

ST. CROIX RIVER CROSSING PROJECT SUPPLEMENTAL FINAL EIS
CHAPTER 6
LAND USE IMPACTS

6.0 LAND USE IMPACTS

The *2004 Supplemental Draft Environmental Impact Statement* (SDEIS) is incorporated by reference and is considered to be part of the Supplemental Final EIS (SFEIS).

Existing and planned land use in the project area was described in Section 6.1 of the SDEIS. Land use impacts associated with proposed project alternatives were addressed in Section 6.2 of the SDEIS. This chapter of the SFEIS discusses the direct land use impacts of the Preferred Alternative. Chapter 13 of this SFEIS discusses indirect land use effects of the Preferred Alternative.

6.1 INFORMATION FROM THE SDEIS THAT REMAINS UNCHANGED

As discussed in the SDEIS, the development trends converting rural/undeveloped land in Washington County and St. Croix County to residential/business uses are expected to continue, with a 90 percent growth in households estimated to occur in the two counties over the next 30 years. A land use planning and regulatory structure is in place at the local, metropolitan, state and interagency level, to control the nature and pace of development. The following discussion summarizes the information presented in Chapter 6 of the SDEIS regarding land use in the project area.

Section 6.1.3.1 of the SDEIS describes the existing land use and generalized land use patterns in communities in the project area. Communities in the project area include: Washington County; St. Croix County; Stillwater; Oak Park Heights; Towns of St. Joseph; Town of Somerset/Village of Somerset; City of New Richmond; Town of Star Prairie/Stanton/Erin Prairie/Richmond; and Town of Hudson/Village of North Hudson/City of Hudson. Analysis of land conversion in the *Washington County Comprehensive Plan* (1997 Update) notes that land development from agricultural/vacant to other uses has substantially increased in the period from 1990-1997. Analysis of land conversion in the *St. Croix County Development Management Plan* (2001) shows a trend of urbanization and land conversion from agricultural uses to primarily low-density residential uses. The Plan indicates that the most noticeable changes have occurred in the western part of the county.

Section 6.1.3.2 of the SDEIS describes population, households, and employment in the project area, and the nature of growth in the St. Croix Valley. In absolute terms between 1990 and 2000, Washington County increased its population by 55,234 persons. St. Croix County grew by 12,902 residents.

Recent development and growth, as illustrated with building permit activity, is discussed in Section 6.1.3.3 of the SDEIS. The pace of permitting activity has generally been increasing over time in Wisconsin study area communities, whereas some of the Minnesota communities have experienced variable levels of building activity. Local officials in Wisconsin attribute the permitting activity to the affordability of land in Wisconsin, annexed areas receiving municipal services, and planned growth consistent with comprehensive plan policies.

Section 6.1.3.4 of the SDEIS describes transportation patterns as a measure of the growing self-sufficiency of St. Croix County communities. Travel behavior data from the 2000 Census shows that 62 percent of St. Croix County residents within the study area work in Wisconsin, whereas 8 percent work in the Stillwater/Oak Park Heights/Bayport area.

Future population trends are discussed in Section 6.1.3.5 of the SDEIS. Continued growth is anticipated in the study area primary counties (Washington and St. Croix Counties). Of the five study area counties (Washington and Chisago in Minnesota; St. Croix, Polk and Pierce in Wisconsin), Washington County will add the greatest number of residents and households.

Section 6.1.4.1 of the SDEIS discusses the planning authorities in the project area. The *Lower St. Croix National Scenic Riverway Cooperative Management Plan* (2001) provides broad policy direction and zoning guidelines. Refer to Section 6.1.4.2 of the SDEIS for a discussion of how these zoning guidelines affect local jurisdictions. Planning authorities in Minnesota include the Metropolitan Council, which has regional planning authority over the Twin Cities metropolitan area, including Washington County. The Western Wisconsin Regional Planning Commission includes St. Croix County, but has no planning authority and does not set policy for the counties in its planning area. Table 6-10 of the SDEIS describes the planning authorities for selected communities in St. Croix County.

Section 6.1.4.2 of the SDEIS discusses future land use in the project area and the land use guidance provided in comprehensive plans. Figures from county plans are included in this section of the SDEIS to illustrate future land use and planning areas and identify areas for urban growth.

The existing and future land use maps provided in Chapter 6 of the SDEIS are the most current available. Since the publication of the SDEIS, Oak Park Heights has provided Mn/DOT with an updated version of the City's zoning map. This map is available for review at Oak Park Heights City Hall and Mn/DOT offices.

6.2 CHANGES IN THE SETTING OR TECHNICAL ANALYSIS SINCE THE SDEIS

While additional development continues in the project area since the SDEIS, it has been consistent with plans and trends discussed in the SDEIS and does not represent a substantial change in the setting.

The right-of-way impacts have been recalculated for the Preferred Alternative due to changes in the TH 5 to Osgood Avenue segment, changes to the pedestrian/bicycle trail in Wisconsin, and drainage pond redesign in Wisconsin. The Preferred Alternative will require 89 acres of right-of-way in Minnesota, including 74 acres previously purchased for the 1995 FEIS Preferred Alternative alignment. The Preferred Alternative will require 189 acres of right-of-way in Wisconsin, including 90 acres previously purchased for the 1995 FEIS Preferred Alternative alignment. Refer to Section 5.2 of this SFEIS for additional information regarding Preferred Alternative right-of-way impacts.

Since release of the SDEIS, the Preferred Alternative design for TH 36 has been revised to incorporate the design approved with the 1995 FEIS Preferred Alternative. The Preferred Alternative TH 36 design includes maintaining the signalized, at-grade intersections at Oakgreen Avenue/Greeley Street and Osgood Avenue, and pulled-back frontage roads at Oakgreen Avenue/Greeley Street. No improvements will be constructed at Norell Avenue/Washington Avenue under the Preferred Alternative. Refer to Section 3.3.2.2 of this SFEIS for a detailed description of the Preferred Alternative TH 36 design through the Oak Park Heights area. Direct land use impacts associated with the Preferred Alternative, including the TH 36 design, are discussed in Section 6.3 of this SFEIS.

An Agricultural Impact Statement (AIS) has been completed by the Wisconsin Department of Agriculture, Trade and Consumer Protection and was published on October 21, 2004. The AIS was distributed to farmland owners in Wisconsin affected by the project, state and local officials in Wisconsin, and Stakeholder Group members. The findings of the AIS are discussed in Section 6.3.1.3 of this SFEIS. The complete AIS is included as Appendix A of this SFEIS and is also available on the project website. Impacts of the Preferred Alternative as discussed in the AIS are included in Section 6.4.1.3 of this SFEIS.

Form NRCS-CPA-106, Farmland Conversion Impact Rating for corridor-type projects, has been completed since the SDEIS. Copies of this form are included in Appendix B of this SFEIS. Results of this form are discussed in Section 6.3.1.3 of this SFEIS.

Potential indirect impacts of this proposed project were discussed in Sections 6.2.2 to 6.4.4 of the SDEIS. This discussion has been reorganized and is presented in Chapter 13 of this SFEIS.

6.3 IMPACTS ASSOCIATED WITH THE PREFERRED ALTERNATIVE

6.3.1. Direct Impacts

6.3.1.1 Right-of-Way Acquisition

The Preferred Alternative will require 89 acres of right-of-way in Minnesota, of which 15 acres will be new right-of-way acquisition. The Preferred Alternative will require 189 acres of right-of-way in Wisconsin, of which 99 acres will be new right-of-way acquisition. Previous right-of-way acquisitions for the 1995 FEIS Preferred Alternative alignment that will be utilized for the

Preferred Alternative include 74 acres in Minnesota and 90 acres in Wisconsin¹. Thus, the Preferred Alternative will require approximately 278 acres of right-of-way between both Minnesota and Wisconsin, resulting in conversion from agricultural, commercial and residential land to transportation use. Additional details regarding right-of-way acquisition are provided in Section 5.2 of this SFEIS.

6.3.1.2 Redevelopment of Previously Acquired Right-of-Way

The Preferred Alternative will utilize all of the previously acquired property in lower Oak Park Heights from the 1995 FEIS Preferred Alternative, leaving no excess right-of-way available for redevelopment in that location. Only a relatively small amount of new right-of-way will need to be acquired, minimizing any new right-of-way impacts in lower Oak Park Heights associated with the Preferred Alternative.

The Preferred Alternative will result in approximately 43 acres of previously-acquired land in the Town of St. Joseph, Wisconsin, becoming surplus land, available for resale by WisDOT. In addition, the former Wisconsin STH 35 wayside rest, a 10-acre parcel south of the Preferred Alternative river crossing, will also be available for resale by WisDOT. Thus, the combined total of surplus land available for resale by WisDOT is approximately 53 acres. A majority of this land, approximately 46 acres, will be sold by WisDOT following project completion with a restrictive covenant in place. Section 15.4.1.2 of this SFEIS and the Riverway Memorandum of Understanding in Appendix H of this SFEIS discusses the restrictive covenants proposed for excess right-of-way in Wisconsin.

Approximately seven acres of surplus WisDOT right-of-way, near the Preferred Alternative STH 64/35/CTH E interchange in the Town of St. Joseph will be resold without a restrictive covenant. Future development of this surplus WisDOT right-of-way must be consistent with Town of St. Joseph comprehensive plan guidance.

6.3.1.3 Farm Land Impacts

Agricultural Impact Statement

As noted in Section 6.2, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) has prepared an Agricultural Impact Statement (AIS), an informational and advisory document that describes and analyzes the potential effects of the project on farm operations and agricultural resources. The DATCP is required to prepare an AIS when the actual or potential exercise of eminent domain powers involves more than five acres of land from any one farm operation. The AIS is provided in Appendix A of this SFEIS, and is summarized below.

Since the publication of the AIS, the Preferred Alternative has been revised to minimize impacts to farmland and farm operations to the extent feasible, while still meeting the project purpose and need. Table 6-1 compares farmland impacts between the Preferred Alternative as presented in the AIS to the revised Preferred Alternative farmland impacts.

¹ One hundred thirty-three (133) acres of right-of-way were purchased for the 1995 FEIS Preferred Alternative alignment in Wisconsin. Of this, 43 acres of WisDOT right-of-way will be resold as surplus property by WisDOT following completion of the project and 90 acres will be utilized by the Preferred Alternative.

**TABLE 6-1
SUMMARY OF PREFERRED ALTERNATIVE FARMLAND IMPACTS**

	Preferred Alternative	
	Impacts Documented in the AIS	Revised Impacts Since Release of the AIS
Farmland Acquisitions (new)	71 acres	72 acres
Farmland Owned by WisDOT	68 acres	68 acres
Farmland Impacts (total)	139 acres	140 acres
Landowners Affected	14	14
Building Displacements	All buildings on 1 farm operation	0

The AIS notes that all of the buildings would be displaced on one farm parcel. However, since release of the AIS, the Preferred Alternative has been modified to avoid the displacement of these farm buildings. Previously, the construction of a stormwater treatment pond and trail connection from the new river crossing would have required the displacement of the farm buildings discussed in the AIS. The Preferred Alternative design has been modified to move the stormwater treatment pond to the southeast quadrant of the STH 35 overpass of new STH 64. The loop trail design has been modified to follow new STH 64 from the river crossing to existing CTH E at the Preferred Alternative STH 64/35/CTH E interchange (see Figure 3-4 and Figure 15-4 in this SFEIS).

The approximately 1-acre increase in farmland acquisitions with the Preferred Alternative is the result of refinement of the drainage design in Wisconsin (refer to Chapter 10 of this SFEIS for a discussion of drainage). Working with WisDNR, the drainage design has been altered to increase stormwater infiltration through wider, shallower ditches and larger, tiered ponding systems. The location of Preferred Alternative stormwater ponds is illustrated in Figure 3-4 and Figure 10-2 of this SFEIS.

The AIS discusses farm severances, and the negative economic impact on farm operations. The Preferred Alternative will divide several fields, primarily south of existing CTH E and near the existing STH 35/64 roadway northeast of Houlton. The field severances by the Preferred Alternative consist of severances that are both parallel to field edges and diagonally through parcels.

The AIS notes that although the most productive soils in St. Croix County are located outside of the project area in the eastern portion of the county, many of the farms in the project area are productive. The soils in the area affected by the Preferred Alternative include:

- Burkhardt—Satre complex, 2-6 percent slopes. Controlling erosion and maintaining fertility and tilth are important. This soil is not classified as a “prime” soil.
- Burkhardt sand loam 1-6 percent slopes. Controlling erosion and soil blowing are important management practices. This soil is not classified as a “prime” soil.
- Antigo silt loam, 2-6 percent slopes. Controlling erosion and maintaining fertility and tilth are important. This soil is classified as a “prime soil.”

The AIS recommended that SDEIS Build Alternatives D or E be identified as the Preferred Alternative because they would have the least impact on farm operations in the project area in Wisconsin. However, Alternatives D and E were not identified as the Preferred Alternative because of transportation, environmental, cultural, and social considerations as discussed in Chapter 3 of this SFEIS.

The identification of the Preferred Alternative was based upon numerous factors, as discussed in Chapter 3 of this SFEIS. While the Preferred Alternative is not the alternative recommended by DATCP, steps have been taken to minimize impacts to farm operations and mitigation measures, as discussed in Section 6.4.1.3 of this SFEIS, will be implemented with the project.

Natural Resources Conservation Service

In order to comply with the requirements of the federal Farmland Protection Policy Act, the Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service, requires projects that utilize federal funds to complete form AD-1006 whenever a project affects farmland. A substitute form, form NRCS-CPA-106, is similar to form AD-1006, and is to be completed for corridor-type projects (i.e., highways). The purpose of this form is to determine whether a project involves acquisition of farmland that is protected by the Farmland Protection Policy Act (FPPA). Form NRCS-CPA-106 is used to establish a farmland conversion impact rating score that can be used as an indicator for consideration of alternatives when impacts to farmlands exceed the recommended allowable level.

Form NRCS-CPA-106 was completed for the SDEIS Build Alternatives and submitted to the NRCS regional offices in Wisconsin. The completed forms are included in Appendix B of this SFEIS. The Preferred Alternative scored 129 total points. While other Build Alternatives described in the SDEIS scored lower than the Preferred Alternative (123 total points for Alternative C – Option 1; 122 total points for Alternative C – Option 2; 115 total points for Alternatives D and E), these alternatives were not identified as the Preferred Alternative because of transportation, environmental, cultural, and social considerations (see Chapter 3 of this SFEIS). Rules in 7 CFR 658.4 (c) (2) note that for scores under 160, sites need not be given further consideration for protection and no additional sites need to be evaluated.

6.3.2 Indirect Impacts

Refer to Chapter 13 of this SFEIS for a discussion of indirect impacts.

6.4 MITIGATION MEASURES

6.4.1 Direct Impacts

6.4.1.1 Right of Way

All right-of-way acquisition and relocation will be in accordance with the Uniform Relocation and Real Property Acquisition Act of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 and 49 CFR, Part 24, effective April 1989 (revised January 2005). Mitigation of right-of-way impacts is discussed in detail in Section 5.2.4 of this SFEIS.

6.4.1.2 Redevelopment of Previously-Acquired Right-of-Way

Excess right-of-way purchased for the 1995 FEIS Preferred Alternative alignment in Wisconsin will be sold with restrictions limiting future land uses and access to adjacent highway facilities. Refer to Section 15.4.1.2 of this SFEIS for a discussion of excess property in Wisconsin.

6.4.1.3 Farmland Impacts

Since the SDEIS, the Preferred Alternative design has been revised to avoid displacing all the farm buildings on one farm operation along STH 35.

In Section VII of the AIS, DATCP recommends several measures to minimize the potential adverse agricultural impacts of the project. These measures are reflected in the following mitigation for farmland impacts.

Farm owners will be compensated in accordance with 49 CFR Part 24, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1980 (as amended) and in accordance with Wisconsin Statutes Section 32.185-32.27 and Chapter Comm. 202 of the Wisconsin Administrative Code.

WisDOT will consult with landowners whose access must be altered to provide safe and efficient access to their property if practicable. If land is severed and safe and efficient access cannot be provided, the severed land may be purchased by WisDOT.

WisDOT will also consult with the county conservationist to ensure that construction proceeds in a manner that minimizes drainage problems, crop damage, soil compaction, and soil erosion on adjacent farmland.

DATCP recommends that farmland owners and operators be given advance notice of acquisition and construction schedules so that farm activities can be adjusted accordingly. To the extent feasible, the timing of the acquisitions and construction should also be coordinated with them to minimize crop damage and disruption of farm operations. WisDOT will provide advance notice of acquisition and construction, and time these activities, to the extent feasible, to minimize impacts to affected farm operations.