

Appendix R

Minnesota Department of Natural Resources Correspondence



Minnesota Department of Natural Resources

2300 Silver Creek Rd NE
Rochester MN 55906
(507) 281-7779



November 22, 2006

Dennis Luebbe
Rice County Highway Dept.
610 NW 20th Street
Faribault, Minnesota 55021

Dear Mr. Luebbe:

RE: CSAH #1 Corridor Preservation Study; Rice County

I would like to thank you for the opportunity to attend the meeting on November 2, 2006 to discuss and provide comments for the preliminary road alignment proposals for crossing the Cannon River in the Wild and Scenic District. At this meeting committee members discussed six proposed crossing alignments and discussions were held with the goal of narrowing the number of options through consensus of the committee members. Option number six proposed using the existing TH#3 bridge crossing and was our preferred option, as no new crossing would be needed. Option #4 proposed using the existing CSAH#1 bridge alignment, which would be consistent with Rule language stating that "primary consideration shall be given to crossings located with or adjacent to existing facilities, such as roads and utilities." Options # 3a and 3b represent a new crossing and are less desirable than earlier stated options. However, either of these crossings would be located near an existing crossing adjacent to already developed areas within the city of Dundas and are located in a portion of the wild and scenic district which has more relaxed landuse standards. While these alignments are not our preferred choice, we might be willing to consider those options if the committee can demonstrate that the above options are not feasible alternatives. Options #1a and #1b, #2, and # 5 are all located in portions of the wild and scenic district that have the most restrictive landuse standards. Any new bridge crossing in these areas will have the greatest detrimental impacts to the visual aesthetics, quietude, and other natural resource characteristics for which the district is being managed.

At the November 2nd meeting, the majority of the committee members voted to remove for consideration options 6, 4, 3a and 3b, and options 1a and 1b. The committee determined that the only options to be considered are alignments #2 and #5, with a strong preference for option #5. Unfortunately, these two alignments are the ones that we have greatest concerns for, and are the options that we most strongly oppose.

At the meeting a question was posed as to what action DNR would take since the remaining two alternatives (#2 and #5) were the two options that DNR strongly opposed. At some point in the future, a bridge crossing may be pursued, and as stated in Rule 6105.0190 subp.1, "A permit as established in Minnesota Statutes, section 103G.245, is required for the construction or reconstruction, removal, or abandonment of any road or railroad crossing, of a public water. After receiving the permit application, we (DNR) will review the permit request for consistency with Rule Language. Specifically, Rule 6105.0200 Subp. 1 states in part that "It is essential to regulate the construction of new public roads and

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reconstruction of existing public roads within wild, scenic, and recreational river land use districts in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such development.” Subp. 2 also provides that “In general, avoid wild, scenic, and recreational river land use districts, especially wild river land use districts, whenever practicable. But if there is no feasible alternative, the following standards and criteria shall apply.” Before we consider standards for a new crossing, we will need to address the “...no feasible alternative...” requirement.

The two new bridge crossings that the committee has chosen as the remaining alternatives would cross the Cannon River at locations that are not consistent with Rule 6105.0190 subp. 1 which provides that “primary consideration shall be given to crossings located with or adjacent to existing facilities, such as roads and utilities.” The committee's preferred option #5 would be the least desirable, as it would cross the river 0.54 miles downstream from an existing bridge crossing in the city of Dundas. Currently the stretch of river between the Dundas CSAH#1 bridge and the TH #3 bridge is already limited to 2.7 miles. Any new crossing at this location would substantially reduce and fragment reaches of the river being managed for natural aesthetics and quietude that are listed as management goals for the wild and scenic district. I did note that you included, with the bridge alignment options, an evaluation matrix meant to facilitate incorporating all of the decision factors for each of the proposed alignments. The matrix is useful in a general sense, however, I found that it was somewhat confusing and several of the decision factors were pending and never answered before the decision to remove several alignment options. We need detailed explanations for each of the rejected alignments explaining how each one could not be a feasible alternative to the #2 and #5 proposals.

I would like to suggest that the project advisory committee set aside further consideration of the two remaining proposals until we have a chance to meet to discuss the reasons for rejecting the other alternatives. We need to be convinced that the alternatives removed for further consideration are not feasible alternatives to the crossings being considered. Having this meeting now will compel us to deal with complex and sometimes divisive issues while these crossings are still in the planning stages, and not at the point that a permit is being applied for and lots of energy, time, and money have already been spent.

I suggest that we schedule a meeting between DNR staff, MnDOT, and representatives from the project advisory committee to discuss the reasons for rejecting the other alternatives. Please provide me with some suggested dates and times for a meeting at your earliest opportunity.

Thank you. If you have any questions, please contact me at the above address or phone number.

Sincerely,



Randy Bradt, Hydrologist
DNR Waters

RJB/bjs

Ec: David Leuthe, Regional Hydrologist
Rebecca Wooden, Supervisor Wild and Scenic Program



Minnesota Department of Natural Resources

2300 Silver Creek Rd NE
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APR 19 2007

BOLTON & MENK, INC
BURNVILLE, MN

April 17, 2007

Mr. Dennis Luebbe
Rice County Highway Dept.
610 NW 20th Street
Faribault, MN 55021

Dear Mr. Luebbe:

RE: CSAH #1 Corridor Preservation Study; Rice County

Prior to commenting on the committee's selection of the Option #5 bridge alignment, I will summarize some of the key historical events and discussions that have taken place. Rebecca Wooden (Wild and Scenic Program Supervisor) and I attended a meeting at Bridgewater Township Hall on February 10th of 2006. We very clearly expressed the department's position that we would prefer no new crossings of the Cannon River in the Wild and Scenic District. However, if there was a compelling public interest for a new bridge crossing and there were no less detrimental alternatives, we would review their proposal. We also affirmed that the City of Northfield had also approached the department about a new bridge crossing in the district on the south side of the city. We stated that we would only consider one new crossing and that the committee should attempt to select a crossing with coordination and support of the participating committee members as we were not going to support more than one new crossing. Subsequent to that meeting, I received the meeting minutes and note that we were quoted as saying that "two crossings-undesirable, difficult to approve." I also noted several other references to two crossings, some of which state that the committee members should support Northfield's pursuit of a second crossing that they are considering. These statements are not accurate and are a misrepresentation of our position.

In July, 2006, Dennis Luebbe contacted me to ask what the department's guidelines were for new bridge crossings in the district. I relayed to Dennis that we would prefer that a new bridge be located at or very near existing crossings, avoid scenic intrusions by locating in areas where the bridge would be less visible as in river bends, and avoid ridgecrests or areas that would require a substantial bridge that would result in significant visual intrusion into the district. We also discussed progress being made at the various meetings held throughout the year, and we agreed that further comments would be provided by DNR once we received the committee's alignment options. It was October 19, 2006, when I received plans for six proposed bridge alignments. After reviewing the proposed bridge alignments, I attended the November 2, 2006, meeting at Bridgewater Township Hall and relayed to the Planning Committee members the department's position for the various alignment options (see letter dated 22 November 2006). Unfortunately, I felt that the department's preferred alignments were not shared by any of the committee members, and the committee members appeared to be in strong agreement for Option #5.

Subsequent to the November meeting, Dave Leuthe, Larry Peterson, Kim Waldof, and I met with Dennis Luebbe, Chris Chromy, and other engineering consultants to discuss the various alignment options and the department's role in reviewing a new bridge crossing in the district. Additionally, Dave Leuthe presented this same information to Planning Committee members at a meeting held on February 1, 2007. Following that meeting, I attended the public hearing on February 22, 2007, where it became apparent that the committee was insistent on pursuing the #5 bridge alignment option.

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The committee's selection of this bridge alignment appears to us to be in conflict with the Rules pertaining to a new bridge crossing in the Wild and Scenic District. As we have provided to the committee members in letter, meetings, and at public hearings, we need to receive compelling reasons that would substantiate the selection of Alignment #5 as the least impacting alternative for the proposed bridge crossing. The evaluation matrix that was used to facilitate Planning Committee members in their decision does not sufficiently justify Alignment #5 as the least impacting alternative. While the evaluation matrix does list Wild and Scenic District as one of the variables to be considered when making a decision, there is no indication from any of the committee members nor Rice County officials that this factor was considered in making their decision for a new alignment. As provided in Rule 6105.0030, "All state, local, and special governmental units, councils, commissions, boards, districts, agencies, departments, and other authorities shall exercise their powers so as to further the purpose of the Minnesota Wild and Scenic Rivers Act and management plans adopted thereunder." While the Planning Committee has every right to propose this bridge alignment, we are still unconvinced that the current proposal is the least impact alternative solution that the committee should be considering for its new crossing. When the time comes for us to review a permit application for this alignment, we are obligated to review this proposal against the standards and provisions provided for in Rules for public water crossings and for the Wild and Scenic District. Specifically, Rule 6115.0230, Subp. 5 provides that a project must meet the following general criteria:

- A. *the project must not exceed more than a minimum encroachment, change, or damage to the environment, particularly the ecology of the waters;*
- B. *adverse effects on the physical or biological character of the waters are subject to feasible and practical measures to mitigate the effects;*
- C. *the proposed crossing is consistent with applicable floodplain, shoreland, and wild and scenic rivers management standards and ordinances for the waters involved;*
- D. *the proposed crossing is consistent with water and related land management plans and programs of local and regional governments, provided such plans and programs are consistent with state plans and programs; and*
- E. *crossings of public waterbasins or public water wetlands are allowed only when there is no feasible and practical alternative that does not require filling, excavating, or the placement of a structure in public waters.*

It is our opinion that Option #5 does not minimize encroachment, change, or damage to the environment, nor is this alignment consistent with the wild and scenic standards. Of the six bridge alignment options, Alignment #5 is clearly the worst possible option as the location does not cross at or close to an existing crossing, and the crossing location is along a fairly straight stretch of river which results in a greater visual and noise impact to the Wild and Scenic corridor. Furthermore, it subdivides portions of the river that currently possess many of the scenic and wildlife values currently being managed in the district. While we understand why the committee has not chosen to pursue our preferred alignment options #3 and #4, we still feel that options #6 and #1 are still viable options that the committee should consider. The other remaining option is Alignment #2. The department does not consider Option #2 as the least impact alternative to Option #5, but it would be preferred over Option #5. For these reasons, we do not feel that the committee has met its obligations to propose a crossing that would minimize the impacts to the district. Thus, we believe that it would be in committee's best interest to reconsider the other options for a new bridge crossing before expending significant additional resources in the pursuit of Option #5.

Mr. Dennis Luebke
April 17, 2007
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Thank you. If you have any questions, please contact me at the above address or phone number.

Sincerely,



Randy Bradt, Hydrologist
DNR Waters

RJB/sd

- cc Chris Chromy, Project Manager-Bolton & Menk
Gary Ebling, Bridgewater Township Supervisor
Katy Gehler, City Engineer-Northfield
Chris Moates, MnDOT
Tom McMahon, City Engineer-Dundas
Mike Groth, Northfield Township Supervisor
- ec Mark Matuska, Regional Director
David Leuthe, Regional Hydrologist
Rebecca Wooden, Supervisor Wild and Scenic Program