



# United States Department of the Interior

NATIONAL PARK SERVICE  
St. Croix National Scenic Riverway  
401 Hamilton Street  
St. Croix Falls, Wisconsin 54024-0708

IN REPLY REFER TO:

October 15, 2010

A38(SACN)

Dear Stakeholders:

For two years, my predecessor, Superintendent Tom Bradley and Chief of Resource Management Kate Hanson worked closely with you to develop the mitigation package for the proposed new crossing of the St. Croix River. In 2005, the National Park Service (NPS) drafted an evaluation of the project, as required by the Wild and Scenic Rivers Act (the Act). The 2005 evaluation concluded that the proposed bridge, when taken along with its mitigation package, would not have a direct and adverse effect on the scenic and recreational values for which the Lower St. Croix National Scenic Riverway (Riverway) was established.

As you know, this past March, the U.S. District Court of Minnesota ruled that the 2005 evaluation failed to explain how the mitigation package could effectively counteract the adverse effects of the proposed bridge when, in 1996, the NPS found that the adverse effects of a similar bridge could not be mitigated. The Court "vacated" the 2005 Section 7(a) evaluation.

Since that time, the NPS has been preparing a new Section 7(a) evaluation that would address the Court's concerns. As part of that, we carefully reviewed the Act and Federal guidance on interpreting it. We have come to the conclusion that if a project has a direct and adverse effect on the values for which the Riverway was established, those adverse effects must be eliminated for the NPS to approve the project.

Despite the fine work that went into developing the bridge proposal and the mitigation package, there is just no way to eliminate the adverse effect of the proposed bridge on the Riverway's scenic and recreational values. Placing a bridge in a location where one has never existed would forever change the look of the river. The Act simply does not give the NPS the authority to consent to the project if there is no way to eliminate its adverse effects on Riverway values. However, the Act does include a clause that would allow Congress to consider approving projects found to have a direct and adverse effect.

I want you to know the hard work of the Stakeholders Group is not in vain. The mitigation package was part of the preferred alternative in the Final and Supplemental Environmental Impact Statements and the Record of Decision issued by Federal Highway Administration, and so is accounted for in the mitigations required to minimize harm to recreational resources under Section 4(f) of the Department of Transportation Act.

Should the Federal Highway Administration choose to pursue the Congressional exception, the NPS stands ready to work with our transportation colleagues and the 28 Stakeholder Group to protect river values.

Respectfully,

Christopher E. Stein  
Superintendent