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# Draft Section 4(f) and Section 6(f) Evaluation

April 2017

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Prepared by:



# Contents

- 1. Introduction ..... 1**
- 2. Regulatory Context and Methodology ..... 2**
  - 2.1 Legal and Regulatory Context ..... 2**
    - 2.1.1 Section 4(f) .....2
    - 2.1.2 Section 6(f) .....4
  - 2.2 Methodology ..... 5**
    - 2.2.1 Identification of Properties Potentially Subject to Section 4(f) .....5
    - 2.2.2 Determination of Potential Section 4(f) Property Use.....7
    - 2.2.3 Identification of Properties Subject to Section 6(f) .....8
- 3. Affected Environment ..... 8**
  - 3.1 Section 4(f) ..... 8**
    - 3.1.1 Parks and Recreation Areas .....8
    - 3.1.2 Wildlife Refuge .....12
    - 3.1.3 Trails .....12
    - 3.1.4 Historic Resources .....19
  - 3.2 Section 6(f) Resources..... 27**
- 4. Impacts ..... 28**
  - 4.1 Section 4(f) ..... 28**
    - 4.1.1 No Build Alternative .....28
    - 4.1.2 Build Alternative – Operations (Permanent Use) .....28
    - 4.1.3 Build Alternative – Operations (Constructive Use) .....28
    - 4.1.4 Build Alternative – Construction (Temporary Occupancy) .....31
  - 4.2 Section 6(f) ..... 39**
- 5. Coordination Efforts ..... 39**

6. Mitigation ..... 40

7. Summary ..... 40

8. References ..... 42

## Tables

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

Table 3-1: Publicly Owned Parks and Recreation Areas Within the NLX Study Area ..... 9

Table 3-2: Publicly Owned Bicycle and Pedestrian Trails Within the NLX Study Area ..... 12

Table 3-3: Snowmobile and All-Terrain Vehicle Trails Within the NLX Study Area ..... 16

Table 3-4: National and State Water Trails Within the NLX Study Area ..... 19

Table 3-5: Section 106 Review of NRHP Previously Listed and Determined Eligible Properties ..... 21



# 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 does 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 indicates 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 MnDOT Cultural Resources Unit (CRU) on behalf of the Federal Railroad Administration for both Minnesota and Wisconsin. This Draft 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.

**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.

## 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 significant<sup>1</sup> 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

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<sup>1</sup> With regard to 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 particular 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 of 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) 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. Similar to 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 properties<sup>2</sup> 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 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

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<sup>2</sup> 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.

would occur. The 350-foot buffer around the construction limits was the extent where potential noise impacts would occur, which was considered to be sufficient to capture 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 CRU on behalf of FRA and have undergone a preliminary assessment of effect based on the level of engineering completed to date. A final determination of effect will be completed in

accordance with the executed Section 106 Programmatic Agreement (PA) prior to FRA issuing a final environmental decision document (anticipated to be a Finding of No Significant Impact or FONSI) for the NLX Project.

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 of the snowmobile and ATV trails and trail crossings in Wisconsin are publicly owned (located on public land or right of way).

This Draft Section 4(f) Evaluation presents FRA’s preliminary determination of the parks, recreation areas, wildlife refuges, and historic properties that are subject to Section 4(f). Coordination with MnDNR, Wisconsin DNR (WDNR) and local OWJs will continue throughout the project development process.

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, 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, with the exception of 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).

Coordination with the OWJs for the resources potentially subject to Section 4(f) has been initiated and will continue following the publication of this Draft Section 4(f) Evaluation. The applicability of Section 4(f) to these resources will be verified with the OWJs. The Final Section 4(f) Evaluation will include only those resources that have been confirmed to be subject to Section 4(f).

#### 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 <sup>a</sup>	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
<b>BF Nelson Park (Minneapolis Park and Recreation Board)</b>	Minneapolis	Hennepin	MN	North
<b>Northeast Ice Arena (Minneapolis Park and Recreation Board)</b>	<b>Minneapolis</b>	<b>Hennepin</b>	<b>MN</b>	<b>East</b>
<b>Edison Field (Edison High School, Minneapolis School District)</b>	<b>Minneapolis</b>	<b>Hennepin</b>	<b>MN</b>	<b>East</b>
Edgewater Gardens Park (City of Fridley)	Fridley	Anoka	MN	West
Locke Lake Park (City of Fridley) <sup>b</sup>	Fridley	Anoka	MN	West
Plaza Park (City of Fridley)	Fridley	Anoka	MN	East
Rice Creek West Regional Trail Corridor (City of Fridley)	Fridley	Anoka	MN	East
Community Park (City of Fridley) <sup>c</sup>	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) <sup>d</sup>	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
<b>Lifelong Learning Center (school) (Anoka County Independent School District 15)</b>	<b>Oak Grove</b>	<b>Anoka</b>	<b>MN</b>	<b>East</b>
Shade Tree Commons Park (City of Oak Grove)	Oak Grove	Anoka	MN	East

Name and Official with Jurisdiction <sup>a</sup>	City	County	State	Side of Existing Track
<b>Whisper Ridge Park (City of Isanti)</b>	<b>Isanti</b>	<b>Isanti</b>	<b>MN</b>	<b>West</b>
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
<b>Robinson Park (City of Sandstone)</b>	<b>Sandstone</b>	<b>Pine</b>	<b>MN</b>	<b>South</b>
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
<b>Douglas County Forest (Douglas County Forestry Department)</b>	<b>Rural</b>	<b>Douglas</b>	<b>WI</b>	<b>Both</b>
<b>St. Louis River Grassy Point State Water Access Site (MnDNR)</b>	<b>Duluth</b>	<b>St. Louis</b>	<b>MN</b>	<b>South</b>
<b>Grassy Point Peninsula Park (City of Duluth)</b>	<b>Duluth</b>	<b>St. Louis</b>	<b>MN</b>	<b>South</b>
<b>Unnamed Canoe Birding Access Area<sup>e</sup> (City of Duluth)</b>	<b>Duluth</b>	<b>St. Louis</b>	<b>MN</b>	<b>South</b>
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.

<sup>a</sup> Resources not identified in the Tier 1 EA are in **bold font**.

<sup>b</sup> 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.”

<sup>c</sup> 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.”

<sup>d</sup> 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.”

<sup>e</sup> 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 535) 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**. Bicycle and pedestrian trails not identified in the Tier 1 EA are in bold font in **Table 3-2**. 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**.

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

Name and Official with Jurisdiction <sup>a</sup>	City	County	State	Side of Track	Location <sup>b</sup>
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 <sup>a</sup>	City	County	State	Side of Track	Location <sup>b</sup>
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)

Name and Official with Jurisdiction <sup>a</sup>	City	County	State	Side of Track	Location <sup>b</sup>
Northern Linkage Trail <sup>c</sup> (Anoka County)	Coon Rapids	Anoka	MN	Both	Main Street Northwest (over existing track on both sides of the road)
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) <sup>d</sup>	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.

<sup>a</sup> Resources not identified in the Tier 1 EA are in **bold font**.

<sup>b</sup> Trails are at-grade unless otherwise noted.

<sup>c</sup> Northern Linkage Trail is part of the North Anoka County Regional Trail

<sup>d</sup> 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**. Coordination with the OWJs regarding the applicability of Section 4(f) to these trail resources is being conducted. As the NLX Project advances through the design process, further coordination with MnDOT, WisDOT and other OWJs would occur. All of 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 during future coordination with MnDNR and local OWJs. Several of these trails cross the NLX study area at multiple locations.

All of 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, with the exception of 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 <sup>a</sup>	City	County	State	Side of Track	Location
Rum River Snowmobile Trail (parallel to 261st Avenue) (Rum River Snow 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 <sup>a</sup>	City	County	State	Side of Track	Location
Pine 1, 2, 3s Snowmobile Trail <sup>b</sup> (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 <sup>a</sup>	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.

<sup>a</sup> 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 if the snowmobile and ATV trails in Wisconsin are subject to Section 4(f) and if a use of the property would occur.

<sup>b</sup> 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 Nicollet Island
Snake River State Water Trail	Grasston	Kanabec	MN	Both	Snake River, south edge of Grasston, north of MN 70
Kettle River State Water Trail <sup>a</sup>	Sandstone	Pine	MN	Both	Kettle River, northeast of Sandstone
St. Louis River State Water Trail <sup>b</sup>	Duluth	St. Louis	MN	Both	St. Louis River, under the Grassy Point Movable Bridge Span

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

<sup>a</sup> 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).

<sup>b</sup> 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. Preliminary assessments of effect have been made; evaluation will continue according to the PA developed for the NLX Project.

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
<b>Hennepin County</b>				
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"> <li>• *HE-MPC-5961 crossing west channel of Mississippi River</li> <li>• *HE-MPC-5962 crossing east channel of Mississippi River</li> </ul>
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 Tennefy, 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"> <li>• HE-MPC-5282 – Bridge no. 5584 crossing over Northtown Yard</li> </ul>

	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"> <li>• HE-MPC-5278 – Bridge no. L8893 crossing over 19th Avenue Northeast</li> <li>• HE-MPC-5280 – Bridge no. 92333 crossing over Monroe Street Northeast</li> <li>• HE-MPC-17373 – Bridge no. 92335 crossing over 18th Avenue Northeast</li> </ul>
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*	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	Contributing Railroad Bridges: (not individually eligible) <ul style="list-style-type: none"> <li>• *HE-MPC-17266 - Bridge No. L8895 (MP 9.86)</li> <li>• *HE-MPC-17265 - Bridge No. 92336 (MP 10.82)</li> <li>• *HE-MPC-17262 - Bridge No. L8892 (MP 10.91)</li> <li>• *HE-MPC-17263 - Bridge No. L8891 (MP 11.11)</li> <li>• *HE-MPC-17267 - Bridge No. 92332 (MP 11.22)</li> <li>• *HE-MPC-8444 – Lowry Avenue (MP 11.35)</li> <li>• AN-CRC-008 - Bridge No. 6011A</li> <li>• AN-CRC-009 - Bridge No. 6011B</li> </ul>
12	Bridge No. 90664 (eligible) HE MPC 9002	St. Anthony Boulevard over the BNSF, Minneapolis	Razed	
<b>Anoka County</b>				
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	Criterion A – Engineering, industry and military	
15	Cedar Potato Warehouse (eligible) AN-OKG-005	Main Street Northwest and Viking Boulevard, Cedar (Oak Grove)	Criterion A – Agriculture and commerce	

Property Name (Historic)		Property Address	NRHP Criteria	Contributing Resources in Railroad Corridors
<b>Isanti County</b>				
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	
<b>Pine County</b>				
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	
24	Kerrick Cheese Factory & Creamery (eligible) PN-KEC-002	5357 Hogan Avenue, Kerrick	Criterion A – Agriculture and industry	

Property Name (Historic)		Property Address	NRHP Criteria	Contributing Resources in Railroad Corridors
<b>St. Louis County</b>				
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	
33	William Crooks Locomotive (listed) (housed in Depot) SL-DUL-2465	506 W. Michigan St., Duluth		

	Property Name (Historic)	Property Address	NRHP Criteria	Contributing Resources in Railroad Corridors
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, presented in ~~strikeout~~ font) have been preliminarily 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 460I-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 Gold 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. 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. No noise impact is projected for 18th and Oakes Avenue Park in Superior, Wisconsin. Moderate noise impacts are projected for Lifelong Learning Center in Oak Grove, Minnesota; Memorial Rose Garden in Braham, Minnesota; two unnamed city parks in Askov, Minnesota; and Jackie Berger Memorial Park in Duquette, Minnesota. Severe noise impacts are projected for Freedom Park in Braham, Minnesota; Memorial Park in Hinckley, Minnesota; Train Park in Sandstone, Minnesota; and Robinson Park in Sandstone, Minnesota.

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 two unnamed city parks in Askov, Jackie Berger Memorial Park in Duquette, and Robinson Park (with the exception of the campground ) all have active recreation facilities and uses. Moderate noise impacts are projected for all of these parks and recreation areas, with the exception of 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 conservative 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). Similar to 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. The majority 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)**

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 is anticipated to meet the conditions for a temporary occupancy exception, and would not constitute a use of Section 4(f) resources.

Temporary occupancy exceptions must satisfy all of 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 is evaluated in accordance with these conditions.

#### 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. All of 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.
  - MnDOT and FRA are initiating coordination with the City of Fridley regarding the proposed temporary occupancy determination.
- **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.
- MnDOT and FRA are initiating coordination with the City of Fridley regarding the proposed temporary occupancy determination.
- **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 are initiating coordination with the City of Fridley regarding the proposed temporary occupancy determination.
- **Rice Creek West Regional Trail Corridor**, Fridley, MN; approximately 0.35 acre (approximately 20 to 40 feet by 600 feet) to construct a third track.
  - 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). It is estimated that the work in this area could 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 and grading for the third main track.
  - 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. 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 are initiating coordination with the City of Fridley regarding the proposed temporary occupancy determination.

- **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.
  - MnDOT and FRA are initiating coordination with the City of Fridley regarding the proposed temporary occupancy determination.

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)
- Rum River Snowmobile Trail (261st Avenue south of Isanti)
- 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 are initiating coordination with the owners with jurisdiction regarding the proposed temporary occupancy determinations.

#### 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 will 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 will 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 potentially be *de minimis* Section 4(f) impacts. A more detailed evaluation for trail resources was developed.

#### 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 on 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.
- Mississippi River Regional Trail, Fridley, MN; approximately 120 feet of the trail under and near the BNSF bridge over Rice Creek would need to be temporarily closed during bridge construction. An additional 400 feet of the trail south of Locke Park is within the construction limits and would need to be closed during construction.
- Rice Creek West Regional Trail, Fridley, MN; approximately 100 feet of the trail under the BNSF bridge over Rice Creek would need to 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 need to be closed during construction.

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
- Egret Boulevard Northwest Trail, Coon Rapids, MN
- Tom Anderson Trail, Andover, MN
- North Anoka County Regional Trail (proposed), Oak Grove, 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 of the 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 have initiated discussions with the officials with jurisdiction over these trail resources (including city, county, park board/park district, MnDNR and WDNR representatives) regarding the need for the temporary trail closures and measures to minimize the impact on the public from these closures. MnDOT will continue to coordinate with these representatives as the NLX Project progresses through the design process to identify potential refinements to impact minimization and mitigation strategies.

### Preliminary Section 4(f) Finding – Trails

Because the impact on the trail resources described in the preceding sections would be temporary and are unavoidable, and in consideration of the measures to minimize harm that would be implemented as the project advances through the design process and construction, FRA is proposing a preliminary *de minimis* impact determination for these trail resources. This determination would be finalized after consideration of public comment and further coordination with the officials with jurisdiction.

#### 4.1.4.3 Historic Resources

The preliminary 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 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 are 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. Because the FRA has made a preliminary determination that NLX Project will not have an adverse effect on the historic rail lines, it is anticipated that there will be no Section 4(f) use. This will be verified through coordination with the OWJ (the Minnesota Historic Preservation Office), which is in progress.

## 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. MnDOT and FRA will coordinate with the City of Fridley, the MnDNR, and the NPS to obtain approval of a temporary non-conforming use.

## 5. Coordination Efforts

The NLX Project would avoid the permanent and constructive use of Section 4(f) properties, and no conversions of Section 6(f) properties would occur. MnDOT continues to coordinate with jurisdictional agencies to review the temporary construction impacts on Section 4(f) properties and the preliminary *de minimis* use finding for trail resources, along with avoidance and minimization measures. For historic properties, MnDOT and FRA will review the assessment of effects with the Minnesota Historic Preservation Office and obtain their concurrence. For properties where FRA intends to make a determination of no Section 4(f) use for a temporary occupancy or a *de minimis* finding, coordination and agreement with the official with jurisdiction is ongoing.

The anticipated temporary non-conforming use of the Section 6(f) resource (Springbrook Nature Center) would be reviewed with the MnDNR and the NPS, and the process for documenting and obtaining final approval for this temporary use would be determined. The results of this coordination will be documented in a Final Section 4(f) and Section 6(f) Evaluation, which will be published with the NLX Project Tier 2 NEPA decision document.

## 6. Mitigation

Based on current design, the NLX Project would not use Section 4(f) or Section 6(f) park, recreation area, wildlife refuge, or historic properties, and the anticipated operational noise impacts and construction impacts would not result in constructive use under Section 4(f). A preliminary *de minimis* impact determination has been made for trail resources subject to temporary closures during NLX Project construction activities. If subsequent NLX Project refinement reveals the potential for use of any properties subject to Section 4(f) or Section 6(f) resources, an evaluation that further considers avoidance alternatives, as well as measures to minimize harm, would be prepared.

Temporary noise, visual and dust impacts on parks during construction would 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.

Measures would be implemented to minimize harm due to temporary closure of trails during construction including posting of trail closure signs and working closely with park officials to provide timely public information regarding closures. Potential detours could be developed to maintain trail access and connectivity, to the extent practicable.

## 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 concludes 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 identifies 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 Draft Section 4(f) and 6(f) Evaluation, based on refined design, 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 Draft Section 4(f) and 6(f) Evaluation as in the Tier 1 EA with respect to park and historic resources. However, this Draft Section 4(f) and 6(f) Evaluation makes a preliminary *de minimis* impact determination with respect to year-round use and summer use trail resources, and a preliminary temporary occupancy determination 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 intends to make a determination of no Section 4(f) use for a temporary occupancy or a *de minimis* finding, coordination and agreement with the official with jurisdiction is ongoing.

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