

FINDINGS OF FACT AND CONCLUSIONS

Northern Lights Express High Speed Passenger Rail Project from Minneapolis to Duluth, Minnesota

Minnesota Department of Transportation

August 2013

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I. ADMINISTRATIVE BACKGROUND/STATEMENT OF ISSUE

The Minneapolis-Duluth/Superior Passenger Rail Alliance (Alliance¹), in cooperation with the Minnesota Department of Transportation (MnDOT), proposes to construct the necessary infrastructure for, and to operate, an approximately 155-mile long, high-speed intercity passenger rail service between Minneapolis and Duluth, Minnesota (known as the Northern Lights Express (NLX) service). A portion of the line would travel through Douglas County in Wisconsin (see Figure 1), and the rail service would potentially reach speeds of up to 110 miles per hour. The Alliance and MnDOT propose eight round trips (16 trains) per day.

The Minneapolis-Duluth/Superior Rail Alliance is the project proposer and MnDOT is the Responsible Governmental Unit (RGU) for the proposed project.

A Tier 1 service level Environmental Assessment (EA) was prepared by MnDOT in consultation with the Federal Railroad Administration (FRA), the Alliance and the Wisconsin Department of Transportation (WisDOT). MnDOT prepared the EA in compliance with the National Environmental Policy Act (NEPA) [42 USC 4321 et. seq.], FRA's Procedures for Considering Environmental Impacts (64 FR 28545), Minnesota Statutes 116D, and Wisconsin Statutes Section 1.11, Wisconsin Administrative Code, TRANS 400. The EA also serves as a Minnesota Environmental Assessment Worksheet (EAW) under Minnesota Rules Chapter 4410.

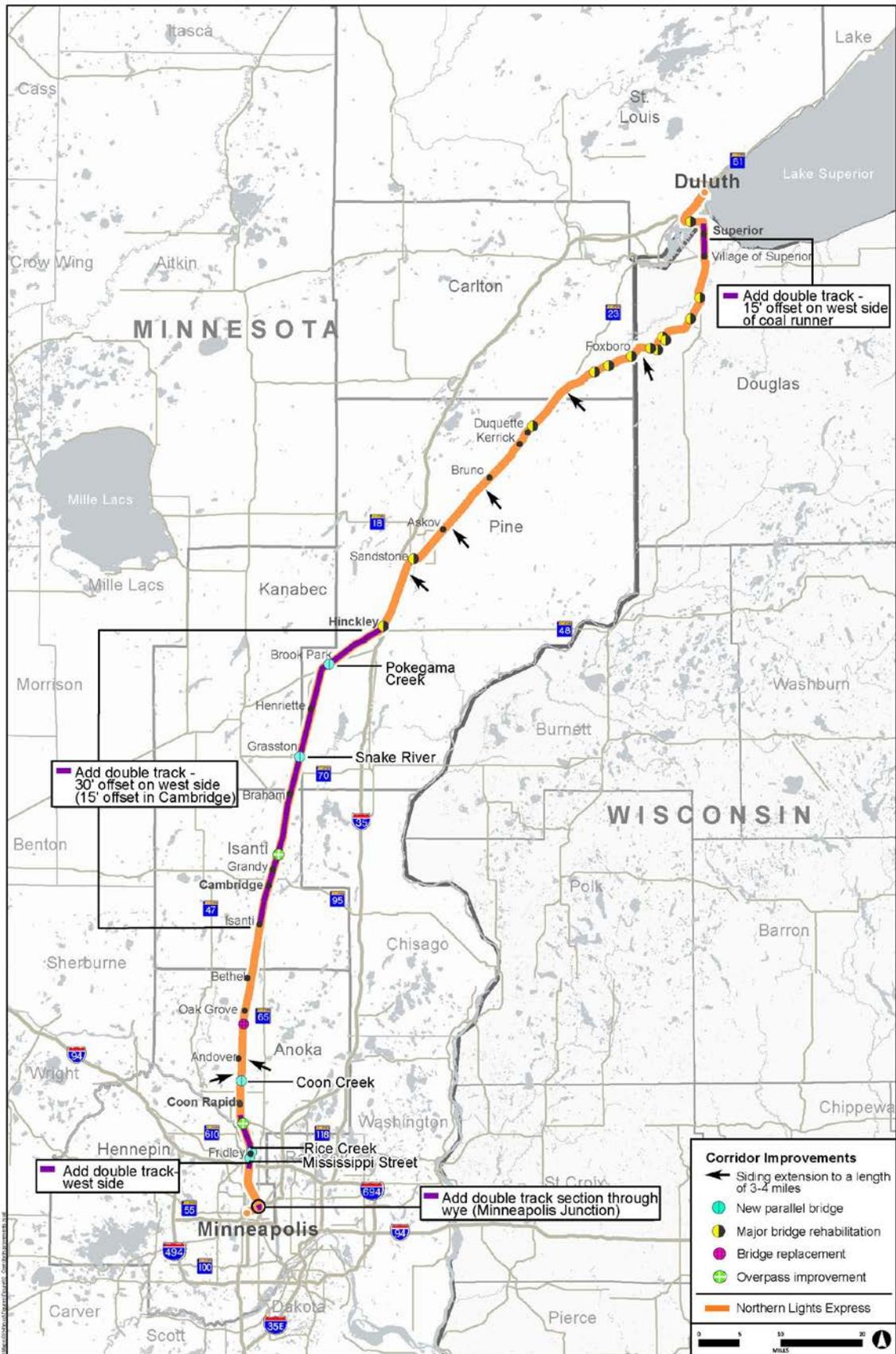
The EA/EAW evaluates the service-wide environmental impacts of the proposed action and would set the foundation for the subsequent Tier 2 or federal project level environmental documentation (project level environmental documentation). The EA/EAW was developed to assess the impacts of the project and other circumstances in order to determine if an Environmental Impact Statement (EIS) is indicated.

The EA/EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comments to the required EAW distribution list. A "Notice of Availability" was published in the EQB Monitor on March 18, 2013. A press release was provided by MnDOT to media outlets in the corridor between Minneapolis and Duluth. The EA/EAW was made available for public review at the libraries in Cambridge, Coon Rapids, Duluth, Hinckley, Minneapolis, MnDOT, Sandstone, and Superior. The EA/EAW was also available on the project website at <http://www.mndot.gov/nlx>.

A public open house meeting for the proposed project was held during the EA/EAW comment period on April 4, 2013 at the Armed Forces Service Center in Cambridge, MN. Approximately 70 individuals attended the public open house meeting. Information regarding the project need, the proposed alignment, and potential social, environmental and economic impacts of the project were presented at the open house meeting. Copies of the EA/EAW were also available for review during the meeting. A court reporter was present to take written comments. Thirteen individuals provided oral comments to the court reporter, and 14 written comment forms were also received.

¹ The Minneapolis-Duluth/Superior Passenger Rail Alliance is a joint powers board formed in 2007 to explore options for renewing passenger rail service between the two metropolitan areas. Alliance members include the regional rail authorities of Hennepin, Isanti, Pine, St. Louis and Lake counties, the cities of Minneapolis and Duluth, and the Mille Lacs Band of Ojibwe.

Figure 1. Project Improvement Locations



The EA/EAW public comment period was held from March 18 through April 17, 2013. Eighteen written comments were received from government agencies and non-governmental organizations; a total of approximately 75 additional public comment cards, letters, emails, and oral statements (including those received at the public meeting) were submitted by the public. All comments received during the comments period were considered in determining the potential for significant environmental impacts. Comments received during the comment period and the responses are provided in Appendix A.

Based upon the information in the record, which is composed of the EA/EAW for the proposed project, the issues raised during the public comment period, the responses to the comments, and other supporting documents, MnDOT makes the following Findings of Fact and Conclusions:

II. FINDINGS OF FACT

Project Need and Description

The NLX project proposes to meet transportation needs through the creation of a passenger rail service that links Minneapolis and Duluth, and that connects with other existing and planned transportation systems, including other planned intercity passenger rail, commuter rail, light rail transit (LRT), and bus rapid transit (BRT) routes, as well as the roadway network.

The Build Alternative route follows the existing BNSF Railway right of way from downtown Minneapolis (referenced as the Interchange) northeast to Duluth (the Depot), including shared and new dedicated track. This route represents the only railroad connection currently in full active freight service between Minneapolis and Duluth. The corridor roughly parallels State Highways 65 and 23 through Hennepin, Anoka, Isanti, Kanabec, Pine, Carlton, Douglas (Wisconsin), and St. Louis counties and terminates in Duluth (see Figure 1).

Station locations have been identified at the Interchange in Minneapolis, Duluth Union Depot and at Coon Rapids—Foley Boulevard. Stations are planned for the cities of Cambridge, Hinckley and Superior, but locations have not been finalized and further analysis must be undertaken in project level environmental work.

NLX Route Improvements by Segments

The preferred Build Alternative route is approximately 155 miles long. For purposes of description only, the route is divided into nine segments, shown in Figure 2 and described in Table 1.² As noted previously, the service level impacts described in the EA/EAW are based on a concept-level project definition. This definition, presented in Table 1, includes assumed project improvements based on current knowledge, using “worst case” assumptions in order to identify the potential for significant environmental impacts.

² Route segment numbers are discontinuous. These segments were used during the route alternative evaluation process to allow for consistency in comparing alternatives. Information in the Level 2 and Level 3 studies is presented by these segments.

Figure 2. NLX Route Segments



Table 1. NLX Route Segments and Assumed Concept-Level Corridor Improvements

Segment	Location		Milepost*		Segment Mileage	Assumed Concept-Level Improvements**
	Start	End	Start	End		
1 Wayzata Subd.	The Interchange, Minneapolis	Minneapolis Junction, Minneapolis	11.6	9.7	2.1	New connecting track 15' from the existing track – on west for segment and east for a segment – through wye at Minneapolis Junction for a distance of approx. 3,000'.
2 Midway Subd.	Minneapolis Junction, Minneapolis	University Avenue, Minneapolis	9.7	11.4	1.4	
3 Staples Subd.	University Avenue, Minneapolis	Coon Creek Junction, Coon Rapids	11.4	21.1	9.7	6.2 mi new track partially west and partially east of existing track between I-694 and Hwy 610/Coon Creek Junction in Fridley (referred to as “the third main”). Track improvements through Coon Creek Junction. New RR bridges over Mississippi Street and Rice Creek. Modification of Hwy 610 overpass.
4 Hinckley Subd.	Coon Creek Junction, Coon Rapids	Isanti	136.9	113.0	23.9	3 mi. siding west of existing track and 1 mi. siding extension east of existing track in Andover. RR bridge replacement over Coon Creek. New parallel RR bridge over Coon Creek.
5 Hinckley Subd.	Isanti	Cambridge	113.0	107.4	5.6	6 mi. of new track located 30' west of existing track between Isanti and Cambridge, and 15' west of existing track in Cambridge.*** Connection of existing sidings between Isanti and Cambridge.
6 Hinckley Subd.	Cambridge	Hinckley	107.4	72.3	34.1	35 miles of new track located 15' west of existing track in Cambridge and Braham, and 30' west of existing track elsewhere between Cambridge and Hinckley. New RR bridges over Snake River at Grasston, ditch near Henriette (box culvert), and Pokegama Creek at Brook Park. Replacement of 379 th Street overpass over RR near Grandy. Rehab of existing bridges over Pokegama Creek and Snake River.
17 Hinckley Subd.	Hinckley	Boylston	72.3	11.8	60.5	New or extended sidings to a total length of 3-4 miles each, 15' east of existing track, near Sandstone, Askov, Bruno, Holyoke, and Foxboro. Rehab of existing bridges over Grindstone, Kettle, Big Willow, Net (2), Black and Nemadji Rivers, and State Line, Balsam, Little Balsam, Hubert and Norvell Creeks.
18 Lakes Subd.	Boylston	Superior (n. of 28 th St.)	12.6	5.4	8.7	3 mi. of new track 15' west of existing track between Central Avenue and 11 th St. N. in Superior.
19 Lakes Subd.	Superior (n. of 28 th Street)	Duluth Union Depot	5.4	0	5.4	1.5 mi. of new track 15' west of existing track between Segment 18/19 boundary and 11 th Street in Superior. 1.1 mi new freight siding along existing track from the wye west of Grassy Point to Bridge to 46 th Ave. in Duluth. Bridge over water inlet. Segment of main track approaching the Depot and track for layover at Depot. Rehab of Grassy Point Bridge.
Total					152.4	

*Mileposts change due to change in railroad subdivision. Note that RR MPs often are not exact miles, therefore differences

between MP references may not equate to actual distances.

**The assumed track spacing represents worst-case assumption. The existing track would be rehabilitated to continuous welded rail in all segments. The need for rehabilitation of the existing track parallel to the areas of dedicated track between Isanti and Hinckley and in Superior would be evaluated as operational analyses are refined in subsequent project phases.

***Note 0.3 mile of the dedicated passenger track is located in Segment 4.

Section 3.2 of the EA/EAW provides a detailed discussion of the Build Alternative.

The EA/EAW evaluates the service-wide environmental impacts of the proposed action and would set the foundation for the subsequent federal project level (referenced as Tier 2), environmental documentation. Federal project level environmental documentation and preliminary engineering must be completed before permitting, approvals or construction may begin. The federal project level environmental documentation will identify and further address mitigation of impacts in greater detail, prior to any construction.

Corrections to the EA/EAW or Changes in the Project Since the EA/EAW was Published

Since the EA/EAW was published, the follow items have been changed or updated:

- Page ES-3 **Executive Summary**; delete the word “is” in the first line of the second paragraph.
- Page 2-4 **Intermodal Connectivity**; add Ramsey to the Northstar stops in the paragraph under “Northstar Commuter Rail.”
- Page 2-6 **Intermodal Connectivity**; revise to note that the Central BRT line is slated to serve Fridley and Coon Rapids to Northtown Mall under “Bus Rapid Transit.”
- Page 2-9 **Table 2.1. Anticipated Permits, Approvals and Agreements** and Page 4-33 **Surface Water**; revise to note that the Six Cities WMO has dissolved and that areas previously in the Six Cities WMO are covered by other organizations listed (likely the Coon Creek Watershed District).
- Page 3-17 **Station Locations**; revise the first sentence of the last paragraph to read: “The southern terminus of the proposed NLX service would be at the intermodal station located at Fifth Street North near Fifth Avenue North in Minneapolis.”
- Page 4-2 **Land Use**; revise the last paragraph to acknowledge suburban development in Fridley, which is not suburban and rural. Revise to note that the southern portion of Anoka County is not agricultural.
- Page 4-3 **Land Use**; revise the second paragraph under “Build Alternative” to note that there are benefits to the station areas with increased economic development expected.
- Page 4-5 **Land Use**; revise the first paragraph under “Stations” to note that the Minneapolis Warehouse Historic District is also a local historic district.
- Page 4-8 **Compatibility with Local Plans and Regulations**; revise the first sentence of the second paragraph to read: “*The Minneapolis Plan for Sustainable Growth* (Minneapolis, MN, October 2009) (Chapter 8) states that the City’s existing transportation system must be balanced to strengthen transit and other non-automobile forms of transportation.”
- Page 4-33 **Surface Water**; revise the second sentence of the first paragraph to state: “...and the Lake Superior Basin in Minnesota and Wisconsin.”
- Page 4-35 **Table 4.9. Watercourses Near the Study Corridor**; edit to include:

- Stewart Creek is a trout stream.
- Miller Creek (Minnesota) is a trout stream and is impaired.
- Page 4-87 **Table 4.29. Park, Trail and Recreational Resources Adjacent to the NLX Corridor**; change Main Park to Angle Park.
- Page 4-88 **Section 4(f)/6(f): Parks, Recreation Areas, Historic Sites, and Wildlife or Waterfowl Refuges**; revise the document to note that the Mississippi River National Recreational Area also runs along the river in Fridley and Coon Rapids.
- Page 4-90 **Section 4(f)/6(f): Parks, Recreation Areas, Historic Sites, and Wildlife or Waterfowl Refuges**; change Main Park to Angle Park in the sixth paragraph, and change Angie Avenue to Angle Avenue.
- Page 4-99 **Visual Impacts**; revise the fifth paragraph to note that Segment 3 abuts industrial, commercial and residential property, and serves as the Northstar passenger rail line.
- Page 4-102 **Socioeconomic Impacts**; revise the paragraph under “Fridley, MN” to state that the Fridley Community Center is next to Commons Park and is located about 0.75 mile east of the train station / railroad tracks (east of University Avenue), and that there are three at-grade and three grade-separated crossings in Fridley.
- Page 4-105 **Socioeconomic Impacts**; change Main Park to Angle Park and revise the last sentence of the paragraph under “Sandstone, MN” to read: “Angle Park property is owned by BNSF and leased by the City of Sandstone, MN whereas Train Park is owned by the City.”

Revise the document to include Robinson Park in Sandstone, MN. The north boundary of Robinson Park abuts the rail corridor

III. DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT

An EIS is not necessary for the proposed project based on the following criteria:

A. Type, Extent, and Reversibility of Impacts

MnDOT finds that the analysis completed for the EA/EAW is adequate to determine whether the project has the potential for significant environmental effects.

The EA/EAW described the type and extent of impacts to the natural and built environment anticipated to result from the proposed project. This Findings of Fact and Conclusion document provides corrections, changes, and new information since the EA/EAW was published. Specific features to mitigate impacts as a result of project design will be identified and documented in greater detail as part of the federal project level environmental documentation.

Table 2 summarizes the findings of the service level EA/EAW regarding potential environmental impacts of the proposed project and the design features included to avoid, minimize, and mitigate these impacts. Full discussion of the potential environmental impacts is contained in Chapter 4.0 of the service level EA/EAW. As noted in the mitigation column of Table 2, federal project level environmental documentation and preliminary engineering must be completed before permitting, approvals or construction may begin.

Table 2. Summary of Impacts and Measures to Avoid, Minimize and Mitigate³

Resource	No Build Impact	Build Alternative	
		Impact	Avoidance, Minimization, Mitigation Measures
Land use	Does not meet planning goals in station communities.	No significant change in land use type.	N/A
		Compatible with corridor land use.	N/A
		Corridor footprint impacts: -420 acres within construction limits -120 acres right of way acquisition -relocate RR structure in Cambridge -temporary impact to rear parking lot of Cambridge Mall/City Hall.	Further minimization of corridor footprint impacts through refinements in preliminary engineering and project level NEPA. Right of way acquisition in accordance with federal law.
		Station locations compatible with local land use plans.	N/A
Intermodal transit	No expanded travel options for corridor.	Connections to other modes expand travel options.	N/A
		No adverse impacts to transit.	N/A
Traffic circulation	No safety improvement at at-grade crossings.	Temporary impacts to at-grade crossings and more circuitous travel during construction.	Staging of construction to ensure availability of convenient alternative crossings.
		No permanent closure of public at-grade crossings identified in service level NEPA.	N/A
		Closure of up to 14 private at-grade crossings.	Alternate access or property acquisition where private crossings closed.
		Safety improvements at at-grade crossings.	N/A
Pedestrian/ bicyclists	No safety improvement at at-grade crossings.	Temporary impacts to at-grade crossings and more circuitous travel during construction.	Staging of construction to ensure availability of convenient alternative crossings.
		No permanent closure of public at-grade crossings identified in service level NEPA.	N/A
		Closure of up to 14 private at-grade crossings.	Alternate access or property acquisition where private crossings closed.
Freight	None.	Proposed trackwork and system improvements support joint passenger and freight operations.	N/A
Vegetation/ Wildlife/ Habitat	None.	Vegetation converted to trackbed and slopes: -61 acres wooded -94 acres brush/grass -94 acres wetlands -47 acres cropland ⁴ (remaining 124 acres developed, i.e. lawn, impervious surface)	Further minimization of corridor footprint impacts through refinements in preliminary engineering. Further analysis in project level NEPA would identify mitigation as required by agencies such as COE and DNR.
		Construction potential to spread invasive species.	Good housekeeping construction practices, e.g. decontamination of equipment on site, use of weed-free mulch, etc.

Table 2. Summary of Impacts and Measures to Avoid, Minimize and Mitigate (continued)

³ Refer to detail in EA chapters for discussion of impacts by state.

⁴ Note that “cropland” refers to cover type, specifically planted or cultivated agricultural land, and differs from “prime farmland” and “farmland of statewide importance” which are based on soil types.

Resource	No Build Impact	Build Alternative	
		Impact	Avoidance, Minimization, Mitigation Measures
Vegetation/ Wildlife/ Habitat (cont.)	None.	Minimal impact to terrestrial wildlife habitat, i.e. strip uses of small portions of edge habitat.	Further minimization of corridor footprint impacts through refinements in preliminary engineering and project level NEPA.
		Where corridor not fenced, increased risk of animal mortality, i.e. animal-train collision; where corridor fenced, animal movement restricted.	Consult with DNR regarding fencing when applicable.
		Potential impact to migratory bird nesting (bridges).	Coordinate as needed with USFWS regarding the Migratory Bird Treaty Act; bridges will be cleared and protected from nest-building during construction.
		Potential for erosion/sedimentation, other construction impact to aquatic habitat.	Bridge activities timed to avoid spawning periods. BMPs to protect stream banks and control silt.
		Impacts to 2 native prairies.	Further minimization of corridor footprint impacts through refinements in preliminary engineering and project level NEPA. Coordination with MnDNR. Reseeding with native plant species.
Threatened and endangered species	None.	May affect but not likely to adversely affect the Canada lynx. No effect to other federally-listed species known to occur in project area counties.	N/A
		Construction potential for effect to state plant species (MN and WI), Blandings turtle (MN), and mussel species (MN).	Avoidance or minimization of impacts to species through refinements in preliminary engineering and project level NEPA. Consultation with DNRs regarding need for plant survey; subsequent consultation pending findings. MnDNR practices for protection of Blandings turtle. Mussel surveys at new water crossings within 3 years of construction.
Wetlands	None.	Impacts up to 97 acres. Impacts 3 Minnesota Public Waters.	Avoidance or minimization of wetland impacts through refinements in preliminary engineering and project level NEPA. Mitigation in accordance with Corps of Engineers (COE) and state requirements. Up to 200 acres of mitigation; public and private wetland banks likely mitigation options.
Water quality/ stormwater runoff	Perpetuates minimal water quality treatment (existing condition).	Potential for water quality and erosion/sedimentation impacts during construction.	BMPs (erosion control practices; also see contamination) during construction. Vegetate embankment after construction.
		Increased impervious surface. Project adds water quality treatment where there currently is none.	Storm treatment ponds and other permanent BMPs to provide treatment in accordance with regulatory requirements.

Table 2. Summary of Impacts and Measures to Avoid, Minimize and Mitigate (continued)

Resource	No Build Impact	Build Alternative	
		Impact	Avoidance, Minimization, Mitigation Measures
Floodplain and other water-related management districts	None.	415 linear feet of floodplain fill. 11 FEMA waterbody crossings in areas of new construction. No significant floodplain encroachment.	Further minimization of corridor footprint impacts through refinements in preliminary engineering and project level NEPA. Federal permits as required.
		No special issues related to shoreland districts, coastal zone management areas, navigable waters, or state wild and scenic rivers, not otherwise addressed through other impact areas.	N/A
Groundwater	None.	Groundwater impacts may occur in construction areas within well protection areas, source water assessment areas, and drinking water supply management areas.	Mitigation measures would include routing stormwater runoff outside of protection areas and/or line treatment facilities that are within protection areas.
Air quality	No reduction in emissions.	Reduction in emissions of carbon monoxide, nitrogen oxide, volatile organic compounds, particulate matter and carbon dioxide.	N/A
Noise	None.	Temporary construction noise.	Avoid nighttime construction in residential areas. Locate stationary construction equipment and route construction-related truck traffic away from noise-sensitive sites. Temporary noise barriers during construction as warranted.
		Operation noise: -43 severe residential impacts. -18 severe institutional (parks, churches, schools) impacts. -279 moderate residential impacts. -10 moderate institutional impacts.	Project proponent would assist communities with quiet zone application process to the FRA (Waiver from the FRA for the Train Horn rule). Implementation of quiet zones would reduce impacts to one severe park impact and four moderate residential impacts. Refined noise study would be conducted as needed during preliminary engineering and project level NEPA. Additional mitigation options may include noise barriers, building sound insulation, and special trackwork at crossovers and turnouts as feasible.
Vibration	None.	Temporary construction vibration.	Avoid nighttime construction in residential areas. Locate stationary construction equipment and route construction-related truck traffic away from vibration-sensitive sites.
		Operation vibration: 4 residential impacts.	Refined vibration analysis as needed during preliminary engineering and project level NEPA. Mitigation options may include ballast mats, tire derived aggregate, floating slabs, resilient rail fasteners, special trackwork at crossovers and turnouts as feasible.

Table 2. Summary of Impacts and Measures to Avoid, Minimize and Mitigate (continued)

Resource	No Build Impact	Build Alternative	
		Impact	Avoidance, Minimization, Mitigation Measures
Hazardous waste/ contaminated material/solid waste	None.	Several contaminated sites within 500 ft. of corridor construction; potential to encounter contamination during ground disturbance.	Avoidance or further minimization of impacts through refinements in preliminary engineering and project level NEPA. Further site investigation prior to construction. Mitigation plan for handling and treating contaminated soil would be developed consistent with state rules and procedures.
		Solid waste generated during construction.	Solid waste management and disposal would be addressed consistent with state rules and procedures.
		Potential for impact to water quality from bridge rehab cleaning and painting.	Best practice containment and monitoring procedures.
		Slight increase in potential for spills due to increased rail traffic.	Best practice containment and monitoring procedures.
Cultural Resources	None.	Programmatic Agreement identifies Section 106 procedures. Impacts would be addressed in project level NEPA.	Avoidance, minimization and mitigation measures would be addressed in project level NEPA.
Farmland and soils	None.	Up to 33 acres of prime farmland impacted. Up to 70 acres of farmland of statewide importance impacted. Land bridge may be needed in area of soft, compressive soils.	Further minimization of corridor footprint impacts through refinements in preliminary engineering and consultation with NRCS and WDATCP during project level NEPA.
		Closure of up to 14 private at-grade crossings; potential for effect to farming operations.	Alternate access or property acquisition where private crossings closed.
Section 4(f)/6(f): parks, recreation areas and trails	None.	Temporary closure of Rice Creek, Coon Creek, and Sand Creek Trails during construction. No Section 4(f) use, including constructive use.	Trail signage, public information during closures.
		Temporary noise, dust and visual impacts to numerous parks during construction. No Section 4(f) use, including constructive use.	Best practices compliant with local ordinances.
		No Section 4(f) use, including constructive use.	Assumes coordination with communities to encourage and assist with implementation of train horn quiet zones. Refined noise study would be conducted as needed during preliminary engineering and project level NEPA.
Section 4(f): historic sites	None.	If identified, impacts would be addressed in project level NEPA.	If identified, measures would be addressed in project level NEPA.

Table 2. Summary of Impacts and Measures to Avoid, Minimize and Mitigate (continued)

Resource	No Build Impact	Build Alternative	
		Impact	Avoidance, Minimization, Mitigation Measures
Visual	None.	Generally minor change in views (existing railroad corridor).	N/A
		Fencing would affect views in urban areas (permanent fixture and potential maintenance issue).	Type and design of fencing would be evaluated in preliminary engineering and project level NEPA.
Socioeconomic	Does not meet development goals in station communities.	Temporary impact to rear parking lot of Cambridge Mall/City Hall.	Further minimization of corridor footprint impacts through refinements in preliminary engineering and project level NEPA.
		Closure of up to 14 private at-grade crossings. Potential change to Braham Area Sportsman's Club access.	Alternate access or property acquisition where private crossings closed.
		Moderate noise impacts to 4 schools, 3 churches, and 2 parks. Severe noise impacts to 2 schools, 8 churches, 2 cemeteries, 1 daycare, and 4 parks.	Project proponent would assist communities with quiet zone application process to the FRA (Waiver from the FRA for the Train Horn rule). Quiet zones eliminate noise impacts to all schools, churches, cemeteries, and daycare, and all but one park.
		Enhanced safety at existing at-grade crossings.	N/A
Environmental justice	None.	Minority and low-income populations identified in the study area but no high or disproportionate adverse effects.	N/A
Economic	Does not meet development goals in station communities.	Benefits: ⁵ 18,833 jobs. \$617M income. \$26M state tax revenue. \$69M federal tax revenue. \$21M property tax revenue. \$372M household income. Benefit/cost ratio: 1.03.	N/A
	No reduction in energy use.	Benefits: ⁶ Reduction in energy use. \$210.5M highway fuel savings. Up to 47M vehicle miles traveled (VMT) diverted to rail by 2040.	N/A
	No property value impacts.	Potential for minor negative property value impact due to land conversion.	Any minor negative impacts are offset by corridor property tax value gains due to project-related economic growth.
Indirect and cumulative	None.	Indirect: change in land use patterns in station communities has potential for development-related impacts.	Adverse impacts addressed through planning, permitting and environmental processes.
		Cumulative: NLX impacts plus direct and indirect impacts ⁶ from other actions would not result in significant potential for cumulative effects.	N/A

⁵ Minneapolis-Duluth/Superior Restoration of Intercity Passenger Rail Service Comprehensive Feasibility Study and Business Plan. December 2007.

⁶ Potential indirect impacts due to other foreseeable actions include impacts to land use, traffic/pedestrian/bicycle circulation, visual quality, farmland, natural areas, wetlands, property, vegetation, noise, animal mortality and vibration.

B. Cumulative Potential Effects of Related or Anticipated Future Projects

As discussed in Section 4.16.2 of the EA, the cumulative potential effect of related or anticipated future development has been considered. At the present time, in consideration of (1) the mitigation identified for these impacts of the project as currently identified, and (2) the development controls (e.g. zoning and subdivision review), regulations, permits and approvals in place to address impacts of other development and transportation improvements, the direct and indirect effects of the proposed project in combination with reasonably foreseeable future actions, as currently known, are not anticipated to result in significant potential for cumulative effects.

The Tier 1 service level EA/EAW evaluates the service-wide environmental impacts of the proposed action and sets the foundation for subsequent federal project level environmental documentation. Impact evaluation and mitigation measures identified in the Tier 1 service level EA would be refined, as appropriate and documented in the federal project level environmental documents.

C. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

The mitigation of environmental impacts would be designed and implemented in coordination with regulatory agencies and will be subject to the plan approval and permitting process. The EA/EAW evaluates the service-wide environmental impacts of the proposed action and sets the foundation for the subsequent federal project level environmental documentation. Federal project level environmental documentation and preliminary engineering must be completed before permitting, approvals or construction may begin.

Permits and approvals that have been obtained or may be required prior to project construction include those listed in Table 3.

Table 3. Anticipated Permits, Approvals and Agreements

Permits and Approvals	Agency	Action Required
Federal		
Environmental Assessment	FRA	FONSI
Section 4(f) determination	FRA	Determination
Section 7 (Threatened/ Endangered Species)	FRA U.S. Fish and Wildlife Service (USFWS)	Coordination Consultation (if required)
Section 10 Permit	U.S. Army Corps of Engineers (COE)	Permit
Section 404 Permit – Individual	COE	Permit
Section 9 Permit	U.S. Coast Guard	Permit
State		
EAW Certification	MnDOT	Approval
EIS Need Decision	MnDOT	Approval
Geometric Layout	MnDOT	Approval
Construction Plans	MnDOT	Approval
Wetland Conservation Act – approval of wetland boundaries	MnDOT	Approval
Wetland Conservation Act – approval of replacement plan	MnDOT with review by Board of Soil and Water Resources, and Minnesota Department of Natural Resources (MnDNR)	Approval/Review
Water Use Appropriation Permit (dewatering during construction)	MnDNR – waters	Permit
Public Waters Work Permit	MnDNR	Permit
Section 401	Minnesota Pollution Control Agency (MPCA) WDNR	Certification
National Pollutant Discharge Elimination System Section 402 Permit	MPCA	Permit
Section 106 (Historic / Archeological)	Minnesota and Wisconsin State Historic Preservation Offices (SHPO)	Consultation/agreement documents
Construction Site Stormwater General Permit	Wisconsin Department of Natural Resources (WDNR)	Permit
Waterway and Wetland Permit	WDNR	Permit

Table 3. Anticipated Permits, Approvals and Agreements (continued)

Permits and Approvals	Agency	Action Required
Local*		
Wetland Conservation Act, Restoration Plan	Affected Cities and Counties	Approval
Land alteration permits	Cities of Minneapolis, Fridley, Coon Rapids, Cambridge, Braham, Hinckley, and Superior Anoka, Isanti, Pine, Carleton, Kanabec, and Douglas Counties	Approval
Watershed District Permit	Rice Creek WD Coon Creek WD	Permit
Watershed Management Organization	Upper Rum River Joint Powers WMO Six Cities Joint Powers WMO Snake River Watershed Management Board (SRWMB)	Consultation
County Ditch Permit	Anoka, Isanti, Kanabec, Pine, Carlton, and Douglas Counties	Approval
Anticipated Agreements	Agency	
Topics including, but not limited to track usage, work w/in RR right of way, construction responsibilities, property acquisitions, relocation of affected RR structures, permitting responsibilities, and operations, maintenance and operator agreements.	BNSF	Agreement
Topics related to shared facilities at the Interchange	Metro Transit	Agreement
Topics related to shared layover facilities	Multiple agencies involved in rail planning in Twin Cities	Agreement
*Local permitting would be coordinated among watershed districts, watershed management organizations, counties, and municipalities.		

B. Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Environmental Studies

MnDOT has extensive experience in transportation project management. No problem is anticipated which MnDOT staff have not encountered and successfully solved many times in similar projects in or near the project area. Because the project will undergo subsequent federal project level environmental documentation, further environmental analysis and mitigative measures would be developed as this work is undertaken. MnDOT finds that the environmental effects of the project can be anticipated and controlled as a result of assessment of potential issues during environmental review, and MnDOT experience in addressing similar issues on previous projects.

IV. CONCLUSIONS

1. All requirements for environmental review of the proposed project have been met.
2. The EA/EAW and the permit development processes related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
3. Areas where potential environmental effects have been identified will be addressed during the federal project level environmental documentation or in final design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigative measures have been, and will be incorporated into project design, and have been or will be coordinated with state and federal agencies during the permit process.
4. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.
5. An Environmental Impact Statement is not required for the proposed Northern Lights Express High Speed Passenger Rail Project from Minneapolis to Duluth, Minnesota.

For the Minnesota Department of Transportation

Lynn Clarkowski
Chief Environmental Officer
Director, Office of Environmental Stewardship
Minnesota Department of Transportation

Date

APPENDIX A

Comments Received and Response to Comments