result from the Selected Alternative because all roadway grade elevations will be above the 100-year floodplain elevation. No substantial impacts on natural and beneficial floodplain values are anticipated with the Selected Alternative. No increase in flooding, change in river profile, or increase in the 100-year and 500-year floodplain elevations is expected and no incompatible floodplain development would result from the Selected Alternative.

#### P. GROUNDWATER

No impacts to groundwater are anticipated.

#### Q. WETLANDS

The Selected Alternative will affect 7.71 acres of wetland area. The Minnesota approach bridge will also result in impacts to wetlands along the Minnesota shoreline of the St. Croix River. Specific impacts associated with these piers will be determined with final bridge design.

The U.S. Army Corps of Engineers (Corps) determined that the Selected Alternative appears to be the least environmentally damaging practicable alternative and would satisfy the requirements of Section 404 of the Clean Water Act (letter dated August 3, 2005).

Approximately seven acres of new wetland was constructed in the year 2000 at a mitigation site located south of TH 36 and west of Osgood Avenue. This site has been monitored by Mn/DOT, approved for use by regulatory agencies, and will account for mitigation of some of the project's wetland impacts. Mn/DOT has also established a second wetland mitigation banking site, at William O'Brian State Park (the Minnow Ponds) that will be used to mitigate remaining project wetland impacts. For Wisconsin wetland impacts, required wetland mitigation will be in accordance with the WisDOT/Wisconsin Department of Natural Resources (WisDNR) cooperative agreement procedures.

A final wetland compensation plan for replacement of total affected wetland areas will be developed for the project and will reassess the exact areas of wetland impacts and mitigation based on final design.

## R. ARCHAEOLOGICAL AND HISTORIC RESOURCES

Working with the Mn/DOT Cultural Resources Unit, the WisDOT Bureau of Equity and Environmental Services and in consultation with the Advisory Council on Historic Preservation, Minnesota State Historic Preservation Office (SHPO), Wisconsin SHPO, and several Stakeholders, the FHWA coordinated reviews under NEPA and Section 106 of the National Historic Preservation Act throughout the Supplemental EIS process. Consultation and public involvement activities have informed the decision-making process and were used by FHWA in Section 106 deliberations.

Sixteen properties were listed on or determined eligible for the National Register of Historic Places within the project area. Adverse effects of the Selected Alternative have been identified for seven properties, including the Stillwater Lift Bridge, Log Cabin Restaurant (Club Tara), Bergstein Shoddy Mill and Warehouse, St. Croix Overlook – South, Stillwater Commercial Historic District, Stillwater Cultural Landscape District, and South Main Archaeological District. Mitigation measures totaling approximately \$4.2 million for adverse effects to historic resources are described in the attached *Amended Section 106 Memorandum of Agreement*.

## S. CONSTRUCTION

The Selected Alternative will result in unavoidable temporary construction impacts related to air quality, noise, dust generation, vibration, traffic, river navigation, and roadway access due to necessary construction activities. Most impacts will be short in duration. The Selected Alternative will also result in construction-related impacts to protected species, wetlands, the Wisconsin bluff, and the St. Croix River.

Mitigation for construction-related impacts to protected species is summarized in Section IV. K. (Protected Species).

Necessary grading and removal of vegetation will be performed in accordance with Mn/DOT and WisDOT specifications. An erosion control plan for the entire project will be developed during final design. The plan will be implemented to minimize impacts on those areas where unavoidable grading and removal of vegetation would occur. Disturbed areas will be re-

vegetated where appropriate. Temporary (construction) erosion and sediment control measures in accordance with National Pollutant Discharge Elimination System/State Disposal System permitting and Best Management Practices developed by the Minnesota Pollution Control Agency and Wisconsin Department of Natural Resources will be followed to minimize impacts.

A formal coordinated review process has been identified to address water quality permitting activities associated with the project. This formal process is documented in the attached Water Quality MOU.

The Selected Alternative will necessitate relocating approximately 2,640 feet of a Union Pacific Railroad line to the east near the proposed TH 36/TH 95 interchange in Oak Park Heights. Minor impacts on rail operations are expected during the construction period; these activities have and will be coordinated with the Railroad and Xcel Energy. No impacts will result to the trains in the Xcel Energy rail yard located south of the project area. Coordination with the Union Pacific Railroad will continue through final design.

Construction of the Selected Alternative will result in the relocation of utilities (e.g., sanitary sewer; water mains; storm sewer) in Minnesota. During final design and construction of the project, Mn/DOT will continue to work with local governments to address utility relocations.

Potential construction staging areas have been identified in Minnesota and Wisconsin. Final determination of construction staging areas and barge docking facilities will be made during final design.

A preliminary construction staging concept plan has been identified for the Selected Alternative. Detailed construction staging plans will be developed prior to construction.

#### T. INDIRECT EFFECTS

Three geographic areas potentially affected by indirect effects of improved mobility or access changes under the Selected Alternative were identified: TH 36 corridor in Washington County, Minnesota; STH 64/STH 35/CTH E interchange area in St. Croix County, Wisconsin; St. Croix County and Polk County, Wisconsin.

#### **Consistency with Existing Plans**

The Selected Alternative is consistent with existing land use plans for the cities of Oak Park Heights and Stillwater, and for Washington County, in Minnesota, and with the Metropolitan Council's *Regional Development Framework*. It is also consistent with the *St. Croix County Development Management Plan* and local comprehensive plans for the Village of Somerset, the Town of Somerset, the Town of St. Joseph, the City of Hudson, and the City of New Richmond.

The Town of St. Joseph plan outlines a desire to retain its rural character but still accommodate growth. The Village of Somerset's plan projects growth based on the wastewater treatment plant capacity. The City of New Richmond's plan includes planned sequential annexations of



unincorporated land to accommodate growth but the plan clearly states the city's desire to retain the scale and feeling of a small town with rural surroundings.

Local plans in western Wisconsin acknowledge that rapid and sustained growth is occurring and will continue to occur with or without a new St. Croix River Crossing. Planning officials in these communities note that growth has occurred despite the uncertainty regarding a new river crossing, citing quality of life factors as well as competitive land prices as factors encouraging development in western Wisconsin. The improved mobility provided by the Selected Alternative will affect the timing and/or the amount of growth that occurs in western Wisconsin.

### **Probable impacts of increased development on natural, social and cultural resources**

While negative impacts to natural, social and cultural resources resulting from land development are possible, the probability of these impacts is directly related to the land use management and planning policies and regulations of local governments. As higher than state average growth trends are already apparent in the majority of the area, the potential for impacts to water quality, wetlands, wildlife habitat and cultural resources is already present.

### **Growth Management Mitigation Items**

In discussing comments received on the Supplemental Draft EIS, a number of needs were identified by the Stakeholder Group to address the potential negative indirect effects of land development and the potential acceleration of planned development resulting from the Selected Alternative. In the fall of 2005, a cooperative process was developed to address the concerns of the Stakeholder Group and others. This process included meetings with, and input from, Stakeholder Group members and local government staff.

The outcome of these discussions was a \$2.7 million set of measures to address growth management issues. Details regarding the implementation of these measures are documented in the attached *Growth Management Memorandum of Understanding* (Growth Management MOU; see Section V.A).

## **U. CUMULATIVE IMPACTS**

Potential for cumulative impacts from the direct and indirect effects of the Selected Alternative and other activities exists with land uses in the area; for example, land development, prime agricultural land, water quality and quantity, vegetation, wildlife, aesthetics and historic resources. The identified impacts of the Selected Alternative will not lead to a detrimental cumulative impact of the natural, cultural and historic resources in the project area. Potential impacts to these resources and activities are typically considered through local and county comprehensive planning efforts. These potential impacts can be avoided or minimized through local land use controls, site plan/development controls, roadway access restrictions and other measures.

## **V. MONITORING OR ENFORCEMENT PROGRAM**

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

### **A. MEMORANDA OF UNDERSTANDING**

A cooperative agreement-type process was developed during preparation of the Supplemental Final EIS to further define the implementation of the Selected Alternative mitigation items, and involved input from members of the Stakeholder Group. Details regarding the implementation of these mitigation items, the funding mechanisms, and administrative oversight were developed culminating in three documents titled: 1) *Memorandum of Understanding for the Implementation of Riverway Mitigation Items* (Riverway MOU); 2) *Memorandum of Understanding for the Implementation of Growth Management Items* (Growth Management MOU); and 3) *Memorandum of Understanding for the Establishment of a Water Quality Management Advisory Committee* (Water Quality MOU).

#### **Riverway Memorandum of Understanding**

Several mitigation items have been identified as part of the Selected Alternative mitigation package to address impacts to the Lower St. Croix National Scenic Riverway. The attached Riverway MOU provides details regarding the implementation of the Riverway mitigation items, including funding and administrative mechanisms. The Riverway MOU has been signed by the Federal Highway Administration (FHWA), National Park Service (NPS), Minnesota Department of Transportation (Mn/DOT), Wisconsin Department of Transportation (WisDOT), Minnesota Department of Natural Resources (MnDNR), and Wisconsin Department of Natural Resources (WisDNR).

#### **Growth Management Memorandum of Understanding**

Details regarding the implementation of the growth management mitigation items as well as funding mechanisms and administrative oversight was documented and signed in an agreement among WisDNR, WisDOT, Mn/DOT, and FHWA titled the Growth Management MOU. The attached MOU states the goal of the growth management mitigation items is to promote natural, cultural and historic resource protection in the St. Croix River watershed, thus helping to preserve water quality and scenic values. The MOU identifies WisDNR as the lead agency for the activities covered under the MOU. WisDNR will be assisted by the Growth Management Advisory Team consisting of representatives from the NPS, WisDOT, St. Croix Basin Water Resources Planning Team, St. Croix County, the Town of St. Joseph, University of Wisconsin - River Falls, Minnesota Center for Environmental Advocacy (MCEA), Wisconsin State Historic Preservation Officer (WisSHPO) and other interested groups.

## Water Quality Memorandum of Understanding

A formal coordinated review process has been identified to address water quality permitting activities associated with the project. This formal process, documented in the attached Water Quality MOU, will include representatives from Mn/DOT and WisDOT, as well as resource agencies and non-governmental groups. The purpose of this formal process will be to provide an opportunity for discussion and input to identify best management practices to minimize construction-related impacts to the Riverway, among other activities identified in the Water Quality MOU. This MOU was signed by the NPS, Minnesota Pollution Control Agency (Mn/PCA), Mn/DNR, WisDNR and Mn/DOT.

### B. AMENDED SECTION 106 MEMORANDUM OF AGREEMENT

The attached *Amended Section 106 Memorandum of Agreement* (MOA) was signed by the FHWA, U.S. Army Corps of Engineers (Corps), Advisory Council on Historic Preservation (ACHP), the Minnesota State Historic Preservation Office (Mn/SHPO), and the WisSHPO. Invited signatories included Mn/DOT and WisDOT. Thirteen concurring parties included federal agencies, local governments, and other Stakeholder Group members. The project will be implemented in accordance with the stipulations identified in the MOA.

### C. ANNUAL MITIGATION REPORT

On March 1 of every year beginning after issuance of this ROD until completion of the Selected Alternative, Mn/DOT will submit a summary annual report to the Stakeholders and MOU/MOA signatories describing the mitigation measures carried out pursuant to the commitments described in the Supplemental Final EIS. The annual report will describe all actions taken by FHWA, Mn/DOT and WisDOT during the preceding year to implement the mitigation commitments, identifying any problems or unexpected issues encountered during the year, any disputes and objections submitted or resolved, and changes recommended in implementation of the mitigation items, including any scheduling changes. The annual report will also include a timetable of activities proposed for implementation within the following year.

The Stakeholders and signatories will review the annual report and provide written comments to Mn/DOT within thirty days of receipt of the report. At the same time, Mn/DOT will make the annual report available to the public for their inspection and review. Mn/DOT will share with the Stakeholders and signatories any comments it receives from the public or agencies.

At its own discretion or at the request of any Stakeholder or signatory, Mn/DOT will convene a meeting to facilitate review and comment of the annual report, to address any questions about its content, and to resolve adverse comments.

### D. FUTURE STAKEHOLDER INVOLVEMENT

Involvement by members of the Stakeholder Group will continue in succeeding phases of the project. As previously described, an annual report will be provided to Stakeholder Group members.

Also, as summarized above and documented in the MOU's and MOA, interested members of the Stakeholder Group will participate in future project development as part of advisory groups and in the finalization of the *Visual Quality Manual*.

## VI. PROJECT FUNDING

A Funding Plan is required for the St. Croix River Crossing Project. FHWA Funding Plan Guidance defines the content and format of Funding Plans as required by Section 1305 of the "Transportation Equity Act for the 21<sup>st</sup> Century" (TEA-21). The time frame for submission of the Funding Plan will be after this ROD is issued, but before authorization of Federal funding for the project construction (or, in the case of a Design-Build project, before FHWA approval of the Request for Proposal). The main focus of the Funding Plan is to compare original cost estimates to on-going actual costs and project completion schedules, and to provide reasonable assurances that there will be sufficient financial resources available to complete the project as planned. Funds from various federal, state, and local funding sources are anticipated for this project. Minnesota and Wisconsin will fund its respective approach roadway costs while the cost of the river bridge and other project related items will have varied combinations of Minnesota and Wisconsin funding. Approximately \$25 million was allocated between Minnesota and Wisconsin for the St. Croix River Crossing Project as part of the 2005 federal surface transportation bill ("Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)).

Unless funds beyond normal federal appropriations are identified for the project, construction will not begin until 2024. This is the year in which the project is identified in Mn/DOT's fiscally-constrained Transportation System Plan. If the project is not funded beyond normal federal appropriations, WisDOT will provide its share of project funding from its normal federal appropriations by the construction letting date set by Mn/DOT, the lead agency for the project.

However, all potential funding alternatives will be discussed in planned meetings and reports which will be facilitated by FHWA with Mn/DOT and WisDOT. Some alternative funding sources include public-private partnerships, Transportation Infrastructure Finance and Innovation Act (TIFIA) loans, tolls and other innovative debt options. Decisions concerning project funding will be documented in the project funding plan, which is a subcomponent of an overall project management plan. It is envisioned that the planned status meetings and reports should provide the basis for the information required in the annual update of the funding plan and the umbrella project management plan. The project management plan will include a section on the project reporting and tracking system to be incorporated. The cost, schedule and a status report will be produced by the project management team, and a planned status meeting will be held with applicable agencies to ensure the project budget and schedule will be maintained to the maximum extent possible.

## VII. COMMENTS ON THE SUPPLEMENTAL FINAL EIS

Written comments on the *St. Croix River Crossing Project 2006 Supplemental Final EIS* were accepted until the end of the thirty-day availability period on July 19, 2006. Responses to all

substantive comments specific to the adequacy of the Supplemental Final EIS content or process are presented below. The remaining comments stated preference or advice for design or process considerations, related to permit requirements, or involved local issues.

A total of 55 written comments (including letters and e-mail messages) were received during the Supplemental Final EIS availability period, including correspondence from regulatory agencies, local governments, interest groups, elected officials, and private citizens. Thirty-one letters and e-mail messages were received from private citizens supporting the project and one from a citizen not supporting the project. However, none of these letters commented concerning the adequacy of the Supplemental Final EIS. Other comments received are described below:

United States Environmental Protection Agency (EPA)

The letter from the EPA, dated July 19, 2006, indicated that there were no outstanding issues with the Supplemental Final EIS as long as all mitigation measures are committed to in the ROD for the project.

**Response:** No response is necessary.

United States Coast Guard (USCG)

The letter from the USCG, dated June 19, 2006, indicated that the Supplemental Final EIS adequately addresses concerns of the agency and they will support an application for a bridge permit.

**Response:** No response is necessary.

Natural Resources Conservation Service (NRCS)

The letter from the NRCS, dated June 26, 2006, indicated that no further action, as required by the Farmland Policy Protection Act, was needed.

**Response:** No response is necessary.

Minnesota Department of Natural Resources (Mn/DNR)

The letter from the Mn/DNR, dated July 18, 2006, requested clarification on the timing of disbursement of \$1.2 million for the study, acquisition, and development of a public boat access on the Minnesota side of the St. Croix River, a mitigation item for the project impacts.

**Response:** The current mitigation chart notes that this disbursement will occur after FHWA authorization for funding of the new bridge. However, the intention is to fund this mitigation item sooner if funds become available. Mn/DOT will continue coordinating with the Mn/DNR in order to fund this mitigation item in a timely manner.

### Metropolitan Council

The letter from the Metropolitan Council, dated July 17, 2006, addressed the following points:

1. There will be a need to re-route some transit routes during construction.

**Response:** There are alternative transit routes available. Mn/DOT will coordinate with the Metropolitan Council prior to construction in order to identify appropriate alternative transit routes.

2. A clarification on the location of park-and-ride or park-and-pool lots was stated.

**Response:** The clarifications are acknowledged.

3. Two comments referred to the incorporation of bus-only shoulders on Highway 36 west of Highway 5 and on the new bridge.

**Response:** Highway 36 west of Highway 5 is outside of the project area. The addition of bus-only shoulders on Highway 36 west of Highway 5 could be completed as a separate project. Standard shoulder widths will be designed on the new bridge. Buses could be allowed to use the shoulders on the new bridge in the future by re-striping the pavement markings.

### Washington County, Minnesota

The Washington County letter, dated July 11, 2006, indicated support for the project.

**Response:** No response is necessary.

### Village of Somerset

The Village of Somerset letter, dated June 30, 2006, indicated that the Supplemental Final EIS has addressed the social, economic, and environmental resources and the impacts on natural resources.

**Response:** No response is necessary.

### City of Oak Park Heights

The City of Oak Park Heights letter, dated July 14, 2006, addressed the following points:

1. The "purpose and need" section focuses its attention on regional needs and/or those in Downtown Stillwater without providing an analysis of the impacts to the City of Oak Park Heights.

**Response:** The purpose and need is fully documented in the Supplemental EIS and all impacts have been identified, including those to the City of Oak Park Heights.

2. The City of Oak Park Heights indicated that "Concept F" for the reconstruction of Highway 36 has not been "dismissed from further consideration" in the Supplemental Final EIS.

**Response:** The Supplemental Final EIS describes, in Section 3.3.2, that the Selected Alternative does not include "Concept F" for the Highway 36 corridor. The Selected Alternative includes the Minnesota approach design that was approved with the 1995 Final EIS.

3. The City of Oak Park Heights commented that the community cohesion analysis does not discuss an evaluation of the community and environmental disruption already experienced by the City due to the property acquisitions that occurred in the mid-1990's after issuance of the 1995 ROD for the project.

**Response:** Right-of-way and relocation impacts from the previous Selected Alternative were fully discussed in the 1995 Final EIS.

4. The City of Oak Park Heights provided several comments concerning issues that will be resolved through the municipal consent and detailed design processes. Such items include utility relocations, emergency services, stormwater facilities, maintenance, etc.

**Response:** Mn/DOT is working with the City of Oak Park Heights to ensure that their issues are addressed as part of the municipal consent process.

#### Middle St. Croix River Watershed Management Organization (WMO)

The Middle St. Croix River WMO letter, dated July 14, 2006, primarily commented on the design of conveyance and treatment systems.

**Response:** Mn/DOT will continue working with the Middle St. Croix WMO to design appropriate drainage facilities for the project.

#### St. Croix Economic Development Corporation

The St. Croix Economic Development Corporation letter, dated July 12, 2006, provided positive comments concerning the Supplemental Final EIS.

**Response:** No response is necessary.

#### St. Croix Alliance for the Interstate Bridge

The St. Croix Alliance for the Interstate Bridge letter, dated June 16, 2006, provided positive comments concerning the Supplemental Final EIS.

**Response:** No response is necessary.



Saint Paul Area Chamber of Commerce

The Saint Paul Area Chamber of Commerce letter, dated July 12, 2006, indicated support for the project.

**Response:** No response is necessary.

Sac and Fox Nation of Missouri in Kansas and Nebraska

The Sac and Fox Nation of Missouri in Kansas and Nebraska letter, dated July 13, 2006, reiterated that the Band has no interest in the project.

**Response:** No response is necessary.

Stockbridge-Munsee Tribal Historic Preservation Office (THPO)

The Stockbridge-Munsee THPO letter, dated June 16, 2006, reiterated that the Tribe has no interest in the project.

**Response:** No response is necessary.

Lac Du Flambeau Band of Lake Superior Chippewa Indians THPO

The Lac Du Flambeau Band of Lake Superior Chippewa Indians THPO letter, dated June 28, 2006, requested a copy of the archaeological report for the project.

**Response:** The archaeological reports and a draft of the *Amended Section 106 Memorandum of Agreement* had previously been sent to the Tribe on July 27, 2005.

Sierra Club

1. The Sierra Club letter, dated July 21, 2006, commented extensively about the exclusion of transit options, the need for redesign of the traffic model used for the project, and timing of the transit feasibility study.

**Response:** The Supplemental EIS followed all National Environmental Policy Act (NEPA) procedures in the establishment of the purpose and need for the project, utilizing available information and established traffic models. Also, proposed Alternative A, which included a variety of Transportation System Management/Transportation Demand Management and transit options in lieu of a new crossing, was dismissed during the scoping process for not meeting the project purpose and need. The Transit Feasibility Study is underway and should be completed in approximately one year.

2. The Sierra Club letter indicated that they had provided no input to the development of the mitigation package nor do they endorse the Memoranda of Understanding.

**Response:** The mitigation measures incorporated into the project were developed and agreed to through the “Stakeholder Resolution Process” and with appropriate regulatory agencies. Each Stakeholder group represented was given several opportunities to provide input, review and comment on all elements of the mitigation package.

Two citizens commented concerning the decision to retain traffic signals on the Highway 36 Corridor.

**Response:** The alternatives for the long-term design of Highway 36 through Oak Park Heights and Stillwater may be evaluated through future studies.

Two citizens commented concerning the future of the Lift Bridge.

**Response:** The Lift Bridge will become a key component of a loop pedestrian/bicycle trail connecting Minnesota and Wisconsin via the new bridge and the Lift Bridge. The Lift Bridge will continue to be owned and operated by Mn/DOT. There is no proposed change in the Lift Bridge schedule.

Two citizens commented concerning the traffic signals on Highway 36 west of Highway 5.

**Response:** Highway 36 west of Highway 5 is outside the project area.

One citizen commented on the need for light-rail transit for commuters in the St. Croix River Valley.

**Response:** Transit alternatives were dismissed during the scoping process because they did not meet the purpose and need for the project. However, a transit feasibility study is underway for the St. Croix River Valley and is scheduled to be completed in approximately one year.

One citizen commented that the mitigation package is inadequate to compensate for impacts from the new crossing.

**Response:** The mitigation measures incorporated into the project were developed and agreed to through the “Stakeholder Resolution Process” and with appropriate regulatory agencies. In addition, public input was sought regarding the mitigation measures.

## VIII. CONCLUSION

The selection of Build Alternative B-1<sub>a</sub>, consisting of a new four-lane crossing of the St. Croix River with an extradosed bridge type, from the TH 36/TH 95 interchange in Minnesota to

approximately 6,450 feet south of the existing Lift Bridge in Wisconsin, between TH 36 in Oak Park Heights, Washington County, Minnesota and STH 64 in the Town of St. Joseph, St. Croix County, Wisconsin, including reconstruction/construction of approach roadways, future use of the Lift Bridge as a component of a loop trail connecting Minnesota and Wisconsin via the Lift Bridge and new river crossing, and mitigation measures as described above; was made after careful consideration of all social, economic, and environmental factors, and with input from the Stakeholder Group; municipalities; federal, state and local agencies; and the public. It has been concluded that all issues relative to the adequacy of the Supplemental Final EIS have been fully addressed.



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Thomas K. Sorel  
Division Administrator  
Federal Highway Administration

11/13/06

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Date