

# INTRODUCTION TO THE FINAL SECTION 4(F) EVALUATION

## I. INTRODUCTION

The St. Croix River Crossing Project will use two properties protected under Section 4(f) of the Department of Transportation Act of 1966. The Preferred Alternative was identified, in part, to reduce the number of Section 4(f) uses resulting from the project. Accordingly, this Section 4(f) Evaluation has been substantially revised to address only those uses resulting from the Preferred Alternative. Furthermore, identification of the Preferred Alternative results in no Section 4(f) use of the following Section 4(f) resources discussed in the Draft Section 4(f) Evaluations: Lift Bridge; Stillwater Municipal Barge Facility property; Kolliner Park; Lowell Park; Teddy Bear Park (referred to as New Stillwater Park in the Draft Section 4(f) Evaluations); Stillwater Commercial Historic District; Stillwater Cultural Landscape District; and Fairview Cemetery. Further information regarding permanent and temporary use of Section 4(f) resources can be found in this document.

Section 4(f) states that it is in the national interest to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges and historic sites. The law requires that the Secretary of Transportation approve a project requiring the use<sup>1</sup> of publicly owned parks, recreational areas, and wildlife and waterfowl refuges of national, state or local significance, or publicly or privately owned lands of national historic significance only where it can be shown that:

- (1) no feasible and prudent alternative to the use of such land exists and
- (2) such a project includes all possible planning to minimize harm to the Section 4(f) land resulting from such use.

This introduction discusses the history of the St. Croix River Crossing Project, including the development of the Build Alternatives (Alternatives B-1, C, D and E) presented in the *2004 Supplemental Draft Environmental Impact Statement (SDEIS)* and the Preferred Alternative presented in this *2006 Supplemental Final Environmental Impact Statement (SFEIS)*. It also discusses the relationship between impacts on the Lower St. Croix National Scenic Riverway (a federally-protected National Wild and Scenic River), cultural resources (including the Lift Bridge, a property listed on the National Register of Historic Places), parklands, and the process used to balance the requirements of three competing federal laws: Section 4(f) of the Department of Transportation Act of 1966; Section 7(a) of the Wild and Scenic Rivers Act of 1968; and Section 106 of the National Historic Preservation Act of 1966. A Final Section 4(f) Evaluation for the Lower St. Croix National Scenic Riverway follows this introduction.

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<sup>1</sup> The term “use” is strictly defined under FHWA guidelines for implementation of Section 4(f). A Section 4(f) “use” can include acquisition, temporary or permanent occupancy, or proximity impacts which substantially impair the purposes for which the Section 4(f) resource exists.

Extensive coordination with federal, state, and local agencies has occurred throughout the project history, through the project development process, and throughout the development of the SDEIS and this SFEIS in conjunction with the Stakeholder Resolution Process. Regular Stakeholder Group<sup>2</sup> meetings, including discussion of project impacts and potential mitigation for those impacts, have been conducted since 2003. A complete list of the Stakeholder Group, including cooperating agencies, is provided in Chapter 15 of the SDEIS and summarized in Chapter 16 of this SFEIS. A long history (20+) years of agency coordination exists for this project which includes the *1987 Scoping Decision Document/Final Study Outline*, *1990 Draft EIS*, the *1995 Final EIS*, the Braun Facilitation Process, and the *1999 Amended Scoping Decision Document* prior to suspension of the project in 2001.

The 2004 St. Croix River Crossing Project SDEIS and Draft Section 4(f) Evaluations are incorporated by reference and are considered to be a part of this SFEIS and Final Section 4(f) Evaluation.

## **II. PROJECT SUMMARY**

### **A. PROPOSED PROJECT**

The proposed action includes a crossing of the St. Croix River between TH 36 in the City of Oak Park Heights, Minnesota, and STH 64 in the Town of St. Joseph, Wisconsin. The project also includes construction/reconstruction of the Minnesota and Wisconsin approach roadways to the bridge (including interchanges at Minnesota TH 36 and TH 95 and at Wisconsin STH 64, STH 35, and St. Croix County Trunk Highway (CTH) E), as well as construction in Stillwater and Bayport, Minnesota. The purpose of and need for the project is discussed in Chapter 2 of this SFEIS. The total project length is approximately 6.0 miles. Four alternatives (Alternatives B-1, C, D, and E) were identified for analysis in the SDEIS (see Chapter 3 of the SDEIS for a description and graphical depiction of the alternatives).

Since release of the SDEIS and Draft Section 4(f) Evaluations, a Preferred Alternative has been identified in the SFEIS. The Preferred Alternative (Alternative B-1<sub>a</sub> in the SDEIS and draft Section 4(f) Evaluations) includes construction of a new four-lane bridge over the St. Croix River and upgrading the Minnesota (TH 36 and TH 95) and the Wisconsin (STH 64 and STH 35) approach roadways. The extradosed bridge type was identified as the Preferred Alternative bridge type. Under the Preferred Alternative, the Lift Bridge will be closed to vehicular traffic and will operate as a pedestrian/bicycle facility. The Preferred Alternative is described in detail in Chapter 3 of this SFEIS.

As shown in Table E-1A (Parklands), Table E-1B (NRHP-Listed and Determined Eligible Properties) and described in the Final Section 4(f) Evaluation, construction of the Preferred Alternative will result in the “use” of two of the Section 4(f) resources in the project area: the

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<sup>2</sup> In September 2002, the facilitation firm RESOLVE was selected by a multi-agency and stakeholder panel to proceed with the project through mediation. RESOLVE developed a dispute resolution process that centered on a “Stakeholders Group”, composed of representatives of the diverse interests in the project area. 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, historical and transportation concerns surrounding the project.

Lower St. Croix National Scenic Riverway (also protected under Section 7(a) of the Wild and Scenic Rivers Act of 1968) and the Bergstein Shoddy Mill and Warehouse (also protected under Section 106 of the National Historic Preservation Act of 1966. As noted above, the Preferred Alternative was identified, in part, to reduce the number of Section 4(f) uses resulting from the project.

The Preferred Alternative will also result in the temporary occupancy of three Section 4(f) resources owned by the City of Stillwater and the temporary occupancy of historic resources in the project area listed or eligible for listing on the National Register of Historic Places (NRHP). Refer to Section II.B of this Introduction for a discussion of temporary occupancy of Section 4(f) resources for the project.

It should be noted that Xcel Energy is considering development of their fly ash landfill, located within the project area in Minnesota, as a park for Oak Park Heights. The landfill, referred to as the A.S. King Ash Disposal Facility, or the “Moelter site”, is bound by TH 36 to the north, Beach Road and the Beach Road overpass to the east, and Valley View Park to the south. Xcel Energy has been in discussion with Oak Park Heights in planning a park development on the Moelter site once the landfill has been filled and capped.

The construction of the south frontage road from Osgood Avenue to Stagecoach Trail will require property along the northern boundary of the site for the Preferred Alternative. The Moelter site property would remain in private ownership (Xcel Energy) and the terms of the lease, if the site is to be developed as a park, have not been determined. Moreover, the development of the site as a park by Xcel Energy is in negotiation, and the proposed park is not a guaranteed development. Because Section 4(f) only applies to public resources, or in some instances, privately owned land leased to a public agency, depending upon the terms of the lease, the Moelter site is not considered a Section 4(f) property.

Refer to the Introduction to the Draft Section 4(f) Evaluations for additional discussion of the Moelter site.

## B. TEMPORARY OCCUPANCY OF SECTION 4(f) RESOURCES

Construction of the Preferred Alternative river crossing and implementation of Preferred Alternative mitigation items will result in the temporary occupancy of five Section 4(f) resources: Stillwater Municipal Barge Facility property; Lowell Park; Kolliner Park, Stillwater Commercial Historic District (through the temporary occupancy of Lowell Park, a contributing element of the historic district), and Stillwater Cultural Landscape District (through the temporary occupancy of Kolliner Park and the Hersey and Bean Site, contributing elements of the landscape district). The project will not acquire any land from these Section 4(f) resources for the Preferred Alternative river crossing or for the implementation of Preferred Alternative mitigation items. The occupancy of these Section 4(f) resources is temporary as defined by the criteria outlined in 23 CFR 771.135 (p)(7).

## **Parklands**

The Stillwater Municipal Barge Facility property, Lowell Park, and Kolliner Park are owned by the City of Stillwater. Implementation of Preferred Alternative mitigation items will require a temporary occupancy of these three properties. The Stillwater Municipal Barge Facility property will also be used as a temporary construction staging site and barge docking site. Chapter 1, Article 16 of the City's Code describes steps that the City of Stillwater must take if the character or setting of City-owned property will be altered or changed. Because the Preferred Alternative and Preferred Alternative mitigation items will affect these three City-owned properties, Stillwater completed the process necessary to fulfill their obligations under the City Code.

The Stillwater City Council held a public hearing on this matter on May 17, 2005. Mn/DOT staff were present at this public hearing to present project-related information and answer any questions. No comments were received from the public at the public hearing. The Council voted 5-0 at the May 17, 2005 meeting to approve the first reading of an ordinance approving the project mitigation items that will affect City of Stillwater-owned park property. At the June 7, 2005 Stillwater City Council meeting, the Council voted 5-0 to pass Ordinance 959, authorizing the alteration, development and change of use of City of Stillwater- owned land for the St. Croix River Crossing Project.

At the June 7, 2005 Stillwater City Council meeting, the Council also voted 5-0 to sign a letter of agreement with Mn/DOT. This letter documents the description of impacts to City of Stillwater-owned Section 4(f) resources, that the City of Stillwater is aware of the proposed impacts, and is in agreement with the proposed mitigation. This letter of agreement is included at the end of this Final Section 4(f) Evaluation.

## **Historic Resources**

The Stillwater Commercial Historic District, the Stillwater Cultural Landscape District, and contributing elements (i.e., Lowell Park; Hersey and Bean archaeological site; Kolliner Park) are NRHP-listed and determined eligible resources within the project area. Implementation of the Preferred Alternative mitigation items (i.e., completion of loop trail system; removal of non-historic built elements from Kolliner Park and reversion to a natural state) will require a temporary occupancy of these historic resources. The completion of the loop trail system and temporary occupancy will not substantially impair the features or attributes that constitute the National Register eligibility of these historic resources. The signed Amended Section 106 Memorandum of Agreement (MOA) documents the review of Preferred Alternative mitigation items and construction-related protection for historic resources. The Amended Section 106 MOA is included as Appendix G of this SFEIS.

**TABLE E-1A  
SECTION 4(f) RESOURCES (PARKLANDS) AND PREFERRED ALTERNATIVE – SUMMARY OF SECTION 4(f) USE**

<b>Section 4(f) Resource</b>	<b>Additional Federal Law(s)<sup>(1)</sup></b>	<b>Preferred Alternative and Mitigation Items</b>	<b>Section 4(f) Use<sup>(2)</sup> of the Affected Resource</b>
<b>Lower St. Croix National Scenic Riverway</b>	7(a)	Preferred Alternative River Crossing	<ul style="list-style-type: none"> <li>• Preferred Alternative piers would be placed in river.</li> <li>• Temporary construction occupancy.</li> </ul>
		Preferred Alternative Mitigation Items	<ul style="list-style-type: none"> <li>• Temporary construction occupancy. <ul style="list-style-type: none"> <li>– Removal of Xcel Barge Unloading Facility.</li> </ul> </li> <li>• Public boat access will require a separate Section 4(f) evaluation with environmental documentation for the access, if applicable.</li> </ul>
<b>Stillwater Municipal Barge Facility Property (planned Stillwater park)</b>	--	Preferred Alternative River Crossing	<ul style="list-style-type: none"> <li>• Temporary construction occupancy for construction staging and barge docking.</li> </ul>
		Preferred Alternative Mitigation Items	<ul style="list-style-type: none"> <li>• Temporary construction occupancy. <ul style="list-style-type: none"> <li>– Completion of loop trail system and grading of site.</li> </ul> </li> <li>• Removal of Terra Terminal building and solid waste removal.</li> </ul>
<b>Kolliner Park</b>	--	Preferred Alternative River Crossing	<ul style="list-style-type: none"> <li>• No Section 4(f) use.</li> </ul>
		Preferred Alternative Mitigation Items	<ul style="list-style-type: none"> <li>• Temporary construction occupancy. <ul style="list-style-type: none"> <li>– Completion of loop trail system.</li> </ul> </li> <li>Removal of non-historic built elements to allow reversion to a natural state</li> </ul>
<b>Lowell Park</b>	--	Preferred Alternative River Crossing	<ul style="list-style-type: none"> <li>• No Section 4(f) use.</li> </ul>
		Preferred Alternative Mitigation Items	<ul style="list-style-type: none"> <li>• Temporary construction occupancy. <ul style="list-style-type: none"> <li>– Completion of loop trail system.</li> </ul> </li> </ul>
<b>Teddy Bear Park</b>	--	Preferred Alternative River Crossing	<ul style="list-style-type: none"> <li>• No Section 4(f) use.</li> </ul>
		Preferred Alternative Mitigation Items	<ul style="list-style-type: none"> <li>• No Section 4(f) use.</li> </ul>

<sup>(1)</sup> Federal laws, in addition to Section 4(f) of the Department of Transportation Act of 1966, that protect wild and scenic rivers and historic resources. 7(a) = Section 7(a) of the Wild and Scenic Rivers Act of 1968; 106 = Section 106 of the National Historic Preservation Act of 1966.

<sup>(2)</sup> The term “use” is strictly defined under FHWA guidelines for implementation of Section 4(f). A Section 4(f) “use” can include acquisition, temporary or permanent occupancy, or proximity impacts which substantially impair the purposes for which the Section 4(f) resource exists (constructive use).

**TABLE E-1B  
SECTION 4(f) RESOURCES (NRHP-LISTED AND DETERMINED ELIGIBLE PROPERTIES)  
AND PREFERRED ALTERNATIVE – SUMMARY OF SECTION 4(f) USE**

<b>Section 4(f) Resource (NRHP-listed or Determined Eligible)</b>	<b>Additional Federal Law(s)<sup>(1)</sup></b>	<b>Preferred Alternative and Mitigation Items</b>	<b>Section 4(f) Use<sup>(2)</sup> of the Affected Resource</b>
<b>Log Cabin Restaurant (Club Tara) (Determined Eligible)</b>	106	Preferred Alternative River Crossing	• No Section 4(f) use. Land from property not acquired for Preferred Alternative. <sup>(3)</sup>
		Preferred Alternative Mitigation Items	• No Section 4(f) use.
<b>Bergstein Shoddy Mill and Warehouse</b>	106	Preferred Alternative River Crossing	• Preferred Alternative TH 36/95 interchange will acquire property for right-of-way. Buildings to be moved or demolished. Final Section 4(f) Evaluation completed for 1995 FEIS Preferred Alternative alignment.
		Preferred Alternative Mitigation Items	• No Section 4(f) use.
<b>Stillwater State Historic Prison (NRHP listed; 22 contributing properties, 8 non-contributing)</b>	106	Preferred Alternative River Crossing	• No Section 4(f) use. Land from property not acquired for Preferred Alternative.
		Preferred Alternative Mitigation Items	• No Section 4(f) use.
<b>St. Croix Overlook-South (Determined Eligible)</b>	106	Preferred Alternative River Crossing	• No Section 4(f) use. Land from property not acquired for Preferred Alternative. <sup>(3)</sup>
		Preferred Alternative Mitigation Items	• No Section 4(f) use.
<b>William N. Danforth House (Determined Eligible)</b>	106	Preferred Alternative River Crossing	• No Section 4(f) use. Land from property not acquired for Preferred Alternative.
		Preferred Alternative Mitigation Items	• No Section 4(f) use.

<sup>(1)</sup> Federal laws, in addition to Section 4(f) of the Department of Transportation Act of 1966, that protect wild and scenic rivers and historic resources. 7(a) = Section 7(a) of the Wild and Scenic Rivers Act of 1968; 106 = Section 106 of the National Historic Preservation Act of 1966.

<sup>(2)</sup> The term “use” is strictly defined under FHWA guidelines for implementation of Section 4(f). A Section 4(f) “use” can include acquisition, temporary or permanent occupancy, or proximity impacts which substantially impair the purposes for which the Section 4(f) resource exists (constructive use).

<sup>(3)</sup> These historic resources are located near the Preferred Alternative; however, there would be no constructive use because the properties would not be substantially impaired by the construction of the Preferred Alternative.

**TABLE E-1B continued**  
**SECTION 4(f) RESOURCES (NRHP-LISTED AND DETERMINED ELIGIBLE PROPERTIES)**  
**AND PREFERRED ALTERNATIVE – SUMMARY OF SECTION 4(f) USE**

Section 4(f) Resource (NRHP-listed or Determined Eligible)	Additional Federal Law(s) <sup>(1)</sup>	Preferred Alternative and Mitigation Items	Section 4(f) Use <sup>(2)</sup> of the Affected Resource
Fairview Cemetery (Determined Eligible)	106	Preferred Alternative River Crossing	<ul style="list-style-type: none"> <li>• Draft Section 4(f) Evaluation prepared. No Section 4(f) use. Land from property not acquired for Preferred Alternative.</li> </ul>
		Preferred Alternative Mitigation Items	<ul style="list-style-type: none"> <li>• No Section 4(f) use.</li> </ul>
Stillwater South Main Street Archaeological District (Hersey and Bean Sawmill and Planing Mill Site; Slab Alley) (Determined Eligible as contributing to Cultural Landscape District and to archaeological district)	106	Preferred Alternative River Crossing	<u>Hersey and Bean Site</u> <ul style="list-style-type: none"> <li>• No Section 4(f) use. Land from property not acquired for Preferred Alternative.</li> </ul> <u>Slab Alley</u> <ul style="list-style-type: none"> <li>• No Section 4(f) use. Land from property not acquired for Preferred Alternative.</li> </ul>
		Preferred Alternative Mitigation Items	<u>Hersey and Bean Site</u> <ul style="list-style-type: none"> <li>• Temporary construction occupancy with completion of loop trail system and potential construction staging area. Will not substantially impair the features or attributes of site.</li> </ul> <u>Slab Alley</u> <ul style="list-style-type: none"> <li>• No Section 4(f) use.</li> </ul>
Stillwater & St. Paul Railroad (Determined Eligible)	106	Preferred Alternative River Crossing	<ul style="list-style-type: none"> <li>• No Section 4(f) use. Land from property not acquired for Preferred Alternative.</li> </ul>
		Preferred Alternative Mitigation Items	<ul style="list-style-type: none"> <li>• No Section 4(f) use.</li> </ul>

<sup>(1)</sup> Federal laws, in addition to Section 4(f) of the Department of Transportation Act of 1966, that protect wild and scenic rivers and historic resources. 7(a) = Section 7(a) of the Wild and Scenic Rivers Act of 1968; 106 = Section 106 of the National Historic Preservation Act of 1966.

<sup>(2)</sup> The term “use” is strictly defined under FHWA guidelines for implementation of Section 4(f). A Section 4(f) “use” can include acquisition, temporary or permanent occupancy, or proximity impacts which substantially impair the purposes for which the Section 4(f) resource exists (constructive use).

<sup>(3)</sup> These historic resources are located near the Preferred Alternative; however, there would be no constructive use because the properties would not be substantially impaired by the construction of the Preferred Alternative.

**TABLE E-1B continued**  
**SECTION 4(f) RESOURCES (NRHP-LISTED AND DETERMINED ELIGIBLE PROPERTIES)**  
**AND PREFERRED ALTERNATIVE – SUMMARY OF SECTION 4(f) USE**

<b>Section 4(f) Resource</b>	<b>Additional Federal Law(s)<sup>(1)</sup></b>	<b>Preferred Alternative and Mitigation Items</b>	<b>Section 4(f) Use<sup>(2)</sup> of the Affected Resource</b>
<b>St. Croix Boomsite</b> <b>(National Historic Landmark)</b>	106	Preferred Alternative River Crossing	<ul style="list-style-type: none"> <li>• No Section 4(f) use. Land from property not acquired for Preferred Alternative.</li> </ul>
		Preferred Alternative Mitigation Items	<ul style="list-style-type: none"> <li>• No Section 4(f) use.</li> </ul>
<b>Lift Bridge</b> <b>(NRHP-listed; contributing to Stillwater Cultural Landscape District)</b>	106	Preferred Alternative River Crossing	<ul style="list-style-type: none"> <li>• No Section 4(f) use. <ul style="list-style-type: none"> <li>– State of Minnesota to maintain ownership of Lift Bridge with conversion to a pedestrian/bicycle facility until a new owner is identified (see Amended Section 106 MOA in Appendix G of this SFEIS).</li> </ul> </li> </ul>
		Preferred Alternative Mitigation Items	<ul style="list-style-type: none"> <li>– No Section 4(f) use.</li> </ul>
<b>Stillwater Commercial Historic District</b> <b>(NRHP-listed; 82 properties; Lift Bridge not included)</b>	106	Preferred Alternative River Crossing	<ul style="list-style-type: none"> <li>• No Section 4(f) use. Land from property not acquired with Preferred Alternative.</li> </ul>
		Preferred Alternative Mitigation Items	<ul style="list-style-type: none"> <li>• Temporary construction occupancy. <ul style="list-style-type: none"> <li>– Completion of loop trail in Lowell Park – contributing element of Stillwater Commercial Historic District</li> </ul> </li> </ul>
<b>Stillwater Cultural Landscape District</b> <b>(Determined Eligible, 247 contributing properties and 187 non-contributing properties, 3 contributing archaeological sites; Lift Bridge included)</b>	106	Preferred Alternative River Crossing	<ul style="list-style-type: none"> <li>• No Section 4(f) use. Land from property not acquired with Preferred Alternative.</li> </ul>
		Preferred Alternative Mitigation Items	<ul style="list-style-type: none"> <li>• Temporary construction occupancy. <ul style="list-style-type: none"> <li>– Completion of loop trail system through Stillwater Cultural Landscape District and contributing elements (Hersey and Bean site; Kolliner Park).</li> <li>– Potential construction staging sites within boundary of Stillwater Cultural Landscape District.</li> </ul> </li> </ul>

<sup>(1)</sup> Federal laws, in addition to Section 4(f) of the Department of Transportation Act of 1966, that protect wild and scenic rivers and historic resources. 7(a) = Section 7(a) of the Wild and Scenic Rivers Act of 1968; 106 = Section 106 of the National Historic Preservation Act of 1966.

<sup>(2)</sup> The term “use” is strictly defined under FHWA guidelines for implementation of Section 4(f). A Section 4(f) “use” can include acquisition, temporary or permanent occupancy, or proximity impacts which substantially impair the purposes for which the Section 4(f) resource exists (constructive use).

<sup>(3)</sup> These historic resources are located near the Preferred Alternative; however, there would be no constructive use because the properties would not be substantially impaired by the construction of the Preferred Alternative.

**TABLE E-1B continued**  
**SECTION 4(f) RESOURCES (NRHP-LISTED AND DETERMINED ELIGIBLE PROPERTIES)**  
**AND PREFERRED ALTERNATIVE – SUMMARY OF SECTION 4(f) USE**

<b>Section 4(f) Resource</b>	<b>Additional Federal Law(s)<sup>(1)</sup></b>	<b>Preferred Alternative and Mitigation Items</b>	<b>Section 4(f) Use<sup>(2)</sup> of the Affected Resource</b>
<b>Thelen Farmstead (Determined Eligible)</b>	106	Preferred Alternative River Crossing	• No Section 4(f) use. Land from property not acquired for Preferred Alternative. <sup>(3)</sup>
		Preferred Alternative Mitigation Items	• No Section 4(f) use.
<b>St. Croix Hilltop Drive-In Theatre (Determined Eligible)</b>	106	Preferred Alternative River Crossing	• No Section 4(f) use. Land from property not acquired for Preferred Alternative. <sup>(3)</sup>
		Preferred Alternative Mitigation Items	• No Section 4(f) use.
<b>Kriesel Farmstead (Determined Eligible)</b>	106	Preferred Alternative River Crossing	• No Section 4(f) use. Land from the area within the Kriesel Farmstead historic boundaries not acquired for Preferred Alternative. <sup>(3)</sup>
		Preferred Alternative Mitigation Items	• No Section 4(f) use.

<sup>(1)</sup> Federal laws, in addition to Section 4(f) of the Department of Transportation Act of 1966, that protect wild and scenic rivers and historic resources. 7(a) = Section 7(a) of the Wild and Scenic Rivers Act of 1968; 106 = Section 106 of the National Historic Preservation Act of 1966.

<sup>(2)</sup> The term “use” is strictly defined under FHWA guidelines for implementation of Section 4(f). A Section 4(f) “use” can include acquisition, temporary or permanent occupancy, or proximity impacts which substantially impair the purposes for which the Section 4(f) resource exists (constructive use).

<sup>(3)</sup> These historic resources are located near the Preferred Alternative; however, there would be no constructive use because the properties would not be substantially impaired by the construction of the Preferred Alternative.

## C. PROJECT HISTORY

A number of other river crossing location alternatives have been considered in the St. Croix River Crossing Project EIS process. The earliest consideration of this replacement bridge crossing by Mn/DOT and WisDOT occurred in the early 1970s, but was not considered further because of a lack of funding. Current analysis of a replacement bridge crossing began with the FHWA Notice of Intent published in the Federal Register on October 18, 1985 to prepare an EIS for the replacement of a substandard, two-lane bridge in Stillwater, Minnesota. The original *Scoping Decision Document/Final Study Outline* for the project was developed in 1987. Four broad corridors were studied during the original scoping process, three corridors with multiple alignments were studied in the *1990 Draft EIS*, and a preferred alternative was identified in the *1995 Final EIS*.

A facilitation process, known as the Braun Facilitation Process (see Chapter 1 of this SFEIS), was conducted in 1998 after a NPS negative project finding under Section 7(a) of the Wild and Scenic Rivers Act and a federal court ruling upholding that finding, prevented the 1995 Final EIS Preferred Alternative from proceeding. Following the 1998 facilitation process, a Memorandum of Understanding (MOU) was signed by FHWA, NPS, Mn/DOT, and WisDOT committing to the evaluation of the Braun Facilitation Process recommendations in a supplemental environmental review process. Three river crossing alternatives were considered during the Braun Facilitation Process, and one alternative was formally proposed for environmental review in a 1999 *Amended Scoping Decision Document*. This process was halted in January 2001 due to the inability of federal, state and local agencies to reach a consensus on the future of the Lift Bridge, insufficient federal funding for the mitigation alternatives, and failure to obtain municipal consent on the project.

### 1. 2004 Supplemental Draft EIS

In June 2003, discussion regarding scoping alternatives was reinitiated as part of the Stakeholder Resolution Process. At the Stakeholder Group meetings, all alternatives previously studied, as well as new alternatives, were to be reconsidered (see Chapter 15 of the SDEIS). The alternatives that were considered in the 1985 Scoping Document and evaluated in the 1990 Draft EIS as well as the Braun Facilitation Process alternatives were considered by the Stakeholders. Through the Stakeholder Resolution Process, and with guidance from the adopted Operating Agreement, five alternatives were selected by the Stakeholder Group and presented in the *2003 Amended Scoping Document (2003 ASD)*. The five alternatives were narrowed down to four alternatives, and with modifications, were presented in the *2004 Amended Final Scoping Decision Document (2004 AFSDD)* and *2004 SDEIS*. These four alternatives are described in detail in Chapter 3 of the SDEIS and are summarized below.

#### **Alternative B-1**

Alternative B-1 was initially reviewed in the 1990 Draft EIS as part of what was referred to as the South Corridor. Alternative B-1 was then later proposed as the “South Ravine Option” of Alternative B (1995 Final EIS Preferred Alternative) in the 2003 ASD as an alternative

alignment to Alternative B<sup>3</sup>. Further discussion with the NPS indicated that a reversal of a previous negative project finding of the Alternative B alignment with a different bridge type or profile was not likely. Thus, the “South Ravine Option” of Alternative B (renamed Alternative B-1 in the 2004 AFSDD) was recommended for inclusion in the SDEIS.

The SDEIS considered two sub-alternatives for Alternative B-1 in regards to future use of the Lift Bridge. Under Alternative B-1<sub>a</sub>, the Lift Bridge would be converted to a pedestrian/bicycle facility. Under Alternative B-1<sub>b</sub>, the Lift Bridge would be used for local vehicular traffic.

### **Alternative C**

Alternative C was the result of the Braun Facilitation Process. In February 1999, Alternative C, known as the “Consensus Alternative” at the time, was formally proposed for environmental review in an Amended Scoping Decision Document. Evaluation of this “Consensus Alternative” was halted in 2001 for reasons listed above. Alternative C was later selected for evaluation by the Stakeholder Group in the 2003 ASD and recommended for inclusion in the SDEIS. Under Alternative C, the Lift Bridge would either remain in use for local vehicular traffic or would be converted to a pedestrian/bicycle facility.

### **Alternative D**

Alternative D was one of the three alignments considered during the Braun Facilitation Process, known at the time as “Braun Alternative A.” This alignment is also very similar to a central corridor alignment studied as part of the 1990 Draft EIS.

The Alternative D alignment was reintroduced for evaluation in 2003 with the Stakeholder Resolution Process. In the 2003 ASD, Alternative D included vehicular access to the Lift Bridge at the Wisconsin shore along the existing STH 64 roadway alignment. However, subsequent studies indicated that Alternative D as presented in the 2003 ASD would have substantial impacts to the river bluff in Wisconsin. Thus, Alternative D was revised in the 2004 AFSDD to remove vehicular access to the Lift Bridge in Wisconsin and convert the Lift Bridge to a pedestrian/bicycle facility. Access to and from downtown Stillwater to the new, four-lane bridge of Alternative D would be provided in Minnesota. Under Alternative D, the Lift Bridge would be converted to a pedestrian/bicycle facility. Following these revisions to Alternative D, it was recommended for inclusion in the SDEIS.

### **Alternative E**

Alternative E was first proposed for evaluation in 2002 following suspension of the “Consensus Alternative” evaluation. Known as the “Three Architects Proposal”, it included a new, two-lane, one-way eastbound bridge near the Lift Bridge, and converting the Lift Bridge to a two-lane, one-way crossing for westbound traffic from Wisconsin. The new, two-lane, one-way bridge for eastbound traffic would follow the alignment of the Alternative D river crossing.

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<sup>3</sup> The Alternative B-1 alignment is located at approximately the same location along the Minnesota shoreline of the St. Croix River as Alternative B, and about 1,000 feet south of Alternative B along the Wisconsin shoreline.

The “Three Architects Proposal” was selected by the Stakeholder Group and presented in the 2003 ASD as Alternative E. Alternative E was refined in the 2004 AFSDD (i.e., Wisconsin approach roadway grade increased to minimize bluff impacts; ramp added for access from TH 95 and downtown Stillwater to the Alternative E river crossing bridge; signalized intersection for access from TH 95 and downtown Stillwater relocated north of the Alternative E river crossing bridge) and recommended for inclusion in the SDEIS.

## 2. 2005 Supplemental Final EIS

### **Preferred Alternative**

As discussed in Section II.A above, Alternative B-1<sub>a</sub> was identified as the Preferred Alternative and is described in this SFEIS. This SFEIS discusses impacts associated with the Preferred Alternative and provides updated information of potential impacts since the release of the SDEIS. Particularly relevant chapters of the SFEIS are listed below.

- Chapter 4: Transportation Systems and Impacts
- Chapter 5: Social, Relocation, and Economic Impacts
- Chapter 7: Visual Impact Analysis
- Chapter 8: Air Quality, Traffic Noise, and Contaminated Sites
- Chapter 9: Natural Resource Impacts
- Chapter 10: Water Resources
- Chapter 11: Archaeological and Historic Resources
- Chapter 12: Construction Impacts
- Chapter 13: Potential Indirect Effects Analysis
- Chapter 14: Cumulative Impacts

Readers should refer to these chapters of this SFEIS for full discussions of Preferred Alternative impacts and mitigation associated with the Preferred Alternative.

### **III. AVOIDANCE ALTERNATIVES**

It is not possible to avoid all Section 4(f) resources with any one of the four proposed Build Alternatives described in the SDEIS and Draft Section 4(f) Evaluations. The Preferred Alternative was identified in part because it would avoid a Section 4(f) use of all the Section 4(f) resources in the project area with the exception of the Lower St. Croix National Scenic Riverway. The Lower St. Croix National Scenic Riverway could not be avoided by any of the Build Alternatives addressed in the SDEIS. The only alternative that could avoid use of the Lower St. Croix National Scenic Riverway is the No-Build Alternative; however, the No-Build Alternative is not a feasible and prudent alternative as it would not address the project purpose and need (refer to Chapters 2 and 3 of this SFEIS).

Below is a list of each Section 4(f) resource within the project area, including those evaluated in the SDEIS and Draft Section 4(f) Evaluations, whether or not the Preferred Alternative avoids that resource, and a brief description of why the Preferred Alternative will or will not avoid the Section 4(f) resource.

### **Parklands**

- Lower St. Croix National Scenic Riverway – cannot be avoided by the Preferred Alternative.
- Stillwater Municipal Barge Facility property – avoided by the Preferred Alternative river crossing (Preferred Alternative river crossing is located south of this planned park; temporary occupancy with construction of the park access road and implementation of Preferred Alternative mitigation items).
- Kolliner Park – avoided by Preferred Alternative river crossing (Preferred Alternative river crossing is located south of Kolliner Park; temporary occupancy with implementation of Preferred Alternative mitigation items).
- Lowell Park – avoided by Preferred Alternative river crossing (Preferred Alternative river crossing is located south of Lowell Park; temporary occupancy with implementation of Preferred Alternative mitigation items).
- Teddy Bear Park<sup>4</sup> – avoided by Preferred Alternative river crossing (Preferred Alternative river crossing is located south of this new Stillwater park).

### **NRHP-listed and Determined Eligible Properties**

- Log Cabin Restaurant – avoided by Preferred Alternative river crossing (Preferred Alternative river crossing located north of Log Cabin Restaurant).
- Bergstein Shoddy Mill and Warehouse<sup>5</sup> – cannot be avoided by the Preferred Alternative.
- Stillwater State Historic Prison – avoided by Preferred Alternative river crossing (Preferred Alternative river crossing located north of Stillwater State Historic Prison).
- St. Croix Overlook-South – avoided by Preferred Alternative river crossing (Preferred Alternative river crossing located south of St. Croix Overlook-South).
- William N. Danforth House – avoided by Preferred Alternative river crossing (Preferred Alternative river crossing located south of William N. Danforth House).
- Fairview Cemetery – Preferred Alternative TH 36 design includes the improvements approved with the 1995 FEIS Preferred Alternative, which avoids Fairview Cemetery. Refer to Section 3.2.2 of this SFEIS for a description of the Preferred Alternative TH 36 design.

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<sup>4</sup> Teddy Bear Park was identified as “New Stillwater Park” in the SDEIS and Draft Section 4(f) Evaluations.

<sup>5</sup> A Draft Section 4(f) Evaluation and Final Section 4(f) Evaluation were completed for the Bergstein Shoddy Mill and Warehouse in 1994 and 1995, respectively.

- Stillwater South Main Street Archaeological District (Hersey and Bean Sawmill and Planing Mill site; Slab Alley – avoided by Preferred Alternative (Preferred Alternative is located south of Hersey and Bean site and Slab Alley; temporary construction occupancy of Hersey and Bean site with implementation of Preferred Alternative mitigation items).
- Stillwater & St. Paul Railroad – avoided by Preferred Alternative (Preferred Alternative is located south of Stillwater & St. Paul Railroad).
- St. Croix Boomsite – avoided by Preferred Alternative (Preferred Alternative is located south of St. Croix Boomsite).
- Lift Bridge – avoided by the Preferred Alternative river crossing (Lift Bridge is converted to a pedestrian/bicycle facility, will be owned by Mn/DOT until a new owner is identified, and includes an endowment fund for operations, maintenance, and future rehabilitation (refer to the Amended Section 106 MOA in Appendix G of this SFEIS)).
- Stillwater Commercial Historic District – avoided by Preferred Alternative river crossing (Preferred Alternative river crossing is located south of Stillwater Commercial Historic District; temporary occupancy with implementation of Preferred Alternative mitigation items).
- Stillwater Cultural Landscape District – avoided by Preferred Alternative river crossing (Preferred Alternative river crossing is located south of Stillwater Cultural Landscape District; temporary occupancy with implementation of Preferred Alternative mitigation items).
- Thelen Farmstead – avoided by Preferred Alternative river crossing (Preferred Alternative is located west of Thelen Farmstead.)
- St. Croix Hilltop Drive-In Theatre – avoided by Preferred Alternative river crossing (Preferred Alternative is located east of Hilltop Drive-In Theatre).
- Kriesel Farmstead – avoided by Preferred Alternative river crossing (Preferred Alternative is located south of area within the Kriesel Farmstead historic boundaries).

#### **IV. ARCHAEOLOGICAL AND HISTORIC RESOURCES**

Table E-1B identifies the National Register of Historic Places (NRHP) listed and determined eligible properties within the project area. Table E-1B also identifies if there is a Section 4(f) use of the property with the Preferred Alternative. If there is not a Section 4(f) use, a brief explanation of why a Section 4(f) evaluation is not needed is also listed. For most historic resources where there is not a Section 4(f) use, it is because the Preferred Alternative is not located within close proximity to the resource, would not require the acquisition of property from the historic resource, or substantially impair the features or attributes that contribute to the National Register eligibility of the resource.

Since release of the SDEIS and Draft Section 4(f) Evaluations, eligibility determinations have been finalized for two historic resources referenced in Table E-1B. Slab Alley, one of the three archaeological sites that comprise the Stillwater South Main Archaeological District, has been

determined eligible as a contributing element of the Stillwater Cultural Landscape District. The Preferred Alternative is located south of Slab Alley and will not result in a use of this resource. The Kriesel Farmstead has been determined eligible based on its significance as an assemblage of historic farm buildings. The Preferred Alternative is located south of the Farmstead and would not cause a direct taking from or impact to the area within the Kriesel Farmstead historic boundaries (see discussion on page E-17).

### **Bergstein Shoddy Mill and Warehouse**

A Draft Section 4(f) Evaluation and Final Section 4(f) Evaluation were completed for the Moritz Bergstein Property (Bergstein Shoddy Mill) in October 1994 and April 1995, respectively. The property is a single-family residence and warehouse/factory located in Oak Park Heights, Minnesota. The property is eligible for listing on the NRHP, and is therefore subject to the provisions of Section 4(f). The complex was found to be eligible for the NRHP under Criterion A in the area of social history.

Under the 1995 Preferred Alternative, the structures on the Bergstein Shoddy Mill would have been removed and the property regraded. No evidence of the property would have remained after construction was completed. Complete avoidance of the Bergstein Shoddy Mill could have been accomplished by only choosing the No-Build Alternative or the North Corridor Alternative (refer to the 1995 FEIS for the North Corridor Alternative location or Figure 3-18 of the SDEIS). The design of the 1995 Preferred Alternative was also analyzed in attempt to avoid the Bergstein Shoddy Mill, however, these designs would not be prudent or feasible. Mitigation measures for impacts to the Bergstein Shoddy Mill were documented in the 1994 Section 106 Memorandum of Agreement (see Appendix G of the SDEIS).

Following the 1995 Record of Decision, the house, town barn and two outbuildings on the west side of the property have been demolished in preparation for Preferred Alternative construction. The shoddy mill/warehouse and fieldstone storage building remain. The Bergstein Shoddy Mill property was not purchased as part of the 1995 Final EIS Preferred Alternative right of way acquisition. Recent studies have determined that the two remaining buildings independently retain the characteristics that make them eligible for the NRHP under Criterion A in the area of social history and therefore retain their eligibility status (see Chapter 11 of this SFEIS for additional information).

Under the Preferred Alternative documented in this 2006 SFEIS and Final Section 4(f) Evaluation, the Bergstein Shoddy Mill and Warehouse and fieldstone storage building will be acquired for right-of-way and the buildings moved or demolished (see discussion of mitigation below). Avoidance of the Bergstein Shoddy Mill could be accomplished under the SDEIS Alternatives only by identifying the No-Build Alternative as the preferred alternative. The four Build Alternatives documented in the SDEIS (see Section C.1 above) would all acquire the Bergstein Shoddy Mill for right-of-way and demolish the remaining buildings. Design refinements of the Preferred Alternative, similar to what was described in the 1995 Final Section 4(f) Evaluation (e.g., adjusting the alignment of the TH 36/95 interchange ramps; adjusting the alignment of TH 95; elimination of TH 36/95 interchange from Preferred Alternative design;

different interchange configuration), would not be successful or feasible in avoiding the Bergstein Shoddy Mill.

Mitigation for impacts to the Bergstein Shoddy Mill are documented in the Amended Section 106 MOA (see Appendix G of this SFEIS) and reproduced below.

1. **Prior to letting the Project for construction**, Mn/DOT will complete photo documentation of the Shoddy Mill and Warehouse in accordance with the standards and guidelines of the MnSHPO. Mn/DOT will submit two (2) copies of the completed documentation to the MnSHPO and one copy each to the City of Oak Park Heights and City of Stillwater.

In consultation with the MnSHPO, Mn/DOT has determined that it is cost effective to move and stabilize the Shoddy Mill and the Warehouse, and upon identification of a suitable site, Mn/DOT will move and secure the buildings on a new foundation at the new location.

2. Mn/DOT has consulted with the MnSHPO, Cities of Oak Park Heights, Stillwater, Bayport; Washington County Historical Society; Stillwater HPC; and the Jewish Historical Society of the Upper Midwest and other parties to identify a new owner, a new site and a suitable use for this historic property. The new site and use for the buildings must maintain, and not detract from the National Register character-defining features of the property and will include an appropriate setting.
3. Mn/DOT marketed the historic property for two (2) months during the spring of 2005. Two offers were received during that period and one party remains interested. Review of a potential site is occurring in consultation with the MnSHPO and other consulting parties.
4. If Mn/DOT and the MnSHPO agree on an acceptable site and use, Mn/DOT will move the historic property to its new site and then transfer it with a legal restriction that ensures it will be maintained in accordance with the Secretary of Interior's *Standards*.
5. If Mn/DOT determines, in consultation with MnSHPO, that there is no acceptable offer (that is, a new owner, new site, and a suitable use for the historic property have not been identified and approved by agencies with jurisdiction over the new site), Mn/DOT may authorize its demolition. In the event that Mn/DOT determines that it should proceed with demolition, Mn/DOT will consult with the MnSHPO to determine if any further mitigation is needed prior to demolition. If Mn/DOT and the MnSHPO cannot agree, Mn/DOT will submit the matter to FHWA for resolution in accordance with Stipulation XIII in the Amended MOA.

6. Oak Park Heights and Stillwater MOUs: Mn/DOT will ensure that the terms of the MOUs that will be executed with the City of Oak Park Heights and City of Stillwater will be consistent with the Amended MOA. The function of the MOUs is to document the terms of municipal consent from the Cities as required under Minnesota statutes.

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 and Warehouse and the proposed action includes all possible planning to minimize harm to the property resulting from such use.

### **Kriesel Farmstead**

The Kriesel Farmstead has been evaluated and determined to be eligible for the NRHP. However, the boundary of the Kriesel Farmstead that is eligible for listing is limited to a 75-foot radius surrounding the farmstead, as concurred by the Keeper of the National Register. The Preferred Alternative alignment is located approximately 620 feet south of the farmstead. Refer to Section 11.4.16 of this SFEIS for additional information on archaeological and historic resources and figures illustrating the location of the historic resources within the study area.

## **V. PREFERRED ALTERNATIVE MITIGATION ITEMS**

A list of potential mitigation items was provided in the Introduction to the Draft Section 4(f) Evaluations and described in Chapter 14 of the SDEIS. Since publication of the SDEIS and Draft Section 4(f) Evaluations, a cooperative agreement process was developed to further define the implementation of the Preferred Alternative Riverway mitigation items, and involved input from members of the Stakeholder Group. Stakeholder members involved in this process are identified in Section 16.1.4 of this SFEIS.

Details regarding the implementation of these mitigation items as well as funding mechanisms and administrative oversight were documented in the Memorandum of Understanding (MOU) for the Implementation of Riverway Mitigation Items (Riverway MOU). Signed copies of the Riverway MOU are included in Appendix H of this SFEIS. Section 15.4.1.2 of the SFEIS describes the Preferred Alternative Riverway mitigation items; these items are also documented in the Riverway MOU.

The mitigation items will consider the requirements of three federal laws while still allowing the project to proceed. The purpose of the mitigation items will be to provide adequate mitigation for impacts on the Lower St. Croix National Scenic Riverway to sustain a positive Section 7(a) determination for the project under the federal Wild and Scenic Rivers Act. Without sustaining review of the project and its mitigation items under Section 7(a), federal permits for the project will not be granted, and it will not be possible to implement the project. The draft Section 7(a) Evaluation is included with this SFEIS as Appendix F. The mitigation items will also address impacts of the Preferred Alternative to natural resources, visual resources, historic resources and parklands.

Implementation of the Preferred Alternative mitigation items will not result in the “use” of any Section 4(f) resource, with the exception of the public boat access. Construction of the public boat access will require construction activities in the river and the placement of material in the river (e.g., cement or other material for a boat launch; docking facilities). Under this mitigation item, Mn/DOT will enter into an interagency agreement with the Minnesota Department of Natural Resources (MnDNR) to provide funding (\$1.2 million) for costs associated with locating and constructing a public access facility on the St. Croix River in the general project vicinity. The public access will not be constructed as part of the Preferred Alternative river crossing. MnDNR will be responsible for the location and environmental documentation, permitting, and construction of the boat ramp, as well as mitigation for any related impacts. Because funding for the public boat access will be supplied by Mn/DOT to MnDNR, and because the Lower St. Croix Riverway is a Section 4(f) resource, a draft and final Section 4(f) Evaluation will be completed by MnDNR prior to construction of the public access.

Implementation of the Preferred Alternative mitigation items will result in a temporary occupancy as described in Section II.B of this Introduction to the Section 4(f) Evaluations. The Preferred Alternative and mitigation items were developed in an attempt to consider the requirements of three federal laws (Section 4(f) of the Department of Transportation Act of 1966; Section 7(a) of the Wild and Scenic Rivers Act of 1968; and Section 106 of the National Historic Preservation Act of 1966) and are listed as follows.

### **Riverway Mitigation Items**

- Mitigation for damages to bluffslands.
- Bluffland restoration (e.g., removal of the Buckhorn sign, restoration of the Wisconsin approach to the Lift Bridge).
- Removal of the Terra Terminal building and solid waste disposal.
- Kolliner Park (removal of non-historic, man-made items from the site and reversion to a natural state).
- Riverway interpretation items (e.g., informational and mobile kiosks, bulletin boards) related to natural and cultural resources to enhance the recreational experience for users of the Riverway.
- Public boat access.
- Completion of a loop trail system including grading of the Stillwater Municipal Barge Facility property and conversion of the Lift Bridge to a pedestrian/bicycle facility.
- Recreation, education, and Riverway restoration.
- Covenants on excess property owned by WisDOT within the Riverway (west of STH 35) and between STH 35 and the Preferred Alternative STH 64/35/CTH E interchange.
- Spill response plan.

The Preferred Alternative Riverway mitigation items are described in detail in Section 15.4.1.2 of this SFEIS. The Riverway MOU is included as Appendix H of this SFEIS.

## Historic Resources Mitigation Items

- Design and construction review: SHPO Review of all final designs affecting NRHP properties.
- Lift Bridge mitigation items:
  - Mn/DOT continues ownership, maintenance and operations on Lift Bridge.
  - Establish Stillwater Lift Bridge Advisory Committee.
  - Perform condition assessment. Develop operations and maintenance manual.
  - Develop Lift Bridge Management Plan.
  - Establish endowment fund (minimum \$3 million) for operations and maintenance.
- Log Cabin restaurant – parking lot design and construction.
- Bergstein Shoddy Mill and Warehouse – additional documentation; move or demolition of Shoddy Mill and Warehouse.
- St. Croix Overlook-South:
  - Restore Overlook as directed in *Roadside Restoration Report* (2005).
  - Develop management plan for maintenance and rehabilitation.
  - Mn/DOT retains ownership of the Overlook.
- Stillwater Commercial Historic District
  - Enhanced signage from new bridge and roadways to downtown Stillwater.
  - Develop and distribute construction communication plan.
  - Work with the City of Stillwater to give full consideration to optimize parking on Chestnut and Main Streets in downtown Stillwater.
  - Provide parking lot at old STH 35/64 and the loop trail in Wisconsin with direct access to the Lift Bridge and downtown Stillwater.
- Stillwater Cultural Landscape District – complete and distribute illustrated study of Cultural Landscape District.
- Stillwater South Main Street Archaeological District – protect and stabilize Hersey and Bean Archaeological Site prior to use for construction staging; avoidance and minimization in design of loop trail.
- Kriesel Farmstead – construction of berm based on concepts in Visual Quality Manual.
- National Register of Historic Places nominations.
- Lift Bridge publication – illustrated book on Lift Bridge.
- Develop field guide to Stillwater Cultural Landscape District, including St. Croix Overlook-South.

Refer to Section 11.4 and the Amended Section 106 MOA (see Appendix G) of this SFEIS for a detailed description of historic resources mitigation and protection.

## **Other Commitments**

### Stillwater Lift Bridge Capital Improvement Upon Conversion

As described in Stipulation III.E of the Amended Section 106 MOA, upon approval of the ROD and appropriation of funding for the Project, Mn/DOT will convene the Stillwater Lift Bridge Advisory Committee (SLBAC) to advise Mn/DOT regarding the proper scope of the Stillwater Lift Bridge capital improvement/repair work that will be pursued by Mn/DOT when the Stillwater Lift Bridge is to be converted to a pedestrian/bicycle use in conjunction with the new Loop Trail.

1. As part of the Statewide Historic Bridge Management Plan (III. C. of the Amended MOA), Mn/DOT commits to completing a rehabilitation project for the Stillwater Lift Bridge, **within one year after opening of the new bridge**. The Stillwater Lift Bridge Management Plan will establish the priorities for the rehabilitation project in order to allow the Stillwater Lift Bridge to function with the Loop Trail. Mn/DOT will cover the cost of rehabilitation up to \$7 million. Mn/DOT expects to secure funding for this rehabilitation project from a combination of eligible state and federal funding sources. If rehabilitation costs exceed \$7 million, Mn/DOT and the SLBAC will seek the additional funds required.
2. Mn/DOT will submit the draft design plan for the rehabilitation of the Stillwater Lift Bridge to the SHPOs and SLBAC for review and concurrence. The SHPOs will have thirty (30) days from receipt of the draft design plan to submit their review. Mn/DOT will take into account any timely comments submitted in preparing the final design plan. Mn/DOT will submit the final design plan to the SHPOs for their review and concurrence. The SHPOs will have thirty (30) days from receipt of the final plan to provide their review and concurrence. Mn/DOT will implement the approved design plan for the rehabilitation of the Stillwater Lift Bridge.
3. If Mn/DOT and the SHPOs agree that the proposed rehabilitation Project meets the Secretary of Interior's *Standards*, then Mn/DOT may implement the proposed work. If they do not agree and FHWA or another federal agency will provide assistance for the proposed work, then the matter will be resolved by the federal agency in accordance with 36 CFR §§800.5, 800.6 and 800.7.

## **Bridge Type Identification**

The bridge type identified for the Preferred Alternative is an extradosed bridge type. The identification of the extradosed bridge type is discussed in Sections 3.3.5 and 7.4.1 of this SFEIS. This bridge type was identified because it balances the impact of a new river crossing across a range of high quality values (e.g., natural; cultural; recreational; scenic, aesthetic) that define the Riverway. While other bridge types considered would minimize some impacts, this minimization was at the expense of other resources valuable to the Riverway. The extradosed

bridge type is also unique in that only two other bridges of this type has been designed in the United States; no extradosed bridges have been constructed in the United States. Only one of these (Q Bridge in Connecticut) is comparable in extradosed span length to the proposed St. Croix River Crossing; however, the Q Bridge will have only three extradosed spans whereas the proposed St. Croix River Crossing bridge is anticipated to have at least six extradosed bridge spans. The extradosed bridge type represents a substantial additional investment compared to a typical girder bridge, reflecting the values of the Riverway and historic resources of the Stillwater area.

### **Visual Enhancements**

Because of the unique nature of the project area and values of the Lower St. Croix National Scenic Riverway, additional mitigation funding above the maximum limit of allowable funds that can be dedicated to visual enhancements per Mn/DOT cost participation policy will be allocated for implementation of the Visual Quality Manual.<sup>6</sup> Aesthetic enhancements will be documented through a Visual Quality Planning Process and a Visual Quality Manual. Refer to Section 7.4.4 of this SFEIS for discussion of Mn/DOT visual enhancement cost participation policy.

## **VI. NATIONAL PARK SERVICE SECTION 7(a) EVALUATION**

Since publication of the SDEIS and Draft Section 4(f) Evaluations, the National Park Service (NPS) has completed their draft Section 7(a) Evaluation for the St. Croix River Crossing Project. The draft Section 7(a) Evaluation is included as Appendix F of this SFEIS.

The NPS concluded, in correspondence with FHWA published with the SDEIS (see Appendix F of the SDEIS), that the Preferred Alternative, “should be able to sustain Section 7(a) review” if three conditions were met. These conditions included: 1) addressing NPS concerns identified in their correspondence to FHWA, including concerns regarding bridge design; 2) developing an effective mitigation strategy; and 3) continued coordination and consultation between the transportation agencies (FHWA, Mn/DOT, WisDOT), NPS, MnDNR, Wisconsin Department of Natural Resources (WisDNR) and other parties.

The NPS determined in their draft Section 7(a) Evaluation that the Preferred Alternative river crossing, when considered with the Preferred Alternative 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. However, this finding is contingent upon measures identified in the draft Section 7(a) Evaluation (see Sections VII and IIX of the draft Section 7(a) Evaluation in Appendix F of this SFEIS) being incorporated into the project to ensure that the mitigation package remains intact into perpetuity.

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<sup>6</sup> Increases in allowable costs for aesthetic enhancements are included with the construction costs and are not included in the total cost of the non-design mitigation items. Refer to Section 7.4.4 of this SFEIS for additional discussion.

## VII. CONCLUSIONS

The St. Croix River Crossing Project will impact the Lower St. Croix National Scenic Riverway as a result of direct impacts related to the construction of the Preferred Alternative. Construction of the Preferred Alternative and Preferred Alternative mitigation items will also result in the temporary occupancy of Section 4(f) resources in the project area. A mitigation package has been developed to address impacts on the Lower St. Croix National Scenic Riverway and adverse effects to historic resources.

Table E-2 summarizes the use of Section 4(f) resources in the project area for the Preferred Alternative. The Final Section 4(f) Evaluation that follows for the Lower St. Croix National Scenic Riverway describes in detail the affected Section 4(f) resource, potential impacts of the No-Build Alternative, Build Alternatives considered in the SDEIS and the Preferred Alternative, impacts associated with Preferred Alternative mitigation items, and measures to avoid or minimize harm.

**TABLE E-2  
SUMMARY OF PREFERRED ALTERNATIVE AND SECTION 4(f) RESOURCES**

<b>Section 4(f) Resources</b>	<b>Section 4(f) Use</b>	<b>Temporary Occupancy</b>	<b>No Section 4(f) Use</b>
<b>Parklands</b>			
Lower St. Croix National Scenic Riverway	X	X	
Stillwater Municipal Barge Facility Property		X	
Lowell Park		X	
Kolliner Park		X	
Teddy Bear Park			X
<b>NRHP-listed or Determined Eligible Properties</b>			
Log Cabin Restaurant			X
Bergstein Shoddy Mill	X		
Stillwater State Historic Prison			X
St. Croix Overlook-South			X
William N. Danforth House			X
Fairview Cemetery			X
Stillwater South Main Street Archaeological District			X
Stillwater & St. Paul Railroad			X
St. Croix Boomsite			X
Lift Bridge			X
Stillwater Commercial Historic District		X	
Stillwater Cultural Landscape District		X	
Thelen Farmstead			X
St. Croix Hilltop Drive-In Theatre			X
Kriesel Farmstead			X

# FINAL SECTION 4(F) EVALUATION

## LOWER ST. CROIX NATIONAL SCENIC RIVERWAY

### I. DESCRIPTION OF SECTION 4(f) RESOURCE

The Section 4(f) resource discussed in this evaluation is the Lower St. Croix National Scenic Riverway, a federally designated Wild and Scenic River.

#### A. DETAILED MAP

Figures E-1 and E-2 show the relationship of the 2004 Supplemental Draft EIS (SDEIS) Build Alternatives and the 2006 Supplemental Final EIS (SFEIS) Preferred Alternative to the St. Croix River and Lower St. Croix National Scenic Riverway, respectively.

#### B. SIZE AND LOCATION

The Riverway, defined as the river itself and selected adjacent lands, is a narrow corridor that runs for 52 miles along the Minnesota/Wisconsin boundary from Taylors Falls, Minnesota/St. Croix Falls, Wisconsin, to the confluence with the Mississippi River at Point Douglas, Minnesota/Prescott, Wisconsin (Figure E-2). The boundary of the Lower St. Croix National Scenic Riverway encompasses approximately 25,345 acres of land and water.

The St. Croix River begins near the town of Solon Springs in northwestern Wisconsin and flows 164 miles south to join the Mississippi River at Prescott, Wisconsin. The northern limits of the Lower St. Croix Riverway are marked by the hydroelectric dam at Taylors Falls/St. Croix Falls. From this point, the river flows south through moderate-to-difficult rapids until it reaches the St. Croix Dalles. The Dalles is a narrow gorge with high, pine-topped vertical walls and numerous water-carved potholes. Below the Dalles, the river becomes shallower, with several islands, feeder streams, and backwater areas. Development along this portion of the Riverway is fairly sparse, but begins to become more prominent as one moves south. At Stillwater, the river begins to widen and deepen. From Stillwater south to Prescott, there are areas of forested bluff adjacent to the river; however, this area is more developed than the Riverway north of Stillwater. There are numerous permanent and seasonal homes located on this part of the Riverway. Immediately south of Stillwater is a sewage treatment plant, Sunnyside Marina and Condominium complex, and the Xcel Energy King Power Plant which has a highly visible 785-foot smokestack. South of the power plant is the Andersen Corporation's window manufacturing facility. At its closest, the St. Croix flows only about 20 miles from the center of the Twin Cities of Minneapolis and St. Paul, Minnesota. It was the first Wild and Scenic River located close to an urban area and is still one of only a few in urban proximity today. As described in Section I.H, the river's outstandingly remarkable scenic, recreational, and geologic values resulted in its designation as a Wild and Scenic River.

## C. OWNERSHIP AND TYPE

The Lower St. Croix National Scenic Riverway is managed by the Lower St. Croix Management Commission (LSCMC), which was established in 1973 and is comprised of representatives from the National Park Service (NPS), the Minnesota Department of Natural Resources (MnDNR) and the Wisconsin Department of Natural Resources (WisDNR). The Lower St. Croix National Scenic Riverway is split into two management zones. The State zone, administered by the MnDNR and the WisDNR through the LSCMC, extends from the Stillwater Boomsite downstream to the Mississippi River confluence. The Federal zone, administered by the NPS, extends from the Stillwater Boomsite upstream to the dam at Taylors Falls/St. Croix Falls.

Land along the Lower St. Croix National Scenic Riverway is a mosaic of federal, state, local, and private holdings. In addition to fee ownership of land, the federal government and the states of Minnesota and Wisconsin have purchased scenic easements from private landholders along many areas of the river. The federal government scenic easements are located within the Federal zone of the Riverway, north of the Stillwater Boomsite. In return for a payment, the landowners relinquish certain development and improvement rights. The agreement generally runs with the property; that is, it is passed on to subsequent owners.

In January 2002, the NPS, MnDNR, and WisDNR approved the *Lower St. Croix National Scenic Riverway Cooperative Management Plan (CMP)*. The purpose of the CMP is to provide general direction for managing the Riverway over the next 15-20 years.<sup>1</sup>

## D. FUNCTION OF AND/OR AVAILABLE ACTIVITIES

Consistent with its classification under the National Wild and Scenic Rivers System as a “recreational” river, the Lower St. Croix National Scenic Riverway offers a wide array of recreational activities. These include camping, hiking, biking, picnicking, scenic viewing, photography, bird watching, fishing, swimming, snowmobiling, cross-country skiing, boating, and interpretive programs.

The northern portion of the Riverway is considered to be fairly wild with wooded banks and is mostly used by canoeists. Development along this portion of the Riverway is fairly sparse, but begins to become more prominent as one moves south. At Stillwater, the river widens and deepens. From Stillwater south to Prescott, the river is heavily used by recreationalists, especially power boats.

Fishing is an important recreational activity on the Lower St. Croix National Scenic Riverway, both from boats and the banks, and from the river ice in the winter. The wide range of sport fish species includes walleyes, northern pike, smallmouth bass, and catfish. Popular fishing areas include the mouths of tributaries such as the Apple and Kinnickinnic rivers, the King Power Plant discharge canal, the Hudson narrows, and the confluence with the Mississippi River.

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<sup>1</sup> U.S. Department of Interior- National Park Service, Minnesota Department of Natural Resources and Wisconsin Department of Natural Resources. 2002. *Cooperative Management Plan. Lower St. Croix National Scenic Riverway*.

The principal recreational activities along the Riverway involve watercraft of various types. Common watercraft on the Lower St. Croix River includes canoes, fishing boats, runabouts, cabin cruisers, and houseboats. Smaller numbers of pontoon boats, sailboats, inflatables, kayaks, and commercial watercraft are also present. Canoe use dominates boat traffic upstream from Stillwater; in fact, canoes account for more than 60 percent of the traffic there. Excursion boats operate public cruises both upstream and downstream from docks at the south end of downtown Stillwater. Several public boat launches are located near the project area in Hudson, Wisconsin, north of Stillwater on TH 95 and in William O'Brien State Park, and on County Road 21 south of Afton.

## E. DESCRIPTION OF EXISTING AND PLANNED USES

The major public facilities on the Riverway include Interstate Park in Minnesota and Wisconsin near Taylors Falls and St. Croix Falls, William O'Brien State Park near Marine on St. Croix, Minnesota, Afton State Park near Afton, Minnesota, and Kinnickinnic State Park west of River Falls, Wisconsin. Smaller facilities include the St. Croix Boomsite National Historic Landmark, and Mile Long Island. Less developed public areas include Wisconsin's St. Croix Islands Wildlife Area just downstream from Marine on St. Croix, and several game refuges in Minnesota.

Several parks in downtown Stillwater offer a vantage point for viewing the river and its activity. Lowell Park is included in the Stillwater Commercial Historic District and surrounds the entrance to the Lift Bridge. This heavily-used park includes a gazebo, benches, landscaping, and a levee. Stillwater is currently exploring a downtown development plan that includes an expansion of Lowell Park as well as other amenities.<sup>2</sup> Kolliner Park is located across the river from downtown Stillwater. Previously developed and now abandoned and closed, the park consists of a forested river bluff and partially vegetated beach area. The park is not heavily used, with the majority of its users coming from the river. South of Lowell Park along the river is the Stillwater Municipal Barge Facility property, a 17-acre area owned by Stillwater and planned for future use as a city riverfront park. The park would be developed mostly for passive recreation such as picnicking, walking, and bicycling. A 0.4-acre parcel will be donated to Stillwater for a planned park (Teddy Bear Park). Teddy Bear Park is located along the Minnesota river bluff to the south and west of Lowell Park and north and west of the Stillwater Municipal Barge Facility property; the park would be developed mostly for passive recreation.

Other state, local, and private facilities such as boat launches, marinas, private campgrounds, youth camps, and wayside rests also provide recreational opportunities along the Riverway. In addition to formal recreation places, undeveloped river islands and shore areas owned by the federal government and other political units support an enormous amount of recreational activity.

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<sup>2</sup> The Downtown Stillwater "Plan D" is a development plan to increase pedestrian areas, consolidate parking areas, and expand Lowell Park. Potential amenities in Lowell Park could also include an amphitheater and bandshell.

## F. ACCESS AND USAGE

The St. Croix River is readily accessible to visitors via well-developed road systems in both Minnesota and Wisconsin. Interstate 94, U.S. Highway 8, 10, and 12, Minnesota Trunk Highways (TH) 36, 96, and 97, and Wisconsin State Trunk Highway (STH) 64 are the primary east-west routes that run through the Lower St. Croix region. U.S. Highway 61, Minnesota TH 95, and Wisconsin STH 35 and 65 also provide north-south access to the region. Many local roads throughout the region provide access to the Riverway.

Four highway bridges span the lower 52 miles of the St. Croix River: at Taylors Falls, Minnesota, and St. Croix Falls, Wisconsin; Osceola, Wisconsin; Stillwater, Minnesota, and Houlton, Wisconsin; and Hudson, Wisconsin. The closest crossings to the Lift Bridge are at Osceola and the I-94 bridge at Hudson. These crossings are located approximately 20 highway miles to the north, and 7 highway miles to the south. A number of railroad bridges cross the Riverway as well.

Pedestrian and bicycle access in the vicinity of the St. Croix River within the project study area is provided by the Gateway Trail (from St. Paul to Stillwater) and the Washington County trail system in Minnesota. St. Croix County, Wisconsin, has trail improvements planned along STH 35 and an existing on-road trail is located along CTH E. The Preferred Alternative mitigation package includes the construction of a loop trail system between Minnesota and Wisconsin utilizing the new river crossing and the Lift Bridge. This loop trail system will connect to regional trails in the project area, thus providing a trail system that is connected to a larger, regional trail system.

State and local park facilities, discussed in Section I.E, provide visitor access for camping, hiking, scenic viewing, etc. Several boat access points near the project area (Hudson, Wisconsin; north of Stillwater; south of Afton, Minnesota) are available along the St. Croix River.

Between Prescott and north of Stillwater, the U.S. Army Corps of Engineers (Corps) is authorized to maintain a 9-foot navigation channel to accommodate large boats<sup>3</sup>. Plans for the channel assume only the Kinnickinnic Narrows, approximately 6 miles north of Prescott, will require dredging within the next 40 years<sup>4</sup>. A 3-foot navigation channel is authorized between Stillwater and Taylors Falls, but it is not maintained by the Corps, except for snag clearing. The river is narrow and shallow with many islands 1.1 miles north of Stillwater. North of the Arcola sandbar, most of the river is shallow and suitable for use only by canoes and other shallow-draft craft.

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<sup>3</sup> The 9-foot navigation channel was authorized by the Rivers and Harbors Act of 1930, which includes the Upper Mississippi River, and lower navigable portions of the Minnesota River, the St. Croix River, and the Black River.

<sup>4</sup> Source: *Lower St. Croix River National Scenic Riverway Cooperative Management Plan*, National Park Service, Minnesota Department of Natural Resources, Wisconsin Department of Natural Resources, January 2002.

According to a Minnesota/Wisconsin Boundary Area Commission (MWBAC)<sup>5</sup> study, the Lower St. Croix River is one of the most heavily-used recreational boating areas in the Midwest. A 1997 Recreational Boating Study was conducted to identify trends in recreational boating along the St. Croix River over the past 14 years. General trends from the study suggest that peak day boating levels in 1997 were higher than the average of the previous four study years, while weekday boating levels in 1997 were lower than the 1989-1995 study year average. The study estimated that in 1997, a total of 8,644 boats (active and beached) used the river between Memorial Day (May 26) and Labor Day (August 31) for recreational purposes.

Rivers protected under the National Wild and Scenic Rivers Act are classified as wild, scenic, or recreational, based on the level of development along the river and access to the river at the time of designation. These classifications serve as guides to the agencies that manage the rivers. Scenic river areas are defined as rivers with no impoundments, limited development, largely primitive shorelines, and limited accessibility by roads. Recreational river areas are defined as rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. Based on these three general classifications, the upper 10 miles of the Lower St. Croix National Scenic Riverway are classified as scenic and the lower 42 miles are classified as recreational.

## G. RELATIONSHIP TO OTHER SIMILAR RESOURCES

The nearest National Wild and Scenic Rivers to the St. Croix are the Wolf River in northeastern Wisconsin, and the Black and Presque Isle Rivers in northwest Michigan. The Mississippi River from Dayton to Hastings, Minnesota, has been designated as a National River and Recreational Area, with plans for improving the quality of the river for recreation.

The Twin Cities metropolitan area has numerous rivers, streams, and lakes, which offer excellent boating and other water-related opportunities. The Mississippi River flows through the Twin Cities and the Minnesota River flows south of Minneapolis, within the urban area. Lake Minnetonka, west of Minneapolis, is a large lake endowed with islands and bays and extensive shoreline. Dozens of smaller public lakes also offer recreational boating, both powered and paddled.

Farther away but within a day's drive of the Twin Cities are a number of water-related natural and recreational areas, including the Apostle Islands National Lakeshore in Lake Superior and the Boundary Waters Canoe Area Wilderness in northern Minnesota. Literally thousands of publicly-accessible lakes of varying size are present throughout Minnesota and Wisconsin, many within state and local parks.

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<sup>5</sup> The MWBAC was a commission created in 1965 by the states of Minnesota and Wisconsin to coordinate studies and management activities along the states' common boundaries (St. Croix and Mississippi rivers). Both states funded the MWBAC equally. The MWBAC was a former member of the Lower St. Croix Management Commission, providing administrative support. Operations for the MWBAC were terminated in 2001.

The Lower St. Croix National Scenic Riverway is located in a region richly endowed with natural resources and outdoor recreational opportunities. Of the many natural environments enjoyed in the region, the St. Croix River, close to the Twin Cities, is among the most widely known and heavily used.

## H. APPLICABLE CLAUSES AFFECTING OWNERSHIP

One of the original intents of the Wild and Scenic Rivers Act was to help preserve America's finest free-flowing rivers from the effects of dam construction. In order to qualify for inclusion in the system, a river must possess at least one "outstandingly remarkable value" such as scenic, recreational, geologic, fish and wildlife, historic, cultural, or other attributes. The Lower St. Croix River was designated for its outstanding scenic, recreational, and geologic values. These characteristics are summarized in the 2002 *Cooperative Management Plan* for the Riverway as follows:

- The Riverway is an exceptional combination of high-quality natural and cultural resources, and scenic, aesthetic, and recreational values;
- These resources and values exist in a distinctive river valley setting with a strong regional identity and character; and,
- These resources and values exist within the expanding Twin Cities metropolitan area.

Each river in the National Wild and Scenic Rivers System must be managed to preserve those values which originally qualified it for protection. As stated above, the St. Croix River has been identified as having scenic, recreational, and geologic values. The NPS is responsible for conducting analyses of potential impacts on the Riverway under a Section 7(a) Evaluation of the Wild and Scenic Rivers Act. The NPS' Section 7(a) Evaluation of the Wild and Scenic Rivers Act for the St. Croix River Crossing project is found in Appendix F of this SFEIS. A summary of the Section 7(a) Evaluation conclusions is included in Section II.C of this Final 4(f) Evaluation.

Land along the Lower St. Croix National Scenic Riverway is a mosaic of federal, state, local, and private holdings. In addition to fee ownership of land, the federal government and the states of Minnesota and Wisconsin have purchased scenic easements from private landholders along many areas of the river. The federal government scenic easements are located within the Federal zone of the Riverway, north of the Stillwater Boomsite. In return for a payment, the landowners relinquish certain development and improvement rights. The agreement generally runs with the property; that is, it is passed on to subsequent owners.

## I. UNUSUAL CHARACTERISTICS

The Lower St. Croix National Scenic Riverway is an unusually valuable resource because of its natural beauty, good water quality, numerous recreational opportunities, historic interest, and exceptional accessibility by a large urban population. As described in Section I.H, the river's outstandingly remarkable scenic, recreational, and geologic values resulted in its designation as a Wild and Scenic River.

A wide variety of aquatic life occurs in the St. Croix River, from multiple phyla of algal phytoplankton to many invertebrate and fish species. In addition, the St. Croix River supports a diversity of freshwater mussel species, including a federally-listed endangered species and species of state special concern (see Section II.B). The U.S. Fish and Wildlife Service (USFWS) describes the river as being “of pristine character.”

At the hydroelectric dam at Taylors Falls/St. Croix Falls, which marks the northern limit of the Lower St. Croix, the river flows through a rapids for a short distance until it reaches the St. Croix Dalles. The Dalles is a narrow stone gorge with high, pine-topped vertical walls and numerous water-carved potholes. Both the Minnesota and Wisconsin sides of the Riverway are a part of Interstate Park, popular with tourists, rock climbers, canoeists, campers, artists, and photographers. Interstate Park in Wisconsin is part of the Ice Age National Scientific Reserve. Below the Dalles, the river becomes more shallow and enters a heavily-wooded, steep-sided valley marked by limestone and sandstone bluffs, numerous islands, feeder streams, and backwaters. Development is not prominent, but does become more noticeable as the river continues south.

Located adjacent to the river, Stillwater’s picturesque character and historic buildings provide a scenic, historically-significant cultural feature along the river. At Stillwater, the head of Lake St. Croix, the river deepens and widens. The river extends about 25 miles to the confluence with the Mississippi River at Prescott. At the site of the Preferred Alternative bridge alignment, the river channel is approximately 2,800 feet wide. At the site of the Lift Bridge, the river channel is approximately 1,800 feet wide. Below Stillwater, the river features numerous forested bluffs but is far more developed than to the north, especially on the Minnesota side. Oak Park Heights, just downstream from Stillwater, is the site of a marina and condominium complex, a sewage treatment plant, and the Xcel Energy King Power Plant with barge facilities and a prominent 785-foot smokestack. South of the power plant, in Bayport, is the Andersen Corporation’s extensive window manufacturing facility.

The cultural features of the Lower St. Croix River Valley are important facets of its character and draw many people to the area. Stillwater is one of the oldest European settlements in Minnesota and is known as the “Birthplace of Minnesota”. It has preserved much of its architectural heritage, including its well-maintained nineteenth century downtown with numerous shops and restaurants that draw many visitors. Part of the downtown area has been listed as an historic district on the National Register of Historic Places. The Lift Bridge, built across the St. Croix River in 1931, is also listed on the National Register of Historic Places.

Between Stillwater and Hudson, the St. Croix River is located only about 20 miles from the center of the Twin Cities of Minneapolis and St. Paul, a metropolitan area of almost three million people. This proximity of the metropolitan area is notable, as few urban areas have such a nearby resource.

## II. IMPACTS ON THE SECTION 4(F) RESOURCE

Four Build Alternatives and a No-Build Alternative were addressed in the 2004 SDEIS. Descriptions of these alternatives are provided in the Introduction to this Final Section 4(f) Evaluation. Alternative B-1<sub>a</sub>, the southernmost river crossing location, was identified as the Preferred Alternative and the extradosed bridge was identified as the Preferred Alternative bridge type for this SFEIS. Under Alternative B-1<sub>a</sub> (hereafter referred to as the Preferred Alternative), the Lift Bridge will be converted to a pedestrian/bicycle facility. The following sections summarize the impacts of the SDEIS No-Build Alternative and the SDEIS Build Alternatives on the Lower St. Croix National Scenic Riverway. The impacts associated with the Preferred Alternative are included with each section, including information that has changed since the SDEIS and Draft Section 4(f) Evaluation.

Readers should refer to the chapters noted in the Introduction to this Final Section 4(f) Evaluation for full discussions of potential impacts of the Preferred Alternative on the Lower St. Croix National Scenic Riverway.

### A. NO-BUILD ALTERNATIVE

Under the No-Build Alternative, no new bridge would be constructed. As a result, this alternative would not result in direct impacts on the river. However, the No-Build Alternative would result in continuing and increasing conflicts between motor vehicles on the Lift Bridge and boat traffic on the river. Currently, vehicle traffic on summer weekends and during weekday peak travel periods can back up for some distance on both the Wisconsin and Minnesota sides of the bridge when the lift is raised to allow large boats to pass beneath.

The current schedule for raising of the lift reflects efforts to minimize bridge openings during peak periods of traffic congestion. Further reducing the frequency of Lift Bridge raising to ease traffic congestion on the bridge and approach roadways would result in further impeding of river navigation. A discussion of traffic congestion on the Lift Bridge can be found in Chapter 4 of the SDEIS.

The No-Build Alternative also would perpetuate existing water quality impacts on the river from the Lift Bridge. Stormwater from the Lift Bridge is currently conveyed directly to the river without prior treatment. Any materials spilled on the bridge are also conveyed directly to the river with runoff from the bridge. Because inadequate space in the existing corridor prevents construction of a detention basin or conveyance system for runoff from the bridge, the water quality of the river would continue to be negatively affected under the No-Build Alternative.

## B. BUILD ALTERNATIVES

### **Water Quality and Quantity**

#### 2004 SDEIS Build Alternatives

As proposed in the SDEIS, the Build Alternatives increased the percent impervious area of the existing watershed, thus increasing the volume of runoff generated and discharged into the St. Croix River. Due to increased impervious area, the Build Alternatives created an additional volume of highway stormwater runoff which was expected to introduce occasional short-term quantities of pollutants associated with highway runoff during intermittent storm events; however, the long-term concentrations of these pollutants in the river were not expected to change. The Build Alternatives included wet detention basins, dry basins, and grass ditches that would provide water quality treatment for the existing drainage area that currently discharges directly to the river and for the additional Build Alternative bridge drainage areas. Detention basins, ditches, and other open space would have limited discharge flow rates to the existing flow rates, and energy dissipation measures would be taken to further minimize velocity of water.

Alternatives B-1 and C, pending disposition of the Lift Bridge, and Alternative E also perpetuated existing water quality impacts on the river from the Lift Bridge because the Lift Bridge could be converted to a facility for local traffic (Alternatives B-1 and C) or used for two lanes of one-way westbound traffic. Stormwater from the Lift Bridge is currently conveyed directly to the river without prior treatment. Any materials spilled on the bridge are also conveyed directly to the river with runoff from the bridge. The likelihood of materials being spilled on the Lift Bridge was increased with Alternative E with the Lift Bridge continuing to accommodate vehicular traffic. The likelihood of materials being spilled on the Lift Bridge was somewhat reduced with Alternatives B-1 and C, relative to the No-Build Alternative and Alternative E, but was still present. Because inadequate space in the existing corridor prevents construction of a detention basin or conveyance system for runoff from the bridge, the water quality of the river as a result of runoff from the Lift Bridge continued to be negatively affected by these Build Alternatives. Where the Lift Bridge is converted to a pedestrian/bicycle facility, stormwater would still have been directly conveyed to the river, however, potential for spills would have been substantially reduced as would use of chemicals (e.g., salts) in maintaining the bridge.

#### Preferred Alternative

The Preferred Alternative will increase the amount of impervious surface in the project area. A series of wet detention basins, dry basins, infiltration basins and grass ditches will provide water quality treatment for the existing drainage area that currently discharges directly to the river and for the additional Preferred Alternative bridge drainage area. Detention basins, ditches, and other open space will limit discharge flow rates to the existing flow rates, and energy dissipation measures will be taken to further minimize velocity of water.

The Preferred Alternative drainage design also includes a ponding area and infiltration basin to treat stormwater runoff from the Wisconsin bridge abutment area and STH 64 east of the river crossing. This pond and infiltration basin has been designed to maximize runoff storage and infiltration, minimizing stormwater discharge to the St. Croix River during 50-year and 100-year rainfall events.

As part of the Preferred Alternative mitigation package, the existing STH 64 roadway from the Lift Bridge to existing STH 35 will be removed from the bluff and replaced with a pedestrian and bicycle trail. The existing CTH E roadway between existing STH 64 and State Street will be removed and revegetated, and the paved access road in Kolliner Park will also be removed and revegetated. These activities will result in a net decrease in impervious surface on the Wisconsin bluff, improving infiltration from stormwater runoff along the existing bluff cut across from the Lift Bridge.

Under the Preferred Alternative, the Lift Bridge will also be converted to a pedestrian/bicycle facility with completion of the loop trail system and construction of the new river crossing. With no vehicular traffic on the Lift Bridge, the potential for spills directly into the river is substantially reduced, and chemical runoff from road maintenance in the winter is eliminated.

## **Floodplains**

### 2004 SDEIS Build Alternatives

As proposed in the SDEIS, the Build Alternatives resulted in encroachment into the floodplain; however, these encroachments were not expected to negatively affect the floodplain profile, as the flood profile for this reach of the St. Croix River is governed by hydraulic structures on the Mississippi River. Floodplain encroachment was limited to bridge pier placement (pending resolution of the bridge type analysis), filling for TH 36/95 construction, filling for retaining walls, and minor filling for construction of stormwater detention basins. As described in the SDEIS, bridge piers would be designed, to the extent possible, to minimize hydraulic impacts on the river and measures would have been taken, to the greatest extent practical, to protect the aquatic life during design and construction of the bridge piers. These measures included preventing construction debris from entering the river and providing navigation corridors to maintain boat traffic during construction.

### Preferred Alternative

The Preferred Alternative will result in approximately 900 feet of longitudinal impact to the 100-year floodplain on the Minnesota side of the St. Croix River as the result of stormwater pond construction east of TH 95. The approach roadways in Minnesota and Wisconsin will not require fill in the floodplain. The Preferred Alternative approach bridge and river crossing bridge piers will result in fill in the 100-year floodplain. The Preferred Alternative loop trail will result in approximately 2,700 feet of longitudinal impact to the 100-year floodplain on the Minnesota side of the river, and approximately 350 feet of transverse impact to the 100-year floodplain on the Wisconsin side of the river. As noted above, these encroachments are not

expected to negatively affect the floodplain profile, as the flood profile for this reach of the St. Croix River is governed by hydraulic structures on the Mississippi River. The NPS concluded in their draft Section 7(a) evaluation that the project would have no measurable influence on flood elevations, the velocity of the river, and water depth upstream (see the NPS draft Section 7(a) Evaluation in Appendix F of this SFEIS).

## **Groundwater**

### 2004 SDEIS Build Alternatives

As described in the SDEIS, the Build Alternatives were not expected to affect the quality, quantity, and elevation of groundwater in the project area. While the increased area of impermeability and the filling of some wetlands may have decreased the groundwater recharge in the immediate area of the highway and road activities, the changes were not expected to alter the amount of recharge occurring in the entire project area. The impervious surface remained a relatively low percentage of the project area contributing to groundwater recharge reaching the St. Croix River.

### Preferred Alternative

The Preferred Alternative is not expected to affect the quality, quantity, and elevation of groundwater in the project area. Refer to Section 10.4 of this SFEIS for a discussion of groundwater.

## **Wetlands**

### 2004 SDEIS Build Alternatives

A wetland compensation plan for replacement of the affected wetland areas was developed for the proposed project. The plan would reassess the exact areas of wetland impacts (and mitigation) based on identification of a Preferred Alternative, final design plans, and the current and applicable wetland mitigation guidelines and regulations in effect at that time. The intent of the proposed wetland compensation plan would be to replace affected wetland resources with wetlands of greater or equal public value. The mitigation activities may or may not occur within the Riverway; potential wetland mitigation areas described in the SDEIS were not located in the Riverway.

Potential impacts on water resources (water quantity, water quality, floodplains, groundwater, and wetlands) were discussed further in Chapter 10 of the SDEIS.

### Preferred Alternative

The Preferred Alternative will impact approximately 7.71 acres of wetlands, of which approximately 2.64 acres are located adjacent to or within the Riverway boundaries (east of TH 95 in Minnesota; none of wetland basins in Wisconsin impacted by the Preferred Alternative are within the Riverway boundaries). Construction of the Preferred Alternative river crossing

bridge will likely result in fill impacts to the forested wetland area along the Minnesota shoreline (identified as Wetland Q in Section 10.5 of this SFEIS). The location of approach bridge piers and extradosed bridge piers will be determined through the Visual Quality Planning Process (described in Section 7.4.3 of this SFEIS) and final bridge design. Pier locations will be identified that minimize impacts to wetlands. Preliminary bridge design has explored the feasibility of spanning the forested portion of a wetland basin (Basin Q – see Section 10.5 of this SFEIS) along the St. Croix River shoreline and is dependent upon the transition from the extradosed bridge to the approach bridge. Thus, bridge piers may be located in this wetland.

Refer to Section 10.5 of this SFEIS for a discussion of wetland avoidance, minimization, and the wetland compensation plan for replacement of wetland areas affected by the Preferred Alternative.

### **Wisconsin Bluff Impacts**

#### 2004 SDEIS Build Alternatives

As proposed in the SDEIS, an area of trees and associated understory vegetation on the Wisconsin shore and bluff would be removed to allow for construction of the bridge and approach roadway for the SDEIS Build Alternatives. Some permanent vegetative loss would have occurred, particularly near the bridge abutment. Field survey results from previous environmental analyses concluded that remaining trees in this area are expected to respond relatively well to construction activities if appropriate measures are taken to protect them during construction. Vegetative impacts would be managed through implementation of landscaping and revegetation guidelines developed as part of final project design.

As described in the SDEIS, construction of the Build Alternative bridges and roadways would have altered the terrain of the Wisconsin shore and bluff. Estimates of the amounts of cubic yards of sand and gravel that would have been permanently removed (cut) from the bluff to allow for the bridge and abutment of the SDEIS Build Alternatives was noted in Chapter 9 of the SDEIS. Additional impacts on the bluff would have occurred during construction to allow for temporary construction haul roads and work areas. This impact and the measures that would have been taken to minimize it were discussed further in Chapter 12 of the SDEIS.

Impacts on the Wisconsin bluff were less for Alternatives B-1 and C compared to Alternatives D and E because the bridge abutment is at a higher elevation. The higher bridge abutment allowed for bluff impacts to be located further back in the defined bluff area and reduced impacts on the bluff face. The bridge abutment for Alternatives D and E was located at the Wisconsin shoreline. The approach roadway and associated retaining walls crossed a greater length of the bluff, as defined by the *Lower St. Croix National Scenic Riverway Cooperative Management Plan*, from shoreline to bluffline.

## Preferred Alternative

The Preferred Alternative will impact approximately 2.2 acres of the Wisconsin bluff. Refer to Section 9.3.3 of this SFEIS for a description of the cut and fill activities on the top of the bluff associated with the approach road construction.

Construction of the Preferred Alternative bridge will minimize impacts to the Wisconsin bluff to the extent feasible. It is anticipated that haul roads and other work areas will not be constructed along the face of the Wisconsin bluff. Although construction staging will be determined with final design, it is anticipated that the bridge will be constructed from the shoreline and top of the bluff. A barge docking facility is anticipated to be constructed along the Wisconsin shoreline at the location of the Preferred Alternative river crossing. It is also anticipated that the Preferred Alternative river crossing bridge will span the face of the bluff.

Drainage design east of STH 35 adjacent to the bridge abutment has been refined with the Preferred Alternative to minimize impacts to the Wisconsin bluff. Ponds and infiltration areas have been maximized to minimize drainage structure construction along the bluff. Under the Preferred Alternative, a buried pipe will be constructed for overflow stormwater discharge outletting near the Wisconsin bridge abutment, set back from the shoreline. An energy dissipation basin will also be constructed at this stormwater pipe outlet. Overflow discharges are anticipated to be low, and energy dissipation structures at the pipe outlet will minimize any potential bluff erosion. This will eliminate the need to construct a stilling basin at the base of the bluff with the Preferred Alternative.

## **Freshwater Mussels**

### 2004 SDEIS Build Alternatives

As proposed in the SDEIS, implementation of the Build Alternatives could have affected freshwater mussels both directly and indirectly. Direct impacts on mussels could have resulted from bridge and bridge pier construction and barge fleeting and docking activities along the shoreline. In addition, sedimentation could have resulted from the construction of any access roads on the Wisconsin side of the river and from the placement of bridge piers in the river. This sedimentation would have had minor impacts on mussel beds located downstream of the project site. (Construction activities and impacts were discussed further in Chapter 12 of the SDEIS.) Indirect impacts on mussels could have also occurred through erosion and sedimentation associated with removal of the excess pavement on the Wisconsin approach to the Lift Bridge proposed with conversion of the Lift Bridge to a bicycle/pedestrian facility (Alternatives B-1, C, D) or construction of a new STH 64 roadway (Alternatives D and E). Several positive impacts on mussels could have resulted indirectly from implementation of the SDEIS Build Alternatives such as construction of stormwater ponds to treat runoff before the runoff enters the St. Croix River. Refer to Chapter 9 of the SDEIS for a detailed discussion of the potential direct and indirect impacts to freshwater mussels in the St. Croix River.

Mussel surveys of all areas with the potential to be disturbed were conducted as part of the 1999/2001 studies and SDEIS process before the project was suspended in 2001. Survey results indicated that potential mussel impacts would occur mostly near the Wisconsin shoreline, but also near the Minnesota shoreline. Based on information reviewed and input from the reviewing agencies, it was agreed to assume that any of the Build Alternatives would have affected protected mussels.

Relocating freshwater mussels, associated with the SDEIS Build Alternatives, was also discussed in Chapter 9 of the SDEIS. Procedures have been developed and would be implemented as part of any of the SDEIS Build Alternatives to ensure the safe relocation of *L. higginsii* and any other state- or federally-listed endangered mussels in areas identified for removal and relocation. Common species would be relocated as well. Mussel relocation sites would be identified and delineated before beginning the relocation effort. The area along the Minnesota shoreline is generally not suitable for mussel relocation because of the poor river substrate; the Wisconsin shoreline is more suitable. It is likely that a suitable relocation site would be found near the Wisconsin shore downstream from the SDEIS Build Alternatives. Mussels would be relocated from identified construction areas on the shoreline and where temporary docking facilities and work boats and barges would be located.

### Preferred Alternative

Sections 9.1.3 and 9.1.4 of this SFEIS describes impacts and relocation for protected mussel species. The Biological Opinion in Appendix C of this SFEIS provides a detailed discussion of mussel relocation and procedures. Section 12.3.1 of this SFEIS describes measures to minimize construction-related impacts (e.g., erosion and sedimentation) to mussels.

As described above for the Wisconsin bluff, the drainage design in Wisconsin has been refined to maximize infiltration and minimize the amount of stormwater discharge to the St. Croix River from the Wisconsin uplands. As such, this will have a positive effect on mussels by limiting the amount of runoff that enters the river near mussel beds along the Wisconsin shoreline.

The Preferred Alternative bridge design will also seek to span the approximately 200-foot wide mussel shelf along the Wisconsin shoreline.

### **Other Protected Species**

#### 2004 SDEIS Build Alternatives

As discussed in the SDEIS, several protected species are located adjacent to the St. Croix River in the project area. The St. Croix River and its adjacent forest cover provide the necessary habitat conditions to allow the nesting of bald eagles (*Haliaeetus leucocephalus*). An active bald eagle nest has since moved several times in the area near the TH 36/95 interchange in Oak Park Heights. No other eagle nests have been identified in the study area. An active peregrine falcon

(*Falco Peregrinus*) nest is located on the exhaust stack of the King Power Plant in Bayport, Minnesota, and an active osprey (*Pandion haliaetus*) nest is located on the barge off-loading facility on the bank of the St. Croix River at the King Power Plant in Bayport.

Measures to mitigate impacts of the SDEIS Build Alternatives on the bald eagle nest near the TH 36/95 interchange were described in Chapter 9 of the SDEIS. The Build Alternatives would have not adversely affected the identified peregrine falcon nesting area or the osprey nest, and construction activity was not expected to adversely disturb either species in general. Protected species were discussed further in Chapter 9 of the SDEIS.

The Lift Bridge provides habitat for nesting swallows, a species of bird protected by the federal Migratory Bird Treaty Act. Construction of the Build Alternatives would have not adversely affected any potentially nesting swallows. The Lift Bridge would have been investigated prior to the letting of any contracts for maintenance and/or repairs associated with this project for evidence of recent nesting activity. If nesting activity is found, maintenance and/or repairs would have been conducted outside of the swallow nesting season to avoid any possible impacts on nesting swallow populations, or cost-effective means of deterring nesting on the bridge would have been employed, such as the installation of netting on the underside of the bridge structure.

#### Preferred Alternative

The Preferred Alternative has been designed to avoid impacts to the bald eagle nest near the proposed TH 36/95 interchange. With the exception of the removal of existing pavement, no construction activities will occur within 100 feet of the nest tree. Procedures to minimize construction impacts on bald eagles are described in Section 12.4 of this SFEIS.

The osprey nest on the Xcel Energy barge unloading facility will be relocated prior to removal of the barge unloading facility. A permit (see Table 16-2 in Section 16.4 of this SFEIS) for the relocation of osprey nest will be obtained from MnDNR prior to relocating the nest.

Construction of the Preferred Alternative will not impact any potentially nesting swallows on the Lift Bridge.

### **Fish and the Aquatic Community**

#### 2004 SDEIS Build Alternatives

As described in the SDEIS, impacts on fish and aquatic life could have resulted from construction of the SDEIS Build Alternatives and associated mitigation items that disturb habitat, water quality, or bottom sediment. Water quality impacts were expected to be temporary, and in general, effects on fish and aquatic life are expected to be minimal. Disturbed areas would have been concentrated around the piers of the Build Alternative bridges and the Lift Bridge and causeway. Fish would likely to have moved away from these areas during construction, thus minimizing impacts. Some temporary or possibly permanent effects on

bottom-dwelling (benthic) organisms could have occurred in construction areas. In addition, some temporary secondary effects on fish could have occurred due to disruption of benthic food sources.

Construction of the SDEIS Build Alternatives could have had indirect, positive long-term impacts on fish and the aquatic community as a result of positive impacts on water quality in the river. These included: positive impacts on water quality from restoration of the Wisconsin approach to the existing bridge; closing the Lift Bridge to traffic with Alternatives B-1, C, and D; removing the potential for spills due to accidents; eliminating the use of salt on the Lift Bridge; construction of stormwater treatment facilities to treat stormwater from the SDEIS Build Alternative bridges and approach roadways before it enters the St. Croix River; and providing stormwater detention basins for spill protection on the new bridge.

Possible negative effects on aquatic life could have been reduced by minimizing the number of bridge piers that would be located in the river. Efforts to reduce impacts on freshwater mussels described above also would have decreased impacts on fish and other aquatic life. As proposed in the SDEIS, construction-related debris would be kept out of the river to the greatest extent possible and all appropriate erosion control measures would have been followed during construction to protect water quality. Potential impacts on aquatic life were discussed in Chapter 9 of the SDEIS.

### Preferred Alternative

The impacts of the Preferred Alternative to fish and the aquatic community will be similar to those described above. Potential impacts of the Preferred Alternative on aquatic life are described in Section 9.1.3 of this SFEIS. Measures described above to minimize impacts to mussels with construction of the Preferred Alternative will also minimize impacts to the fish and aquatic community.

## **Navigation and Recreational Boating**

### 2004 SDEIS Build Alternatives

As proposed in the SDEIS, the Build Alternatives provided a new river crossing that would not impede river traffic. However, the piers placed in the water for the Build Alternative bridges created additional obstructions around which boaters would need to navigate.

As discussed in the SDEIS, construction of the Build Alternatives would have resulted in temporary navigational impacts, including restricted open space on the river in the vicinity of the construction due to the presence of work barges, cofferdams, and other equipment in the river, and working overhead. The construction period was anticipated to extend over three to six years (2009-2015), depending on project funding. Congestion of recreational boating traffic could have occurred during the construction period, particularly in the peak summer season.

Impacts on navigation during construction would have been minimized by maintaining an open channel for boat traffic at all times during the river traffic season, in coordination with the

U.S. Coast Guard and any other affected agencies. Construction equipment in the river and other potential impediments to navigation would be equipped with required safety markings (e.g., lights, etc.).

### Preferred Alternative

The impacts of the Preferred Alternative to navigation and recreational boating will be similar to those described above.

## **Visual Impacts**

### 2004 SDEIS Build Alternatives

As the Lower St. Croix National Scenic Riverway was designated as a National Wild and Scenic River, in part, for its scenic values, considerable attention was paid to the visual impacts on the Riverway and mitigation of those impacts. Impacts on the visual quality of the St. Croix River and the river valley would have resulted from the construction of the Build Alternatives that disturbed the natural harmony, cultural order, or design quality of the existing setting. In general, impacts were related to the scale and extent of the SDEIS Build Alternative bridges and approach roadways, and to the personal preference of the viewer. Refer to Chapter 7 of the SDEIS for detailed discussion of the visual impacts of the Build Alternatives.

### Preferred Alternative

The Preferred Alternative will cause an adverse impact on the existing visual setting of the project area. Visual impacts of the Preferred Alternative river crossing cannot be avoided. Refer to Section 7.3 of this SFEIS for detailed discussion of the visual impacts of the Preferred Alternative.

## **Traffic Noise**

### 2004 SDEIS Build Alternatives

As discussed in the SDEIS, the Build Alternatives provided a new crossing over the St. Croix River, introducing a new noise source to the Riverway. With the SDEIS Build Alternatives, peak-traffic-hour noise levels from each bridge met or exceeded federal noise abatement criteria ( $L_{10}$  of 70 dB(A) for parks) on the river directly below the river bridge and for a distance of 100 feet north and south of the river bridge centerline on the river. Noise levels from the Lift Bridge were eliminated with Alternatives B-1, C, or D if the Lift Bridge is closed to vehicular traffic and converted to a pedestrian/bicycle facility. Noise levels from the Lift Bridge would also likely have decreased from existing levels if the Lift Bridge is operated for local traffic only under Alternatives B-1 or C. Noise levels from the Lift Bridge met federal noise abatement criteria for Alternative E with two lanes of one-way westbound traffic. The new Alternative E bridge (for two lanes of eastbound traffic) introduced a new noise source adjacent to the Lift

Bridge, contributing to Alternative E noise levels. During construction, barges, equipment, and machinery used for road and bridge construction would have resulted in some temporary increases in noise on the Riverway.

Mitigation of noise impacts on the Riverway through the installation of noise walls or other structures to block noise could negatively affect the visual appearance of the Riverway. As noted in the SDEIS, no mitigation through noise walls or other structures for water-based receptors was required or planned. Traffic noise is discussed further in Chapter 8 of the SDEIS.

### Preferred Alternative

Under the Preferred Alternative, peak-traffic-hour noise levels from the river crossing bridge will meet or exceed federal noise abatement criteria ( $L_{10}$  of 70 dB(A) for parks) on the river directly below the Preferred Alternative river bridge and for a distance of 200 feet north and south of the river bridge centerline on the river. Traffic noise levels from the Lift Bridge will be eliminated under the Preferred Alternative with conversion of the Lift Bridge to a pedestrian/bicycle facility.

As noted above, mitigation for noise impacts on the Riverway could have negative impacts on the visual quality of the Riverway. No mitigation for traffic noise impacts on water-based receptors is currently required. Therefore, no mitigation is proposed. However, the Preferred Alternative river crossing bridge design will seek to minimize traffic noise transmission from the bridge deck to the river.

## **Air Quality**

### 2004 SDEIS Build Alternatives

An assessment of project impacts on air quality at the intersections in the project area with the highest levels of congestion, i.e., worst-case scenarios indicated that the carbon monoxide (CO) emissions in this area, generally, was not substantially different for the Build Alternatives compared to the No-Build Alternative. However, even where the carbon monoxide emissions were greater for the Build Alternatives (e.g., Alternative B-1<sub>b</sub> in downtown Stillwater and at the existing STH 64/County Trunk Highway (CTH) E intersection in Wisconsin; Alternative D at the TH 36/95 interchange in Oak Park Heights), results indicate that CO concentrations were below both Minnesota and Wisconsin state standards with construction of any of the Build Alternatives. Air quality is discussed further in Chapter 8 of the SDEIS.

### Preferred Alternative

Air quality results indicate that CO concentrations would be below both Minnesota and Wisconsin state standards with construction of the Preferred Alternative. Air quality is discussed further in Chapter 8 of this SFEIS.

Since the SDEIS, an air toxics analysis has been completed. As discussed in Chapter 8 of this SFEIS, 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 metro area gaseous air toxics emissions are expected to decline slightly as a result of the project. Diesel particulates are expected to increase, but remain below current levels.

## **Construction Impacts**

### 2004 SDEIS Build Alternatives

The Build Alternatives included the construction of a new crossing over the St. Croix River. The construction activities necessary to complete the project would have temporary impacts on the Riverway, which included decreases in air quality (increased vehicle emissions and particulates), and increases in noise, vibrations, and visual impacts resulting from the presence and operation of construction equipment both on the river and on the adjacent land portions of the Riverway. Grading and vegetation removal would also occur adjacent to the river. Temporary river navigational impacts would occur near work areas while barge and crane operations take place to maintain safe work areas and to reduce impacts on boaters or other recreational river users. Temporary impacts on the river substrate and river habitats would result, such as disturbance of substrates for the placement of bridge supports.

As described in the SDEIS, mitigation of construction impacts on the land adjacent to the river included standard construction practices (wetting exposed soils to limit dust; limiting vehicle operation on unpaved surfaces; limiting the extent and duration of areas of removed vegetation). Impacts on mussels and the river substrate would be minimized by relocating identified mussels from the area of impact prior to the initiation of construction. Construction equipment would be decontaminated using U.S. FWS protocol to reduce the potential for transmitting zebra mussels into the Riverway.

Potential impacts on natural resources from construction of the Build Alternatives, and mitigation of those impacts, are discussed in Chapter 9 of the SDEIS. Construction impacts are discussed further in Chapter 12 of the SDEIS.

### Preferred Alternative

The impacts on the Riverway resulting from construction of the Preferred Alternative will be similar to those summarized above. Section 12.3 of this SFEIS describes the construction impacts associated with the Preferred Alternative. Section 12.4 of this SFEIS describes construction-related mitigation to minimize impacts related to construction activities.

## C. NPS SECTION 7(a) EVALUATION

In June 2005, the NPS completed the draft Section 7(a) Evaluation for the St. Croix River Crossing Project. The following discussion summarizes the effect of the project on each of the scenic, recreational, and geologic values for which the Lower St. Croix National Scenic Riverway was established and the draft Section 7(a) determination. Refer to Appendix F of this SFEIS for the complete draft Section 7(a) Evaluation.

### **Scenic Value**

The Preferred Alternative would have an adverse effect on the scenic values for which the Riverway was included in the National Wild and Scenic Riverway System. None of the Preferred Alternative mitigation items completely offsets the impact of the Preferred Alternative to the scenic resources of the Riverway. The Preferred Alternative mitigation package minimizes the impact to the Riverway; the mitigation package is adequate to offset the adverse impact to scenic values “provided that the visual quality planning process results in a context sensitive design and assurances are built in to each mitigation measure to secure their long-term success.”

### **Recreational Value**

Recreational values are directly linked to scenic values (i.e., recreationalists’ enjoyment of scenic values). Therefore, because the Preferred Alternative would have an adverse effect on the scenic values of the Riverway, the Preferred Alternative would also have an adverse effect on the recreational values for which the Riverway was included in the National Wild and Scenic Rivers System. Because the Preferred Alternative mitigation package is adequate to offset the adverse impact on the Riverway’s scenic values, it is also adequate to offset the impact of recreationalists’ enjoyment of scenic values.

The Preferred Alternative mitigation package also reduces noise levels near the Lift Bridge with removal of vehicular traffic and provides substitute recreational resources and environments. The Preferred Alternative mitigation package is adequate to offset adverse impacts to recreational values “provided that assurances are built in to assure the long-term success of scenic mitigation measures. In addition, recreational facilities must be designed so that safety hazards are minimized and so that they do not adversely affect the scenic values of the Riverway.”

### **Geologic Values**

The Preferred Alternative would not have an adverse impact on the geologic values of the Riverway.

## Conclusion

The NPS determined in their draft Section 7(a) Evaluation that the Preferred Alternative river crossing, when considered with the Preferred Alternative 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. However, this finding is contingent upon measures identified in the draft Section 7(a) Evaluation (see Sections VII and IIX of the draft Section 7(a) Evaluation in Appendix F of this SFEIS) being incorporated into the project to ensure that the mitigation package remains intact into perpetuity.

## D. MITIGATION ITEMS

Beyond the specific mitigation items discussed above in Section II.B, potential mitigation items applicable to all SDEIS Build Alternatives were summarized in the Introduction to the Section 4(f) Evaluations and described in detail in Chapter 14 of the SDEIS.

Since release of the SDEIS, a Preferred Alternative mitigation package has been developed and a cooperative agreement process was initiated to further define the implementation of the Preferred Alternative Riverway mitigation items. Eleven non-design mitigation items have been identified to address impacts of the project on the Riverway. The Riverway mitigation items are summarized in the Introduction to the Final Section 4(f) Evaluation and described in detail in Section 15.4.1.2 of this SFEIS and in the Riverway Memorandum of Understanding (MOU) in Appendix H of this SFEIS.

Implementation of the Preferred Alternative mitigation items will have temporary construction impacts on the riverway, similar to those described above for the Preferred Alternative river crossing construction. Removal of the Xcel Energy barge unloading facility could affect the mussels living within close proximity to the facility. Removal of the Xcel Energy barge mooring cells will also require an osprey nest to be relocated prior to removal of the mooring cells. Cleanup of the shoreline in front of the Terra Terminal building on the Stillwater Municipal Barge Facility property and removal of submerged construction debris along the shoreline will result in temporary construction occupancy and impacts on the riverway.

Construction of the public boat access could also result in impacts to the riverway. Under this mitigation item, MnDNR would be responsible for the location studies and environmental documentation, permitting, and construction of the public boat access. The potential impacts of a new public boat access will be documented in the future environmental documentation to be completed by MnDNR. Because the transportation agencies will provide funds for this mitigation item, a Section 4(f) Evaluation addressing impacts and the use of the Lower St. Croix National Scenic Riverway would be completed as part of the environmental documentation for the public boat access prior to construction.

### **III. AVOIDANCE ALTERNATIVES**

There are no location or design alternatives that would avoid this Section 4(f) resource, other than the No-Build Alternative. A bridge across the Riverway is an essential component to address the purpose and need of the project. As described in Chapter 2 of this SFEIS, a new St. Croix River crossing near Stillwater, Oak Park Heights, and the Town of St. Joseph is needed to meet existing and future transportation needs in the area. A project that did not include a new crossing of the St. Croix River would not meet these needs. A bridge design that would not affect the Riverway physically or visually is not feasible. In the absence of any alternatives that would avoid impacts on the river, the Preferred Alternative was developed to reduce impacts on the Riverway (see Section IV below) to the extent feasible.

### **IV. MEASURES TO MINIMIZE HARM**

A number of measures to minimize or mitigate harm from potential impacts of the Preferred Alternative on the riverway are described above for each potential impact area. As described elsewhere in this SFEIS, a number of mitigation measures are proposed to further minimize and mitigate impacts of the Preferred Alternative on the riverway. These minimization and potential mitigation measures considered are summarized below, beginning with minimization efforts first considered with the SDEIS and Draft Section 4(f) Evaluation.

#### **Minimization**

The design of the SDEIS Build Alternative alignments and potential bridge types studied with the SDEIS reflected intentional efforts to avoid or minimize visual effects to the project area, particularly in regard to the Lower St. Croix National Scenic Riverway, and also represented a geographical range of river crossing locations relative to the Lift Bridge. Other measures considered with the SDEIS Build Alternatives to minimize impacts included:

- The Alternatives B-1 and C alignments were more perpendicular to the river; thus minimizing river bridge length.
- Minimizing impacts on the river bluffs, particularly on the Wisconsin side. Impacts on the Wisconsin bluff were minimized with Alternatives B-1 and C by using an elevated bridge approach and by using an existing ravine for the bridge approach location. Alternatives D and E used an existing roadway cut, and impacts were minimized to the extent possible by including retaining walls to limit cut and fill activities.
- Reducing the number of piers and the apparent mass of the structural components of the new crossing to decrease adverse visual impacts on the Lower St. Croix National Scenic Riverway, to the extent feasible. The potential bridge types evaluated for the SDEIS Build Alternatives (see Chapter 3 and Chapter 7 of the SDEIS) reflected an attempt to reduce the

number of piers in the river. The number of piers that would be placed in the river was unknown for all Build Alternatives studied in the SDEIS, but has since been clarified with identification of the extradosed bridge type as the Preferred Alternative bridge type.

- Evaluation of signature style bridge designs (see Chapter 3 and Chapter 7 of the SDEIS) to increase compatibility with the river valley and historic downtown Stillwater.

Since the release of the SDEIS, the Preferred Alternative and Preferred Alternative mitigation items have been defined to further identify measures to minimize impacts of the project to the Lower St. Croix National Scenic Riverway. These measures to minimize impacts are described below.

- Final bridge design will attempt to minimize adverse visual intrusions in the river valley. Special consideration will be given to all infrastructure design elements to assure that approach roadways as well as the bridge are designed in a manner that contributes to the scenic quality of the river corridor and to the visual and aesthetic quality of the area. The bridge and approach roadway design will seek to minimize adverse visual intrusions in the river valley;
- Final bridge design will avoid pier placement in the approximately 200-foot shelf of mussel habitat on the Wisconsin side of the river, and will attempt to reduce the number of piers in the middle section of the river and in the wetland habitat at the Minnesota side. Preliminary design of the Preferred Alternative bridge indicates that it may not be possible to avoid the wetland habitat on the Minnesota side of the Riverway;
- Recognizing the need to transition from a higher speed roadway in Wisconsin to lower speeds in Minnesota, as well as protect the Lower St. Croix National Scenic Riverway, measures to encourage drivers to lower speeds in these areas, as defined through the Visual Quality Planning Process and documented in the Visual Quality Manual, will be considered in the final design of the project;
- The Preferred Alternative river crossing bridge design will seek to minimize traffic noise transmission from the bridge deck to the river;
- Roadway signage will be minimized in the portion of the river crossing directly over the Lower St. Croix National Scenic Riverway to reduce visual clutter in this sensitive area. Appropriate signing will be provided to identify and direct visitors to downtown Stillwater and the Lower St. Croix National Scenic Riverway;
- Shielded roadway lighting fixtures will be used to direct lighting at roadway area and minimize “spillover” lighting onto the Riverway; and
- The Xcel barge unloading facility and mooring cells may be used as a barge staging area during river crossing construction. Use of the Xcel barge facility would avoid the construction of an additional temporary barge staging area for construction of the river

crossing. The barge facility and mooring cells would then be removed following their use during construction. The use of the facility will be addressed in a Memorandum of Understanding with Xcel Energy.

Other impacts resulting from the Preferred Alternative have been minimized to the extent possible as discussed above in Section II. B.

## **Mitigation**

Potential non-design mitigation items applicable to all Build Alternatives were identified to address impacts, including visual impacts, on the Lower St. Croix National Scenic Riverway, historic resources and parklands as described in Chapter 14 of the SDEIS. Mitigation measures identified for the Preferred Alternative are described in Chapter 15 of this SFEIS.

Since publication of the SDEIS, a cooperative process was developed to further define the implementation of the Preferred Alternative mitigation items, and involved input from members of the Stakeholder Group. Stakeholder members involved in this process are identified in Section 16.1.4 of this SFEIS. Details regarding the implementation of these mitigation items as well as funding mechanisms and administrative oversight were documented in the Memorandum of Understanding for the Implementation of Riverway Mitigation Items (Riverway MOU). A signed copy of the Riverway MOU is included in Appendix H of the SFEIS.

These non-design Riverway mitigation items are described in detail in Section 15.4.1.2 of the SFEIS. Approximately \$9.6 million will be allocated for implementation of these non-design Riverway mitigation items. Table 15-2 in the SFEIS summarizes the dollar amount, agency responsible for implementation of each mitigation item, and the timeframe for implementation. These items also provide mitigation for other types of impacts associated with the proposed river crossing, including impacts to parklands.

In addition to the items listed above, the Preferred Alternative bridge type was identified as a more aesthetic bridge type to address the high visual quality of the Lower St. Croix National Scenic Riverway. The extradosed bridge type represents a substantial additional investment compared to a typical girder bridge. Final project design will also include an appropriate level of aesthetic enhancements to be determined through the Visual Quality Planning Process and Visual Quality Manual (VQM) development. The allowable amount of money that the DOTs can participate in aesthetic enhancements has also been increased for implementation of the VQM (refer to Chapter 7 of this SFEIS).

## **VI. COORDINATION**

Extensive agency and Stakeholder coordination has occurred throughout the project history including the SDEIS process and this SFEIS process, as described in the Introduction to the Final Section 4(f) Evaluation. Coordination related to discussion of impacts and proposed mitigation items has occurred with federal, state, and local government agencies and non-government

groups as part of the Stakeholder Resolution Process. In addition, coordination has occurred with the NPS which has responsibilities under Section 7(a) of the Wild and Scenic Rivers Act as part of the Stakeholder Group discussions. During completion of the SDEIS, FHWA asked the NPS for a preliminary indication of the viability of each Build Alternative under Section 7(a) of the Wild and Scenic Rivers Act. A copy of this correspondence is included in Appendix F of the SDEIS.

The NPS draft Section 7(a) Evaluation for the Preferred Alternative is included in Appendix F of this SFEIS. Additional coordination and consultation will continue with NPS, MnDNR, WisDNR, other regulatory agencies and the Stakeholder Group during final design, permitting, and construction of the Preferred Alternative.

## **VII. CONCLUSION**

### **Basis for Concluding That There Are No Feasible and Prudent Alternatives to the Use of the Section 4(f) Property**

The No-Build Alternative is not a feasible and prudent alternative because it would not address the project purpose and need as described in Chapter 2 of this SFEIS and would not address existing safety, operational, geometric and capacity, and reliability issues associated with the existing system.

### **Basis for Concluding the Proposed Action Includes All Possible Planning to Minimize Harm**

Alternative B-1<sub>a</sub> was identified as the Preferred Alternative in part because it will result in the least impacts to Section 4(f) properties in the project area. Refer to Section 3.3.8 of this SFEIS for a complete discussion of identification of Alternative B-1<sub>a</sub> as the Preferred Alternative.

The Preferred Alternative river crossing is a feasible and prudent alternative as it addresses the project purpose and need as described in Chapter 2 of this SFEIS and minimizes harm to the Lower St. Croix National Scenic Riverway to the extent feasible. These minimization measures include:

- Crossing more perpendicular to the centerline of the St. Croix River, thereby minimizing bridge length over water compared to the 1995 FEIS Preferred Alternative alignment.
- Utilizing an existing ravine and an elevated bridge approach to minimize impacts to the Wisconsin bluff. The Preferred Alternative bridge design will seek to span the Wisconsin bluff between the river crossing bridge abutment and the bridge pier adjacent to the Wisconsin shoreline to minimize bluff impacts. The drainage design for Wisconsin has also been developed to maximize infiltration and storage to minimize construction of stormwater drainage structures along the Wisconsin bluff;

- Design considerations to avoid and minimize impacts to endangered mussel species in the riverway. The Preferred Alternative river crossing bridge will span the 200-foot mussel shelf along the Wisconsin shoreline and include structures to discharge stormwater in the middle of the river as compared to near the shoreline and mussel beds.
- Incorporating elements into the final bridge design (e.g., measures to transition from higher speed in Wisconsin to lower speed in Minnesota; bridge deck design and construction to minimize noise transmission to riverway; minimal use of roadway signage; shielded roadway lighting fixtures; use of Xcel barge unloading facility for construction staging prior to removal) to minimize harm to the riverway.

The Preferred Alternative bridge type (extradosed bridge type) is a feasible and prudent alternative because it is a signature style bridge type that will address the high visual quality of the Riverway and it minimizes two competing interests related to bridge design: number of piers in the Riverway versus the apparent mass of the bridge structure. Three bridge types were considered for the Preferred Alternative river crossing: cable-stay, extradosed, and haunched concrete box girders. While the cable-stay bridge type would have the fewest piers in the river of the bridge types considered for the Preferred Alternative, this bridge would require towers and cables to extend several hundred feet above the bridge deck, resulting in a highly visible bridge structure. While the haunched concrete box girder bridge type would have the least apparent mass above the bridge deck, decreasing the visibility of this bridge type, it would also have the most piers in the Riverway of the bridge types considered for the Preferred Alternative alignment. Thus, the Preferred Alternative extradosed bridge type balances these two components by reducing both the number of piers in the riverway and the apparent mass of the bridge.

The Preferred Alternative final bridge design will also seek to minimize adverse visual intrusions in the riverway. Bridge elements will provide a balanced appearance across the length of the structure and will provide appropriate aesthetic value to the visual quality of the Riverway.

The Preferred Alternative has the least harm on the Section 4(f) property after considering mitigation to the Section 4(f) property. Riverway mitigation items to address impacts to the Lower St. Croix National Scenic Riverway include:

- Mitigation for damages to bluffslands.
- Bluffland restoration (e.g., removal of the Buckhorn sign, restoration of the Wisconsin approach to the Lift Bridge).
- Removal of the Terra Terminal building, solid waste disposal, and restoration of the Minnesota shoreline near the building.
- Kolliner Park (removal of non-historic, man-made items from the site and reversion to a natural state).

- Riverway interpretation items (e.g., informational and mobile kiosks, bulletin boards) related to natural and cultural resources to enhance the recreational experience for users of the Riverway.
- Public boat access.
- Completion of a loop trail system including grading of the Stillwater Municipal Barge Facility property and conversion of the Lift Bridge to a pedestrian/bicycle facility.
- Recreation, education, and Riverway restoration.
- Covenants on excess property owned by WisDOT within the Riverway (west of STH 35) and between STH 35 and the Preferred Alternative STH 64/35/CTH E interchange.
- Spill response plan.

These non-design Riverway mitigation items are described in detail in Section 15.4.1.2 of this SFEIS. Approximately \$9.6 million will be allocated to fund the above mitigation measures. Table 15-1 of the SFEIS outlines the specific dollar amount for each of the above Riverway mitigation items.

The bridge type identified for the Preferred Alternative is an extradosed bridge type. The extradosed bridge type was identified for the Preferred Alternative because it balances the impact of a new river crossing across a range of resources (e.g., natural; cultural; recreational; visual) for which the St. Croix River was declared a national wild and scenic riverway.

In addition, final project design will include an appropriate level of aesthetic enhancements to be determined through the Visual Quality Planning Process and VQM development and will incorporate opportunities to enhance scenic vistas for vehicle travelers, pedestrians, bicyclists and river travelers. Additional funds above the maximum limit of allowable funds that can be dedicated to visual enhancements per Mn/DOT cost participation policy will be allocated for implementation of the VQM.

### **Summary of Coordination with Appropriate Agencies**

Coordination related to discussion of impacts and proposed mitigation items has occurred with federal, state, and local government agencies and non-government groups as part of the Stakeholder Resolution Process. In addition, coordination has occurred with the National Park Service which has responsibilities under Section 7(a) of the Wild and Scenic Rivers Act.

The officials having jurisdiction over the Section 4(f) property have agreed, in writing, with the assessment of impacts resulting from the use of the Lower St. Croix National Scenic Riverway and with the mitigation measures to be provided. A copy of the NPS draft Section 7(a) Evaluation is included as Appendix F to this SFEIS.

## **Summary of All Formal Coordination Comments Received**

Responses to substantive issues raised in the official comments during the public comment period on the SDEIS and draft Section 4(f) evaluation for the Lower St. Croix National Scenic Riverway are included in Chapter 17 of the SFEIS.

MnDNR and WisDNR, the two state agencies responsible for management of the Lower St. Croix National Scenic Riverway, submitted comments on the SDEIS. The MnDNR did not provide any formal comments on the Lower St. Croix National Scenic Riverway Draft Section 4(f) Evaluation. Responses to comments from WisDNR on the Lower St. Croix National Scenic Riverway Draft Section 4(f) Evaluation are provided in Section 17.2 of the SFEIS.

Comments from the Department of Interior (Department), which includes the NPS, the federal agency responsible with the states for management of the Lower St. Croix National Scenic Riverway, are included in Section 17.2 of this SFEIS.

The Department did not specifically comment on the Lower St. Croix National Scenic Riverway Draft Section 4(f) Evaluation. The Department, in their comments on the Draft Section 4(f) Evaluations, concurred that “under any of the build alternatives there is no feasible and prudent alternative to the use of Section 4(f) properties for this transportation project”, and also noted that a mitigation plan to minimize harm to the Riverway and Section 4(f) properties should be included in the SFEIS.

Riverway mitigation items for impacts to the Lower St. Croix National Scenic Riverway are summarized above. The Preferred Alternative Riverway mitigation items are summarized in the Introduction to the Final Section 4(f) Evaluations; Section 15.4.1.2 of the SFEIS includes a detailed description of the Preferred Alternative Riverway mitigation items.

## **Conclusion**

Based upon the above considerations, there is no feasible and prudent alternative to the use of the Lower St. Croix National Scenic Riverway, and the proposed action includes all possible planning to minimize harm to the Lower St. Croix National Scenic Riverway resulting from such use.

Figure E-1 – Location of Build Alternatives, Preferred Alternative and St. Croix River (8.5x11 – color)

Figure E-2 – Lower St. Croix National Scenic Riverway (11x17 – b/w)

## **Section 4(f) Letter of Agreement**

**Federal Highway Administration FHWA-MN-EIS-90-02-DS**

**Minnesota State Projects 8214-114 and 8217-12**

**Wisconsin State Project I.D. 1550-00-02**

The Minnesota Department of Transportation (Mn/DOT), Wisconsin Department of Transportation (Wis/DOT), and Federal Highway Administration (FHWA) propose to undertake improvements to Minnesota Trunk Highway (TH) 36 and Wisconsin State Trunk Highway (STH) 64 between TH 5 in Minnesota and 150th Avenue in Wisconsin. These improvements are discussed and evaluated in the St. Croix River Crossing Project Supplemental Draft EIS (SDEIS) on file in the Metro Division Office of the Minnesota Department of Transportation; copies of this SDEIS were also supplied to the City of Stillwater.

These proposed improvements and proposed mitigation items will require encroachment into properties owned or under the jurisdiction of the City of Stillwater (City). These properties, Lowell Park, the Stillwater Municipal Barge Facility property, and the Kolliner Park property, are covered by 49 U.S.C. 303, commonly referred to as "Section 4(f)". A draft Section 4(f) evaluation for all three properties was completed and included in Appendix E of the SDEIS. Additional consultation was provided at a City of Stillwater held Public Hearing on May 17, 2005. A final Section 4(f) evaluation for all three properties will be completed and included in the SFEIS. This letter of agreement will be included as a part of the final Section 4(f) evaluations.

### **IMPACTS**

Impacts to the Section 4(f) resources that will result from the proposed project consist of the following: (See Attachment A for location of referenced resources.)

#### **Lowell Park**

- Under the Preferred Alternative, the Lift Bridge will be converted to a pedestrian/bicycle facility as part of a loop trail system as illustrated in Attachment B. With conversion of the Lift Bridge to a pedestrian/bicycle facility, the Lift Bridge will be closed for general vehicle use. Mn/DOT proposes to construct bollards to prevent general vehicular access to the Lift Bridge. These bollards are anticipated to be located entirely within the existing Lift Bridge approach right-of-way, would be removable, and would allow City emergency vehicles (e.g., ambulance; fire; police) to access the Lift Bridge. A conceptual drawing of how these bollards could work is included as Attachment C. The bollards could also be located closer to the Lift Bridge if traffic conditions on Chestnut Street warrant doing so. Construction of the loop trail will require a temporary occupancy of Lowell Park.

- Currently, there is no on-street parking allowed on Chestnut Street between Main Street and the Lift Bridge. With conversion of the Lift Bridge to a pedestrian/bicycle facility and removal of through traffic on this portion of Chestnut Street, there may be opportunities to provide new on-street parking stalls following completion of the river crossing project.

### **Stillwater Municipal Barge Facility Property**

- Construction of an access road from TH 95 to the south end of the property will result in approximately 1.4 acres of impact to the Stillwater Municipal Barge Facility property. Construction of this access road is consistent with the park master plan. The Preferred Alternative river crossing, Alternative B-1, is located south of the property.
- Removal of the Terra Terminal building has been identified as one of the Preferred Alternative mitigation items. This item is proposed to mitigate for the visual impacts of a new river crossing by eliminating an existing man-made structure from the riverway. Under this item, the Terra Terminal building would be removed, contaminated soils would be treated, and construction debris along the shoreline would be removed. The City has requested the removal of the Terra Terminal as soon as possible as the building has become a nuisance and a liability for the City.
- Construction staging sites will be determined with final design and construction staging plans. Grading and temporary occupancy of the Stillwater Municipal Barge Facility property may be necessary to accommodate construction staging activities.

### **Kolliner Park**

- Conversion of the Lift Bridge to a pedestrian/bicycle facility and removal of the approach roadway in Wisconsin will public vehicular access to the park property. However, city vehicles could still be able to access Kolliner Park via the Lift Bridge if needed on a limited basis. The Kolliner Park Master Plan identifies upgrading the existing park access road and parking lot as part of the planned site improvements.
- The loop trail will be located entirely within the existing road right-of-way and will not require the acquisition of land from Kolliner Park. Construction of the loop trail will require a temporary occupancy of Kolliner Park.
- Landscaping and revegetation within the former roadway right of way and along the loop trail will be maximized to the extent possible and determined through the Visual Quality Planning Process and Visual Quality Manual. The City has been invited to be a member of the Visual Quality Planning Process.

- Removal of non-historic built elements and reversion of Kolliner Park to a natural state has been identified as one of the Preferred Alternative mitigation items. This Preferred Alternative mitigation item is proposed to mitigate for the visual impacts of a new river crossing.
  - Under this mitigation item, non-historic elements (e.g., existing driveway; parking area; other miscellaneous structures) would be removed from the Kolliner Park property. Minor regrading and plantings may be required. Some retaining walls will be left in place to maintain drainage. Historically significant elements exposed above the soil surface would be documented and covered with fill. Attachment D includes a graphic illustrating historic components identified in Kolliner Park. Once work is completed, the site would be allowed to revert to a more natural state. Removal of these non-historic elements would require a temporary occupancy of the park.
  - Removing the asphalt pavement and replacing with a geogrid-type structural support would allow occasional vehicular access (e.g., City vehicles; emergency vehicles) into the park from the Lift Bridge if needed on a limited basis and also allow revegetation to occur.
  - The Section 106 Memorandum of Agreement (MOA) stipulates that Mn/DOT Cultural Resources Unit (CRU), Wis/DOT CRU and the Minnesota State Historic Preservation Office (MnSHPO) and Wisconsin SHPO shall consult with the City of Stillwater on the removal of non-historic elements from Kolliner Park.
  - The DOT's are not proposing any change in ownership of the park with this mitigation item.

## **MEASURES TO MINIMIZE HARM**

To mitigate for the impacts to the Section 4(f) resources resulting from the Preferred Alternative, a Preferred Alternative mitigation package was developed by Mn/DOT, Wis/DOT, and FHWA following extensive discussion and examination of potential mitigation items with federal, state, and local agencies, including the City. These measures are identified below.

### **Lowell Park**

To prevent vehicular access to the Lift Bridge, the DOTs will install barriers at the Lift Bridge approach; these barriers may require minor modifications to Lowell Park at the Lift Bridge approach. Barrier design will be determined as part of the Visual Quality Planning Process and Visual Quality Manual development. The City has been invited to participate in this process.

Installation of the barriers will be coordinated with the City.

### **Stillwater Municipal Barge Facility Property and Kolliner Park**

To mitigate for the loss of vehicular access to Kolliner Park with removal of the Lift Bridge approach roadway and conversion of the Lift Bridge to a pedestrian/bicycle facility, the following mitigation measures are proposed:

- Hazardous material will be removed from the Stillwater Municipal Barge Facility property in conjunction with the removal of the Terra Terminal building. The shoreline will be restored with removal of construction debris used for bank stabilization near the building and removal of below-water debris near the adjacent shoreline in cooperation with the City and consistent with City plans for the site.
- The loop trail through the Stillwater Municipal Barge Facility property will be completed in cooperation with the City, consistent with the vision for the development of the site (Attachment B illustrates the proposed location of the loop trail.) If prior to the construction of this loop trail, the City has developed final design plans and/or constructed a trail in conjunction with levee construction at the west edge of Lowell Park, the loop trail location will be modified as needed to tie into the southern terminus of the levee trail, and to provide an adequate connection from the levee trail onto the Lift Bridge.
- The Stillwater Municipal Barge Facility property will be graded and prepared for the implementation of the park master plan. This will be completed in cooperation with the City and consistent with the vision for the development of the site.

In order to do the work described above in Lowell Park, the Stillwater Municipal Barge Facility property, and Kolliner Park, temporary easements will be required. As per Federal Register Rules and Regulations 23 CFR 771.135(7), these temporary easements are considered a temporary occupancy of Section 4(f) lands. To proceed with the design and construction of a new St. Croix River crossing, there must be documented agreement that the officials having jurisdiction over the resource concur with the work to be completed and agree that the following conditions are met:

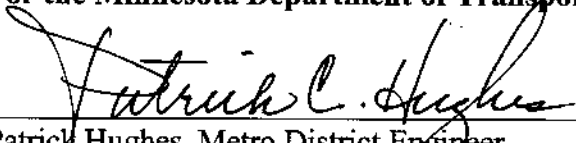
- The duration of the occupancy will be temporary in nature and there will be no change in ownership of the land.
- As explained above, the scope of work to be performed will be minor, consistent with park plans and completed in cooperation with the City of Stillwater.

- There are neither anticipated permanent adverse physical impacts nor will there be interference with the activities or purposes of the park, on either a permanent or temporary basis.
- The land being used will be fully restored to a condition that is at least as good as the one that existed prior to the project.

### CONCLUSION

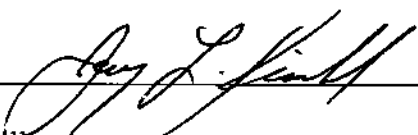
The narrative above is a fair and accurate description both of the impacts to the Section 4(f) resources and of the mitigation measures proposed. The City is aware of the proposed impacts to City-owned park property and is agreeable with the proposed mitigation measures. However, the recitals set forth in this Letter of Agreement are subject to the ordinance granting approval that was granted a first reading on May 17, 2005, becoming effective pursuant to Chapter 1, Article 16 of the Stillwater City Charter.

#### For the Minnesota Department of Transportation:

  
\_\_\_\_\_  
Patrick Hughes, Metro District Engineer  
Minnesota Department of Transportation

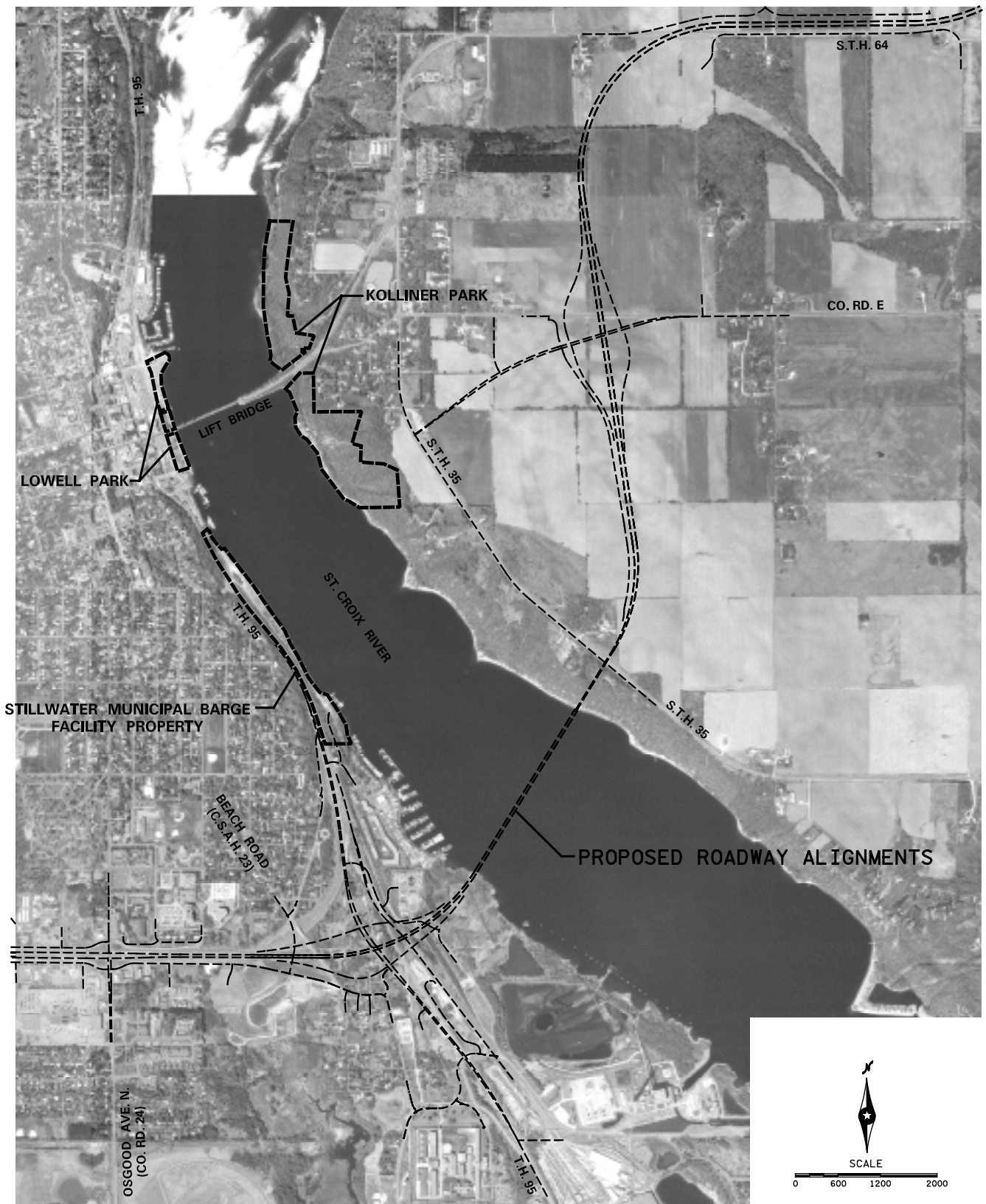
6/16/05  
Date

#### For the City of Stillwater:

  
\_\_\_\_\_  
City of Stillwater

6.7.05  
Date

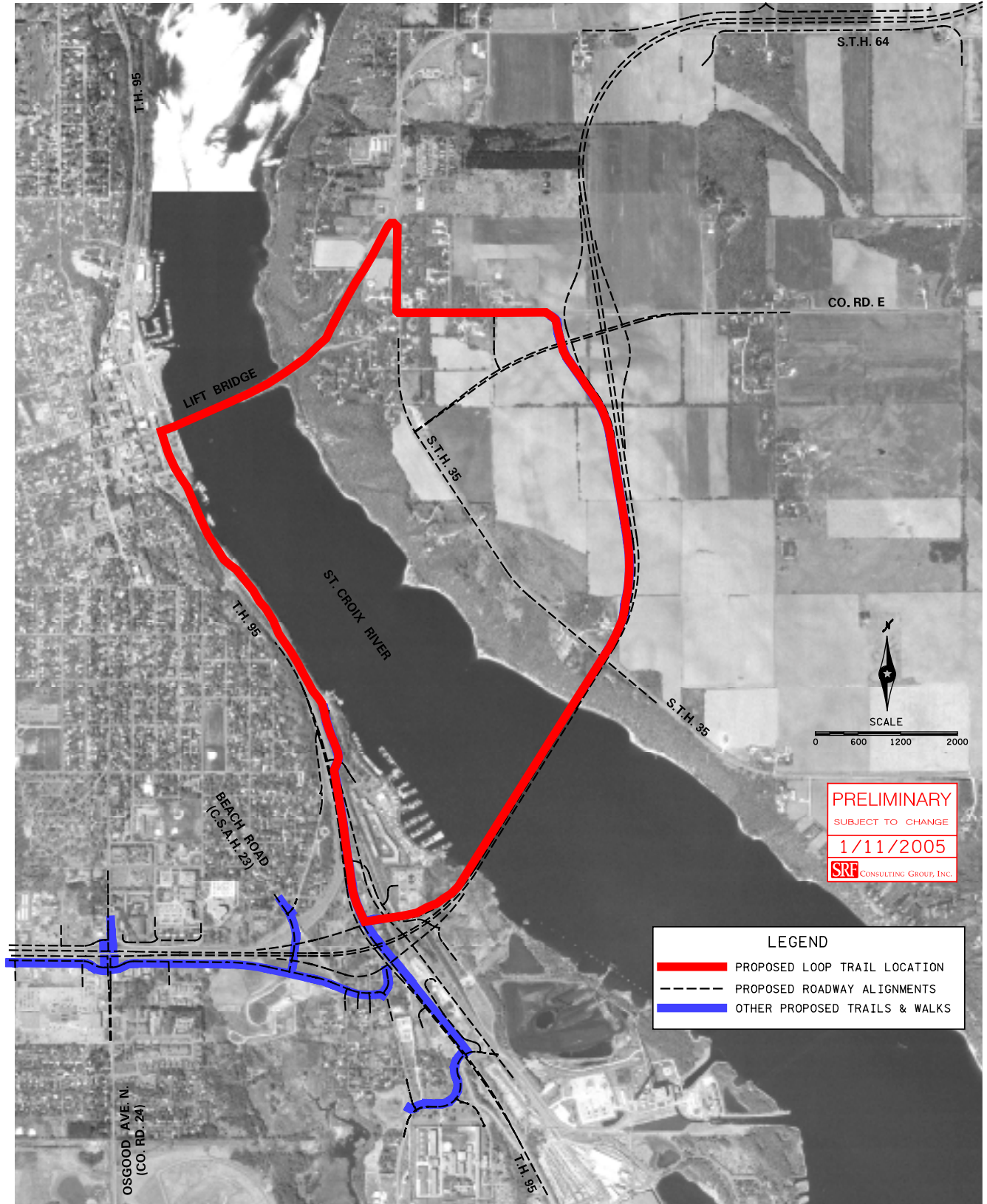
Attachments



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# City of Stillwater Parks and New River Crossing Location

St. Croix River Crossing Project



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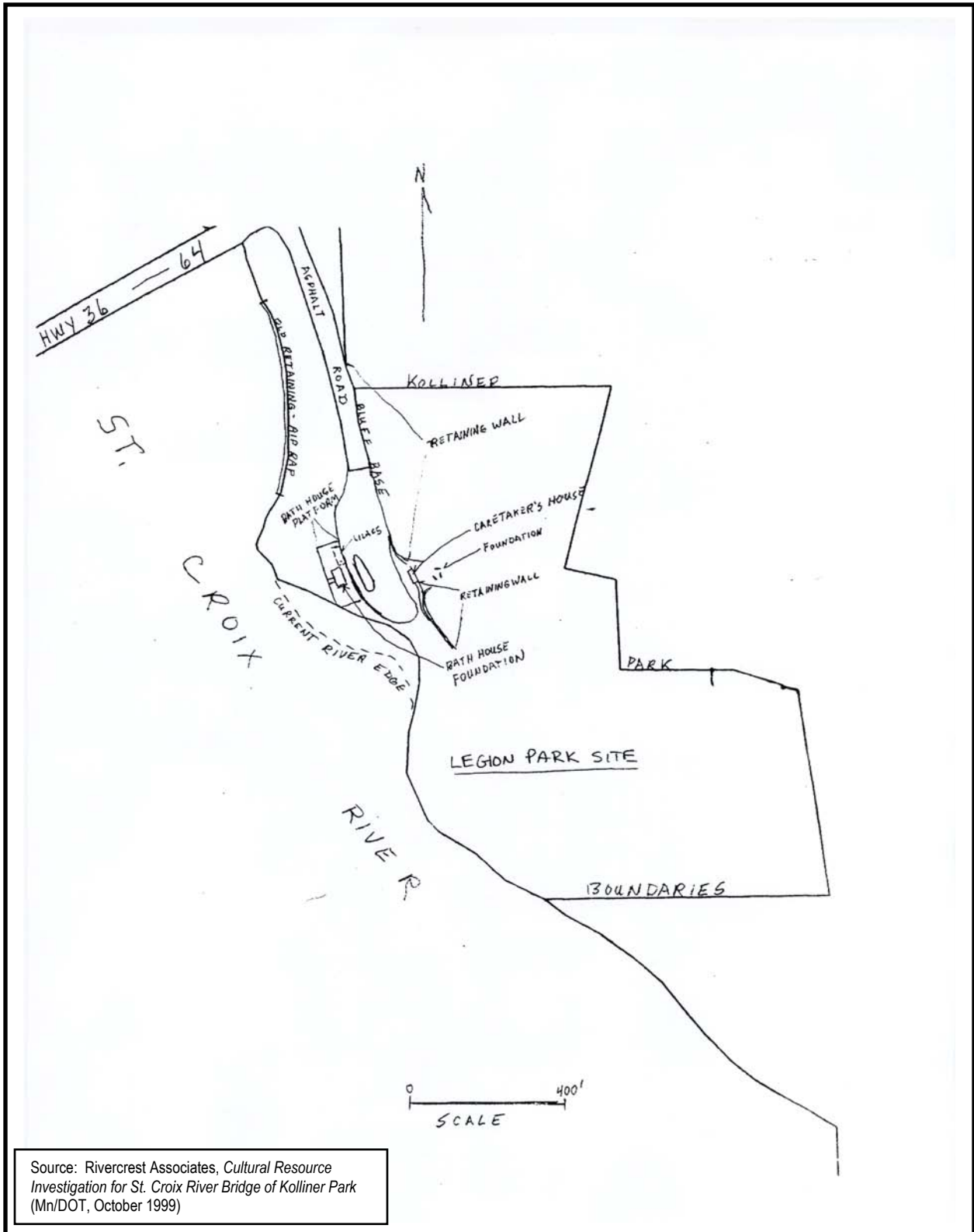
## Proposed Loop Trail Location

St. Croix River Crossing Project

- Will be part of the loop trail system
- Bridge lift mechanism would continue to operate to allow river traffic to pass

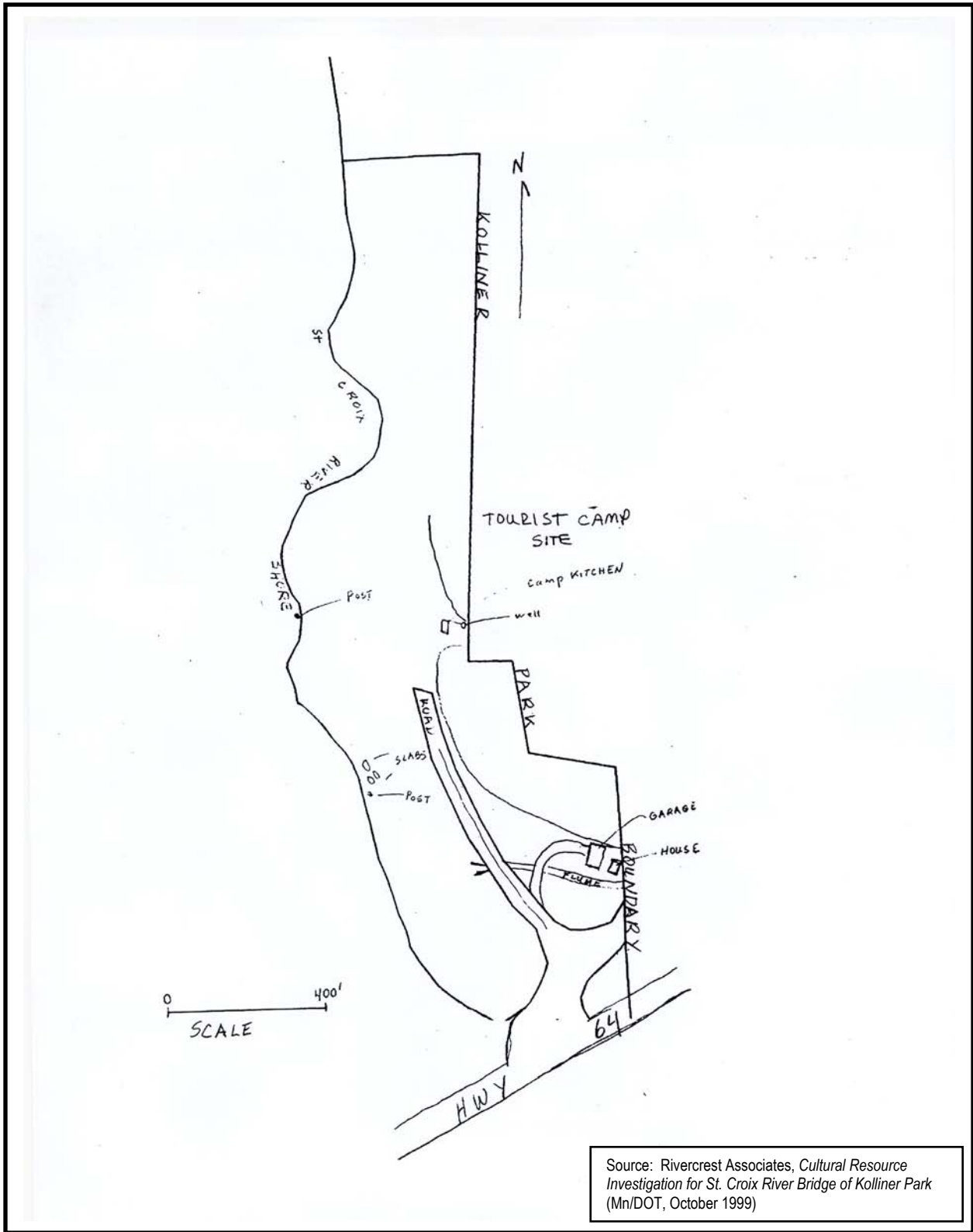


## Stillwater Lift Bridge as a Bicycle Pedestrian Facility



## Identified Historic Components of Kolliner Park

St. Croix River Crossing Project



## Identified Historic Components of Kolliner Park

St. Croix River Crossing Project