

**ST. CROIX RIVER CROSSING PROJECT SUPPLEMENTAL FINAL EIS**  
**CHAPTER 16**  
**AGENCY COORDINATION, STAKEHOLDER GROUP AND PUBLIC INVOLVEMENT**

**16.0 INTRODUCTION**

The Supplemental Draft Environmental Impact Statement (SDEIS) is incorporated by reference and is considered to be part of the Supplemental Final EIS (SFEIS).

The purpose of this chapter is to describe the process used to involve governmental agencies and the public in the preparation of the St. Croix River Crossing Project SDEIS and SFEIS. Section 15.1 of the SDEIS discussed agency coordination, including the Stakeholder Group. Section 15.2 of the SDEIS described public involvement activities up to the publication of the SDEIS. Public involvement was conducted in compliance with both federal (National Environmental Policy Act) and state (Minnesota and Wisconsin) environmental review and public involvement requirements. Written comments received during the comment period for the SDEIS and responses to those comments are included in Chapter 17 of this SFEIS.

**16.1 AGENCY COORDINATION**

The following federal agencies have agreed to be cooperating agencies for the project: the Advisory Council on Historic Preservation (ACHP), the National Park Service (NPS), U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Fish and Wildlife Service (USFWS), and the U.S. Environmental Protection Agency. State cooperating agencies are the Minnesota Pollution Control Agency, the Wisconsin Department of Natural Resources, the Minnesota Department of Natural Resources, the Wisconsin State Historic Preservation Office, and the Minnesota State Historic Preservation Office.

The involvement of these agencies, in addition to their formal role as cooperating agencies, is described in the SDEIS and has remained unchanged. Other agency involvement (e.g., Technical Advisory Team) is described in Section 15.1 of the SDEIS. Chapter 11 of this SFEIS discusses agency involvement in addressing Section 106 requirements.

**16.1.1 Stakeholder Group**

The Stakeholder Group includes: National Park Service, FHWA, U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Environmental Protection Agency, Advisory Council on Historic Preservation, U.S. Fish and Wildlife Service, Mn/DOT, WisDOT, Wisconsin Department of Natural Resources (WisDNR), Minnesota Department of Natural Resources (MnDNR), Minnesota State Historic Preservation Office (MnSHPO), Wisconsin State Historic Preservation Office (WisSHPO), St. Croix County, City of Stillwater, City of Oak Park Heights, Town of St. Joseph, Preservation Alliance of Minnesota, Stillwater Heritage Preservation Commission, Friends of the St. Croix, New St. Croix Bridge Coalition, Stillwater Area Chamber

of Commerce, Sierra Club, St. Croix Alliance for an Interstate Bridge, St. Croix River Association, Stillwater Lift Bridge Association, Western Wisconsin Realtors Association, Minnesota Center for Environmental Advocacy, and the National Trust for Historic Preservation.

Section 15.1.1 of the SDEIS discussed the purpose and role of the Stakeholder Group in the St. Croix River Crossing Project. The Operating Agreement for the St. Croix River Crossing Stakeholder Resolution Process, which guided the meetings, established procedures and set decision-making milestones was included as Appendix B of the SDEIS. Table 15-2 of the SDEIS provided a summary of Stakeholder Group meetings from June 2003 to the release of the SDEIS and the start of the comment period. Table 16-1 below identifies Stakeholder Group meetings since the release of the SDEIS.

**TABLE 16-1  
LIST OF STAKEHOLDER GROUP MEETINGS SINCE PUBLICATION OF THE SDEIS**

<b>Date</b>	<b>Purpose</b>
10/27/04	Discussion of comments received on the SDEIS and discussion of a Preferred Alternative selection.
1/8/05	Discussion of Preferred Alternative package, mitigation items, Lift Bridge Management Plan, and Section 106 Amended MOA.
7/26/05	Discussion of SFEIS Cooperating Agency Review Draft, Preferred Alternative mitigation items, and Section 106 Amended MOA.
10/4/05	Discussion of indirect effects, natural resources, and water quality concerns.
12/6/05	Discussion of Section 106 Amended MOA, Riverway and Growth Management MOU, and SFEIS.
July 2006	Planned Stakeholder Group meeting. Conclusion of Stakeholder Group process.

### **16.1.2 Preferred Alternative Memoranda of Understanding**

Since the end of the SDEIS comment period, additional Stakeholder involvement included input in developing three Memoranda of Understanding (MOUs) regarding the Preferred Alternative mitigation package. The purpose of these MOUs was to provide further guidance and refinement for the implementation of the Preferred Alternative mitigation items and to set the framework for a Water Quality Advisory Committee for the project. A subgroup of Stakeholders met periodically from October 2005 through January 2006 to develop these MOUs, culminating in the signed MOUs included in the appendices of this SFEIS.

Members from the Stakeholder Group involved in the development of the MOUs includes: National Park Service, U.S. Fish and Wildlife Service, Minnesota Department of Natural Resources, Wisconsin Department of Natural Resources, St. Croix County, Town of St. Joseph, Western Wisconsin Realtors Association, and the Minnesota Center for Environmental Advocacy. The Minnesota Pollution Control Agency (MPCA) also participated in the development of the Water Quality MOU.

As part of each MOU, agencies and non-governmental groups have been identified to serve on oversight committees or advisory teams. The oversight committees or advisory teams will review proposals for implementation of mitigation items, review reporting activities regarding the implementation of the mitigation items, and resolve any disputes that may occur during the implementation of the mitigation items. In the case of the Water Quality Advisory Committee, members will participate in a coordinated process for consideration and review of permitting activities related to water quality.

## 16.2 PUBLIC INVOLVEMENT

Extensive public participation and comment on the project was solicited and received throughout the scoping and EIS process through a number of methods, including: SDEIS public hearings; open houses and other public information meetings; publication of newsletters and brochures; informational sessions; presentations; small group meetings; one-on-one meetings; phone conversations; email; media coverage and the project website as described in Section 15.2 of the SDEIS.

### 16.2.1 Public Hearing and Review Period for the Supplemental Draft EIS

In August 2004, the SDEIS for the St. Croix River Crossing Project was distributed to agencies and organizations on the official Minnesota EQB distribution list and the WisDOT Bureau of Environment distribution list, as well as the Stakeholder Group and additional agencies/organizations that had requested a copy of the document. Chapter 17 of the SDEIS lists agencies and organizations to which the SDEIS was provided. The notice of availability of the SDEIS was published in the *Federal Register* (August 20, 2004) and the Minnesota *EQB Monitor* (Vol. 28, No. 17, August 16, 2004). A legal advertisement announcing the availability of the SDEIS and date of the public hearings was published in the *Stillwater Gazette*, *New Richmond News*, and the *Glenwood City Tribune Press Reporter*. In addition, press releases were provided to media outlets in the Minneapolis/St. Paul metropolitan area, and the public hearings were covered by local media outlets as well (e.g., *Minneapolis Star Tribune*, *St. Paul Pioneer Press*, *Stillwater Gazette*; *New Richmond News*). The official Mn/DOT press release was available on the project website; a link to the project website is also available from the WisDOT District 6 Website.

Copies of the SDEIS were also made available for review during the comment period at the following locations:

- Mn/DOT Metro District Office (Roseville, MN)
- Mn/DOT Project Library (St. Paul, MN)
- WisDOT District 6 Offices (Eau Claire, WI)
- WisDOT Planning Library (Madison, WI)
- Washington County Government Center Library
- St. Joseph Town Hall
- Oak Park Heights City Hall
- Stillwater City Hall

- Stillwater Public Library
- Bayport Public Library
- Somerset Public Library
- Carlton A. Friday Memorial Library (New Richmond, WI)
- Hudson Area Joint Library
- Environmental Conservation Library (Minneapolis, MN)
- Legislative Reference Library (St. Paul, MN)

Copies of the SDEIS were available on CD-ROM at the public hearing and were provided to individuals and groups upon request. The SDEIS was also available for review on the project website (<http://www.dot.state.mn.us/metro/projects/stcroix/docs/finaldoc.html>). The comment period for agencies and organizations that received a copy of the SDEIS and for the public officially closed on October 6, 2004.

A public hearing on the SDEIS was held on September 21, 2004, at Stillwater Junior High School, Stillwater, Minnesota and on September 22, 2004, at Somerset High School, Somerset, Wisconsin. The public hearings used an open house format. Over 150 people attended the public hearing in Minnesota and over 250 people attended the public meeting in Wisconsin for a combined total attendance of over 400 people.

The public hearing included: displays with information from each chapter of the SDEIS; displays of the Build Alternatives; animated videos of the Build Alternatives; potential bridge type sketches for a new river crossing; computer simulation of year 2030 traffic in the project area; information regarding right-of-way acquisition; and information regarding the Section 106 process. A slide presentation with information on the project background and Build Alternatives was also run continuously during the public hearing. Project staff were available throughout the public hearing to answer questions from the public.

Attendees at the public hearing were invited to provide comments on the proposed project through one of three forms: oral testimony; comment forms; written comments. A summary description of these three forms is provided in Section 17.4 of this SFEIS. A total of 179 comment forms were submitted at the public hearings in Minnesota and Wisconsin; 16 individuals submitted oral testimony at the public hearings. An additional 445 individuals submitted written comments prior to the end of the public comment period. A summary of responses to recurrent public comments is included in Section 17.4 of this SFEIS; responses to substantive comments are included in Section 17.4.1 of this SFEIS.

## **16.2.2 Additional Public Involvement**

### **16.2.2.1 Transit Feasibility Workshop**

A workshop was held on December 13, 2004, to discuss the scope of a transit feasibility study for the St. Croix Valley. Federal, state, and local government representatives as well as non-governmental organizations were present at this workshop. The outcome of this workshop is summarized in Section 15.4 of this SFEIS.

### 16.2.2.2 Historic Resources

During the cooperating agency review period of the SFEIS (July 2005), the public was provided an opportunity to comment through the project website on the draft Amended Section 106 MOA and the Preferred Alternative historic resources mitigation items. The draft Amended Section 106 MOA was available at area libraries, Stillwater and Oak Park Heights city offices, and Town of St. Joseph Town Hall. A press release notifying the public of the availability of the draft Amended Section 106 MOA was prepared by Mn/DOT and published in the *Stillwater Gazette* and *New Richmond News*.

The public 30-day comment period on the draft Section 106 Amended MOA began on July 5, 2005 and officially closed on August 5, 2005. No public comments on the draft Section 106 Amended MOA were submitted to FHWA, Mn/DOT, or WisDOT.

### 16.2.2.3 City of Stillwater and Section 4(f) Resources

Chapter 1, Article 16.01.2 of the Stillwater City Code states:

“All land now or hereafter owned by the City of Stillwater that [h]as been dedicated or devoted to park, recreational, open space or natural use, including the ravines of the City, shall not be sold, leased, disposed of or developed or used in any manner inconsistent with park, recreational, open space, natural use or have its character substantially changed or altered unless done in compliance with this chapter [article].”

Chapter 1, Article 16.02 (Sale, use or disposal of property) of the Stillwater City Code requires the City to publish a description of the proposed changes for four weeks, after which the City Council will conduct a public hearing. The City Council may then, by 4/5ths vote of its members, adopt an ordinance authorizing the change of character of the property. If an ordinance is passed, the ordinance would not take effect until 30 days after its publication. A petition, signed by two percent of the qualified voters who cast votes within the City of Stillwater at the last state general election, can be filed with the City Clerk within this 30-day period requesting a referendum on the ordinance. If a petition is filed within this 30-day period, the ordinance will not become effective until it is approved by the voters of the City of Stillwater.

Because the Preferred Alternative and Preferred Alternative mitigation items will affect Stillwater-owned properties (Stillwater Municipal Barge Facility Property; Lowell Park; Kolliner Park), the City of Stillwater initiated this process in April 2005. A description of the proposed changes to the Stillwater-owned property was published in the *Stillwater Gazette* on April 21 and April 28, 2005, and May 5 and May 12, 2005. 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 information and answer any questions.

No comments were received from the public at the City’s 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 (adoption of Resolution 2005-126, Approval of Section 4(f) Letter of Agreement Related to Impacts to City Properties). 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 the Final Section 4(f) Evaluation (see Appendix E of this SFEIS).

#### 16.2.2.4 Visual Quality Planning Process and Visual Quality Manual Development

The initial Visual Quality Planning Process and development of the Visual Quality Manual began in May 2005, is anticipated to continue through August 2006, and involves a facilitated public involvement process. Over this period, a Visual Quality Review Committee will meet regularly to articulate community values and objectives to ensure sensitive visual quality and aesthetic design results. Mn/DOT has submitted invitations to government agencies, local governments, and non-governmental groups for participation on the Visual Quality Review Committee. The planning process and manual development will be coordinated during this six-month period with federal, state, and local government agencies and interested Stakeholders.

Four open houses are anticipated as part of the Visual Quality Planning Process and manual development. The first open house, held May 25, 2005, was a design workshop intended to gather information and issues of concern, and establish Stakeholder values. Two public open house presentations, one each in Minnesota and Wisconsin (September 14 and 15, 2005), were held during the preparation of the Visual Quality Manual to gather comments from the public on the draft manual. A fourth open house presentation will be held after the manual is complete to disseminate and communicate the final Visual Quality Manual to the general public.

#### 16.2.2.5 SFEIS Newsletter and Project Website

A newsletter is planned for distribution in 2006 in conjunction with the release of this SFEIS. The newsletter will be mailed to a large number of households and businesses throughout the St. Croix River valley who have received previous project newsletters and brochures as described in Section 15.2.4 of the SDEIS.

The project website is maintained to include up to date project information and previous project documents as described in Appendix A of the SDEIS. The SFEIS will be available for public review at locations listed above in Section 16.2.1 of this SFEIS and on the project website following notice of availability of the SFEIS in the *Federal Register* and the *EQB Monitor*.

### 16.3 REVIEW OF PROJECT DOCUMENTATION AND SUPPLEMENTAL FINAL EIS

Appropriate technical documentation and sections of this SFEIS were reviewed by staff from the lead agencies and by the cooperating agencies. A copy of the SFEIS cooperating agency review draft was also provided to the Stakeholder Group members.

The availability of the SFEIS will be published in the *Federal Register* and the *Minnesota EQB Monitor*. Official notice and advertisements announcing the availability of the SFEIS will be published in various local and regional publications. Copies of the SFEIS will be available to the public during the 30-day review period following publication in the *Federal Register*. Comments provided by reviewing agencies and the public during this time will be taken into consideration; substantive comments will be responded to in the Record of Decision.

This SFEIS provides the review and documentation necessary for the FHWA to adopt the Preferred Alternative for final design and for the FHWA to issue a Record of Decision (ROD). The ROD is the federal environmental decision document. The ROD is also the state environmental decision document for Wisconsin under WEPA (Wisconsin Trans. 400.13). The SFEIS provides the review and documentation necessary for Mn/DOT to make an adequacy determination and to publish the notice of adequacy determination in the *EQB Monitor* (Minnesota Rules 4410.2800).

### 16.4 PERMITS AND APPROVALS

Permits, approvals, or completion of other documentation prior to the start of construction of the Preferred Alternative are required by the agencies listed in Table 16-2.

**TABLE 16-2  
AGENCY PERMITS, APPROVALS, AND OTHER REQUIRED DOCUMENTS**

<b>FEDERAL</b>	
Advisory Council on Historic Preservation	<ul style="list-style-type: none"> <li>Section 106 of the National Historic Preservation Act – Amended Memorandum of Agreement (refer to Appendix G of this SFEIS)</li> </ul>
Federal Highway Administration	<ul style="list-style-type: none"> <li>Supplemental EIS (Draft and Final)</li> <li>Section 4(f) Evaluations – Department of Transportation Act of 1966 (Draft and Final)</li> <li>Section 106 of the National Historic Preservation Act – Amended Memorandum of Agreement</li> <li>Supplemental EIS Record of Decision</li> </ul>
National Park Service	<ul style="list-style-type: none"> <li>Section 7(a) of the Wild and Scenic Rivers Act – Evaluation (refer to Appendix F of this SFEIS)</li> </ul>
U.S. Army Corps of Engineers	<ul style="list-style-type: none"> <li>Section 404 of the Clean Water Act - Permit (fill in U.S. waters)</li> <li>Section 10 of the Rivers and Harbors Act – Permit (all structures other than new river crossing)</li> <li>Section 106 of the National Historic Preservation Act – Amended Memorandum of Agreement</li> </ul>

**TABLE 16-2 continued**  
**AGENCY PERMITS, APPROVALS, AND OTHER REQUIRED DOCUMENTS**

<b>FEDERAL</b>	
U.S. Coast Guard	<ul style="list-style-type: none"> <li>• Section 9 of the Rivers and Harbors Act - Permit (navigable waters)</li> <li>• Section 401 of the Clean Water Act – Water Quality Certification (construction/operation of new river crossing)</li> </ul>
U.S. Fish and Wildlife Service	<ul style="list-style-type: none"> <li>• Biological Opinion (refer to Appendix C of this SFEIS)</li> </ul>
<b>STATE</b>	
MN Department of Transportation	<ul style="list-style-type: none"> <li>• Amended Scoping Decision Document</li> <li>• Supplemental EIS (Draft and Final) and Section 4(f) Evaluations – Department of Transportation Act of 1966 (Draft and Final)</li> <li>• Supplemental EIS Adequacy Determination</li> <li>• Noise Standards Exemption</li> <li>• Wetland Conservation Act (WCA)</li> </ul>
WIS Department of Transportation	<ul style="list-style-type: none"> <li>• Supplemental EIS (Draft and Final) and Section 4(f) Evaluations – Department of Transportation Act of 1966 (Draft and Final)</li> </ul>
MN Department of Natural Resources	<ul style="list-style-type: none"> <li>• Public Waters Permit</li> <li>• Mussel Relocation Permit</li> <li>• Special Permit to Remove an Osprey Nest</li> <li>• Water Appropriation Permit (if needed)</li> </ul>
MN Pollution Control Agency	<ul style="list-style-type: none"> <li>• Noise Standards Exemption</li> <li>• Apply for Section 401 of the Clean Water Act -Water Quality Certification</li> <li>• National Pollutant Discharge Elimination System/State Disposal System Permit (NPDES/SDS)</li> </ul>
WIS Department of Natural Resources	<ul style="list-style-type: none"> <li>• Section 401 of Clean Water Act Water Quality Certification/Project Concurrence Letter (through WisDOT – WisDNR Cooperative Agreement liaison process)</li> <li>• Scientific Collector Permit (for surveys, species relocations, etc.)</li> <li>• Authorization for Taking Endangered/Threatened Species (required jeopardy determination)</li> <li>• Air Quality Construction Permit (if needed)</li> </ul>
MN State Historic Preservation Office	<ul style="list-style-type: none"> <li>• Section 106 of the National Historic Preservation Act – Amended Memorandum of Agreement</li> </ul>
WIS State Historic Preservation Office	<ul style="list-style-type: none"> <li>• Section 106 of the National Historic Preservation Act – Amended Memorandum of Agreement</li> </ul>
<b>REGIONAL</b>	
Twin Cities Metropolitan Council	<ul style="list-style-type: none"> <li>• Controlled Access Approval</li> </ul>
<b>LOCAL</b>	
Washington County	<ul style="list-style-type: none"> <li>• County Right-of-Way Permit</li> </ul>
City of Oak Park Heights	<ul style="list-style-type: none"> <li>• Municipal Consent</li> </ul>
City of Stillwater	<ul style="list-style-type: none"> <li>• Municipal Consent</li> </ul>
City of Bayport	<ul style="list-style-type: none"> <li>• Municipal Consent</li> </ul>
Local Watershed District (Brown’s Creek)	<ul style="list-style-type: none"> <li>• Permits/Coordination of Grading and Drainage Plans/Dewatering</li> </ul>
Local Watershed Management Organization (Middle St. Croix WMO)	<ul style="list-style-type: none"> <li>• Coordination of Grading and Drainage Plans/Dewatering/ Floodplain Management</li> </ul>
St. Croix County	<ul style="list-style-type: none"> <li>• Coordination of State Trunk Highway changes and local road alterations</li> </ul>
Town of St. Joseph	<ul style="list-style-type: none"> <li>• Coordination of State Trunk Highway changes and local road alterations</li> </ul>



### **16.4.1 Review of Water Quality Permitting Activities**

An advisory committee has been identified as part of the Preferred Alternative for consideration and review of permitting activities related to water quality. This advisory committee and its objectives were developed with input from members of the Stakeholder Group and St. Croix River Basin Team. Details regarding the framework for the development of the advisory committee are documented in an agreement among WisDNR, MnDNR, NPS, MPCA, and Mn/DOT titled the Water Quality Memorandum of Understanding (MOU) (see Appendix H of this SFEIS). This committee, the Water Quality Management Advisory Committee, and its objectives, is summarized as follows:

#### **Water Quality Management Advisory Committee Objectives**

- Provide a coordinated process for water quality permits and considerations required under the multi-jurisdictional environment for this project.
- Optimize water quality management funding opportunities through a collaborative multi-jurisdictional, multi-funding source environment.
- Investigate the potential benefits, impacts and opportunities for a Water Quality Trading demonstration project(s) within the St. Croix basin.

#### **Water Quality Management Advisory Committee Members**

The Mn/DOT has been identified as the lead agency of the Water Quality Management Committee. The following agencies and groups will be invited to serve on the Water Quality Management Committee: WisDOT, MnDNR, WisDNR, MPCA, Corps, EPA, U.S. Coast Guard, NPS, Minnesota Center for Environmental Advocacy (MCEA), St. Croix County, Washington County Conservation District, Middle St. Croix Watershed Management Organization (WMO), Brown's Creek Watershed District, City of Oak Park Heights, City of Stillwater, and Metropolitan Council Environmental Services (MCES). Other agencies or groups will be invited as needed.

### **16.5 COMMENTS ON THE SDEIS**

The SDEIS was issued for public comment on August 16, 2004; the comment period for the SDEIS ended on October 6, 2004. Six-hundred forty (640) comments, including comment forms, written comments, and oral testimony, were received from the public during the comment period. Over 30 letters were received from federal and state government agencies, local units of governments, and non-governmental organizations. Comments received during the comment period for the SDEIS and responses to those comments are discussed in Chapter 17 of this SFEIS.