Appendix F

DNR Correspondence Regarding Paul Bunyan Trail

Minnesota Department of Transportation

District 3
7694 Industrial Park Road
Baxter, MN 56425-8096

Tel: 218/828-5700
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July 18, 2008

Mr. Lowell Jaeger
MN Department of Natural Resources
Trails and Waterways
1601 Minnesota Drive
Brainerd, MN 56401

RE: Updated Highway 371 North Improvement Project
Paul Bunyan Trail Impact and Mitigation
Letter of Understanding

Dear Lowell:

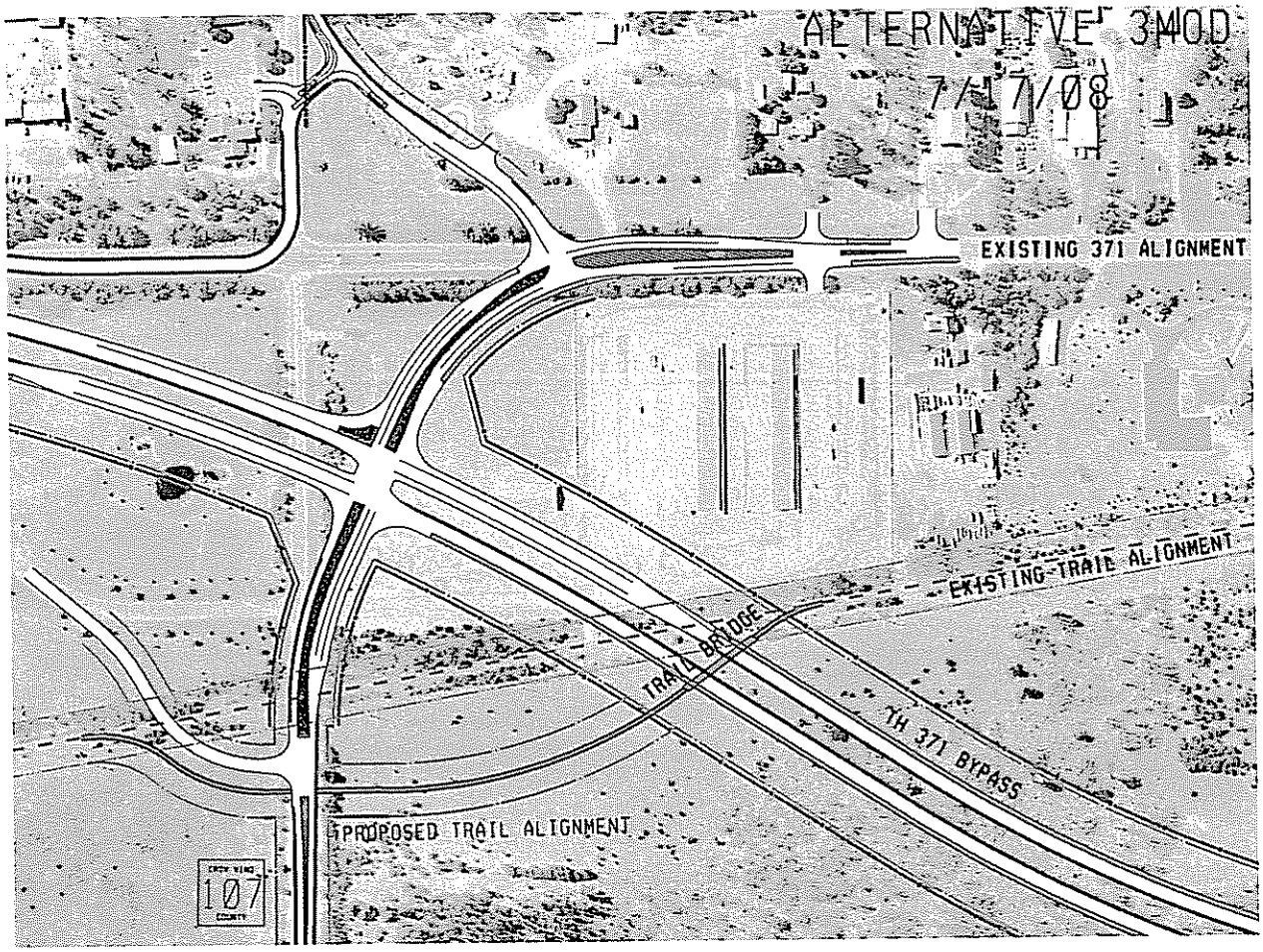
As you are aware, the Minnesota Department of Transportation (Mn/DOT) is in the process of developing a Supplemental Final Environmental Impact Statement (SFEIS) for the Minnesota State Highway 371 North improvement project. This update to the original environmental document is required due to changes related to the selection of the Pequot Lakes bypass as the new preferred alternative (Alternative 3 MOD). Associated with this new alignment are additional impacts to the Paul Bunyan Trail in the vicinity of Crow Wing County Road 107 (CR 107) in Pequot Lakes.

The purpose of this letter is to officially inform you of proposed impacts to the trail facility associated with Alternative 3 MOD, reiterate Mn/DOT's mitigation measures and request a formal letter of concurrence required for an update to the Final Section 4(f) Evaluation and Supplemental Final EIS.

A similar letter was written to you dated June 30, 2004 and concurrence was granted in a Letter of Understanding from you dated August 23, 2004. The provisions of the original Letter of Understanding remain valid and it is Mn/DOT's intention to take appropriate action to ensure that the Paul Bunyan Trail and its function are replaced in whole with not cost to the Department of Natural Resources (DNR). Please refer to the enclosed copy of the August 23, 2004 Letter of Understanding.

Summary of New Trail Impacts

Alternative 3 MOD includes the realignment of Highway 371 in an easterly direction in order to create the Pequot Lakes bypass. By doing so, the new highway alignment will intersect the existing trail corridor and cause an additional 1,450 feet of realignment. Perpetuation of the trail in this location will be accomplished through the use of a bridge structure that spans over the proposed Highway 371 alignment **(See Figure Below).**



DNR Trail Preferences and Standards

The DNR trail design expectations and Mn/DOT's mitigation measures for new trail impacts associated with Alternative 3 MOD, primarily remain unchanged from the original Letter of Understanding. The introduction of an intersection between the Paul Bunyan Trail and the proposed Highway 371 creates a new condition not initially addressed in the previous letter. The following design standards will be applied to areas of the Paul Bunyan Tail impacted by Alternative 3 MOD.

- 12.0 foot paved trail surface
- 1.0-2.0 foot topsoil shoulder
- 3:1 slopes for drainage
- Road crossings (except for the Highway 371) should be located at intersection crosswalks
- A grade-separated crossing (bridge or tunnel) must be provided at locations where the Highway 371 alignment and the Paul Bunyan Trail intersect
- Provide a minimum 20 foot adjacent corridor for snowmobiles
- Provide an exclusive 100 foot trail right of way wherever practical

- Rural conditions - provide 50 feet between edge of highway shoulder and edge of trail. In low speed conditions and in extreme pinch-point areas the setback may be reduced to less than 50 feet
- Urban condition - locate trail 10 feet from property line and maximize space between trail and highway
- Cable barrier between trail and highway will be required if setback encroaches on the highway clear zone

Understanding and Next Steps

The DNR and Mn/DOT will continue to actively collaborate throughout the continuing development of this project to define specific mitigation measures used for each impact area. This will ensure the trail facility will be made whole as part of the Highway 371 North Improvement project.

If the new trail impacts and mitigation measures defined above are acceptable to the DNR, please prepare a letter confirming your concurrence. The concurrence letter is required to complete the Revised Final Section 4(f) and Supplemental Final EIS documents that are currently being prepared.

Please feel free to contact me at 218/828-5796 if you have any questions or would like to discuss the matter in more detail.

Sincerely,

Timothy Bray
Project Manager

mln

Enclosure: Highway 371 North Improvement Project, Paul Bunyan Trail Impact and Mitigation Letter of Understanding, dated August 23, 2004

cc: Jackie Sluss, Mn/DOT Cultural Resources Unit, M.S. 620

Minnesota Department of Natural Resources

BRAINERD AREA TRAILS AND WATERWAYS
1601 Minnesota Drive, Brainerd, MN 56401
218-828-2557

23 August 2004

Tony Hughes, Project Manager
Minnesota Department of Transportation, District 3
1991 Industrial Park Road
Baxter MN 56425

RE: Highway 371 North Improvement Project
Paul Bunyan Trail Impact and Mitigation
Letter of Understanding

Dear Tony:

This is a letter of concurrence as a response to the Mn/DOT and DNR understanding regarding the impacts to the Paul Bunyan Trail as a result of the Highway 371 North Improvement Project between Nisswa and Pine River. This letter continues the process as required by the Final Section 4(f) and Final EIS.

Our meetings prior to this letter have focused on issues related to the Paul Bunyan Trail. We are now in a position to agree with Mn/DOT on the proposed use of the Paul Bunyan Trail facility as part of the Highway 371 North Improvement Project. MNDNR, Trails and Waterways agrees to actions proposed by Mn/DOT to ensure the Trail and its function are replaced in whole by Mn/DOT at no cost to the DNR.

Summary of Trail Impacts

Trail alignment impacts resulting from the reconstruction of Highway 371 have been limited to the following areas:

- Wilderness Ridge Road to East Twin Lake – The trail is shifted east to accommodate the realignment of Highway 371 to improve the sub-standard curve at the County Road 29/107 intersection. The trail will cross the wetland immediately south of County Road 107 on a shared bridge with the northbound highway lanes.
- North of County 107/168 Intersection – The project includes constructing a new backage road along the east side of Highway 371 extending north from County Road 107 to service land uses that currently have direct access onto Highway 371. Depending on setback issues the backage road construction may require a portion of the trail right-of-way but should not have any direct impact on the trail.
- County Road 16 to County Road 15 – In order to accommodate the widened highway and the trail through downtown Jenkins, the trail will be shifted to the west.

- Pine River Crossing – The trail will be realigned slightly and cross the Pine River on a shared bridge with the southbound Highway 371 lanes. The existing trail bridge across the Pine River will no longer be needed.
- Downtown Pine River/TH 84 intersection – A minor shift in the trail alignment will be required to maintain a minimal setback from the highway and provide a safe crossing at the TH 84 intersection.

DNR Trail Preferences and Standards

In considering possible mitigation for the trail impacts, the DNR has provided the following expectations and trail design standards:

- 12' paved trail surface
- 1-2' topsoil shoulder
- 3:1 slopes for drainage
- Road crossings should be at intersection crosswalks
- Provide a minimum 20' adjacent corridor for snowmobiles
- Provide an exclusive 100' trail right-of-way wherever practical
- Rural conditions - provide 50' between edge of highway shoulder and edge of trail. In low speed conditions and in extreme pinch-point areas the setback may be reduced to less than 50'
- Urban condition - locate trail 10'from property line and maximize space between trail and highway
- Cable barrier between trail and highway will be required if setback encroaches on the highway clear zone

Wetland Impacts

MnDOT will obtain all required wetland permits and approvals as required for the relocation or modification of the trail as required by this highway improvement project. Permits that may be required include Clean Water Act, Section 404 permit from the US Corps of Engineers; DNR Public Waters Permit; Wetland Conservation Act(WCA) approval and National Pollutant Discharge Elimination System (NPDES) permit. MnDOT will be responsible for all sequencing and replacement requirements.

Natural Plant Communities

In addition to replacement of the paved trail and associated ROW special consideration will be given to the existing natural plant communities along the Paul Bunyan Trail. Reference here to the impacts that are to be considered is given in a July 26, 2004 memo, Angela Anderson DNR, Trails and Waterways Natural Communities Management Coordinator to Tony Hughes, MN DOT Project Manager.

Thank you for your consideration regarding these items. I am available at 218-828-2690 for further questions and comments.

Best Regards,

Lowell Jaeger
Brainerd Area Trails and Waterways Supervisor

cc: Chris Hiniker, AICP, SEH, Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110-5196
Forrest Boe
Les Ollila
Tom Danger
Angela Anderson
Mike North
Denny Thompson

Minnesota Department of Natural Resources

BRAINERD AREA TRAILS AND WATERWAYS
1601 Minnesota Drive, Brainerd, MN 56401
218-833-8715

23 July 2008

Timothy Bray, Project Manager
Minnesota Department of Transportation, District 3
7694 Industrial Park Road
Baxter MN 56425

RE: Updated Highway 371 North Improvement Project
Paul Bunyan State Trail Impact and Mitigation
Letter of Understanding

Dear Tim:

This is an update of a current letter of concurrence as a response to the MNDOT and DNR understanding regarding the impacts to the Paul Bunyan State Trail as a result of the Highway 371 North Improvement Project between Nisswa and Pine River. This letter serves as a required part of the Revised Final Section 4(f) and Supplemental Final EIS documents that are currently being prepared.

As a matter of record the DNR has on file an original letter stating these facts and concurring dated July 18, 2004. The information contained in that original letter and the concurrence remains unchanged.

It is understood, however, that because of recent proposed changes to the route in the Pequot Lakes area an updated letter of concurrence is required.

Summary of New Trail Impacts

Alternative 3 MOD includes the realignment of Highway 371 in an easterly direction in order to create the Pequot Lakes bypass. By doing so, the new highway alignment will intersect the existing trail corridor and cause an additional 1,450 feet of realignment. Perpetuation of the trail in this location will be accomplished through the use of a bridge structure that spans over the proposed Highway 371 alignment.

DNR Trail Preferences and Standards

The DNR trail design expectations and Mn/DOT's mitigation measures for new trail impacts associated with Alternative 3 MOD, primarily remain unchanged from the original Letter of Understanding. The introduction of an intersection between the Paul Bunyan Trail and the proposed Highway 371 creates a new condition not initially addressed in the previous letter. The following design standards will be applied to areas of the Paul Bunyan Tail impacted by Alternative 3 MOD.

- 12.0 foot paved trail surface
- 1.0-2.0 foot topsoil shoulder
- 3:1 slopes for drainage
- Road crossings (except for the Highway 371) should be located at intersection crosswalks
- A grade-separated crossing (bridge or tunnel) must be provided at locations where the Highway 371 alignment and the Paul Bunyan Trail intersect
- Provide a minimum 20 foot adjacent corridor for snowmobiles
- Provide an exclusive 100 foot trail right of way wherever practical
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- Urban condition - locate trail 10 feet from property line and maximize space between trail and highway
- Cable barrier between trail and highway will be required if setback encroaches on the highway clear zone

Regarding the Summary of New Trail Impacts the DNR concurs with the MNDOT proposal as stated.

As always it's a pleasure to work with you and your staff on this issue. Thank you for considering our concerns. If you have any questions or updates please feel to contact me at 218-833-8715.

Yours for Trails,

Lowell Jaeger
Brainerd Area Trails & Waterways Supervisor

c. Tim Browning
Les Ollila
Angela Anderson
Kent Skaar
Mike North
Grant Scholen

Minnesota Department of Transportation

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June 30, 2004

Lowell Jaeger
MN Department of Natural Resources
Trails & Waterways
1601 Minnesota Drive
Brainerd, MN 56401

RE: Highway 371 North Improvement Project
Paul Bunyan Trail Impact and Mitigation
Letter of Understanding

Dear Lowell:

The purpose of this letter is to document the process followed by Mn/DOT and the DNR in addressing the impacts to the Paul Bunyan Trail as a result of the Highway 371 North Improvement Project between Nisswa and Pine River. This letter relates the mutual understanding between Mn/DOT and the DNR and should serve as the basis for the DNR to submit a letter of concurrence as required for the Final Section 4(f) and Final EIS.

Mn/DOT and DNR staff have met several times over the course of the Highway 371 North Improvement Project to discuss issues related to the Paul Bunyan Trail and determine the appropriate actions to ensure the Trail and its function are replaced in whole by Mn/DOT at no cost to the DNR.

Summary of Trail Impacts

Trail alignment impacts resulting from the reconstruction of Highway 371 have been limited to the following areas:

- Wilderness Ridge Road to East Twin Lake – The trail is shifted east to accommodate the realignment of Highway 371 to improve the sub-standard curve at the County Road 29/107 intersection. The trail will cross the wetland immediately south of County Road 107 on a shared bridge with the northbound highway lanes.
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- Downtown Pine River/TH 84 intersection – A minor shift in the trail alignment will be required to maintain a minimal setback from the highway and provide a safe crossing at the TH 84 intersection.

DNR Trail Preferences and Standards

In considering possible mitigation for the trail impacts, the DNR provided the following expectations and trail design standards:

- 12' paved trail surface
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- Urban condition - locate trail 10'from property line and maximize space between trail and highway
- Cable barrier between trail and highway will be required if setback encroaches on the highway clear zone

Understanding and Next Steps

The DNR and Mn/DOT will continue to actively coordinate through the final design phase to define specific mitigation for each impact area and to ensure the trail facility will be made whole as part of the highway reconstruction project.

Prior to proceeding into final design, the DNR will need to prepare a letter of concurrence stating they are in agreement with Mn/DOT on the proposed use of the Paul Bunyan Trail facility as part of the Highway 371 North Improvement Project. The concurrence letter is required to address the Final Section 4(f) and Final EIS procedures.

Please feel free to contact me at 218-828-2465 if you have any questions or would like to discuss the matter in more detail.

Sincerely,

Tony Hughes

Tony Hughes
Project Manager

cc: Chris Hiniker, AICP, SEH, Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110-5196