

Appendix E. Final Section 4(f) and Section 6(f) Evaluation



NORTHERN LIGHTS *EXPRESS*

Final Section 4(f) and Section 6(f) Evaluation

Appendix E

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1. Introduction

Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 United States Code [USC] 303), hereinafter referred to as Section 4(f), provides protection to parks and recreation areas, wildlife and waterfowl refuges, and historic resources. The Land and Water Conservation Fund (LWCF) Act of 1965 (Public Law 88-578, which is codified as 16 USC 460) provides funding for parks and recreational facilities across the United States. Section 6(f)(3) of the LWCF Act, commonly referred to as Section 6(f), contains provisions to protect federal investments in park and recreation resources and ensure that the public outdoor recreation benefits achieved through the use of these funds are maintained.

The Northern Lights Express (NLX) Tier 1 Service Level Environmental Assessment (Tier 1 EA) identified properties that would likely be subject to Section 4(f) and or Section 6(f). The Tier 1 EA analysis did not identify any uses of properties subject to Section 4(f) or the conversion of any Section 6(f) properties. Further, the Tier 1 EA analysis indicated that some temporary closure of trails subject to Section 4(f) would occur during construction and that effects on archaeological and historic sites may occur, depending on the outcome of the assessment of these resources being completed by Minnesota Department of Transportation (MnDOT) Cultural Resources Unit (CRU) on behalf of the Federal Railroad Administration (FRA) for both Minnesota and Wisconsin. This Final Section 4(f) and Section 6(f) Evaluation analyzes the NLX Project impacts based on proposed construction limits that have been updated since the Tier 1 EA. **Table 1-1** presents the NLX study area used for Section 4(f) and Section 6(f) impact analysis.

FRA and MnDOT, in cooperation with the Wisconsin Department of Transportation (WisDOT) prepared a Tier 2 Project Level Environmental Assessment (Tier 2 EA) for the NLX Project to comply with the National Environmental Policy Act. The NLX Project will introduce new higher speed intercity passenger rail service between Minneapolis and Duluth. The NLX Project will operate four round trips per day at speeds up to 90 miles per hour (mph) on 152 miles of existing BNSF Railway (BNSF), formerly Burlington Northern Santa Fe Railway, track in Minnesota (approximately 129 miles) and Wisconsin (approximately 23 miles). The infrastructure improvements for the NLX Project include improvements to existing track and construction of new track (including new mainline and new sidings), six stations, a maintenance facility, and a layover facility, as well as road crossing improvements, bridge improvements and other rail system improvements to maintain acceptable levels of freight service while providing for new passenger service. At this time, no funding for the NLX Project has been identified.

A Draft Section 4(f) and 6(f) Evaluation was completed and published with the Tier 2 EA in April 2017. The Draft Section 4(f) Evaluation included preliminary determinations for Section 4(f) impacted properties and a temporary non-conforming use for a Section 6(f) property. The Draft Section 4(f) and 6(f) Evaluation was provided for public review concurrent with the Environmental Assessment. Additionally, coordination with

officials with jurisdiction (OWJs)¹ for Section 4(f) properties was undertaken concurrently. This Final Section 4(f) and 6(f) Evaluation provides the analysis supporting FRA's final determinations for Section 4(f) and 6(f) properties based on public comment and coordination with OWJs. These final Section 4(f) determinations include *de minimis* impacts, temporary occupancy exceptions and use determinations. The final determination for a Section 6(f) property is a temporary non-conforming use. This Final Section 4(f) and 6(f) Evaluation concludes the NLX Project's Section 4(f) process and Section 6(f) process.

Table 1-1: NLX Study Area for Section 4(f) and Section 6(f)

NLX Study Area Definition	Basis for NLX Study Area
Section 4(f): Parks, recreation areas, and wildlife refuges – BNSF right of way and proposed construction limits plus a 350-foot buffer to account for noise effects; historic properties – Area of Potential Effect (APE).	Section 4(f): NLX study area includes existing BNSF right of way and construction limits outside of existing BNSF right of way to assess potential direct uses as well as a buffer of about 350 feet (generally the maximum distance for substantial noise impact) for assessing the potential for a constructive use.
Section 6(f): NLX construction limits.	Section 6(f): Any conversion of land would occur within the proposed NLX construction limits outside of the existing BNSF right of way.

¹ An official with jurisdiction (OWJ) is an official of the agency or agencies that own or administer the property in question and who are empowered to represent the agency on matters related to the property.

2. Regulatory Context and Methodology

2.1 Legal and Regulatory Context

2.1.1 Section 4(f)

Section 4(f) prohibits the use of land of significant² publicly owned public parks, recreation areas, land of a historic site, or wildlife and waterfowl refuges for transportation projects unless U.S. DOT determines either:

- There is no feasible and prudent avoidance alternative and the action includes all possible planning to minimize harm to the property resulting from such use.
- The use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) would have a *de minimis* impact.

FRA's *Procedures for Considering Environmental Impacts* (64 FR 28545, May 26, 1999) also outline the process that FRA uses to assess the potential use of Section 4(f) properties. Although FHWA regulations are not binding on FRA; in the absence of applicable FRA regulations, FRA typically references FHWA guidance for details regarding the definition and potential use of Section 4(f) properties. The FHWA's Section 4(f) regulations, entitled *Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites*, are codified at 23 Code of Federal Regulations (CFR) Part 774; further guidance is found in FHWA's *Section 4(f) Policy Paper* (FHWA, 2012).

Section 4(f) requires consideration of the following:

- Parks and recreational areas of national, state, or local significance that are both publicly owned and open to the public. Recreation areas include trails that are designated or functioning primarily for recreation.
- Publicly owned wildlife and waterfowl refuges of national, state, or local significance that are open to the public to the extent that public access does not interfere with the primary purpose of the refuge.
- Historic sites of national, state, or local significance in public or private ownership regardless of whether they are open to the public. Historic sites are defined as historic properties that are included in or eligible for inclusion in the National Register of Historic Places (NRHP).

When private institutions, organizations, or individuals own parks, recreational areas or wildlife and waterfowl refuges, Section 4(f) does not apply, even if such areas are open to the public. However, if a governmental

² Regarding Section 4(f) properties, significant means that in comparing the availability and function of the park, recreation area or wildlife and waterfowl refuge with the park, recreation or refuge objectives of the agency, community or authority, the property in question plays an important role in meeting those objectives (FHWA, 2012).

body has a permanent proprietary interest in the land (such as a permanent easement, or in some circumstances, a long-term lease), federal, state and local officials with jurisdiction (OWJs) would determine on a case-by-case basis whether the property should be considered publicly owned and, thus, if Section 4(f) applies. Section 4(f) also applies to all historic sites that are listed, or eligible for inclusion, in the NRHP at the local, state, or national level of significance regardless of whether or not the historic site is publicly or privately owned or open to the public. Resources which meet the definitions above are presumed to be significant unless the official with jurisdiction over the site concludes that the entire site is not significant.

A use of Section 4(f) property occurs:

1. When land from a Section 4(f) property is permanently incorporated into a transportation facility. The property is either purchased outright as transportation right of way, or acquisition of a property interest that allows permanent access onto the property such as a permanent easement for maintenance or other transportation-related purpose.
2. When there is a temporary occupancy of land for project construction-related activities. The property is not permanently incorporated into a transportation facility, but is used on a temporary basis through a temporary easement. Temporary occupancy can be adverse in terms of the statute's preservation purpose; or so minimal as to not constitute a use within the meaning of Section 4(f). Temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f) must satisfy all the following conditions:
 - a. Duration must be temporary, that is, less than the time needed for construction of the project, and there should be no change in ownership of the land.
 - b. Scope of the work must be minor, that is, both the nature and the magnitude of the changes to the Section 4(f) property are minimal.
 - c. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.
 - d. The land being used must be fully restored, that is, the property must be returned to a condition which is at least as good as that which existed prior to the project.
 - e. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) property regarding the above conditions.
3. When there is a constructive use of a Section 4(f) property. A constructive use involves no actual physical use of the Section 4(f) property via permanent incorporation or temporary occupancy of land into a transportation facility. A constructive use occurs when a project's proximity impacts are so

severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired and the resource can no longer perform its designated function (49 USC 303). Constructive use occurs when:

- a. The projected noise level increase attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a property protected by Section 4(f).
- b. The proximity of the proposed project substantially impairs esthetic features or attributes of a property protected by Section 4(f).
- c. The project results in a restriction of access which substantially diminishes the utility of a significant publicly owned park, recreation area, or a historic site (either publicly or privately owned).
- d. The vibration impact from construction or operation of the project substantially impairs the use of a Section 4(f) property.
- e. The ecological intrusion of the project substantially diminishes the value of wildlife habitat in a wildlife and waterfowl refuge adjacent to the project, substantially interferes with the access to a wildlife and waterfowl refuge when such access is necessary for established wildlife migration or critical life cycle processes, or substantially reduces the wildlife use of a wildlife and waterfowl refuge.

The MnDOT Section 4(f) process, as outlined in Section 4(f) subject guidance, was also followed to evaluate properties potentially subject to Section 4(f) (MnDOT, 2007). Section 4(f) applies to the NLX Project because there is U.S. DOT involvement in the NLX Project (funding for the environmental assessment, as well as the potential for funding for NLX Project implementation) and there are properties potentially subject to Section 4(f) in vicinity of the NLX Project, as discussed below. WisDOT's policy is to follow the FHWA Section 4(f) guidance (WisDOT, 2001).

2.1.2 Section 6(f)

The LWCF Act of 1965 was enacted to preserve, develop and assure access to outdoor recreation facilities to strengthen the health of U.S. citizens. Section 6 of the Act created the LWCF as a funding source to implement the outdoor recreation goals in the law. Section 6(f) of the Act requires all funded lands to be retained and used solely for outdoor recreation in perpetuity. Protection is provided for outdoor recreational lands under Section 6(f)(3) of the Act where LWCF funds were used for the planning, acquisition or development of the property. Any conversion of these lands to uses other than outdoor recreation must be approved by the

National Park Service (NPS). NPS will consider approval only if all alternatives to the conversion have been evaluated and rejected on a sound basis. These properties may be converted to a non-outdoor recreational use only if replacement land of at least the same fair market value and reasonable equivalent usefulness and location is assured. If approved, the state must acquire replacement lands of at least equal fair market value and recreational usefulness.

In certain cases, the temporary use of a portion of a Section 6(f) resource is not considered a conversion. If the use of the Section 6(f) resource lasts for a period less than 6 months, and the property is returned to pre-existing conditions following the use, the NPS may approve a temporary non-conforming use of the Section 6(f) resource.

Minnesota allocates one half of each annual apportionment to state agencies for statewide facilities including state parks, historical interpretive sites, state trails, wildlife management areas, and water access sites. Through the Outdoor Recreation Grant Program, the State of Minnesota provides matching grants to local units of government for up to 50 percent of the cost of acquisition, development and/or redevelopment of local parks and recreation areas. The program finances projects using federal funds through the LWCF. All land improved or acquired with assistance from this grant program must be retained and operated solely for outdoor recreation. The Grantee shall not at any time convert this property to other uses without the prior written approval of the State. Like LWCF properties, replacement land of at least the same fair market value and reasonable equivalent usefulness and location must be assured.

2.2 Methodology

2.2.1 Identification of Properties Potentially Subject to Section 4(f)

Park and recreation properties, wildlife and waterfowl refuges, and historic properties³ within, or located above or under the NLX study area were evaluated to determine if they are potentially protected under Section 4(f) of the U.S. DOT Act of 1966 (23 CFR 774) and MnDOT Section 4(f) Guidance (MnDOT, 2007). The Tier 1 EA assessed park and recreation areas within 0.25 mile of the proposed NLX Project (defined in the Tier 1 EA as the existing BNSF corridor between Minneapolis and Duluth). The Tier 1 EA did not identify constructive use of Section 4(f) property. The NLX study area for Section 4(f) for the Tier 2 EA focused on properties within approximately 350 feet of existing BNSF right of way and the proposed NLX construction limits for identification of potential permanent and temporary occupancy impacts as well as potential

³ MnDOT completed Phase I and II Architectural History Surveys (2013) and Phase I Archaeological Investigation (2017) to identify potentially eligible archaeological and historic structures within the Area of Potential Effect (APE) for the NLX Project. See Section 4.11 of the NLX Tier 2 EA for additional information.

constructive use. The availability of more detailed engineering information allowed the study area to focus on potential permanent and temporary acquisition, which is where Section 4(f) uses or temporary occupancies would occur. The 350-foot buffer around the construction limits was the extent where potential noise impacts would occur, which captured potential constructive uses of Section 4(f) properties.

Potential constructive uses of Section 4(f) properties within the NLX study area for Section 4(f) were assessed on a case by case basis where noise or other impacts were identified. A review of the Tier 2 EA noise analysis was conducted to assess the potential for constructive use of parks and recreation areas from noise. The following parks and recreation areas were identified within the 350-foot buffer and were reviewed for potential constructive use:

- Memorial Rose Garden in Braham, Minnesota, which is approximately 70 feet from the NLX Project
- Two unnamed city parks in Askov, Minnesota, located approximately 150 and 200 feet, respectively, from the NLX Project
- Bruno Elementary School playground in Bruno, Minnesota, located approximately 350 feet from the NLX Project
- Jackie Berger Memorial Park in Duquette, Minnesota, located approximately 150 feet from the NLX Project
- 18th and Oakes Avenue Park, located approximately 300 feet from the NLX Project in Superior, Wisconsin
- Bayfront Festival Park located approximately 300 feet from the NLX Project in Duluth, Minnesota

The Tier 1 EA identifies parks, bicycle and pedestrian trails, and wildlife refuges. To be more inclusive of the types of potential Section 4(f) protected properties, in addition to the types of resources assessed in the Tier 1 EA, the Tier 2 EA assesses schools with athletic fields open to the public, community recreational facilities, snowmobile trails, state water trails and historic resources.

Properties potentially subject to Section 4(f) were identified using the guidance discussed in Section 2.1.1 and included:

- Public parks and recreational areas
- Publicly owned wildlife and waterfowl refuges
- Public trails, paths, bikeways and sidewalks
 - Trails on private land that are open to the public were considered potentially subject to Section 4(f) if there is evidence of an easement or lease
 - Trails that are determined to be primarily for transportation use are not considered subject to Section 4(f)
- Historic properties of national, state or local significance in public or private ownership have been identified by MnDOT Cultural Resources Unit (CRU) on behalf of FRA and have undergone an assessment

of effect based on the level of engineering completed to date. FRA submitted a determination of effects (DOE) report to the Minnesota State Historic Preservice Officer (MnSHPO) describing the findings documented in the Tier 2 EA and indicating that the Project will result in a conditional determination of no adverse effect to historic properties to reach resolution on Section 106 for the NLX Project. MnSHPO concurred with this finding on August 31, 2017 (see Appendix A).

Snowmobile and ATV trails crossing the NLX study area were identified to determine potential impacts from the proposed NLX Project. Snowmobile trails were identified as potentially subject to Section 4(f) based on the following criteria:

- The trails are shown on a Minnesota Department of Natural Resources (MnDNR) interactive map on the MnDNR website and are open to the public.
- The snowmobile trails shown on the interactive map are funded by the MnDNR Minnesota Trails Assistance program established by the Minnesota Legislature in 1973. This program, popularly known as the Grant-in-Aid (GIA) program funds the creation and maintenance of these snowmobile trails. As stated on the MnDNR website “Maintenance and grooming grants-in-aid are awarded to local governments (often county units), referred to as the sponsor, to ensure that GIA snowmobile trails at specific times in the year are prepared and ready for use, adequately groomed and closed at the end of the season. Through these grants-in-aid, the MnDNR effectively purchases the service of well-groomed and maintained snowmobile trails” (MnDNR, 2016a).
- Most of the locations where the snowmobile trails in Minnesota cross the proposed NLX route are publicly owned (located on public right of way).
- All the snowmobile and ATV trails and trail crossings in Wisconsin are publicly owned (located on public land or right of way).

This Final Section 4(f) Evaluation presents FRA’s determination of the parks, recreation areas, wildlife refuges, and historic properties that are subject to Section 4(f). Coordination OWJs has occurred and is presented in Section 5.

Sources used to determine the presence of publicly owned parks and recreation areas and wildlife and waterfowl refuges include maps from federal, state and local agencies; planning documents (transportation plans, master plans and documents describing recreational resources); property maps from county assessor offices; and websites of specific recreational resources.

2.2.2 *Determination of Potential Section 4(f) Property Use*

Properties subject to Section 4(f) in the NLX study area were evaluated to determine if there would be a use of these properties by the NLX Project in accordance with 49 CFR 303, 23 CFR 774, and MnDOT Section 4(f) Guidance, as discussed in Section 2.1.1.

2.2.3 Identification of Properties Subject to Section 6(f)

Potential Section 6(f) properties in the NLX study area were evaluated to determine if they are potentially protected under Section 6(f) using the MnDNR listing of *Parks and Natural Areas Subject to Permanent Land Use Requirements Through Grant Agreements Administered by the MN Dept. of Natural Resources* (MnDNR, 2015). Section 6(f) resources in Wisconsin were identified using the *National Park Service Land and Water Conservation Fund Grant Listings by State and County* (National Park Service, 2016).

3. Affected Environment

Most of the resources discussed are existing, except for trails planned in Anoka County identified as proposed. No additional parks, recreation areas or trails are planned in the foreseeable future.

3.1 Section 4(f)

Existing resources in the NLX study area include parks; other recreation areas, such as an ice arena, school playgrounds and public golf courses; a wildlife management area and trails. All of the park and recreational resources discussed below have been determined to be potentially subject to Section 4(f). All of the resources listed in **Table 3-1**, **Table 3-2**, **Table 3-3** and **Table 3-4** are displayed in the map sets in **Appendix D**. In addition, MnDOT CRU identified historic properties potentially subject to Section 4(f) (see Section 4.11 of the Tier 2 EA). This Final Section 4(f) Evaluation includes those resources that FRA confirmed, after coordination with OWJs, are protected by Section 4(f).

FRA has coordinated with the OWJs for the resources subject to Section 4(f). FRA will continue to coordinate with the OWJs following the publication of this Final Section 4(f) if FRA provides funding to advance the project to final design and construction, in order to minimize impacts through the design process.

3.1.1 Parks and Recreation Areas

Parks and recreation areas occur within the NLX study area from Minneapolis to Duluth. The parks and recreation areas potentially subject to Section 4(f), their location and official(s) with jurisdiction for each park and recreation area are listed in **Table 3-1**. The Tier 1 EA described each of these parks and recreation areas, with the exception of parks described in the following paragraphs. Parks not identified in the Tier 1 EA are in bold font in **Table 3-1**.

Table 3-1: Publicly Owned Parks and Recreation Areas Within the NLX Study Area

Name and Official with Jurisdiction ^a	City	County	State	Side of Existing Track
West River Parkway (Minneapolis Park and Recreation Board)	Minneapolis	Hennepin	MN	Both (underneath)
Nicollet Island Park (Minneapolis Park and Recreation Board)	Minneapolis	Hennepin	MN	Both
BF Nelson Park (Minneapolis Park and Recreation Board)	Minneapolis	Hennepin	MN	North
Northeast Ice Arena (Minneapolis Park and Recreation Board)	Minneapolis	Hennepin	MN	East
Edison Field (Edison High School, Minneapolis School District)	Minneapolis	Hennepin	MN	East
Edgewater Gardens Park (City of Fridley)	Fridley	Anoka	MN	West
Locke Lake Park (City of Fridley) ^b	Fridley	Anoka	MN	West
Plaza Park (City of Fridley)	Fridley	Anoka	MN	East
Rice Creek West Regional Trail Corridor (Anoka County)	Fridley	Anoka	MN	East
Community Park (City of Fridley) ^c	Fridley	Anoka	MN	East
Springbrook Nature Center (City of Fridley)	Fridley	Anoka	MN	East
Erlandson Park (City of Coon Rapids)	Coon Rapids	Anoka	MN	West
Sand Creek Athletic Field and Park (City of Coon Rapids)	Coon Rapids	Anoka	MN	East
Sand Creek Trail Park (City of Coon Rapids)	Coon Rapids	Anoka	MN	Both
Sand Creek School Park (City of Coon Rapids) ^d	Coon Rapids	Anoka	MN	East
Wilderness Park (City of Coon Rapids)	Coon Rapids	Anoka	MN	West
Bunker Hills Regional Park and Bunker Hills Golf Course (Anoka County)	Coon Rapids / Andover	Anoka	MN	Both
Andover Lions Park (City of Andover)	Andover	Anoka	MN	East
Coon Creek Park (City of Andover)	Andover	Anoka	MN	West
Forest Meadows Park (City of Andover)	Andover	Anoka	MN	West
Lifelong Learning Center (school) (Anoka County Independent School District 15)	Oak Grove	Anoka	MN	East
Shade Tree Commons Park (City of Oak Grove)	Oak Grove	Anoka	MN	East
Whisper Ridge Park (City of Isanti)	Isanti	Isanti	MN	West

Name and Official with Jurisdiction ^a	City	County	State	Side of Existing Track
Bluebird Park (City of Isanti)	Isanti	Isanti	MN	West
Memorial Rose Garden (City of Braham)	Braham	Isanti	MN	West
Freedom Park (City of Braham)	Braham	Isanti	MN	West
Memorial Park ("The Pit"), also known as Skating Park (City of Hinckley)	Hinckley	Pine	MN	East
Train Park (City of Sandstone)	Sandstone	Pine	MN	East
Main Park (City of Sandstone)	Sandstone	Pine	MN	East
Robinson Park (City of Sandstone)	Sandstone	Pine	MN	South
Banning State Park (MnDNR)	Rural	Pine	MN	Both
Daughters of American Revolution State Forest (MnDNR)	Rural	Pine	MN	Both
Two unnamed city parks (City of Askov)	Askov	Pine	MN	Both
Jackie Berger Memorial Park (City of Duquette)	Duquette	Pine	MN	North
Nemadji State Forest (MnDNR)	East of Holyoke	Carlton	MN	Both
Douglas County Forest (Douglas County Forestry Department)	Rural	Douglas	WI	Both
St. Louis River Grassy Point State Water Access Site (MnDNR)	Duluth	St. Louis	MN	South
Grassy Point Peninsula Park (City of Duluth)	Duluth	St. Louis	MN	South
Unnamed Canoe Birding Access Area ^e (City of Duluth)	Duluth	St. Louis	MN	South
Bayfront Festival Park (City of Duluth)	Duluth	St. Louis	MN	South
18th and Oakes Avenue Park (City of Superior)	Superior	Douglas	WI	East

Sources: Anoka County, 2016a, 2016b, and 2016c; City of Braham, 2016; City of Duluth, 2015; City of Fridley, 2016; City of Isanti, 2016; City of Minneapolis, 2016; City of Sandstone, 2013, 2015, and 2016; Hennepin County, 2016a; Hinckley Convention and Visitors Bureau, 2015; Isanti County, 2016; Minneapolis Park and Recreation Board, 2016; and Pine County, 2016.

^a Resources not identified in the Tier 1 EA are in **bold font**.

^b Locke Lake Park was listed as "Lake Park" in the Tier 1 EA, but the Fridley park map and the Anoka County Interactive Map website confirm the proper name is "Locke Lake Park."

^c Community Park was listed as "Fridley Community Park" in the Tier 1 EA, but the Fridley park map and the Anoka County Interactive Map website confirm the proper name is "Community Park."

^d Sand Creek School Park was listed as "Sand Creek Elementary" in the Tier 1 EA, but the Fridley park map and the Anoka County Interactive Map website confirm the proper name is "Sand Creek School Park."

^e Access is by boat (canoe/kayak) only. There is no road access or boat ramp. Listed activities for the park include carry-in canoeing and birding. This area is located south of the onramp to the Blatnik Bridge (Interstate 35) near NLX Project mile post X1.

BF Nelson Park is located on the east bank of the Mississippi River and covers an area of 12 acres. The park features the Pioneer Statue, carved of Minnesota granite and dedicated in 1936. BF Nelson Park also features a network of bicycle and pedestrian paths.

Northeast Ice Arena, located at 13th Avenue Northeast and Central Avenue is owned and operated by the Minneapolis Park and Recreation Board. The arena is open to the public and offers public skating and lessons, a hockey rink, an ice rink, a lacrosse field, a soccer field and public meeting rooms.

Edison Field (Edison High School), located at 22nd Avenue Northeast and Monroe Street Northeast, is a public high school with an athletic field and track open to the public.

Lifelong Learning Center, located in Oak Grove, Minnesota near 190th Lane Northwest and Cedar Drive Northwest, is a public school and features playground facilities and an athletic field open to the public (Independent School District 15, not dated). Based on parcel boundaries as shown on the Anoka County Property Map GIS Application and on an Anoka County parcel shapefile, part of the school's playground, a swingset and part of the fence surrounding the playground appear to be located within BNSF right of way. Property lines and any easements in effect would be confirmed as design progresses. The school playground facilities and the athletic field located on school property are potentially subject to Section 4(f).

Whisper Ridge Park, located in Isanti, Minnesota, covers 11 acres and features a tennis court, a basketball court and areas for hiking.

Robinson Park located in Sandstone, Minnesota, is a 65-acre site located along the Wild and Scenic Kettle River. The park features picnic shelters, hiking trails, bat hibernaculum and a boat ramp, and activities such as ice climbing, camping, rock climbing, whitewater rafting and fishing.

Douglas County Forest, located in Douglas County, Wisconsin, near Superior, features camping, hunting, fishing, trapping, boat ramps and multiple-use recreational trails (snowmobile, ATV, hiking, bicycling, snow shoeing, dog sledding and horseback riding). Trails located adjacent to or crossing the NLX study area are further discussed below under Trails.

St. Louis River Grassy Point State Water Access Site, located in Duluth, Minnesota, on the western bank of the St. Louis River, provides canoe and kayak access to the St. Louis River and the St. Louis River State Water Trail.

Grassy Point Peninsula Park, located in Duluth, Minnesota, on the western bank of the St. Louis River, covers 26 acres and provides river access (at the St. Louis River Grassy Point State Water Access Site), wildlife viewing and a fishing dock.

Unnamed Canoe Birding Access Area, located in Duluth, Minnesota, adjacent to the NLX study area and the Interstate 35/Interstate 535 junction provides canoe and kayak access and an area for birding.

3.1.2 Wildlife Refuge

Robert and Marilyn Burman Wildlife Management Area is located adjacent to (west of) the NLX study area in Oak Grove, Minnesota. The refuge is open to the public for hunting. MnDNR manages the wildlife management area (WMA) to provide habitat for deciduous forest species, hardwood forest species, brushland wildlife species, grassland species, wetland species, migratory waterfowl, song birds, deer, pheasants and turkey. Based on a review of the management plan, the WMA is considered to function as a refuge classification potentially protected under Section 4(f) (MnDNR, 2016b). No other wildlife refuges abutting the NLX study area were identified.

3.1.3 Trails

Numerous publicly owned trails, potentially subject to Section 4(f), are adjacent to or cross the NLX study area. These include bicycle and pedestrian trails, snowmobile and ATV trails, and water trails.

3.1.3.1 Bicycle and Pedestrian Trails

Bicycle and pedestrian trails primarily occur along the NLX study area within the Twin Cities Metropolitan Area (including Minneapolis, St. Paul and surrounding suburbs) and the Twin Ports Metropolitan Area (including the cities of Duluth, Minnesota, and Superior, Wisconsin). Publicly owned bicycle and pedestrian trails are potentially subject to Section 4(f), and the location and owner of each trail is listed in **Table 3-2** and shown in **Appendix D**. Unless otherwise noted in the Location column, all trails listed in **Table 3-2** cross the NLX study area at grade. Trails built for a transportation purpose are not subject to Section 4(f) and are not listed in **Table 3-2**. Bicycle and pedestrian trails not identified in the Tier 1 EA are in bold font in **Table 3-2**.

Table 3-2: Publicly Owned Bicycle and Pedestrian Trails Within the NLX Study Area

Name and Official with Jurisdiction ^a	City	County	State	Side of Track	Location ^b
Cedar Lake Trail (Three Rivers Park District)	Minneapolis	Hennepin	MN	South	Between North 5th Street and North Washington Avenue (parallel to and adjacent to existing track)

Name and Official with Jurisdiction ^a	City	County	State	Side of Track	Location ^b
Grand Rounds Trail (in West River Parkway) (Minneapolis Park and Recreation Board)	Minneapolis	Hennepin	MN	Both	North Washington Avenue (beneath existing track)
University Avenue Northeast Trail (Hennepin County Recreation)	Minneapolis	Hennepin	MN	East	University Avenue (bridge over existing track)
St. Anthony Parkway Trail (Minneapolis Park and Recreation Board)	Minneapolis	Hennepin	MN	Both	St. Anthony Parkway (over existing track, both sides of road)
Mississippi River Regional Trail (Anoka County)	Fridley	Anoka	MN	West	Northeast of Ashton Avenue Northeast, ties into the Rice Creek West Regional Trail at Rice Creek (parallel to and beneath existing track)
Rice Creek West Regional Trail (Anoka County)	Fridley	Anoka	MN	Both	Northeast of Ashton Avenue Northeast (under and east of existing track)
Osborne Road Trail (City of Fridley)	Fridley	Anoka	MN	Both	Osborne Road Northeast
85th Avenue Northwest Trail (City of Coon Rapids)	Coon Rapids	Anoka	MN	Both	85th Avenue Northwest
Coon Rapids Boulevard Extension Northwest Trail (City of Coon Rapids)	Coon Rapids	Anoka	MN	Both	Coon Rapids Boulevard Extension Northwest (under existing track)
Egret Boulevard Northwest Trail (sidewalks) north side (City of Coon Rapids)	Coon Rapids	Anoka	MN	Both	Egret Boulevard Northwest
Coon Creek Regional Trail (Anoka County)	Coon Rapids	Anoka	MN	Both	North of Northdale Boulevard (under existing track)
Northern Linkage Trail ^c (Anoka County)	Coon Rapids	Anoka	MN	Both	Main Street Northwest (over existing track on both sides of the road)

Name and Official with Jurisdiction ^a	City	County	State	Side of Track	Location ^b
Bunker Hills Regional Park Trail (Anoka County)	Coon Rapids	Anoka	MN	Both	North of Main Street Northwest (under existing track)
Bunker Lake Boulevard Trail (existing) / Central Anoka County Regional Trail (proposed) (Anoka County)	Andover	Anoka	MN	Both	Bunker Lake Boulevard (both sides of the road)
Tom Anderson Trail (City of Andover)	Andover	Anoka	MN	Both	North of Bunker Lake Boulevard (under existing track)
North Anoka County Regional Trail (proposed) (Anoka County)	Oak Grove	Anoka	MN	Both	221st Avenue Northwest / County Road 74
Isanti-Cambridge Trail (City of Isanti, City of Cambridge)	Isanti to Cambridge	Isanti	MN	West	305th Avenue Northeast
North Country National Scenic Trail (National Park Service) ^c	Rural, east of Foxboro	Douglas	WI	Both	County Road W
Bong Bridge Bike Path (City of Superior, Wisconsin)	Superior	Douglas	WI	Both	Richard I Bong Bridge (over existing track)
Bong Bridge Bike Path (City of Duluth)	Duluth	St. Louis	MN	Both	Richard I Bong Bridge (over existing track)
Superior Hiking Trail and Cross City Trail (both trails share the same path at this location) (National Park Service)	Duluth	St. Louis	MN	Both	West of West Railroad Avenue (over existing track)
Cross City Trail (City of Duluth)	Duluth	St. Louis	MN	Both	Under Interstate 35

Sources: Anoka County, 2016d; City of Duluth, 2015; City of Minneapolis, 2015; Hennepin County, 2016b; North Country Trail Association, 2016; Superior Hiking Trail Association, 2016.

^a Resources not identified in the Tier 1 EA are in **bold font**.

^b Trails are at-grade unless otherwise noted.

^c Northern Linkage Trail is part of the North Anoka County Regional Trail

^d The segment of the North Country Trail crossing the NLX study area is a temporary connector using the existing County Road W to connect two permanent segments of the trail. A permanent off-road trail that would cross the NLX study area is planned, but the design has not been completed.

3.1.3.2 Snowmobile and All-Terrain Vehicle Trails

Snowmobile and all-terrain vehicle (ATV) trails are adjacent to and cross the NLX study area in Isanti, Kanabec, Pine and Carlton Counties in Minnesota, and in Douglas County in Wisconsin. Snowmobile and ATV trails were not identified in the Tier I EA. The location of snowmobile trails listed in **Table 3-3** and shown on maps in **Appendix D** of the Tier 2 EA. Coordination with the OWJs regarding the applicability of Section 4(f) to these trail resources was conducted. All the snowmobile trails listed in **Table 3-3** cross the NLX study area at grade. Most of the mapped crossings are at existing public or private crossings; a few are located between crossings. The snowmobile trail crossings mapped between existing rail grade crossings would be verified again during future coordination with MnDNR and local OWJs when funding is available to advance the project to final design and construction. Several of these trails cross the NLX study area at multiple locations.

All the snowmobile trails in Minnesota listed in **Table 3-3** are funded by MnDNR with cooperative agreements with counties and snowmobile clubs to provide trail maintenance. The trails are located on MnDNR land (such as state parks or other recreational lands), MnDOT right of way along highways, county right of way and private property with long-term leases. None of the snowmobile trails in Minnesota are designated for ATV use. Snowmobile and ATV trails in Douglas County, Wisconsin, except for trails within Superior, are developed and maintained by the Douglas County Forestry Department (Douglas County, 2016). Trails within Superior, Wisconsin, are developed and maintained by the City of Superior Parks, Recreation & Forestry Department (City of Superior, 2016). The trails in Wisconsin are located on public property (such as the Douglas County Forest) and right of way along county roads (Douglas County, 2016; City of Superior, 2016). ATV trails and season of usage are included in **Table 3-3** to the extent that information is available.

Table 3-3: Snowmobile and All-Terrain Vehicle Trails Within the NLX Study Area

Name and Operator ^a	City	County	State	Side of Track	Location
Rum River Snowmobile Trail (parallel to 261st Avenue) (Rum River Sno Riders)	Rural	Isanti	MN	Both	261st Avenue (County Road 56)
Cambridge-Weber-Starks-Isanti Snowmobile Trail (Cambridge-Weber-Starks-Isanti Snowmobile Club)	Cambridge	Isanti	MN	Both	11th Avenue Southeast
Northern Lite Snowmobile Trail (Crossing 1) (Northern Lites Snowmobile Club)	Rural	Isanti	MN	Both	349th Avenue
Northern Lite Snowmobile Trail (Crossing 2) (Northern Lites Snowmobile Club)	Rural	Isanti	MN	Both	Road T66, 357th Avenue
Northern Lite Snowmobile Trail (Crossing 3) (Northern Lites Snowmobile Club)	Rural, north of Grandy	Isanti	MN	Both	370th Avenue (County Road 6)
Northern Lite Snowmobile Trail (Crossing 4)	Rural, north of Grandy	Isanti	MN	Both	Southwest of 375th Avenue
Northern Lite Snowmobile Trail (Crossing 5) (Northern Lites Snowmobile Club)	Rural, north of Grandy	Isanti	MN	Both	Northwest of 375th Avenue
Northern Lite Snowmobile Trail (Crossing 6) (Northern Lites Snowmobile Club)	Stanchfield	Isanti	MN	East	North of 389th Avenue (County Road 3)
Northern Lite Snowmobile Trail (Crossing 7A, private) (Northern Lites Snowmobile Club)	Rural, north of Braham	Kanabec	MN	Both	Private crossing north of 421st Avenue Northeast (County Road 4)
Northern Lite Snowmobile Trail (Crossing 7B, private) (Northern Lites Snowmobile Club)	Rural, north of Braham	Kanabec	MN	Both	Private crossing north of 6th Street Northwest
Hinckley-Pine City Snowmobile Trail (Hinckley-Pine City Flames Snowmobile Club)	Henriette	Pine	MN	Both	Pokegama Avenue E (County Road 11)
Hinckley-Pine City Snowmobile Trail (Hinckley-Pine City Flames Snowmobile Club)	Hinckley	Pine	MN	Both	County Road 61 (Old Highway 61)

Name and Operator ^a	City	County	State	Side of Track	Location
Pine 1, 2, 3s Snowmobile Trail ^b (Northern Pine Riders Snowmobile Club)	Sandstone	Pine	MN	West/North	MN 123 (Main Street)
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Sandstone	Pine	MN	West/North	Oak Street
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Askov	Pine	MN	West	MN 23
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Rural	Pine	MN	Both	Partridge Drive
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Rural, northeast of Bruno, MN	Pine	MN	Both	Private crossing near Railroad Lane
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Kerrick	Pine	MN	West	Private crossing near MN 23
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Kerrick	Pine	MN	Both	Deerfield Road and MN 23
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Kerrick	Pine	MN	Both	Klein Road and MN 23
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Duquette	Pine	MN	Both	Range Line Road and MN 23
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Rural	Pine	MN	Both	Erickson Road (Old Highway 23) and MN 23
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Rural	Pine	MN	East	Berger Road (Old Highway 23) and MN 23
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Rural	Pine	MN	Both	Wolf Drive

Name and Operator ^a	City	County	State	Side of Track	Location
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Rural	Pine	MN	East	Northeast of Wolf Drive
Pine 1, 2, 3s Snowmobile Trail (Northern Pine Riders Snowmobile Club)	Nickerson	Pine	MN	Both	Delong Street and Main Street
Moosehorn Snowmobile Trail (Moose Horn Rod and Gun Snowmobile Club)	Holyoke	Carlton	MN	North	County Road 145
Moosehorn Snowmobile Trail (Moose Horn Rod and Gun Snowmobile Club)	East of Holyoke	Carlton	MN	Both	Granzow Road
Gandy Dancer Trail and ATV Road Route (Douglas County Forestry Department)	Rural	Douglas	WI	Both	South Reed Merrill Road
Gandy Dancer Trail, Douglas County Summer ATV Route (Douglas County Forestry Department)	Rural	Douglas	WI	Both	South Reed Merrill Road
Gandy Dancer Trail, Douglas County Snowmobile Route (Douglas County Forestry Department)	Rural	Douglas	WI	Both	South Reed Merrill Road
Saunders Grade Snowmobile Trail and Winter ATV Trail (Douglas County Forestry Department)	Rural	Douglas	WI	Both	County Road C north of Short Cut Road
Trail 28 (Snowmobile and ATV) (Douglas County Forestry Department)	Superior	Douglas	WI	Both	North 58th Street
Orange Trail (Existing Snowmobile and ATV), Proposed North 58th Street (City of Superior, Wisconsin)	Superior	Douglas	WI	Both	North 58th Street

Sources: City of Sandstone, 2015; Douglas County, 2016; MnDNR, 2016c; Northern Pine Riders Snowmobile Club, 2012; Wisconsin DNR, 2012.

- ^a If the snowmobile trails in Minnesota are determined to be subject to Section 4(f), FRA and MnDOT would continue to coordinate with the OWJs (MnDNR and the trail operator) to determine if a use of the property would occur. FRA and the OWJs for trails in Wisconsin (noted in parentheses following the trail name) would determine of the snowmobile and ATV trails in Wisconsin are subject to Section 4(f) and if a use of the property would occur.
- ^b The MnDNR snowmobile map (MnDNR, not dated) places part of the Pine 1, 2, 3s Snowmobile Trail in Sandstone within the BNSF property and proposed maintenance facility site. However, the Northern Pine Riders Snowmobile Club trail map places the trail along MN 23. An email from the City of Sandstone City Administrator (March 27, 2015) states that this trail parallels the BNSF property but is on MnDOT right of way.

3.1.3.3 State Water Trails

MnDNR has established a network of state water trails for recreational paddling (canoes, kayaks and paddleboards) on selected rivers with recreational value. These state water trails are on waters of the state; public-owned river channels with public access points. The NLX study area crosses four state water trails, listed in **Table 3-4** and shown on maps in **Appendix D**. There are no state water trails abutting or crossing the NLX study area in Wisconsin.

Table 3-4: National and State Water Trails Within the NLX Study Area

Name	City	County	State	Side of Track	Location
Mississippi National River and Recreation Area Water Trail / Mississippi River State Water Trail	Minneapolis	Hennepin	MN	Both	Mississippi River, parallel to Nicollot Island
Snake River State Water Trail	Grasson	Kanabec	MN	Both	Snake River, south edge of Grasson, north of MN 70
Kettle River State Water Trail ^a	Sandstone	Pine	MN	Both	Kettle River, northeast of Sandstone
St. Louis River State Water Trail ^b	Duluth	St. Louis	MN	Both	St. Louis River, under the Grassy Point Movable Bridge Span

Sources: City of Duluth, 2016; MnDNR, 2016d.

^a The Kettle River is also designated as a Wild and Scenic River. The segment of the Kettle River in the NLX study area for Section 4(f) and Section 6(f) is managed for recreation and is potentially subject to Section 4(f).

^b The City of Duluth is in the process of nominating the St. Louis River State Water Trail to be designated as the St. Louis River National Water Trail.

3.1.4 Historic Resources

Historic properties of national, state, or local significance in public or private ownership have been identified by MnDOT CRU on behalf of FRA. FRA has made a determination of no adverse effect on historic properties and the MnSHPO concurred with the determination on August 31, 2017.

The following architecture/history resources have been identified:

- Listed on the NRHP
 - 2 historic districts
 - 9 historic properties

- Eligible for listing on the NRHP
 - 2 rail corridor historic districts
 - 7 railroad corridors
 - 12 historic properties

The names and locations of these historic resources are presented in **Table 3-5**. See the NLX Tier 2 EA, Section 4.11, Cultural Resources for additional information.

Table 3-5: Section 106 Review of NRHP Previously Listed and Determined Eligible Properties

Property Name (Historic)	Property Address	NRHP Criteria	Contributing Resources in Railroad Corridors
Hennepin County			
1 Minneapolis Warehouse Historic District (listed) HE-MPC-0441	Vicinity of 1st Avenue North, North 1st Street, 10th Avenue North, and North 6th Street, Minneapolis	Criterion A – Commerce Criterion C – Architecture	
2 St. Anthony Falls Historic District (listed)	Vicinity of Mississippi River between Plymouth Avenue North and 10th Avenue South, Minneapolis	Criterion A – Commerce, industry, transportation Criterion C – Architecture Criterion D – Archaeology	
3 Minneapolis Fire Department Repair Shop (listed) (in SAFHD) HE-MPC-2137	24-28 University Avenue Northeast, Minneapolis	Criterion A – Politics/Government	
4 Northrup, King & Company Complex (eligible) HE-MPC-3788	1500 Jackson Street Northeast, Minneapolis	Criterion A – Commerce and industry	
5 Northwestern Casket Company (eligible) HE-MPC-3792	1720 Madison Street Northeast, Minneapolis	Criterion A – Commerce and industry	
6* St. Paul, Minneapolis and Manitoba/Great Northern Railroad Corridor, Minneapolis Jct. to Breckenridge (eligible) HE-MPC-16387	N/A (NLX includes the segment from Minneapolis Jct. to TFS), Minneapolis	Criterion A – Transportation	Contributing Railroad Bridges: <ul style="list-style-type: none">• *HE-MPC-5961 crossing west channel of Mississippi River• *HE-MPC-5962 crossing east channel of Mississippi River
7 Minneapolis & Pacific Railway Co/Mpls/SP &Sault Ste. Marie/Soo Line/Canadian Pacific Railway, Minneapolis to the Minnesota/North Dakota state line west of Tenney, MN (eligible) HE-MPC-17264	N/A crosses Northtown Yard (east/west), Minneapolis	Criterion A – Transportation	Contributing Railroad Bridges: <ul style="list-style-type: none">• HE-MPC-5282 – Bridge no. 5584 crossing over Northtown Yard

	Property Name (Historic)	Property Address	NRHP Criteria	Contributing Resources in Railroad Corridors
8	St. Paul & Northern Pacific Railway/Northern Pacific Railway, Minneapolis to St. Paul Railroad Corridor Historic District (eligible) HE-MPC-17694	N/A (joins XX-RRD-011 near 19th Avenue Northeast), Minneapolis	Criterion A – Transportation, agriculture and industry	Contributing Railroad Bridges: <ul style="list-style-type: none">• HE-MPC-5278 – Bridge no. L8893 crossing over 19th Avenue Northeast• HE-MPC-5280 – Bridge no. 92333 crossing over Monroe Street Northeast• HE-MPC-17373 – Bridge no. 92335 crossing over 18th Avenue Northeast
9*	St. Paul & Pacific Railroad (St. Vincent Extension)/St. Paul, Mpls & Manitoba Railway/Great Northern Railway (Willmar Div., 1st Sub.)/Burlington Northern RR/Burlington Northern Santa Fe Railway, Mpls. To St. Vincent (eligible) XX-RRD-001	N/A Superseded on map by XX-RRD-011—(the overlay district) Minneapolis, Fridley and Coon Rapids	Criterion A – Transportation and agriculture	
10 * 10	St. Paul & Northern Pacific Railway/Northern Pacific Railway (St. Paul Div, 1st Sub)/Burlington Northern RR/Burlington Northern Santa Fe Railway, Minneapolis to Sauk Rapids (eligible) XX-RRD-003	N/A Superseded on map by XX-RRD-011 (the overlay district) Minneapolis, Fridley and Coon Rapids	Criterion A – Transportation and agriculture	

Property Name (Historic)		Property Address	NRHP Criteria	Contributing Resources in Railroad Corridors
11	Great Northern and Northern Pacific Railway, * Minneapolis Junction to Sauk Rapids Railroad Corridor Overlay Historic District (eligible) XX-RRD-011	Minneapolis, Fridley and Coon Rapids	Criterion A – Transportation and agriculture	<p>Contributing Railroad Bridges: (not individually eligible)</p> <ul style="list-style-type: none"> • *HE-MPC-17266 - Bridge No. L8895 (MP 9.86) • *HE-MPC-17265 - Bridge No. 92336 (MP 10.82) • *HE-MPC-17262 - Bridge No. L8892 (MP 10.91) • *HE-MPC-17263 - Bridge No. L8891 (MP 11.11) • *HE-MPC-17267 - Bridge No. 92332 (MP 11.22) • *HE-MPC-8444 – Lowry Avenue (MP 11.35) • AN-CRC-008 - Bridge No. 6011A • AN-CRC-009 - Bridge No. 6011B
12	Bridge No. 90664 (eligible) HE-MPC-9002	St. Anthony Boulevard over the BNSF, Minneapolis	Razed	
Anoka County				
13	Fridley Water Filtration Plant/Minneapolis Water Works – Fridley Plant (eligible) AN-FRC-178	East River Road, Fridley	Criterion A – Community planning and development Criterion C – Architecture	
14	Northern Pump Co./Northern Ordnance Plant (eligible) AN-FRC-177	4800 E. River Road, Fridley	No Longer Eligible due to redevelopment	

Property Name (Historic)		Property Address	NRHP Criteria	Contributing Resources in Railroad Corridors
15	Cedar Potato Warehouse (eligible) AN-OKG-005	Main Street Northwest and Viking Boulevard, Cedar (Oak Grove)	Criterion A – Agriculture and commerce	
Isanti County				
16	Isanti Farmers Creamery Cooperative (eligible) IA-ISC-002	104 Main Street W., Isanti	Criterion A – Agriculture and commerce	
17	Oscar Olson House (listed) IA-BRC-006	309 Beechwood Avenue North, Braham	Criterion B – Oscar Olson Criterion C – Architecture	
Pine County				
18	Minneapolis Trust Company Building (listed) PN-SSC-011	Main Street North, Sandstone	Criterion A – Settlement Commerce Criterion B – James J. Hill, Samuel Hill	
19	Kettle River Sandstone Company Quarry (listed) PN-SSC-008	Off MN 23, Sandstone	Criterion A – Exploration/Settlement industry	
20	Askov Great Northern Passenger Depot (eligible) PN-ASC-005	Brogade Street, Askov	Criterion C – Architecture	
21	Partridge Township Hall (listed) PN-ASC-006	6345 Kobmagergade Street (Main Street), Askov	Criterion A – Settlement Politics/Government	
22	Askov American (eligible) PN-ASC-056	6351 Kobmagergade Street, Askov	Criterion B – Communication Politics/Government for association with Hjalmar Petersen	
23	Louis Hultgren House and Sand Pit (listed) PN-KEC-003	8375 Minnesota State Highway (MN) 23, Kerrick	Criterion A – Settlement and industry Criterion B – Louis Hultgren	

Property Name (Historic)		Property Address	NRHP Criteria	Contributing Resources in Railroad Corridors
24	Kerrick Cheese Factory & Creamery (eligible) PN-KEC-002	5357 Hogan Avenue, Kerrick	Criterion A – Agriculture and industry	
St. Louis County				
25	Grassy Point Railroad Bridge (eligible) * SL-DUL-0009	Grassy Point and Waterfront, Duluth		
26	Duluth Short Line Railway/St. Paul & Duluth * RR/Northern Pacific Railway "Grassy Point Line"/Burlington Northern RR/BNSF /LST&T Jct. to West Duluth Jct. (eligible) XX-RRD-025, (Field No. 1864 in Wis)	N/A (previously SL-XRR-003; renumbered to XX-RRD-025), Duluth	Criterion A – Agriculture, commerce, industry and transportation	
27	North Western-Hanna Coal Dock No. 5 (eligible) SL-DUL-0012	303 37th Ave. W, Duluth	Criterion A – Industry and transportation related to iron ore and coal mining	
28	Duluth, Missabe & Iron Range Ore Docks (eligible) SL-DUL-0014	34th Avenue West and Waterfront, Duluth	Criterion A – History/Transportation	
29	Duluth, Missabe & Iron Range Railway (eligible) SL-DUL-2499	I-35 and 34th Avenue West to I-35 and 31st Avenue West, Duluth	Criterion A – History/Transportation	
30	Portion of Lake Superior & Mississippi Railroad mainline (eligible) SL-DUL-2500	Under I-35, west of 31st Avenue West, Duluth	Criterion A – History/Transportation	
31	Great Northern Power Co/MN Power & Light Co/Mn Power Substation (eligible) SL-DUL-0191	30 W. Superior St., Duluth	Criterion A – Engineering and industry Criterion C – Architecture	
32	Duluth Union Depot (listed) SL-DUL-0658	506 W. Michigan St., Duluth	Criterion C – Architecture	

Property Name (Historic)	Property Address	NRHP Criteria	Contributing Resources in Railroad Corridors
33 William Crooks Locomotive (listed) (housed in Depot) SL-DUL-2465	506 W. Michigan St., Duluth		
34 Soo Line Locomotive#2719 (listed) (AHI#30666; moved from Wisconsin/housed in Depot)	506 W. Michigan St., Duluth		

All architectural history properties located in Minnesota.

An asterisk (*) indicates that the NLX Project would operate on the railroad line.

Two historic resources (number 12 and number 14) have been determined to no longer be eligible due to lack of integrity.

3.2 Section 6(f) Resources

The Land and Water Conservation Fund Act was enacted by Congress in 1965 “to strengthen the health and vitality of the citizens of the United States” through planning, acquisition, and development of land and water outdoor recreation facilities (16 USC 460l-4). Congress intended this investment of public funds to be permanent. Section 6(f) of the Act requires all funded lands to be retained and used solely for outdoor recreation in perpetuity. Any conversion of these lands to uses other than outdoor recreation must be approved by the National Park Service. The Park Service will only consider approval if all alternatives to the conversion have been evaluated and rejected on a sound basis. If approved, the state must acquire replacement lands of at least equal fair market value and recreational usefulness. Minnesota allocates one half of each annual apportionment to state agencies for statewide facilities including state parks, historical interpretive sites, state trails, wildlife management areas, and water access sites. Section 6(f) funds were used for developing the following parks within the NLX study area for Section 6(f):

- Community Park, Fridley, MN
- Springbrook Nature Center, Fridley, MN
- Erlandson Nature Park, Coon Rapids, MN
- Bunker Hills Regional Park and Bunker Hills Golf Course, Coon Rapids and Andover, MN
- Memorial Park (“The Pit”), Hinckley, MN
- Robinson Park, Sandstone, MN
- Kettle River Wild and Scenic River, Sandstone, MN
- Banning State Park, MN
- DAR State Forest, rural Pine County, MN

Conversion of parks and trails funded by Section 6(f) grants requires approval by the National Park Service.

Outdoor Recreation Grant Funds were used for developing the following parks within the NLX study area for Section 6(f):

- Sand Creek School, Coon Rapids, MN
- Sand Creek Trail, Coon Rapids, MN

Conversion of parks and trails funded by Outdoor Recreation Grant Funds grants requires approval by MnDNR.

4. Evaluation of Impacts

Impacts on potential Section 4(f) and 6(f) properties were assessed by reviewing the NLX Project construction limits, and considering projected right of way and temporary easement needs compared to the locations of the properties.

4.1 Section 4(f)

4.1.1 No Build Alternative

Under the No Build Alternative, the NLX Project would not occur and would not alter current conditions. There would be no changes except planned and programmed actions.

4.1.2 Build Alternative – Operations (Permanent Use)

The NLX Project would not permanently use properties subject to Section 4(f). Permanent incorporation of properties subject to Section 4(f) is not anticipated.

4.1.3 Build Alternative – Operations (Constructive Use)

The potential for a Section 4(f) constructive use from the NLX Project was also assessed. As defined in Section 2.1.1, the following could lead to a constructive use: noise impacts, impacts on visual character, restriction of access, vibration impacts, and ecological intrusion.

The properties described in Section 3.1 were reviewed with the results of the noise analysis discussed in the NLX Tier 2 EA, Section 4.9 to identify any anticipated moderate or severe noise impacts. **Table 4-1** summarizes results of noise impacts at the properties.

Table 4-1: Noise Impacts at Recreational Properties along NLX Corridor

Property	Noise Impacts
18 th and Oakes Avenue Park; Superior, WI	No impact
Lifelong Learning Center in Oak Grove, Minnesota	Moderate
Playground at Bruno Elementary School in Bruno, Minnesota	Moderate
Memorial Rose Garden in Braham, Minnesota	Moderate

Property	Noise Impacts
Two unnamed city parks in Askov, Minnesota	Moderate
Jackie Berger Memorial Park in Duquette, Minnesota.	Moderate
Freedom Park in Braham, Minnesota	Severe
Memorial Park in Hinckley, Minnesota	Severe
Train Park in Sandstone, Minnesota	Severe
Robinson Park in Sandstone, Minnesota	Severe

23 CFR 774 defines a constructive use as occurring when:

- (1) the projected noise level increase attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a property protected by Section 4(f), such as:
 - (i) Hearing a performance at an outdoor amphitheater;
 - (ii) Sleeping in the sleeping area of a campground;
 - (iii) Enjoyment of a historic site where a quiet setting is a generally recognized feature or attribute of the site's significance
 - (iv) Enjoyment of an urban park where serenity and quiet are significant attributes; or
 - (v) Viewing wildlife in an area of a wildlife and waterfowl refuge intended for such viewing.

The noise analysis for the proposed NLX Project was completed using FRA's *High-Speed Ground Transportation Noise and Vibration Impact Assessment* guidance manual (2012) and the Federal Transit Administration's (FTA) *Transit Noise and Vibration Impact Assessment* guidance manual (2006) (see Section 4.9, Noise and Vibration of the NLX EA). The FTA guidance includes three categories of land use for noise impact assessment:

- Category 1 – Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and includes such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.
- Category 2 – Residences and buildings where people normally sleep. This category includes homes, hospitals and hotels with nighttime sensitivity to noise.

- Category 3 – Institutional land uses with primarily daytime and evening use. This category includes schools, libraries and churches, medical offices, conference rooms, recording studios and concert halls. Some parks and recreational facilities are also included.

Only Bayfront Festival Park would be categorized as a Category 1 land use in accordance with FTA guidance. The campground at Bunker Hills Regional Park would be categorized as a Category 2 land use under FTA guidance, with nighttime noise sensitivity. No noise impact is projected for Bayfront Festival Park or Bunker Hills Regional Park. The campground at Bunker Hills Regional Park is located approximately 3,200 feet (0.6 mile) from the existing railroad track and NLX trains would not travel through this area at night. Consequently, a constructive use would not occur at either of these parks.

According to FTA guidance, parks where active recreation (such as playgrounds, athletic fields, water parks, horseback riding, and other similar activities) do not have a basis for quiet and serenity. The playground and athletic field at Lifelong Learning Center, the playground at Bruno Elementary School, the two unnamed city parks in Askov, Jackie Berger Memorial Park in Duquette, and Robinson Park (except for campground) all have active recreation facilities and uses. Moderate noise impacts are projected for all these parks and recreation areas, except for Robinson Park. In accordance with the FTA guidance, a moderate impact is noticeable to most people, but is not sufficient to cause an adverse impact on the community. A severe noise impact is projected for Robinson Park. The campground at Robinson Park is located between 700 feet and 1,100 feet from the existing track and is sheltered from the tracks by its location in a deep valley of the Kettle River. Consequently, a constructive use would not occur. Train Park has a mix of active and passive uses. Memorial Rose Garden and Freedom Park have passive uses, but all three of these parks are located proximate to the existing BNSF freight line and busy highways or streets adjacent to commercial areas. These severe noise impacts represent a maximum possible estimate of the potential noise increase at these park sites. Specifically, the analysis compares the noise level without any trains (that is, no freight trains or passenger trains) to the noise level when an NLX passenger train passes each park. However, about 10 to 12 freight trains currently pass these parks each day; these trains are usually 10,000 feet long and take several minutes to pass the park. The addition of up to eight passenger trains, which are 650 feet long and would take less than 1 minute to pass the park, would not substantially alter the recreational experience at the park.

The vibration analysis for the proposed NLX Project was completed using FRA's *High-Speed Ground Transportation Noise and Vibration Impact Assessment* guidance manual (2012) and FTA's *Transit Noise and Vibration Impact Assessment* guidance manual (2006) (see Section 4.9, Noise and Vibration of the NLX Project Tier 2 EA). Like the noise analysis summarized above, vibration-sensitive receptors fall into three categories:

- Category 1 – Buildings where vibration would interfere with interior operations.
- Category 2 – Residences and buildings where people normally sleep.

- Category 3 – Institutional land uses with primarily daytime and evening use. Some parks and recreational facilities are included in this category.

The results of the vibration analysis identified one impact at a residence. The proposed NLX Project would not cause vibration impacts on any historic properties, parks, recreation areas or wildlife refuges or management areas or intrude into or interfere with access into any wildlife refuge.

This Tier 2 EA evaluates visual impacts of operations and proposed infrastructure for four daily round trips (eight trains per day) at speeds up to 90 mph.

A visual impact assessment conducted as part of the Tier 2 EA analysis (see Section 4.14 of the Tier 2 EA) identifies minor impacts on visual quality, primarily from the need for fencing at stations and maintenance/layover facilities, and potentially at certain grade crossings. Fencing is planned only for safety and security purposes. On a general level, fencing is anticipated to be provided in locations where there is a high probability where people would cross the tracks, such as at grade crossings and in developed areas with residential development on both sides of the tracks. Fencing for the NLX Project would not impact any legal park access points. Most of the proposed NLX Project infrastructure components would occur within the existing BNSF right of way and so would be consistent with the visual setting of the NLX study area. Therefore, the proposed NLX Project would not substantially alter the visual character of any parks or recreation areas or restrict access that would substantially diminish the utility of a significant publicly owned park or recreation area or historic properties. Closures would be temporary and measures to minimize harm would be implemented, as discussed below.

4.1.4 Build Alternative – Construction (Temporary Occupancy and De Minimis Impacts)

Access to adjacent properties subject to Section 4(f) would be maintained during construction, but may be limited at times due to construction requirements. To avoid a temporary occupancy of Section 4(f) resources, construction would be staged so that no Section 4(f) protected property would be affected for the entire duration of NLX Project construction. Based on the anticipated project construction, the effect on potential Section 4(f) resources from construction meets the conditions for a temporary occupancy exception, and would not constitute a use of Section 4(f) resources.

Temporary occupancy exceptions must satisfy all the following conditions:

1. Duration must be temporary, that is, less than the time needed for construction of the project, and there should be no change in ownership of the land.

2. Scope of the work must be minor, that is, both the nature and the magnitude of the changes to the Section 4(f) property are minimal.
3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.
4. The land being used must be fully restored, that is, the property must be returned to a condition which is at least as good as that which existed prior to the project.
5. There must be documented agreement of the official(s) with jurisdiction (OWJ) over the Section 4(f) property regarding the above conditions.

Each of the Section 4(f) park resources in the following section was evaluated in accordance with these conditions. See **Table 4-2** for a summary of Section 4(f) properties evaluated for preliminary and final impact determinations. Anoka County did not concur with the temporary occupancy exception for the Rum River snowmobile trail and the Rice Creek Regional Trail Corridor; nor did the county concur with preliminary *de minimis* determinations for the Rice Creek Regional Trail, the Mississippi River Regional Trail, or the proposed North Anoka County Regional Trail (see **Section 4.2** for further discussion of impacts). **Section 6** provides an individual Section 4(f) evaluation of these properties.

Table 4-2: Section 4(f) Properties and Types of Use Evaluated for Temporary Occupancy and *de minimis* Determination

Name of Section 4(f) Resource	Property Type	Location	Section 4(f) Determination		Section 4(f) Qualifying Description	Official with Jurisdiction (OWJ)	Concurrence Received
			Preliminary	Final			
Cedar Lake Trail	Trail	Minneapolis, MN	<i>De minimis</i>	<i>De minimis</i>	Potential intermittent trail closures in sections adjacent to BNSF right of way near Target Field Station.	Minneapolis Park and Recreation Board	July 14, 2017
Grand Rounds Trail	Trail	Minneapolis, MN	<i>De minimis</i>	<i>De minimis</i>	Potential intermittent trail closures for the section below the BNSF bridge over West River Parkway.	Minneapolis Park and Recreation Board	July 14, 2017
Edgewater Gardens Park	Park	Fridley, MN	Temporary Occupancy	Temporary Occupancy	About 0.04 acres for construction of a new rail bridge over Mississippi Street Northeast to support construction of a third track.	City of Fridley	May 22, 2017
Locke Lake Park	Park	Fridley, MN	Temporary Occupancy	Temporary Occupancy	Approximately 0.07 acre to construct a new bridge over Rice Creek to support construction of a third track.	City of Fridley	May 22, 2017
Plaza Park	Park	Fridley, MN	Temporary Occupancy	Temporary Occupancy	Approximately 0.45 acre to construct a new bridge over Rice Creek to support construction of a third track.	City of Fridley	May 22, 2017
Springbrook Nature Center	Park	Fridley, MN	Temporary Occupancy	Temporary Occupancy	Approximately 0.33 acre to extend two culverts.	City of Fridley	May 22, 2017
Rice Creek West Regional Trail Corridor	Park	Fridley, MN	Temporary Occupancy	Use	Approximately 0.35 acre to construct a third track.	Anoka County	No concurrence received ¹
Mississippi River Regional Trail	Trail	Fridley, MN	<i>De minimis</i>	Use	Closure of approximately 120 feet of the trail under and near the BNSF bridge over Rice Creek during bridge construction. An additional 400 feet of the rail south of Locke Park within construction limits will need to be closed during construction.	Anoka County	No concurrence received ¹

Name of Section 4(f) Resource	Property Type	Location	Section 4(f) Determination		Section 4(f) Qualifying Description	Official with Jurisdiction (OWJ)	Concurrence Received
			Preliminary	Final			
Rice Creek West Regional Trail	Trail	Fridley, MN	<i>De minimis</i>	Use	Closure of approximately 100 feet of trail under BNSF bridge over Rice Creek during bridge construction. An additional 1,600 feet of trail within construction limits will need to be closed during construction.	Anoka County	No concurrence received ¹
Osborne Road Trail	Trail	Fridley, MN	<i>De minimis</i>	<i>De minimis</i> ²	Temporary closure of the trail at the Osborne Road grade crossing for crossing improvements.	City of Fridley	May 22, 2017
85th Avenue Northwest Trail	Trail	Coon Rapids, MN	<i>De minimis</i>	<i>De minimis</i> ²	Temporary closure of the trail at the 85th Avenue grade crossing for crossing improvements.	City of Coon Rapids	July 10, 2017
Egret Boulevard Northwest Trail	Trail	Coon Rapids, MN	<i>De minimis</i>	<i>De minimis</i> ²	Temporary closure of the trail at the Egret Boulevard Northwest grade crossing for crossing improvements.	City of Coon Rapids	July 10, 2017
Tom Anderson Trail	Trail	Andover, MN	<i>De minimis</i>	<i>De minimis</i> ²	Temporary closure of the trail where the BNSF crosses over the trail on a bridge to allow for bridge modifications.	City of Andover	May 8, 2017
Proposed North Anoka County Regional Trail	Trail	Oak Grove, MN	<i>De minimis</i>	Use	Temporary closure of the trail at the 221st Avenue Northwest grade crossing for crossing improvements.	Anoka County	No concurrence received ¹

Name of Section 4(f) Resource	Property Type	Location	Section 4(f) Determination		Section 4(f) Qualifying Description	Official with Jurisdiction (OWJ)	Concurrence Received
			Preliminary	Final			
Rum River Snowmobile Trail	Snowmobile Trail	Isanti County, MN	Temporary Occupancy	Use	Temporary closure of the trail at the 261st Avenue grade crossing (south of the City of Isanti) to allow for crossing improvements.	MnDNR Anoka County Rum River Trail Association	MnDNR: June 7, 2017 Association: May 10, 2017 Anoka County: No concurrence received ¹
Isanti-Cambridge Trail	Trail	Isanti, MN	<i>De minimis</i>	<i>De minimis</i> ²	Temporary closure of the trail adjacent to the grade crossing at 305th Avenue Northeast to allow for crossing improvements.	City of Cambridge	June 21, 2017
Cambridge-Weber-Starks-Isanti Snowmobile Trail	Snowmobile Trail	Cambridge, MN	Temporary Occupancy	Temporary Occupancy	Temporary closure of the trail at the 11th Avenue Southeast grade crossing to allow for crossing improvements.	MnDNR Cambridge-Weber-Starks-Isanti Snowmobile Club	MnDNR: June 7, 2017 Club: July 26, 2017
Northern Lite Snowmobile Trail	Snowmobile Trail	Isanti and Kanabec Counties, MN	Temporary Occupancy	Temporary Occupancy	Temporary closure of the trail for crossing improvements at the following grade crossings: <ul style="list-style-type: none"> • 357th Avenue • 370th Avenue • Two crossings near 375th Avenue north of Grandy • Two private crossings north of Braham 	MnDNR Northern Lites Snowmobile Club	MnDNR: June 7, 2017 Club: August 23, 2017

Name of Section 4(f) Resource	Property Type	Location	Section 4(f) Determination		Section 4(f) Qualifying Description	Official with Jurisdiction (OWJ)	Concurrence Received
			Preliminary	Final			
Hinckley-Pine City Snowmobile Trail	Snowmobile Trail	Pine County, MN	Temporary Occupancy	Temporary Occupancy	Temporary closure of the trail at the grade crossings at Pokegama Avenue near Henriette, and at Old Highway 61 in Hinckley for crossing improvements.	MnDNR City of Pine City Hinckley-Pine City Flames Snowmobile Club	MnDNR: June 7, 2017 City of Pine City: August 8, 2017
Pine 1, 2, 3s Snowmobile Trails	Snowmobile Trail	Pine County, MN	Temporary Occupancy	Temporary Occupancy	Temporary closure of the trail for a temporary construction access easement northeast of Askov, and at crossings near Railroad Avenue northeast of Bruno, near MN 23; at Deerfield Road and at Klein Road in Kerrick; at Range Line Road, Erickson Road and Berger Road near Duquette; and at Wolf Drive and DeLong Street near Nickerson. Some closures may be to allow track work to proceed, or for improvements where the trail uses a roadway grade crossing.	MnDNR Northern Pine Riders Snowmobile Club	MnDNR: June 7, 2017 Club: May 28, 2017
Moosehorn Snowmobile Trail	Snowmobile Trail	Carlton County, MN	Temporary Occupancy	Temporary Occupancy	Temporary closure of grade crossings at County Road 145 and at Granzow Road near Holyoke.	MnDNR Carlton County Moose Horn Rod and Gun Snowmobile Club	MnDNR: June 7, 2017 Carlton Co.: May 23, 2017 Club: June 1, 2017
Saunders Grade Snowmobile/ Winter ATV Trail	Snowmobile / ATV Trail	Douglas County, WI	Temporary Occupancy	Temporary Occupancy	Temporary closure of the trail near County Road C south of Superior, WI.	Douglas County, WI Forestry Department	June 19, 2017

Name of Section 4(f) Resource	Property Type	Location	Section 4(f) Determination		Section 4(f) Qualifying Description	Official with Jurisdiction (OWJ)	Concurrence Received
			Preliminary	Final			
North Country National Scenic Trail	Trail	Foxboro, WI	<i>De minimis</i>	<i>De minimis</i> ²	Temporary closure of the trail at the West County Road W grade crossing for crossing improvements.	National Park Service	May 31, 2017
Gandy Dancer Snowmobile Trail and Winter/Summer ATV	Trail, Snowmobile /ATV Trail	Superior, WI	<i>De minimis</i>	<i>De minimis</i> ²	Temporary closure of the trail at the South Merrill Road grade crossing for crossing improvements.	Douglas County, WI Forestry Department	June 19, 2017
Trail 28 (Snowmobile and Winter/Summer ATV)	Snowmobile /ATV Trail	Superior, WI	<i>De minimis</i>	<i>De minimis</i> ²	Temporary closure of the trail at the North 58th Street crossing for crossing improvements.	Douglas County, WI Forestry Department	June 19, 2017
Orange Trail (Snowmobile and Winter ATV)	Snowmobile /ATV Trail	Superior, WI	Temporary Occupancy	Temporary Occupancy	Temporary closure of the trail at the North 58th Street crossing for crossing improvements.	Douglas County, WI Forestry Department	June 19, 2017
Proposed North 58th Street Trail	ATV Trail	Superior, WI	Temporary Occupancy	<i>De minimis</i> ²	Temporary closure of the trail at the North 58th Street crossing for crossing improvements.	Douglas County, WI Forestry Department	June 19, 2017
Cross City Trail	Trail	Duluth, MN	Temporary Occupancy	<i>De minimis</i> ²	Temporary closure of the trail crossing just south of downtown Duluth to allow for track improvements.	City of Duluth	June 13, 2017

¹ A letter was received on September 8, 2017 from the Anoka County Parks and Recreation Department requesting additional data on the project noise level for this Section 4(f) resource. This letter requested information, but did not respond to a request for concurrence on the preliminary determination, therefore for purposes of this Final Section 4(f) Evaluation, FRA determined there is a use for the resource. This letter and FRA's response are in Appendix A of this document.

² The temporary closure of the trail does not meet the criteria for a temporary occupancy exception as defined under 23 CFR Part 774.13 because the NLX Project construction activities will temporarily interfere with the protected activities, features, or attributes of the trail. Temporary closures of the snowmobile trail meet the criteria for temporary occupancy exception since work will occur when the trails are not in use.

4.1.4.1 Parks and Recreation Areas, Wildlife Refuges and Winter Use Trails

None of the proposed stations, or maintenance and layover facilities would permanently affect parks and recreation areas, wildlife refuges or winter use trails discussed in this section. The easements to be acquired within these properties would be temporary to allow construction of improvements for the NLX Project.

Based on current design, no physical facilities, such as tennis or basketball courts, would be affected in parks or recreation areas. The NLX Project is anticipated to require temporary easements for construction in the following parks and recreation areas:

- **Edgewater Gardens Park**, Fridley, MN; approximately 0.04 acre (approximately 25 feet by 55 feet) to construct a new bridge over Mississippi Street Northeast to support construction of a third track.
 - Duration of occupancy would be temporary and only for the construction of the bridge. It is estimated that the bridge would be completed in one construction season, while the entire NLX Project would require 2 years for construction. A temporary easement would be obtained from the City of Fridley, but no change in the underlying fee ownership would occur.
 - No substantial changes would be made to the park property; it is only needed for access to the proposed bridge abutment.
 - No permanent adverse physical impacts would occur on park property; as noted above, the temporary occupancy is to allow access to the bridge construction site. The protected activities, features and attributes the park would be unaffected by the temporary occupancy.
 - The park property subject to the temporary occupancy is currently open land, and it would be re-graded as necessary and re-seeded to return it to preconstruction conditions.
 - The City of Fridley has concurred with the temporary occupancy determination and there would be no use of the property (See Appendix A).
- **Locke Lake Park**, Fridley, MN; approximately 0.07 acre (approximately 40 feet by 80 feet) to construct a new bridge over Rice Creek to support construction of a third track.
 - Duration of occupancy would be temporary and only for the construction of the bridge. It is estimated that the bridge construction would be completed in one construction season. A temporary easement would be obtained from the City of Fridley, but no change in the underlying fee ownership would occur.
 - No substantial changes would be made to park property; it is only needed for access to the proposed bridge abutment.
 - No permanent adverse physical impacts would occur on park property; as noted above, the temporary occupancy is to allow access to the bridge construction site. The protected activities, features and attributes of the parks would be unaffected by the temporary occupancy.
 - The park property subject to the temporary occupancy is currently open land, and it would be re-graded as necessary and re-seeded to return it to preconstruction conditions.

- The City of Fridley has concurred with the temporary occupancy determination and there would be no use of the property (See Appendix A).
- **Plaza Park**, Fridley, MN; approximately 0.45 acre (approximately 25 feet by 860 feet) to construct a new bridge over Rice Creek to support construction of a third track.
 - Duration of occupancy would be temporary and only for the construction of the bridge. It is estimated that the bridge construction would be completed in one construction season. A temporary easement would be obtained from the City of Fridley, but no change in the underlying fee ownership would occur.
 - No substantial changes would be made to park property; it is only needed for access to the proposed bridge abutment.
 - No permanent adverse physical impacts would occur on park property; as noted above, the temporary occupancy is to allow access to the bridge construction site. The protected activities, features and attributes of the parks would be unaffected by the temporary occupancy.
 - The park property subject to the temporary occupancy is currently open land, and it would be re-graded as necessary and re-seeded to return it to preconstruction conditions.
 - MnDOT and FRA coordinated with the City of Fridley regarding the proposed temporary occupancy determination. The City of Fridley concurred with the temporary occupancy and there would be no use of the property (See Appendix A).
- **Springbrook Nature Center**, Fridley, MN; approximately 0.33 acre (approximately 360 feet by 40 feet) to extend two culverts.
 - Duration of occupancy would be temporary and required only for the construction of a third main track (the third main track would lie entirely within existing BNSF right of way) and access for the extension of culverts. It is estimated that the work in this area could be completed in under 6 months. A temporary easement would be obtained from the City of Fridley, but no change in the underlying fee ownership would occur.
 - No substantial changes would be made to park property; it is only needed for access and grading for the third main track and access to the two culvert extension locations.
 - No permanent adverse physical impacts would occur on park property; as noted above, the temporary occupancy is for access and grading for the third main track and access to the culvert extension sites. The protected activities, features and attributes of the parks would be unaffected by the temporary occupancy.
 - The park property subject to the temporary occupancy is currently either wooded or wetland, and it would be restored to as near preconstruction conditions as practicable.
 - The City of Fridley concurred with the temporary occupancy determination and there would be no use of the property (See Appendix A).

The following winter use trails would be temporarily closed at existing grade crossings of the BNSF right of way to allow road approaches to be rebuilt and signal equipment to be relocated; the temporary closures would occur during non-winter months when snow cover is not present:

- Orange Trail (Snowmobile and Winter ATV) (North 58th Street in Superior, Wisconsin)
- Saunders Grade Snowmobile Trail and Winter ATV Trail (County Road C south of Superior, Wisconsin)
- Cambridge-Weber-Starks-Isanti Snowmobile Trail (11th Avenue Southeast, Cambridge)
- Northern Lite Snowmobile Trail (crossings at 357th Avenue, 370th Avenue, and two crossings near 375th Avenue north of Grandy; and two private crossings north of 6th Street Northwest north of Braham)
- Hinckley-Pine City Snowmobile Trail (Pokegama Avenue near Henriette and Old Highway 61 in Hinckley)
- Pine 1, 2, 3 Snowmobile Trail (a temporary construction access easement northeast of Askov and crossings near Railroad Avenue northeast of Bruno, near MN 23; at Deerfield Road and at Klein Road in Kerrick; at Range Line Road, Erickson Road and Berger Road near Duquette; and at Wolf Drive and DeLong Street near Nickerson)
- Moosehorn Snowmobile Trail (crossings at County Road 145 and at Granzow Road near Holyoke)

Because the proposed trail closures would not occur during winter months, no impact on the recreational use of the trail is anticipated. Specifically:

- Duration of occupancy would be temporary and required only for grade crossing improvements. No permanent acquisition of right of way is anticipated.
- No substantial changes would be made to the trail resources; the temporary occupancies are only needed for grade crossing improvements.
- No permanent adverse physical impacts would occur to the trails; as noted above, the temporary occupancy is for grade crossing improvements, and would occur during months when the trails are not in use. The protected activities, features and attributes of the trails would be unaffected by the temporary occupancy.
- The portion of the trails subject to the temporary occupancy are currently associated with grade crossing locations, and would be restored to as near preconstruction conditions as practicable.
- MnDOT and FRA coordinated with the OWJs and received concurrence with temporary occupancy determination (See Appendix A). There would be no use of the trails (See also Table 4-1).

4.1.4.2 Trails

None of the proposed stations, or maintenance and layover facilities would permanently affect trails. Temporary impacts on trails would occur from bridge construction, track improvements, and improvements at at-grade crossings. FRA and MnDOT evaluated the potential for construction impacts on these trails to be considered temporary occupancies. However, a temporary occupancy determination requires that there would

be no interference with the protected activities, features, or attributes of the property on either a temporary or permanent basis. While the NLX Project would not permanently close any trails, the project would require temporary closures of several trails (see discussion below). These closures would be considered a temporary interference with the protected activities, features, or attributes of the trails. Therefore, FRA considered these closures to be *de minimis* Section 4(f) impacts.

Description and Significance of Properties

Section 3.1.3 presents a description of three groups of trails: 1) bicycle and pedestrian trails; 2) snowmobile and ATV trails, and; 3) state water trails. In general, bicycle and pedestrian trails are used for recreation and transportation purposes, while snowmobile/ATV trails and state water trails are used primarily for recreation purposes.

Section 4(f) Evaluation of Trail Resources

The trails discussed in Section 3.1.3 all either cross the NLX Project construction limits, or lie adjacent to the construction limits. Alternatives to avoid trails were considered, but avoiding the trails would not allow for construction of the necessary rail infrastructure to operate NLX passenger service. The following sections discuss the temporary impacts to specific trail resources within the NLX Project construction limits.

Bicycle and Pedestrian Trails

The following bicycle and pedestrian trails subject to Section 4(f) would be temporarily closed for construction:

- Cedar Lake Trail, Minneapolis, MN; approximately 1,100 feet within the construction limits and approximately additional 2,000 feet within 5 to 10 feet of construction limits. The segment of Cedar Lake Trail from North 5th Street to West River Parkway, a distance of approximately 3,000 feet, is located below the grade of most streets and within a fenced area adjacent to the BNSF right of way. Brief and infrequent trail closures in this segment may occur during construction.
- Grand Rounds Trail (in West River Parkway), Minneapolis, MN; depending upon the scope of construction on the bridge over the trail, brief but infrequent trail closures of the trail near the bridge may be required.

The following trails would be temporarily closed at existing grade crossings of the BNSF right of way to allow road approaches to be rebuilt and signal equipment to be relocated:

- Osborne Road Trail, Fridley, MN
- 85th Avenue Northwest Trail, Coon Rapids, MN

- Coon Rapids Boulevard Extension Northwest Trail, Coon Rapids, MN (since the Draft Section 4(f) Evaluation, MnDOT determined this trail is grade separated from NLX Project and will not be temporarily closed during construction. Therefore, there is no use.)
- Egret Boulevard Northwest Trail, Coon Rapids, MN
- Tom Anderson Trail, Andover, MN
- Isanti-Cambridge Trail, Isanti, MN
- North Country National Scenic Trail, Foxboro, WI
- Cross City Trail, Duluth, MN

Summer Use ATV Trails

The following summer use ATV trails would be temporarily closed at existing grade crossings of the BNSF right of way to allow road approaches to be rebuilt and signal equipment to be relocated. These ATV trails lie within the NLX study area in Wisconsin, and would potentially be affected by temporary closures during a time when the trail would be in use (see Table 3-3 for further detail regarding these trails). The following ATV trails could potentially be temporarily closed for construction:

- Gandy Dancer Snowmobile Trail and ATV (winter and summer) Road Route (South Merrill Road, rural Douglas County, Wisconsin, southwest of Superior)
- Trail 28 (Snowmobile and ATV) (North 58th Street in Superior, Wisconsin)
- Proposed North 58th Street Trail, Superior, Wisconsin

State Water Trails

None of the state water trails would be affected by construction. All water trails are located under BNSF bridges. No construction would occur over the Mississippi National River and Recreation Area Water Trail/Mississippi River State Water Trail, the Snake River State Water Trail, or the Kettle River State Water Trail. Construction on the Grassy Point Bridge over the St. Louis River State Water Trail would be limited to upgrades to bridge controls and would not require closure of the trail during construction or otherwise affect the trail below.

Measures to Minimize Harm

While the anticipated closures of the trail resources listed above would be temporary, FRA and MnDOT considered additional measures that could be taken to reduce the impact of trail closures. These measures could include the following:

- MnDOT would avoid closing adjacent trail crossings at the same time so that trail users would have an alternate crossing location.
- Detours would be established where practicable to provide trail users an alternate travel route.
- Closures, especially on heavily used trails, would be scheduled during lower use periods to the extent practicable. As noted above, construction at snowmobile trails would occur during summer months to avoid affecting snowmobile use.
- Closures and associated detours would be communicated with the public in advance.
- All trail crossings would be restored to pre-construction conditions or better.

Coordination

MnDOT and FRA coordinated with the OWJs over the trail resources described above (including city, county, park board/park district, MnDNR and WDNR representatives) identified in Table 4.1 regarding the need for the temporary trail closures and measures to minimize the impact on the public from these closures. The OWJs concurred with the *de minimis* finding (see Appendix A). MnDOT will continue to coordinate with the OWJs following the publication of this Final Section 4(f) if FRA provides funding to advance the project to final design and construction, in order to minimize impacts through the design process.

Final Section 4(f) *De Minimis* Determination – Trails

Because the impact on the trail resources described in the preceding sections would be temporary and are unavoidable, in consideration of the measures to minimize harm that would be implemented as the project advances through the design process and construction, and in consideration of public comment and OWJ concurrence, FRA has made a *de minimis* impact determination for these trail resources.

4.1.4.3 Historic Resources

The final assessment of effects indicates that no adverse effects on historic properties are anticipated from either operations or construction activities under Section 106. No historic properties would be physically impacted or altered by NLX Project elements. Three historic railroad lines would be traveled by the NLX Project; however, the continued use of those lines to carry trains and any improvements to those lines would not have an adverse effect on their historic characteristics under Section 106.

The improvements and operations proposed on St. Paul, Minneapolis and Manitoba/Great Northern Railroad Corridor; the Great Northern and Northern Pacific Railway, Minneapolis Junction to Sauk Rapids Railroad Corridor Overlay Historic District; and the Duluth Short Line Railway “Grassy Point” line will be in keeping with each railroad’s historic functions, and would maintain the railroads for continued transportation use. The track

upgrades and reconfiguration to the historic railroad segments for the NLX Project do not affect each railroad's significance under Criterion A for their historic transportation connections in the state, but would reinforce continued use as a rail corridor.

From a Section 4(f) perspective, it is possible to have a use of a historic property without having an adverse effect on the property. The NLX Project, as stated above, includes rail infrastructure improvements and passenger rail operations on three historic rail lines. Under 23 CFR 774.13(a), for historic properties that are transportation facilities, Section 4(f) approval is not required when the historic property is not adversely affected by the proposed project, provided the OWJ over the property does not object. Therefore, the preliminary determination made by FRA in the Draft Section 4(f) Evaluation that NLX Project will not have an adverse effect on the historic rail lines, is made final in this Final Section 4(f) Determination. MnSHPO concurred with FRA's conditional determination of no adverse effect on August 31, 2017 (See Appendix A).

4.1.5 Build Alternative – (Use of Section 4(f) Properties)

Anoka County did not concur with preliminary temporary occupancy and *de minimis* findings for the properties discussed below. Therefore, FRA completed an individual Section 4(f) evaluation for the resources for which Anoka County is the OWJ, which is contained Section 6 of this document.

4.1.5.1 Rice Creek West Regional Trail Corridor

FRA made a preliminary temporary occupancy determination for Rice Creek West Regional Trail Corridor subject to Section 4(f) in the Draft Section 4(f) and 6(f) Evaluation because it would be temporarily closed for construction. However, the OWJ, Anoka County, did not concur with the preliminary temporary occupancy determination; therefore, FRA determined this Section 4(f) resource to have a use under Section 4(f).

Property Description

Rice Creek West Regional Trail Corridor is located on the east side of the existing track in Fridley, MN.

Impacts to Section 4(f) Property

Brief and infrequent trail closures in this segment would occur during construction. Approximately 0.35 acre (approximately 20 to 40 feet by 600 feet) would be used to construct a third track. The duration of occupancy would be temporary and required only for the construction of a third main track. The third main track would be constructed within BNSF right of way. Construction in this area would be completed within one construction season. Temporary occupancy is needed for access and grading for the third main track and there would be no substantial changes to the park property. The park property subject to the temporary occupancy

is currently open land, and it would be re-graded as necessary and re-seeded to return it to preconstruction conditions. The protected activities, features and attributes of the park would be unaffected by the temporary occupancy for construction.

4.1.5.2 Mississippi River Regional Trail

FRA made a preliminary *de minimis* determination for the Mississippi River Regional Trail subject to Section 4(f) in the Draft Section 4(f) and 6(f) Evaluation because it would be temporarily closed for construction. However, the OWJ, Anoka County, did not concur with the preliminary *de minimis* impact determination; therefore, FRA determined this Section 4(f) resource to have a use under Section 4(f).

Property Description

The Mississippi River Regional Trail is located west of, and parallel to the existing BNSF track and crosses beneath the existing track, northeast of Ashton Avenue Northeast in Fridley, MN. It ties into the Rice Creek West Regional Trail at Rice Creek.

Impacts to Section 4(f) Property

Brief and infrequent trail closures in this segment would occur during construction. Approximately 120 feet of the trail under and near the BNSF bridge over Rice Creek would be temporarily closed during bridge construction. An additional 400 feet of the trail south of Locke Park is within the construction limits and would be closed during construction. Closures are anticipated to be less than one week in duration. This trail connection would be maintained in the long-term under the NLX Project.

4.1.5.3 Rice Creek West Regional Trail

FRA made a preliminary *de minimis* determination was made for the Rice Creek West Regional Trail subject to Section 4(f) in the Draft Section 4(f) and 6(f) Evaluation because it would be temporarily closed for construction. However, the OWJ, Anoka County, did not concur with the preliminary *de minimis* impact determination; therefore, FRA determined this Section 4(f) resource to have a use under Section 4(f).

Property Description

Rice Creek West Regional Trail crosses under the existing BNSF track and runs east of the existing track, Northeast of Ashton Avenue Northeast in Fridley, MN.

Impacts to Section 4(f) Property

Brief and infrequent trail closures in this segment would occur during construction. Approximately 100 feet of the trail under the BNSF bridge over Rice Creek would be temporarily closed during bridge construction. An additional 1,600 feet of the trail is within the construction limits, or within 5 to 10 feet of the construction limits and would be closed during construction. Closures are anticipated to be less than one week in duration. This trail connection would be maintained in the long-term under the NLX Project.

4.1.5.4 Proposed North Anoka County Regional Trail

FRA made a preliminary *de minimis* determination for the Proposed North Anoka County Regional Trail subject to Section 4(f) in the Draft Section 4(f) and 6(f) Evaluation because it would be temporarily closed for construction, which would be a temporary interference of the protected activities, features, or attributes of the trails. However, the OWJ, Anoka County, did not concur with the preliminary *de minimis* impact determination; therefore, FRA determined this Section 4(f) resource to have a use under Section 4(f).

Property Description

The Proposed North Anoka County Regional Trail crosses the existing BNSF tracks at-grade at 221st Avenue Northwest/County Road 74 in Oak Grove, MN.

Impacts to Section 4(f) Property

Brief and infrequent trail closures in this segment would occur during construction. Closures are anticipated to be less than one week in duration to construct new signals. This trail connection would be maintained in the long-term under the NLX Project.

4.1.5.5 Rum River Snowmobile Trail

FRA made a preliminary temporary occupancy determination for the Rum River Snowmobile Trail subject to Section 4(f) in the Draft Section 4(f) and 6(f) Evaluation because it would be temporarily closed for construction. However, the OWJ, Anoka County, did not concur with the preliminary temporary occupancy determination; therefore, FRA determined this Section 4(f) resource to have a use under Section 4(f).⁴

⁴ Written concurrence was received from two of the three OWJs for the Rum River Trail. MnDNR and the Rum River Trail Association provided written concurrence on May 7, 2017 and May 10, 2017, respectively. See Appendix A of this document for these concurrences.

Property Description

The Rum River Snowmobile Trail crosses the existing BNSF tracks at-grade at 261st Avenue in Isanti County.

Impacts to Section 4(f) Property

Brief and infrequent trail closures in this segment would occur during construction. Closures are anticipated to be less than one week in duration to construct new signals. This trail connection would be maintained in the long-term under the NLX Project. Construction would occur in summer months, when the trail is not in use and construction activities would not interfere with the protected activities, features, or attributes of the trails.

4.2 Section 6(f)

Section 3.2 identifies several Section 6(f) and MnDNR Outdoor Recreation Grant parks that are adjacent to the proposed NLX Project construction limits. One of these parks, the Springbrook Nature Center in Fridley, would require a temporary easement to allow construction access for the extension of two culverts. No permanent acquisition of park property would be required. Section 4.1.4.1 presents the Section 4(f) temporary occupancy analysis for Springbrook Nature Center. As noted in that section, the construction work in the park would take less than 6 months and the property would be returned to pre-existing conditions following construction. Therefore, the use of the Springbrook Nature Center is not anticipated to be a conversion of the resource.

FRA will provide this Final 4(f) and 6(f) Evaluation to the NPS as part of continuing coordination with the MnDNR and NPS regarding concurrence with its Section 6(f) finding on the Springbrook Nature Center when funding is available to advance the project to final design and construction. MnDOT anticipates that refinements during final design will eliminate impacts. The City of Fridley, as the OWJ has concurred with the temporary occupancy finding (See Table 4-1).

5. Coordination Efforts

5.1 Coordination with Officials with Jurisdiction

FRA and MnDOT coordinated with OWJs regarding the Section 4(f) resources to review the preliminary temporary occupancy use and the preliminary *de minimis* determinations, along with avoidance and minimization measures made in the Draft Section 4(f) and 6(f) Evaluation. MnDOT contacted each OWJ by phone, and FRA sent letters requesting OWJ concurrence on either temporary occupancy or *de minimis* determinations on May 2, 2017. Written concurrence was received from OWJs for all properties, except for five properties in Anoka County (see Appendix A of this Final Section 4(f) and 6(f) Evaluation).⁵ Therefore, FRA has determined that NLX Project impacts to these Section 4(f) properties constitute a use.

Section 6 provides an individual Section 4(f) evaluation based on the following changes from the preliminary to final determination:

- Rice Creek West Regional Trail Corridor: Preliminary temporary occupancy exception to final use determination
- Mississippi River Regional Trail: Preliminary *de minimis* determination to final use determination
- Rice Creek West Regional Trail: Preliminary *de minimis* determination to final use determination
- Proposed North Anoka County Regional Trail: Preliminary *de minimis* determination to final use determination
- Rum River Snowmobile Trail: Preliminary temporary occupancy exception to final use determination

MnSHPO has concurred with FRA's determination of no adverse effect on historic properties. FRA will continue coordination with SHPO if FRA provides funding to advance the project to final design and construction. MnDOT will continue to coordinate with OWJs to implement the minimization and mitigation measures included in this Final Section 4(f) and 6(f) Evaluation as final design advances and funding is secured for the NLX Project.

⁵ A letter was received from Anoka County on September 8, 2017 requesting additional information on noise levels affecting parks and trails within the county. See Appendix A to this Final Section 4(f) and 6(f) Evaluation for a copy of this letter and FRA's response. Written concurrence was received from the other two OWJs for the Rum River Trail. MnDNR and the Rum River Trail Association provided written concurrence on May 7, 2017 and May 10, 2017, respectively.

The anticipated temporary non-conforming use of the Section 6(f) resource (Springbrook Nature Center) will be reviewed with the MnDNR and the NPS as final design advances and funding is secured for the NLX Project. MnDOT anticipates that refinements with BNSF during final design would eliminate impacts. The City of Fridley, as the OWJ has concurred with the temporary occupancy finding (See Table 4-1).

5.2 Public Review and Comment

MnDOT's outreach activities for the Tier 2 EA, which contained the Draft Section 4(f) and 6(f) Evaluation, included holding public open houses/hearing, developing project newsletters, and maintaining a project website. The Tier 2 EA and Draft Section 4(f) and 6(f) Evaluation were published on April 24, 2017 and available for public review and comment until May 24, 2017. During the 30-day public review period, MnDOT held three public meetings on May 16, 17, and 18, 2017 from 5:30 to 7:30 PM in Sandstone, Duluth and Coon Rapids, MN, respectively. The meeting in Duluth also served as a public hearing in compliance with Wisconsin environmental review requirements. Comments and responses are summarized in Appendices B and C of the FONSI.

6. Individual Section 4(f) Evaluation

Because Anoka County did not concur with temporary occupancy use and *de minimis* determinations (See Section 4.2) for which it is the OWJ, FRA and MnDOT prepared an individual Section 4(f) evaluation for those properties. The primary steps in the individual Section 4(f) Evaluation for a use of a Section 4(f) property completed in this Final Section 4(f) Evaluation are as follows:

- Analyze feasible and prudent avoidance alternatives. Under 23 CFR 774.17, an alternative is not feasible if it cannot be built as a matter of sound engineering judgement. An alternative is not prudent if:
 - i. It compromises the project to a degree that is unreasonable to proceed with the project based on its stated purpose and need;
 - ii. It results in unacceptable safety and operational problems;
 - iii. After reasonable mitigation, it still causes:
 - a. Severe social, economic, or environmental impacts;
 - b. Severe disruption to established communities;
 - c. Severe disproportionate impacts to minority or low-income populations; or
 - d. Severe impacts to environmental resources protected under other Federal statutes;

- iv. It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;
 - v. It causes other unique problems or unusual factors; or
 - vi. It involves multiple factors in paragraphs (i) through (v) of this definition, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.
- Consider all possible planning to minimize harm. After determining there are no feasible and prudent alternatives to avoid the use of a Section 4(f) property, all possible planning to minimize harm shall be considered. *All possible planning* means that all reasonable measures identified in the Section 4(f) evaluation to minimize harm or mitigate for adverse impacts and effects must be included in the project (23 CFR Part 774.17).
 - Coordinate with officials with jurisdiction. FRA and MnDOT have coordinated with the OWJs regarding each of the Section 4(f) properties for which a determination is made (See Section 5).

6.1 Avoidance Alternatives

Section 4(f) requires the selection of an alternative that completely avoids the use of a Section 4(f) property if that alternative is deemed feasible and prudent. Based on the project analysis completed to-date, the No Build alternative evaluated in the Tier 1 and Tier 2 EAs would completely avoid the use of a Section 4(f) property. In accordance with 23 CFR Part 774.17, the No Build alternative would be feasible from an engineering perspective because no construction would be required to implement the alternative. However, the No Build alternative does not meet the prudence criteria and, therefore, is not a feasible and prudent alternative that would avoid the use of the Section 4(f) properties. The No Build Alternative does not meet the Purpose and Need for the NLX Project. Specifically, the No Build Alternative does not meet the project purpose to provide a means to meet transportation needs through creating a passenger rail service linking Minneapolis and Duluth, connect to other existing and planned transportation systems or provide connections to rural and small city markets in East Central Minnesota. The No Build Alternative does not meet the project need to address limited statewide intermodal connectivity, travel demand related to population trends, or decreased travel reliability due to congestion.

MnDOT also considered potentially feasible alternative alignments during the Tier 1 EA that could avoid some or all the affected Section 4(f) properties. In considering the prudence evaluation factors defined in 23 CFR Part 774.17, alternative alignments are not prudent due to multiple factors that cumulatively cause problems or impacts, as presented below.

MnDOT evaluated 17 route alternatives, including the selected route evaluated in the Tier 1 and Tier 2 EAs, for their ability to support intercity passenger rail service. MnDOT conducted a three-level alternatives evaluation

of travel corridors, in accordance with FRA guidance (FRA, 2005). The three-level analysis identified a wide range of corridors that were screened based on operational characteristics, investment requirements and broad environmental constraints. The alternatives analysis process included public outreach and coordination with stakeholder agencies.

MnDOT identified and screened the route alternatives during Level 1 alternatives analysis. This process is documented in Chapter 3 of the Tier 1 EA and the technical reports contained in the Tier 1 EA appendices (<http://www.dot.state.mn.us/nlx/index.html>).

Nine of the 17 routes were not prudent or feasible due to route distance and/or route conditions, which presented defects that would prohibit rail line construction or operation, and could not be mitigated. Another five routes were eliminated based on a technical evaluation of environmental, cost and operational criteria. MnDOT carried three routes forward to the more detailed Level 2 alternatives analysis to compare their functional characteristics: capital investment, travel time, ridership, revenue and benefit-cost ratio.

The Level 2 analysis identified the selected route for further study because it required substantially less capital investment compared to the two other remaining routes and was the only route with an acceptable benefit-cost ratio (greater than one indicates benefits are greater than costs). The selected route evaluated in the Tier 1 EA and Tier 2 EA exhibited an acceptable on-going operating ratio in both years 2025 and 2040. Therefore, alternative routes evaluated during the Tier 1 EA were found not to be prudent alternatives.

Constructing a new passenger rail corridor, while feasible, is also not prudent primarily due to severe social, economic or environmental impacts. Specifically, such an avoidance alternative would require the acquisition of additional right-of way, including the acquisition of agricultural, prairie or grassland areas. In addition, new corridor alternatives would result in additional construction, maintenance and operational costs of an extraordinary magnitude because the existing freight rail infrastructure would not be used, as compared to the proposed NLX Project. Further, this additional construction of new track, right-of-way acquisition and related activities would result in increased impacts to environmental resources and Section 4(f) properties that are not impacted under the selected alternative, which uses existing freight infrastructure. Lastly, given the duration of the impact of the NLX Project construction on the Section 4(f) properties, one construction season for the park and less than one week for the trails, new corridor alternatives are not prudent.

Alternative actions include different transportation modes. Alternative transportation modes do not meet the project purpose and need, like the No Build alternative, by not providing expanded multimodal service in the project corridor. Therefore, alternative actions are not prudent because they compromise the project to a degree that is unreasonable to proceed with the project considering its stated purpose and need.

Alignment shifts or avoiding closures to avoid temporary occupancy at Anoka County properties are not prudent as discussed below.

- Rice Creek West Regional Trail Corridor: The property is located on the east side of the NLX Project corridor. An alignment shift to avoid temporary closure of a segment of the property during construction would require property acquisition of private properties west of the NLX Project corridor.
- Mississippi River Regional Trail: The trail is located along the west side of the NLX Project corridor and crosses under the NLX Project at an existing BNSF bridge over Rice Creek. An alignment shift to avoid temporary closure of a segment of the trail during construction would require property acquisition of private properties east of the NLX Project corridor. Temporary closure of the trail under the BNSF bridge over Rice Creek is unavoidable during construction and an alignment shift would not avoid this impact.
- Rice Creek Regional West Trail: The trail and crosses under the NLX Project at an existing BNSF bridge over Rice Creek and then travels along the east side of the NLX Project corridor. An alignment shift to avoid temporary closure of a segment of the trail during construction would require property acquisition in Locke Lake Park located west of the NLX Project corridor, and impact Locke Lake. Temporary closure of the trail under the BNSF bridge over Rice Creek is unavoidable during construction and an alignment shift would not avoid this impact.
- Proposed North Anoka County Regional Trail: The trail crosses the existing BNSF tracks at-grade at 221st Avenue. Temporary closure of the trail during crossing construction is unavoidable and an alignment shift would not avoid this impact.
- Rum River Snowmobile Trail: The trail crosses the existing BNSF tracks at-grade at 261st Avenue. Temporary closure of the trail during crossing construction is unavoidable and an alignment shift would not avoid this impact.

The selected alternative for the NLX Project maintains infrastructure improvements within existing railroad right of way, which avoids more substantial impacts to Section 4(f) properties. Therefore, an alignment shift is not a prudent alternative because it causes even greater use of Section 4(f) resources.

In summary, the No Build alternative is not a prudent and feasible avoidance alternative, and there are no additional prudent and feasible avoidance alternatives. Therefore, there are no feasible and prudent alternatives that would avoid the use of the Section 4(f) properties.

6.2 Measures to Minimize Harm

FRA has determined there are no feasible and prudent alternatives to avoid the use of Section 4(f) properties described in Section 4.2. The Build Alternative includes all possible planning to minimize harm and mitigate adverse impacts and effects on Section 4(f) properties. Specifically, MnDOT has made the following commitments to minimize and mitigate impacts during construction, which are captured in FRA's Finding of No Significant Impact.

Temporary noise, visual and dust impacts on parks during construction will be minimized through compliance with local ordinances applicable to construction activities, which may include schedule restrictions to avoid nighttime construction, and use of water to suppress dust.

MnDOT will also implement measures to minimize and mitigate impacts to Section 4(f) resources during construction in coordination with Anoka County, as well as the OWJs who concurred with temporary occupancy use and *de minimis* determinations. While the anticipated closures of the park and trail resources will be temporary, FRA and MnDOT considered additional measures that will be taken to reduce the impact of park and trail closures. MnDOT will:

- Avoid closing adjacent trail crossings at the same time so that trail users will have an alternate crossing location.
- Minimize the duration of closures. Trail closures will be less than one week and construction in the park will be limited to one construction season.
- Coordinate with Anoka County to review and comment on traffic control plans with sufficient advanced notice before construction begins on the trail.
- Establish detours where practicable to provide trail users an alternate travel route.
- Schedule closures, especially on heavily used trails, during lower use periods to the extent practicable. Construction at snowmobile trails will occur during summer months to avoid affecting snowmobile use.
- Post trail closure signs and work closely with Anoka County to provide timely public information regarding closures.
- Communicate closures and associated detours with the public in advance.
- Restore all trail crossings and approaches to pre-construction conditions or better.
- Maintain trail connections in the long-term.
- Regrade and re-seed disturbed areas to preconstruction conditions.

As requested by the City of Coon Rapids, MnDOT will also notify the City of Fridley of scheduled construction activities and mitigation commitments regarding the 85th Avenue Northwest Trail crossing.

By incorporating the listed measures above, the severity of harm to protected activities, attributes and features that qualify the Section 4(f) property for protection is mitigated.

7. Summary

The Tier 1 EA assessed Section 4(f) and Section 6(f) resources based on concept-level design; this Draft Section 4(f) and 6(f) Evaluation is based on preliminary engineering. The Tier 1 EA did not identify any Section 4(f) impacts other than temporary closures of some trails. Similar to the Tier 1 EA, this Draft Section 4(f) and 6(f) Evaluation Tier 2 EA concluded that most of the proposed improvements would occur within existing railroad or highway right of way. The Draft Section 4(f) and 6(f) Evaluation identified approximately 1.6 acres of temporary occupancy of properties subject to Section 4(f) under the current preliminary design. This temporary occupancy is related to construction of a third track and two bridges to support the additional track in Fridley and Coon Rapids. The work would meet the definition of a temporary occupancy exception, and there would be no use of properties subject to Section 4(f). The Tier 1 EA assessed the possible use of Memorial Park in Hinckley for a proposed station location. Upon further analysis and refinement of design, MnDOT identified a preferred station site in downtown Hinckley to avoid a Section 4(f) and Section 6(f) use.

This Final Section 4(f) and 6(f) Evaluation, based on refined design and coordination with OWJs, evaluated additional bicycle and pedestrian trails in urban areas and snowmobile, ATV and state water trails that were not evaluated in the Tier 1 EA. The additional analysis identified potential temporary trail closures during construction. The overall conclusion, that there would only be temporary occupancy of Section 4(f) resources and no direct or constructive use, remains the same in the Final Section 4(f) and 6(f) Evaluation as in the Tier 1 EA with respect to park and historic resources, except those for which Anoka County is the OWJ. For resources outside of Anoka County jurisdiction, this Final Section 4(f) and 6(f) Evaluation makes a de minimis impact determination with respect to year-round use and summer use trail resources, and a preliminary temporary occupancy exception with respect to winter use trail resources. The Tier 1 EA did not consider potential impacts on trail resources from a Section 4(f) perspective. For properties where FRA made a determination of no Section 4(f) use for a temporary occupancy or a de minimis finding, it is based on coordination and agreement with OWJs. FRA completed an individual Section 4(f) evaluation for properties under Anoka County jurisdiction.

8. Final Section 4(f) and 6(f) Determination

Based on the design and analysis completed for the NLX Project, FRA has determined that permanent and temporary uses by the NLX Project will not adversely affect the features, attributes or activities that qualify properties in the NLX Project for Section 4(f) protection. Further, most of the proposed improvements will occur within existing railroad or highway right of way. The impacts on the Section 4(f) resources would be temporary and are unavoidable, and MnDOT will implement measures to minimize harm as the project advances through the design process and construction. FRA considered comments received during the public comment period for the Tier 2 EA and Draft Section 4(f) and 6(f) Evaluation that included preliminary de minimis impact and temporary occupancy exception determinations along with written concurrences from OWJ's (see Appendix A of this Final Section 4(f) and 6(f) Evaluation). FRA will provide this Final 4(f) and 6(f) Evaluation to the NPS as part of continuing coordination with the MnDNR and NPS regarding concurrence with its Section 6(f) finding on the Springbrook Nature Center when funding is available to advance the project to final design and construction. MnDOT anticipates that refinements during final design will eliminate impacts.

In consideration of these factors, and consistent with 23 CFR Part 774.5(b), FRA is making a final de minimis determination for the following Section 4(f) properties:

- Cedar Lake Trail, Minneapolis, MN
- Grand Rounds Trail, Minneapolis, MN
- Osborne Road Trail, Fridley, MN
- 85th Avenue Northwest Trail, Coon Rapids, MN
- Egret Boulevard Northwest Trail, Coon Rapids, MN
- Tom Anderson Trail, Andover, MN
- Isanti-Cambridge Trail, Isanti, MN
- North Country National Scenic Trail, Foxboro, WI
- Gandy Dancer Snowmobile Trail and Winter/Summer ATV, Superior, WI
- Trail 28 (Snowmobile and Winter/Summer ATV), Superior, WI
- Proposed North 58th Street Trail, Superior, WI
- Cross City Trail, Duluth, MN

Based on these same factors, and consistent with 23 CFR Part 774.13(d), FRA is making final temporary occupancy exception determinations for the following Section 4(f) properties:

- Edgewater Gardens Park, Fridley, MN

- Locke Lake Park, Fridley, MN
- Plaza Park, Fridley, MN
- Springbrook Nature Center, Fridley, MN
- Cambridge-Weber-Starks-Isanti Snowmobile Trail, Cambridge, MN
- Northern Lite Snowmobile Trail, Isanti and Kanabec Counties, MN
- Hinckley-Pine City Snowmobile Trail, Pine County, MN
- Pine 1, 2, 3s Snowmobile Trails, Pine County, MN
- Moosehorn Snowmobile Trail, Carlton County, MN
- Saunders Grade Snowmobile/Winter ATV Trail, Douglas County, WI
- Orange Trail (Snowmobile and Winter ATV, Superior, WI

FRA has determined that there is no prudent and feasible avoidance alternative to the use of five Section 4(f) resources in Anoka County to implement the NLX Project. All possible planning to minimize harm to these 4(f) resources has been incorporated into the project design and project mitigation commitments. Consistent with 23 CFR Part 774.17, FRA is making final use determinations for the following properties:

- Rice Creek West Regional Trail Corridor, Fridley, MN
- Mississippi River Regional Trail, Fridley, MN
- Rice Creek West Regional Trail, Fridley, MN
- Proposed North Anoka County Regional Trail, Oak Grove, MN
- Rum River Snowmobile Trail, Isanti County, MN⁶

Marlys Osterhues
Chief, Environment and Corridor Planning Division
Federal Railroad Administration

DATE

⁶ Written concurrence was received from two of the three OWJs for the Rum River Trail. MnDNR and the Rum River Trail Association provided written concurrence on May 7, 2017 and May 10, 2017, respectively. See Appendix A of this document for these concurrences.

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Appendix A. Section 106 Coordination and Officials with Jurisdiction (OWJ) Coordination

SECTION 106 CONCURRENCE

Minnesota Historical Society, State Historic Preservation Office A-4

OFFICIALS WITH JURISDICTION (OWJ) CONCURRENCE

Federal Agency Concurrence

U.S. Department of Interior National Park Service (NPS)..... A-7

U.S. Department of Interior Environmental Policy and Compliance..... A-9

State Agency Concurrence

Minnesota Department of Natural Resources A-12

Local Governments Concurrence

Andover, City of A-18

Cambridge, City of A-19

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Douglas County..... A-23

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Section 106 Concurrence



STATE HISTORIC PRESERVATION OFFICE

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August 31, 2017

Marlys Osterhues
Chief, Environment and Corridor Planning
Federal Railroad Administration
1200 New Jersey Avenue SE
Washington DC 20590

RE: Northern Lights Express (NLX) Passenger Rail
Minneapolis to Duluth/Superior, Multiple Counties
MnHPO Number: 2012-1289 PA

Dear Ms. Osterhues,

Thank you for continuing consultation on the above-referenced project. Information received in our office on 7 August 2017 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act of 1966, as amended, implementing regulations at 36 CFR § 800, and the 2013 Programmatic Agreement (PA) for the Northern Lights Express High Speed Rail Project.

We have completed our review of your letter dated 1 August 2017 and its accompanying report entitled *Northern Lights Express: Section 106 Assessment of Effects and Final Determination of Effect for Historic Properties* (July 2017). We appreciate the thoroughness of your agency's narrative analysis and the supporting documentation provided in the effects assessment report which we find meets the requirements of 36 CFR 800.11(e).

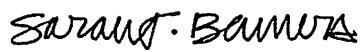
Based upon our understanding of the undertaking and documentation submitted to our office up to this point in time, we concur with your agency's finding that the construction and operation of the passenger rail project, as it is currently proposed at a preliminary engineering phase, will have **no adverse effect** on historic properties, as identified on Table 1 of your August 1st letter, located within the currently defined area of potential effect (APE), provided that the conditions outlined in this letter are met by your agency upon availability of funding for the passenger rail project's design and construction. Our understanding of these conditions is summarized below:

- As allowed pursuant to Stipulation VII (C) and consistent with 36 CFR 800.5(b) and (d)(1) for the historic properties identified on Table 2 of your letter, additional future consultation with, and subsequent review by our office and other consulting parties shall take place to ensure that the project is designed in conformance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* in order ensure validity of this "no adverse effect" determination and to avoid additional adverse effects; and
- We additionally clarify that, following issuance of funding for design and construction of this undertaking, especially if several years pass from the date of this finding of effect but before the PA expires in August 2023, at the time that your agency restarts consultation with our office and others per the above condition, your agency shall review and assess the validity of "no adverse

effect" determinations made at this time for all historic properties within the current APE as listed on Table 1, as well as the appropriateness of previously determined areas of potential effects (APEs), the need for additional historic property identification efforts, and the need for additional assessment of effect.

We appreciate the high level of effort and attention to detail that your agency and staff at the Minnesota Department of Transportation's Cultural Resources Unit have put into all stages of the Section 106 consultation process for this undertaking. Feel free to contact at 651-259-3456 or by e-mail at sarah.beimers@mnhs.org me if you have any questions regarding this comment letter.

Sincerely,



Sarah J. Beimers, Manager
Government Programs and Compliance

Cc via email only:

Kim Cook, Wisconsin State Historic Preservation Office
Jason Kennedy, Wisconsin Department of Transportation
Lynn Cloud, Wisconsin Department of Transportation
Kenneth Blodgett, Surface Transportation Board
Frank Loetterle, Northern Lights Express Project Manager
Andrea Martin, Federal Railroad Administration
Garneth Peterson, Minnesota Department of Transportation - Cultural Resources Unit

Officials with Jurisdiction (OWJ) Concurrence

FILE: Item 1

June 29, 2017

Mr. Francis Loetterle, Project Manager
Minnesota Department of Transportation
395 John Ireland Boulevard
St Paul MN 55155
Francis.loetterle@state.mn.us

Minnesota State Project TCP-NLX-12B and Federal Project FR-HSR-0070-11-01-00

Proposed high speed intercity passenger rail project, Northern Lights Express

Dear Mr. Loetterle:

Thank you for contacting us regarding this project. Our apologies in the delay of our response. North Country National Scenic Trail concurs with the proposal. The signed concurrence is attached.

Please contact us prior to construction. We will link you with local trail representatives who can assist with best implementing the proposed mitigation.

As you may know, much of North Country Trail is road walk such as at the proposed intersection of the trail with the rail line. It is anticipated that sometime into the future the trail will be permanently located off-road somewhere between Pattison State Park and Dedham Road in Wisconsin. We would like some provision to pursue a legal crossing of the rail line once this permanent trail route is established. With whom should we communicate to discuss this further?

Thank you for contacting us.

Sincerely,

Mark Weaver
Superintendent, North Country National Scenic Trail

Cc: A. Ketchmark, B. Menke, C. Loudenslager.

Concurrence: As the official with jurisdiction over the North Country National Scenic Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the North Country National Scenic Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the North Country National Scenic Trail will result in the FRA making a Section 4(f) *de minimis* determination for the impacts to the trail.



Mark Weaver
National Park Service



Date:



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

January 10, 2018

9043.1
ER 17/0558

Michael Johnsen
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Johnsen:

The Department of the Interior (Department) has reviewed the Section 4(f) Evaluation for the Northern Lights Express Rail project (NLX Project) from Minneapolis to Duluth, Minnesota. The Department offers the following comments and recommendations for your consideration.

The NLX Project sponsors are the Federal Railroad Administration (FRA) and the Minnesota Department of Transportation, in cooperation with the Wisconsin Department of Transportation. The NLX Project will introduce new higher speed intercity passenger rail service between Minneapolis and Duluth. The NLX Project will operate four round trips per day at speeds up to 90 miles per hour, on existing railway track in Minnesota (approximately 129 miles) and Wisconsin (approximately 23 miles). The infrastructure for the NLX Project includes improvements to existing track and construction of new track, six stations, a maintenance facility, a layover facility, road crossing improvements, bridge improvements and other rail system improvements. At this time, no funding for the NLX Project has been identified.

Section 4(f) Recreation Resources

The Section 4(f) Evaluation (document) describes multiple recreation properties subject to provisions under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303) associated with the NLX Project. These resources include parks; other recreation areas, such as an ice arena, school playgrounds and public golf courses; a wildlife management area and multiple trails. The following impacts of the NLX project could lead to a constructive use of these properties: noise impacts, impacts on visual character, restriction of access, vibration impacts, and ecological intrusion. Most of the proposed improvements would occur within existing railroad or highway right of way, however, resulting in limited new impacts to 4(f) properties.

The document identified approximately 1.6 acres of temporary occupancy of properties subject to Section 4(f) under the current preliminary design. This temporary occupancy is related to

construction of a third track and two bridges to support the additional track in Fridley and Coon Rapids, Minnesota. The temporary closures of some trails would also be necessary to execute the project. All work would meet the definition of a temporary occupancy exception, or would be of *de minimus* impacts, and there would be no use of properties subject to Section 4(f).

Section 4(f) Historic Resources

Historic properties of national, state, or local significance in public or private ownership within the project area of potential effect have been identified. These resources include two historic districts and nine individual properties listed on the National Register of Historic Places, and several additional properties and districts potentially eligible for listing. No historic properties would be physically impacted or altered by the NLX Project. Three historic railroad lines would be traveled by the NLX Project; however, the continued use of those lines to carry trains and any improvements to those lines would not have an adverse effect on their historic characteristics under Section 106 of the National Historic Preservation Act. The FRA has made a determination of no adverse effect on historic properties and the Minnesota State Historic Preservation Officer concurred with the determination on August 31, 2017.

Section 4(f) Conclusion

Based on the design and analysis completed for the NLX Project, the FRA has determined that temporary uses will not adversely affect the features, attributes or activities that qualify for Section 4(f) protection. The impacts on the Section 4(f) resources would be temporary and are unavoidable. The FRA has determined there are no feasible and prudent alternatives to avoid the use of Section 4(f) properties, and that the Build Alternative includes all possible planning to minimize harm and mitigate adverse impacts and effects on Section 4(f) properties. The Department concurs with these determinations.

Section 6(f) Resources

The document identified multiple properties in the project study area to be considered under Section 6(f) of the Land and Water Conservation Fund (LWCF) Act of 1965 (54 U.S.C. 200305(f)(3) et seq.) or the Urban Park and Recreation Recovery Act of 1978. The impacts to all but one of these properties do not constitute a use under Section 6(f). The Springbrook Nature Center in Fridley, Minnesota, would require a temporary easement to allow construction access for the extension of two culverts. No permanent acquisition of park property would be required. The construction work in the park would take less than 6 months and the property would be returned to pre-existing conditions following construction. Therefore, the use of the Springbrook Nature Center is not anticipated to be a conversion of the resource under the LWCF Act. The FRA's final determination for this Section 6(f) property is a temporary non-conforming use. The Department confirms this determination, provided that the FRA coordinates with the Minnesota Department of Natural Resources and the National Park Service when funding is available to advance the project to final design and construction.

The Department has a continuing interest in working with the FRA and other project sponsors to ensure impacts to resources of concern are adequately addressed. For issues concerning Section 4(f) resources in the state of Minnesota, please contact Tokey Boswell, Chief, Planning and Compliance Division, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, or by telephone at 402-661-1534.

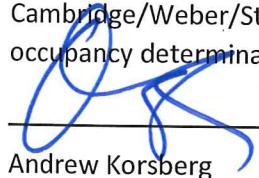
We appreciate the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindy Nelson".

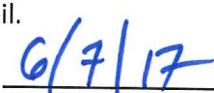
Lindy Nelson
Regional Environmental Officer

Concurrence: As the official with jurisdiction over the Cambridge/Weber/Starks/Isanti Snowmobile Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Cambridge/Weber/Starks/Isanti Snowmobile Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Cambridge/Weber/Starks/Isanti Snowmobile Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the snowmobile trail.



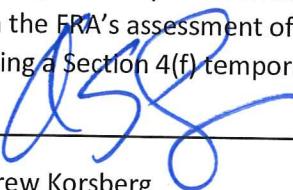
Andrew Korsberg

State Trail and Snowmobile Program Consultant
Minnesota DNR



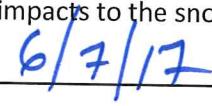
Date:

Concurrence: As the official with jurisdiction over the Hinckley-Pine City Snowmobile Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Hinckley-Pine City Snowmobile Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Hinckley-Pine City Snowmobile Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the snowmobile trail.



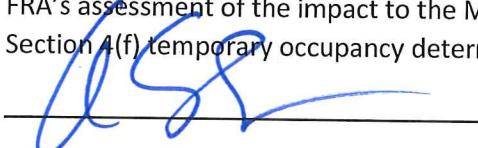
Andrew Korsberg

State Trail and Snowmobile Program Consultant
Minnesota DNR

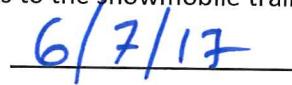


Date:

Concurrence: As the official with jurisdiction over the Moosehorn Snowmobile Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Moosehorn Snowmobile Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Moosehorn Snowmobile Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the snowmobile trail.

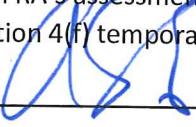


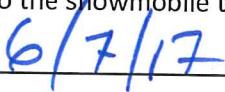
Andrew Korsberg
State Trail and Snowmobile Program Consultant
Minnesota DNR



Date:

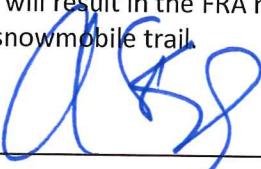
Concurrence: As the official with jurisdiction over the Northern Lite Snowmobile Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Northern Lite Snowmobile Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Northern Lite Snowmobile Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the snowmobile trail.


Andrew Korsberg
State Trail and Snowmobile Program Consultant
Minnesota DNR

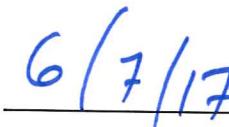

6/7/17

Date:

Concurrence: As the official with jurisdiction over the Pine 1, 2, 3s Snowmobile Trail combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Pine 1, 2, 3s Snowmobile Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Pine 1, 2, 3s Snowmobile Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the snowmobile trail.

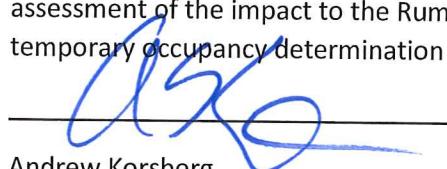


Andrew Korsberg
State Trail and Snowmobile Program Consultant
Minnesota DNR

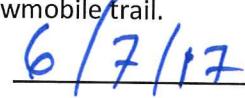


Date:

Concurrence: As the official with jurisdiction over the Rum River Snowmobile Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Rum River Snowmobile Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Rum River Snowmobile Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the snowmobile trail.

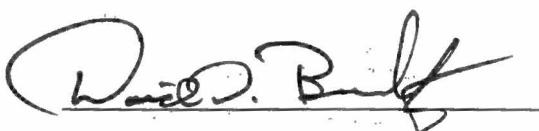

Andrew Korsberg

State Trail and Snowmobile Program Consultant
Minnesota DNR


6/7/17

Date:

Concurrence: As the official with jurisdiction over the Tom Anderson Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Tom Anderson Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Tom Anderson Trail will result in the FRA making a Section 4(f) *de minimis* determination for the impacts to the trail.



Todd Haas, Parks Coordinator/
Assistant Public Works Director
City of Andover

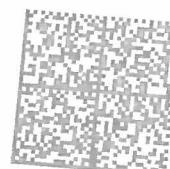
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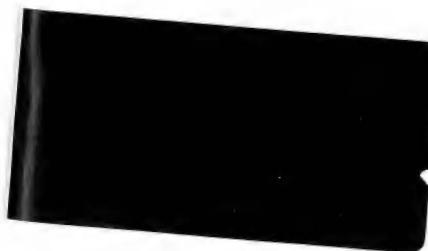
David D. Berkowitz, P.E.
Director of Public Works/City Engineer



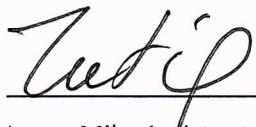
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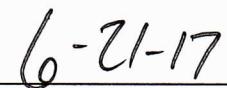
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Concurrence: As the official with jurisdiction over the Isanti-Cambridge Trail I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Isanti-Cambridge Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Isanti-Cambridge Trail will result in the FRA making a Section 4(f) *de minimis* determination for the impacts to the Trail.

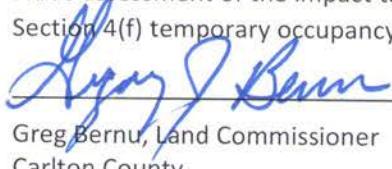


Lucas Milz, Assistant Public Works Director
City of Cambridge



Date:

Concurrence: As the official with jurisdiction over the Moosehorn Snowmobile Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Moosehorn Snowmobile Trail or protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Moosehorn Snowmobile Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the trail.



Greg Bernu, Land Commissioner
Carlton County

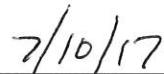


Date:

Concurrence: As the official with jurisdiction over the 85th Avenue Northwest Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the 85th Avenue Northwest Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the 85th Avenue Northwest Trail will result in the FRA making a Section 4(f) *de minimis* determination for the impacts to the trail.



Tim Himmer, Public Works Director
City of Coon Rapids



Date:

When/if the NLX Project is funded and construction is planned, the City of Coon Rapids requests the following:

- *Trail crossings and approaches will be restored to pre-construction conditions or better.*
- *MnDOT will coordinate with the City of Coon Rapids staff to review and comment on the traffic control plan with sufficient advanced notice before construction actually begins.*
- *Regarding the 85th Avenue Northwest Trail, MnDOT will notify the City of Fridley and Anoka County of scheduled construction activities and mitigation commitments.*

Concurrence: As the official with jurisdiction the Egret Boulevard Northwest Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Egret Boulevard Northwest Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Egret Boulevard Northwest Trail will result in the FRA making a Section 4(f) *de minimis* determination for the impacts to the trail.



Tim Himmer, Public Works Director
City of Coon Rapids



Date:

When/if the NLX Project is funded and construction is planned, the City of Coon Rapids requests the following:

- *Trail crossings and approaches will be restored to pre-construction conditions or better.*
- *MnDOT will coordinate with the City of Coon Rapids staff to review and comment on the traffic control plan with sufficient advanced notice before construction actually begins.*

Concurrence: As the official with jurisdiction over the Gandy Dancer Snowmobile Trail and ATV (winter and summer) Road Route, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Gandy Dancer Snowmobile Trail and ATV (winter and summer) Road Route for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Gandy Dancer Snowmobile Trail and ATV (winter and summer) Road Route will result in the FRA making a Section 4(f) *de minimis* determination for the impacts to the snowmobile/ATV trail.



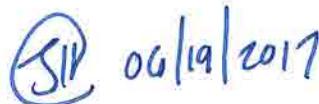
Jon Harris, Director of Forestry & Natural Resources
Douglas County Forestry Department



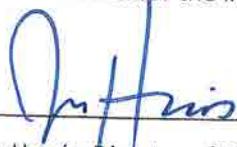
Date:

When/if this project is funded and construction is planned. I would request being again notified and consulted with to mitigate any disturbances to our trail system.

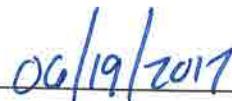
NOTE: When this crossing is worked on the Gandy Dancer Trail will need to be closed for the duration of the project unless a re-route is made around the worksite.



Concurrence: As the official with jurisdiction over the Saunders Grade Snowmobile Trail and Winter ATV Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Saunders Grade Snowmobile Trail and Winter ATV Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Saunders Grade Snowmobile Trail and Winter ATV Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the snowmobile/winter ATV trail.



Jon Harris, Director of Forestry & Natural Resources
Douglas County Forestry Department



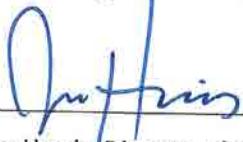
Date:

When/if this project is funded and construction is planned. I would request being again notified and consulted with to mitigate any disturbances to our trail system.

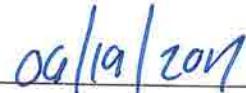
NOTE: There should be no impact on this trail segment by the upgrades at the crossing.



Concurrence: As the official with jurisdiction over Trail 28, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify Trail 28 for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to Trail 28 will result in the FRA making a Section 4(f) *de minimis* determination for the impacts to the trail.



Jon Harris, Director of Forestry & Natural Resources
Douglas County Forestry Department



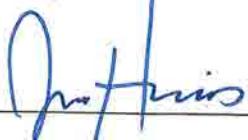
Date:

When/if this project is funded and construction is planned. I would request being again notified and consulted with to mitigate any disturbances to our trail system.

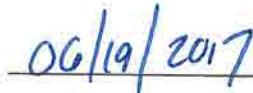
NOTE: 58th Street Trail, Orange Trail and Trail 28 are all the same trail on the ground.



Concurrence: As the official with jurisdiction over the Orange Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Orange Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Orange Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the trail.



Jon Harris, Director of Forestry & Natural Resources
Douglas County Forestry Department



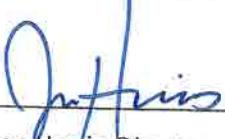
Date:

When/if this project is funded and construction is planned. I would request being again notified and consulted with to mitigate any disturbances to our trail system.

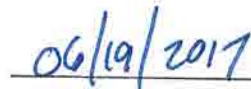
NOTE: 58th Street Trail, Orange Trail and Trail 28 are all the same trail on the ground.



Concurrence: As the official with jurisdiction over the proposed North 58th Street Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the proposed North 58th Street Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the proposed North 58th Street Trail will result in the FRA making a Section 4(f) *de minimis* determination for the impacts to the trail.



Jon Harris, Director of Forestry & Natural Resources
Douglas County Forestry Department



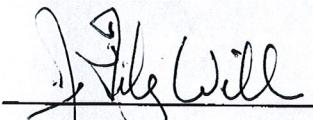
Date:

When/if this project is funded and construction is planned. I would request being again notified and consulted with to mitigate any disturbances to our trail system.

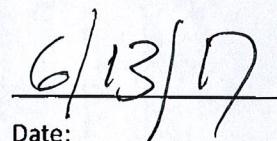
NOTE: 58th Street Trail, Orange Trail and Trail 28 are all the same trail on the ground.



Concurrence: As the official with jurisdiction over the Cross City Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Cross City Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Cross City will result in the FRA making a Section 4(f) *de minimis* determination for the impacts to the trail.



Andrew Slade, Assistant Manager
City of Duluth



Date:

Jim Filby Williams
City of Duluth, Director of Public Administration

Concurrence: As the official with jurisdiction over Edgewater Gardens Park, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify Edgewater Gardens Park for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to Edgewater Gardens Park will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the park.



Jack Kirk, Director of Parks & Recreation
City of Fridley



Date:

Concurrence: As the official with jurisdiction over Locke Lake Park, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify Locke Lake Park for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to Locke Lake Park will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the park.



Jack Kirk, Director of Parks & Recreation
City of Fridley



Date:

Concurrence: As the official with jurisdiction over Plaza Park, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify Plaza Park for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to Plaza Park will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the park.

Jack Kirk

Jack Kirk, Director of Parks & Recreation
City of Fridley

5.22.17

Date:

Concurrence: As the official with jurisdiction over Springbrook Nature Center, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify Springbrook Nature Center for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to Springbrook Nature Center will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the nature center.



Jack Kirk, Director of Parks & Recreation
City of Fridley



Date:

Concurrence: As the official with jurisdiction over the Osborne Road Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Osborne Road Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Osborne Road Trail will result in the FRA making a Section 4(f) *de minimis* determination for the impacts to the trail.

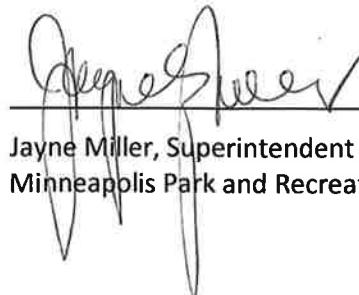
Jack Kirk

Jack Kirk, Director of Parks & Recreation
City of Fridley

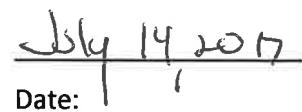
5.22.17

Date:

Concurrence: As the official with jurisdiction over Cedar Lake Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify Cedar Lake Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to Cedar Lake Trail will result in the FRA making a Section 4(f) *de minimis* determination for the impacts to the trail.

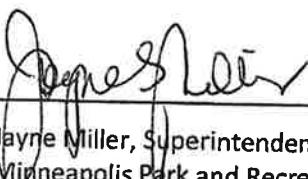


Jayne Miller, Superintendent
Minneapolis Park and Recreation Board

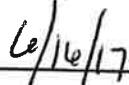


Date:

Concurrence: As the official with jurisdiction over the Grand Rounds Trail (in West River Parkway), I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Grand Rounds Trail (in West River Parkway) for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Grand Rounds Trail (in West River Parkway) will result in the FRA making a Section 4(f) *de minimis* determination for the impacts to the trail.

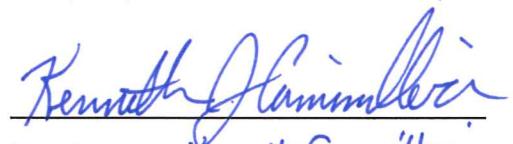


Jayne Miller, Superintendent
Minneapolis Park and Recreation Board



Date:

Concurrence: As the official with jurisdiction over the Hinckley – Pine City Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Hinckley – Pine City Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Hinckley – Pine City Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the trail.



Lara Smetana Kenneth Cammilleri
~~Park and Recreation Supervisor~~
Pine City City Administrator

8/8/2017

Date



Anoka County

PARKS & COMMUNITY SERVICES DIVISION

Parks and Recreation

September 5, 2017

Parks and
Recreation Office
763-324-3300

Park
Maintenance
763-324-3326

Park Services
763-324-3425

Natural Resources
763-324-3413

Bunker Beach
Water Park
763-324-3310

Chomonix
Golf Course
651-482-8484

Wargo
Nature Center
763-324-3350

Francis Loetterle
Minnesota Department of Transportation
395 John Ireland Boulevard, MS 470
St. Paul, MN 55155-1800

RE: Minnesota State Project TCP-NLX-12B and Federal Project FR-HSR-0070-11-01-00: Northern Lights Express Passenger Rail Project from Minneapolis to Duluth, MN (the NLX Project)

Dear Mr. Loetterle:

Recently, as part of the Tier 2 Environmental Assessment (EA) process, the Anoka County Parks and Recreation Department received a letter from the Federal Railroad Administration (FRA) requesting our concurrence with temporary occupancy and *de minimus* determinations for several Anoka County Park and Trail locations that reside directly adjacent to the proposed Northern Lights Express Passenger Rail Project between Minneapolis and Duluth, Minnesota.

Upon review of FRA's request for concurrence and the Tier 2 Environmental Assessment, the Anoka County Parks and Recreation Department has several concerns about the EA's evaluation of potential impacts to Anoka County's Park and Trail facilities that need to be addressed.

The majority of the Park and Trail Facilities that would be impacted by the NLX Project are under the policy jurisdiction of the *2040 Regional Park Policy Plan* of the Metropolitan Council. As defined in the *2040 Regional Park Policy Plan*, impacts on the use of regional parks system facilities include, but are not limited to: traffic, safety, noise, visual obstructions, impaired use of the facilities or interference with the operations and maintenance of the facilities. Proposed development projects that have substantial effect on the regional parks system would not be in conformance with the Metropolitan Council's *2040 Regional Parks Policy Plan* and may be subject to a plan modification. Council staff have requested additional noise modeling be conducted to determine noise impacts to Bunker Hills Regional Park. The analysis from the noise modeling will inform the Council's decision on whether there is a substantial effect on the Regional Parks System.

The proposed NLX will cross or will run directly adjacent to several Anoka County Park and Trail System facilities along its route, including Mississippi River Regional Trail, Rice Creek West Regional Trail, Rice Creek Water Trail, Coon Creek Regional Trail,

Bunker Hills Regional Park, Central Anoka County Regional Trail, North Anoka County Regional Trail (planned), and the Rum River Snowmobile Trail.

The EA does not provide adequate information for Anoka County to make an accurate determination of impact to the various outdoor recreation activities of the heavily used County park and trail facilities. Based on the 2016 park and trail visitation data gathered from the facilities that would be impacted, there were 1,359,600 documented visits to these facilities. The EA indicates that there will be eight trains daily passing through or adjacent to multiple park and trail facilities at speeds of up to 90 miles per hour. The anticipated activities/experiences that would be directly or indirectly impacted include, walking, running, biking, bird watching, camping, water park use, golfing, dog park use, archery, cross country skiing, ski-joring, picnicking, recreation and environmental education programming, canoeing, kayaking, and horseback riding. The primary impacts of concern include noise, vibration, aesthetics, and safe crossings. All trail crossings where the regional trail and snowmobile trail crosses over the railroad tracks should have cross arms due to the high speed of the NLX.

In conclusion, the Anoka County Parks and Recreation Department would like to be provided with more information and data of the projected noise levels, via a noise modeling study, of the project along all of Anoka County's affected park and trail facilities.

Sincerely,



Jeff Perry

Park Planning & Resources Manager
Anoka County Parks and Recreation Department

CC: John VonDeLinde, Parks and Community Services Division Manager
Karen Skepper, Director of Community and Government Relations
Doug Fischer, Transportation Division Manager / County Engineer
Jan Youngquist, Metropolitan Council

Response to Anoka County

Anoka County's comments were sent in response to the Federal Railroad Administration's (FRA's) request for concurrence on the Section 4(f) preliminary temporary occupancy determinations for the Rice Creek West Regional Trail Corridor and Rum River Snowmobile Trail and preliminary *de minimis* determinations for the Mississippi River Regional Trail, Rice Creek West Regional Trail, and Proposed North Anoka County Regional Trail. FRA made these preliminary determinations in accordance with Section 4(f) of the U.S. Department of Transportation Act of 1966 based on the analysis, impacts and mitigation identified in the Northern Lights Express (NLX) Project Tier 2 Project Level Environmental Assessment (EA). Based on the identification of Section 4(f) resources and analysis completed for these resources, FRA made preliminary *de minimis* use determinations based on the impacts not adversely altering or affecting the use of the Section 4(f) resource and therefore meeting the definition of a *de minimis* use under Section 4(f). The preliminary temporary occupancy determinations meet the conditions set forth under 23 CFR Part 774.13(d) and described in FRA's May 2, 2017 letter requesting concurrence.

The Tier 2 EA includes an evaluation of potential noise, vibration, aesthetics and safety impacts from the NLX Project for the Section 4(f) resources, as well as non-Section 4(f) resources, located in Anoka County. The analysis, identification of impacts, and avoidance, minimization and mitigation measures can be found in the following sections of the Tier 2 EA:

- Section 4.9 identifies sensitive noise and vibration receptors and evaluates noise and vibration impacts at adjacent properties, including parks, throughout the NLX Project corridor;
- Section 4.13 identifies parks and recreation areas, including trails, and evaluates impacts on these properties;
- Section 4.14 evaluates visual impacts; and
- Appendix Q provides the Draft Section 4(f) and 6(f) Evaluation for Section 4(f) properties and identifies the preliminary determinations made by FRA.

As noted above, findings from the noise analysis are located in Section 4.9 of the Tier 2 EA. Appendix D of the Tier 2 EA provides the locations of noise testing completed for the NLX Project, as well as impacts to sensitive receptors. In response to Anoka County's comment regarding trails crossing at railroad tracks, all public grade crossings of the existing BNSF corridor in Anoka County will feature at a minimum dual gates and flashers.

Without receipt of written concurrence for the preliminary determinations made in the Draft Section 4(f) and 6(f) Evaluation, FRA completed individual Section 4(f) evaluations for the five Section 4(f) properties where Anoka County was identified as the OWJ. FRA did receive written concurrence from the Minnesota DNR and the Rum River Trail Association for the Rum River Trail. Please refer to pages A-14 and A-41.

Concurrence: As the official with jurisdiction over the Cambridge/Weber/Stark/Isanti Snowmobile Trail (crossing the BNSF Railway at 261st Avenue south of Isanti), I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Cambridge/Weber/Stark/Isanti Snowmobile Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Cambridge/Weber/Stark/Isanti Snowmobile Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the snowmobile trail.

Larry Puck

Larry Puck
Cambridge/Weber/Stark/Isanti Snowmobile Club

7-26-2017

Date:

Concurrence: As the official with jurisdiction over the Moosehorn Snowmobile Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Moosehorn Snowmobile Trail or protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Moosehorn Snowmobile Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the trail.

Elwyn Erickson

Elwyn Erickson
Moose Horn Rod and Gun Snowmobile Club

1-6-2017

Date:

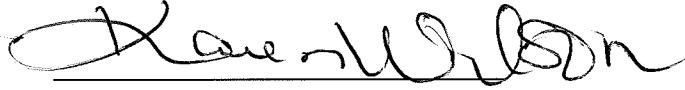


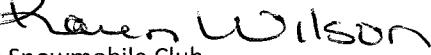
ELWYN K ERICKSON
33802 CHESTNUT CIR
MOOSE LAKE MN 55767-2214

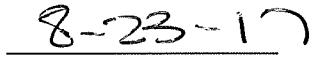


U.S. Department of Transportation
Federal Railroad Administration
1200 New Jersey Ave. SE
Washington DC 20590
A-41

Concurrence: As the official with jurisdiction over the Northern Lite Snowmobile Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Northern Lite Snowmobile Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Northern Lite Snowmobile Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the trail.

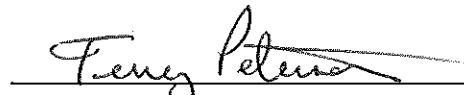


Brian Sutton 
Karen Wilson
Northern Lites Snowmobile Club

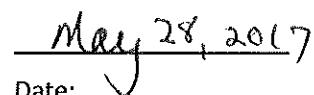


Date

Concurrence: As the official with jurisdiction over the Pine 1, 2, 3s Snowmobile Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Pine 1, 2, 3s Snowmobile Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Pine 1, 2, 3s Snowmobile Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the trail.



Terry Peterson
Northern Pine Riders Snowmobile Club

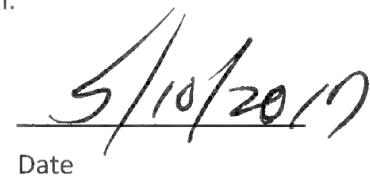


Date: ✓

Concurrence: As the official with jurisdiction over the Rum River Snowmobile Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Rum River Snowmobile Trail for protection under Section 4(f). I understand that concurrence with the FRA's assessment of the impact to the Rum River Snowmobile Trail will result in the FRA making a Section 4(f) temporary occupancy determination for the impacts to the trail.



Merwyn R. Larsen
Rum River Trail Association



5/10/2017

Date



MERWYN R LARSEN
17844 XEON ST NW
ANDOVER MN 55304-1420

MINNEAPOLIS
AMM 554
11 MAY '17
PM 2 L



Marlys Osterhues
Federal Railroad Administration
1200 New Jersey Avenue, SE, MS-20
Washington, DC 20590

20590-

A-441