

# **St Croix River Crossing Problem-solving Process**

## **Summary and Final Report**

Mike Hughes and Jody Erikson  
The Keystone Center

### History and Context

Two decades ago, the Federal Highway Administration and the states of Wisconsin and Minnesota began planning for an Environmental Impact Statement to address a new river crossing. The EIS also would be the focal point for assessing the impact to the St. Croix River, one of 154 rivers entitled to protection under the Wild and Scenic River Act. When the draft EIS was issued five years later, public reaction ranged widely from supportive to pessimistic. In 1995, the departments of transportation in the two states issued a final EIS with the expectation of beginning new-bridge construction and demolishing the old bridge.

An ensuing lawsuit by environmental organizations derailed those plans and nullified the EIS. A judge found flaws in the decision-making process because the National Park Service was not as involved as it should have been in determining the level of impact to the river

After the 1995 ruling, MnDOT commissioned the Braun study which led to the "Braun Consensus", a solution that stuck the parties as a compromise no one could endorse.

The unresolved issues at the center of the river crossing controversy are these:

#### 1. Congestion

The lift bridge is an existing span across the federally designated Wild and Scenic River in which one section is raised to allow boats to pass beneath. When the two-lane lift section is up, it causes significant traffic backups on both ends of the bridge. This frustrates drivers, generates air pollution at the river, and interferes with commerce in the historic downtown business district.

#### 2. Conflicting Values, Priorities and Agency Mandates

Attempts to build a new bridge have failed, in large part because of seemingly irreconcilable goals:

- Preserving the scenic quality of the area by limiting the number of river crossings.
- Saving a bridge that's listed on the National Register of Historic Places, including protecting its historic use.

- Providing for the transportation needs in rapidly growing parts of the Minneapolis-St Paul metro area and western Wisconsin.
- Addressing the environmental impact that could come with a new bridge.
- Doing all of this within budgetary constraints.

## Mediation

At the request of the Federal Highway Administration, the U.S. Institute for Environmental Conflict Resolution conducted a conflict assessment. The assessment led to a mediation that has attempted to chart a new course through the disagreement. This time, the goal is to integrate the needs of all stakeholders and find a solution that truly advances historic preservation, environmental, and transportation needs. The mediation has moved forward in three phases.

### *Exploring needs, interests, values, and viewpoints*

The first task was mutual education — making sure that all affected parties were involved, helping stakeholders fully understand each other's viewpoints, and finding common ground. In the early going, the group needed to listen to and learn from one another and to move from either/or thinking — either environmental protection or transportation, either historic preservation or environmental and scenic quality — to yes/and thinking — effective transportation and environmental quality and historic preservation and economic vitality and good design.

As part of its education and exploration, the group translated their interests and those of all the stakeholders into specific criteria that could be used later to evaluate different options. As a simple example, the group agreed that a successful solution would have to meet all regulatory requirements — the Historic Preservation Act, the Endangered Species Act, and the Wild and Scenic River Act. Setting this kind of standard or criterion helps the group take a more objective look at their options when the time comes for evaluation.

### *Generating new options that resonate with stakeholder needs*

With a greater understanding of each other's interests and viewpoints, stakeholders moved on to the second stage by envisioning new options that would respond to everyone's interests and viewpoints and would satisfy their criteria. They talked about the possibility of removing car and truck traffic from the historic lift bridge and using the bridge as a bike and pedestrian trail. In doing so, the project could avoid increasing the number of road corridors, integrate the bridge into the river's scenic trail system, and extend the life of the bridge. Essential to this idea's success was finding ways to ensure that funding would continue to be available to maintain the bridge even as the DOTs remove the bridge from the roadway network.

Perhaps the most important moment in this phase came when the stakeholders began discussing bridge design. In none of the previous attempts to find a solution were the full range of stakeholders permitted to fully engage with the aesthetic questions. Removing constraints, ignoring old assumptions, and freeing the stakeholders' imagination allowed them to break new ground and move toward a solution that could be acceptable to everyone.

*Rigorous evaluation — which options meet needs and satisfy criteria*

As the third and final step, the stakeholders evaluated the options against the full set of stakeholder interests. This included determining which option or options met the historic preservation requirements, which would have the least environmental impact, and which would best alleviate the traffic concerns. In the end, it seems that the best answer is to build an exceptionally well-designed new bridge downstream of the existing structure, and preserve the historic bridge while removing car and truck traffic from it.

With this plan, every stakeholder is asked to move away from previous positions: environmentalists have to forego the idea of preventing new bridge construction; transportation proponents have to part with the idea of a lower-cost solution; and historic preservationists have to exchange historic use for protection and longevity. In stepping away from previously held positions, the stakeholders were able to craft a solution in which the lift bridge will have long-term protection and be integrated into the recreation system for the Wild and Scenic St. Croix River and the new bridge will be carefully designed so that it is worthy of the St. Croix Valley. The group could not have come this close to a final resolution without a real appreciation for the scenic values and the exceptional environmental quality that underlie the Wild and Scenic River designation, for the visual quality of the historic district, and for a bridge design that responds to aesthetic questions as it answers the transportation need.

The stakeholders' effort extended beyond articulating a preferred alternative; they stayed at the negotiating table to finalize memoranda of understanding and one memorandum of agreement that make their agreement more specific and enumerate their ongoing oversight roles.

Final Stakeholder Meeting

In June, 2006, the agencies released the Supplemental Final Environmental Impact Statement (SFEIS); the stakeholders held their final meeting within the SFEIS 30-day comment period. The SFEIS enumerates many of the details, including mitigation measures that will be necessary to maintain stakeholder support. The SFEIS is unusual in that it contains memoranda of understanding and one memorandum of agreement that are typically produced only after the SFEIS is complete and a Record of Decision signed. This is a perfect example of the process needs that had to be fulfilled in order for the mediation to conclude successfully; the stakeholders were unwilling to conclude their work until the transportation agencies had produced a document containing final commitment language. This is true for central issues including bridge design, mitigation

measures and lift-bridge preservation commitments. As a result, the stakeholder process continued as long as the NEPA process continued. The final meeting in July 17, 2006 occurred three years after the first stakeholder meeting in June 10, 2003.

Many of the stakeholders indicated their support for the final decision and suggested that the level of support far exceeded their expectation. Officially, one stakeholder group, The Sierra Club, has indicated that they will not endorse the final decision. All others have agreed that so long as the agencies fulfill the commitments laid out in the SFEIS and the memoranda, they will support the preferred alternative. A final statement from Laura Dean, the representative of the Advisory Council for Historic Preservation is typical of stakeholder opinion. "I don't believe that I have ever had a project with so many consulting parties where all of them have signed the Section 106 agreement; very impressive how far we have come."

While this is the conclusion of the stakeholder process, it is not the conclusion of the work on the two bridges. The Federal Highway Administration will have to sign its record of decision and the agencies will have to be granted final permits and secure funding. This last point seems the most troubling to the stakeholders. It remains unclear when the transportation agencies will begin construction because the timing for funding remains unclear. Although this process is at an end, these stakeholders will continue to participate in the remaining decisions.

### Critical Success Factors

#### 1. Shared Decision Making

At the outset of the mediation, the agency staff seemed to believe that they could retain a great deal of discretion and control, as they had in the Braun process. It took the first six months of work to help agency personnel see that they had to assign staff who could both speak for the agency and were willing to truly share decision making.

Lesson Learned – Agency personnel have to understand what mediation is and what shared decision making requires – without that, our work is far less likely to succeed.

#### 2. Full Commitment of the Major Stakeholders

This effort required significant time and energy from the major stakeholders. Their commitment to making the stakeholder process the venue for solving the problem and making that venue open and fair were essential. Knowing that the agencies were making the decisions about the preferred alternative and its mitigation in the stakeholder process, the stakeholders maintained their participation.

Lesson Learned – The mediation has to integrate the NEPA process and serve as the venue for real negotiation

#### 3. Redefining Success

We were relentless in stating that the goal of the process was an agreement that would give each stakeholder what s/he needed. Ending the long-standing framing of the issue as a battle to be won at the expense of others and replacing it with a discussion about what would be necessary in a preferred alternative for everyone to agree was vital.

Lesson Learned – Creating an atmosphere for joint problem solving required relentless commitment to the idea that the final answer had to be a mutually agreeable answer. Every time a stakeholder insisted that he/she had the best answer, the evaluation was always the same: “Will 27 others agree with you?” If the stakeholders turn this corner and start talking about what we can all agree to, there’s a chance for the mediation to succeed.

#### 4. Verification and Formal Commitment

It mattered a great deal that the stakeholders were honest with one another and with the mediators about the low level of trust and about the level of detail in the SFEIS, the memoranda and the final agreement that would be necessary to ensure implementation of the agreement.

Lesson Learned – It’s not over ‘til it’s over. Every “t” has to be crossed before the mediators can leave.

This two-bridge plan is the result of the stakeholders’ insisting on a fair and transparent problem-solving process that involved all affected stakeholders. Overcoming fear, resistance, and long-standing conflict is a matter of inclusion and of helping all stakeholders to see how much more they can achieve from their collective effort.