

## **Appendix D. Recent Project Correspondence**

<b>Agency Correspondence</b>	<b>Page D-2</b>
<b>Section 106 Consultation</b>	<b>Page D-8</b>
<b>Section 4(f) Officials with Jurisdiction Coordination</b>	<b>Page D-19</b>
<b>Anoka County Correspondence</b>	<b>Page D-55</b>

## Agency Correspondence





## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Twin Cities Field Office  
4101 American Blvd E.  
Bloomington, Minnesota 55425-1665

June 8, 2017

Ms. Andrea Martin  
Environmental Protection Specialist  
Federal Railroad Administration  
1200 New Jersey Avenue Southeast  
Washington, D.C. 20590

RE: Request for concurrence  
NLX High-Speed Passenger Rail Project  
FWS TAILS No. 03E19000-2013-I-0001

Dear Ms. Martin:

This letter is in response to your request for an updated concurrence with the determination that activities associated with construction of the Northern Lights Express High Speed Passenger Rail Project (NLX) from Minneapolis to Duluth may affect, but are not likely to adversely affect gray wolf (*Canis lupis*) and Canada lynx (*Lynx canadensis*) and may affect, but will not cause prohibited incidental take of the northern long-eared bat (*Myotis septentrionalis*, NLEB).

The US Fish and Wildlife Service (Service) previously concurred on September 26, 2012, that proposed activities may affect, but were not likely to adversely affect Canada lynx. Since that time, gray wolf was relisted as threatened, and both the northern long-eared bat and rusty patched bumble bee (*Bombus affinis*) were added to the endangered species list, warranting a review and reinitiation of this consultation.

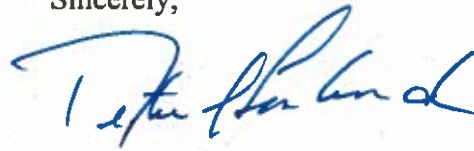
The Federal Railroad Administration has determined that construction within existing rights-of-way and operation of the high-speed passenger rail will result in insignificant or discountable impacts to gray wolf and Canada lynx. Further, impacts to the northern long-eared bat are covered by the final 4(d) rule (issued at the time of its listing as a threatened species), and are also being substantially reduced by clearing trees in the winter, when NLEB are not anticipated to be present. It was also determined that potential impacts to the rusty patched bumble bee are being avoided, since rail expansion is proposed outside designated high potential zones for the species.

We concur with your determination that the proposed project may affect, but will not likely adversely affect the gray wolf or Canada lynx. The proposed action area is outside designated critical habitat for both species, and individuals are not likely to be frequently encountered. Expansion of portions of the line to provide freight bypass and the construction of new facilities are not expected to remove a significant amount of available habitat that either species would

utilize. Mortality from rail collisions is not anticipated due to the lower population density near the proposed action area and the frequency of rail traffic.

This concludes consultation under Section 7 of the Endangered Species Act, as amended. Please contact our office if this project changes or new information reveals effects of the action to proposed or listed species or critical habitat to an extent not covered in your original request. If mortality of lynx or wolf occurs once this line is in operation, our office should be notified to review the potential for impacts to the species. If you have questions, please contact Mr. Andrew Horton, Fish and Wildlife Biologist, at 952-252-0092 (extension 208) or via email at [andrew\\_horton@fws.gov](mailto:andrew_horton@fws.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Fasbender". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Peter Fasbender  
Field Supervisor

**From:** Horton, Andrew [[mailto:andrew\\_horton@fws.gov](mailto:andrew_horton@fws.gov)]  
**Sent:** Wednesday, April 12, 2017 4:25 PM  
**To:** Martin, Andrea (FRA) <[andrea.martin@dot.gov](mailto:andrea.martin@dot.gov)>  
**Cc:** Smith, Christopher E (DOT) <[christopher.e.smith@state.mn.us](mailto:christopher.e.smith@state.mn.us)>  
**Subject:** Re: FW: Request for Concurrence – ESA (Section 7): Northern Lights Express – Update #1

Andrea,

Thanks for the reminder. It appears now that the project is no longer within the High Potential Zone where we anticipate the rusty patched bumble bee is present. Consultation for this species is no longer necessary. I will try to complete the NLAA concurrence for lynx and wolf by next week but let me know if there is any reason I should wait for additional details from the EA. Thanks again.

- Andrew

Andrew Horton  
Minnesota/Wisconsin Field Office  
U.S. Fish and Wildlife Service  
4101 American Blvd East  
Bloomington, MN 55425-1665  
(952) 252-0092, ext. 208

On Mon, Apr 10, 2017 at 1:09 PM, Martin, Andrea (FRA) <[andrea.martin@dot.gov](mailto:andrea.martin@dot.gov)> wrote:

Good afternoon Andrew; I am just following up on the informal consultation package sent to your office in January for the Northern Lights Express. Minnesota DOT sent updated information and project maps at the beginning of March (attached).

The project team anticipates issuing the Environmental Assessment shortly; your office will have an additional 30 days to provide additional information including conservation measures, or next steps for Section 7 consultation.

Please let Chris Smith at Minnesota DOT or myself know if you have any question.

Thank you, Andrea

**[ANDRÉA E. MARTIN](#)**

Environmental Protection Specialist

**[Federal Railroad Administration](#)**

(d) 202.493.6201

**From:** Martin, Andrea (FRA)  
**Sent:** Thursday, January 19, 2017 10:18 AM  
**To:** '[andrew\\_horton@fws.gov](mailto:andrew_horton@fws.gov)' <[andrew\\_horton@fws.gov](mailto:andrew_horton@fws.gov)>  
**Cc:** 'Smith, Christopher E (DOT)' <[Christopher.E.Smith@state.mn.us](mailto:Christopher.E.Smith@state.mn.us)>  
**Subject:** Request for Concurrence – ESA (Section 7): Northern Lights Express – Update #1

Good Morning Andrew:

Attached is an updated **request for concurrence** for a project that may affect, but is not likely to adversely affect the rusty-patched bumble bee. The original request for concurrence was sent to Phil Delphely in the last couple of weeks. Updated language is highlighted **red**.

The Northern Lights Express (NLX) Project would operate on 152 miles of existing BNSF Railway track in Minnesota and Wisconsin. The project crosses Anoka, Carlton, Hennepin, Isanti, Kanabec, Pine, and St. Louis counties in Minnesota, and Douglas County in Wisconsin. The Minnesota Department of Transportation (MnDOT) is leading the project in consultation with the Federal Railroad Administration (FRA) and in cooperation with the Wisconsin Department of Transportation (WisDOT).

The NLX Project would operate four passenger round-trips (8 trains) per day at speeds up to 90 miles per hour (mph), and includes stations at Target Field, Coon Rapids, Cambridge, Hinckley, Superior (Wisconsin), and Duluth. Travel time between Minneapolis and Duluth would be about 2.5 hours. The NLX passenger trains would operate primarily on existing track owned by BNSF Railway for freight rail service. Track and signal infrastructure improvements would occur within existing BNSF Railway right of way. Some grade crossing reconstruction improvements may require additional roadway right of way where pavement widths need to be increased to accommodate upgraded warning device installations.

FRA recognizes that specific details about areas of disturbance, tree removal impacts and timing, and bridge work are unavailable at this time making detailed evaluation of project impacts difficult. FRA commits to reinstate consultation with the Service prior to authorizing final plans, specifications, and estimates (PS&E) for this project to more fully address endangered species impacts.

Thank you, Andrea

[ANDRÉA E. MARTIN](#)

Environmental Protection Specialist

[Federal Railroad Administration](#)

(d) 202.493.6201

----- Forwarded message -----

From: "Martin, Andrea (FRA)" <[andrea.martin@dot.gov](mailto:andrea.martin@dot.gov)>

To: "[phil\\_delphey@fws.gov](mailto:phil_delphey@fws.gov)" <[phil\\_delphey@fws.gov](mailto:phil_delphey@fws.gov)>

Cc: "Peterson, Garneth (DOT)" <[garneth.peterson@state.mn.us](mailto:garneth.peterson@state.mn.us)>

Bcc:

Date: Thu, 5 Jan 2017 15:56:35 +0000

Subject: Request for Concurrence – ESA (Section 7): Northern Lights Express

Good morning Mr. Delphey;

Attached is request for concurrence for a project that may affect, but is not likely to adversely affect Canada lynx and gray wolf. Also included is my determination for NLEB that this project may affect, but will not cause prohibited incidental take. The Northern Lights Express (NLX) Project would operate on 152 miles of existing BNSF Railway track in Minnesota and Wisconsin. The project crosses Anoka, Carlton, Hennepin, Isanti, Kanabec, Pine, and St. Louis counties in Minnesota, and Douglas County in Wisconsin. The Minnesota Department of Transportation (MnDOT) is leading the project in consultation with the Federal Railroad Administration (FRA) and in cooperation with the Wisconsin Department of Transportation (WisDOT).

The NLX Project would operate four passenger round-trips (8 trains) per day at speeds up to 90 miles per hour (mph), and includes stations at Target Field, Coon Rapids, Cambridge, Hinckley, Superior (Wisconsin), and Duluth. Travel time between Minneapolis and Duluth would be about 2.5 hours.

The NLX passenger trains would operate primarily on existing track owned by BNSF Railway for freight rail service. Track and signal infrastructure improvements would occur within existing BNSF Railway right of way. Some grade crossing reconstruction improvements may require additional roadway right of way where pavement widths need to be increased to accommodate upgraded warning device installations.

FRA recognizes that specific details about areas of disturbance, tree removal impacts and timing, and bridge work are unavailable at this time making detailed evaluation of project impacts difficult. FRA commits to reinitiate consultation with the Service prior to authorizing final plans, specifications, and estimates (PS&E) for this project to more fully address endangered species impacts.

Thank you, Andrea

[ANDRÉA E. MARTIN](#)

Environmental Protection Specialist

[Federal Railroad Administration](#)

(d) 202.493.6201

## Section 106 Consultation



## STATE HISTORIC PRESERVATION OFFICE

August 31, 2017

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

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

Dear Ms. Osterhues,

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

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

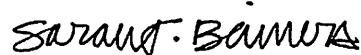
Based upon our understanding of the undertaking and documentation submitted to our office up to this point in time, we concur with your agency's finding that the construction and operation of the passenger rail project, as it is currently proposed at a preliminary engineering phase, will have **no adverse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

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

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

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

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance

*Cc via email only:*

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



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

*August 1, 2017*

Sarah J. Beimers, Manager  
Government Programs and Compliance  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. W.  
St. Paul, MN 55102

RE: Northern Lights Express (NLX) from Minneapolis to Duluth/Superior (Anoka, Carlton, Hennepin, Isanti, Kanabec, Pine and St. Louis Counties, Minnesota and Douglas County, Wisconsin)  
FINAL DETERMINATION OF EFFECT; MnSHPO No.: 2012-1289 (original number—2010-0080)

Dear Ms. Beimers:

The Federal Railroad Administration (FRA) is writing to continue the consultation process for the Northern Lights Express (NLX) Passenger Rail Project (Project). This letter transmits our final determination of effect (DOE) for the Project.

The Minnesota Department of Transportation (MnDOT) has received federal funding for the NLX Project from FRA; therefore, the Project must comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (54 U.S.C. § 306108) (Section 106) and its implementing regulations, 36 CFR Part 800. FRA has delegated certain Section 106 responsibilities to MnDOT, including the identification of the Area of Potential Effects (APE), identification of historic resources, and conducting consultation with your office and the public. This Section 106 review also fulfills MnDOT's responsibilities under the Minnesota Historic Sites Act (MS 138.665-666) and the Private Cemeteries Act (MS 307.08, Subd. 9 and 10).

FRA is the lead Federal agency for compliance with Section 106 as well as with the National Environmental Policy Act (42 U.S.C. §4321 et seq.) (NEPA). In compliance with NEPA, FRA issued a Tier 1 Finding of No Significant Impact (FONSI) on August 21, 2013 and a Tier 2 Project Level Environmental Assessment (EA) on April 12, 2017. Consistent with 36 CFR § 800.8, FRA has coordinated compliance with Section 106 and NEPA.

In 2013, a Programmatic Agreement (PA) was prepared and signed by FRA, the Surface Transportation Board, MnDOT, WisDOT, the Minnesota State Historic Preservation Office (MnSHPO) and the Wisconsin State Historic Preservation Office (WisSHPO). The PA is established for a 10-year period. It describes how Section 106 activities are conducted and guides the cultural resources review process for this

Project. The PA guides further cultural resources work, including further survey, adjustment of APEs, or other project design changes that will occur after completion of this DOE.

Pursuant to 36 CFR § 800.3, in December 2011, FRA initiated consultation with the affected Indian tribes in Minnesota and Wisconsin. No tribes indicated concerns or interest in participating in the process at that time. In June 2016, FRA again sent letters to affected Indian tribes in Minnesota and Wisconsin. No tribes expressed concerns or interest in participating in the process at that time.

In September 2016, MnDOT Cultural Resources Unit (CRU), on behalf of FRA, notified local governments and heritage preservation commissions in the cities in which station would be located and invited them to participate in consultation. Further invitations were issued by telephone in April 2017. The following groups, agencies and organizations participated in one or both, of the conference calls held on April 25 and May 23, 2017, to discuss historic properties and potential effects in the NLX corridor: FRA, Surface Transportation Board (STB), MnSHPO, Pine County Historical Society, and the cities of Askov, Fridley, Minneapolis, Cambridge and Isanti. Minutes of both meetings were provided to participants and agencies and cities that were invited but unable to participate. MnDOT CRU staff met with Duluth city staff on May 17, 2017, to brief them on historic properties. Consultation with these groups will be ongoing as work is carried out under the PA for the NLX Project.

FRA defined the APE for the Project and received concurrence from MnSHPO on March 15, 2012, and WisSHPO on April 19, 2012. In accordance with 36 CFR § 800.4 and through the Section 106 consultation process, FRA has identified 34 historic properties that are eligible for or listed on the National Register of Historic Places (NRHP) that could be potentially affected by the Project. MnSHPO concurred with the identification of historic properties on June 14, 2014 and WisSHPO concurred on June 18, 2014. No historic properties were identified in the Wisconsin portion of the APE.

The Phase IA archaeology survey conducted in 2013 was a preliminary study and received concurrence of no further work was required for the Tier 1 EA by MnSHPO on January 17, 2014, and WisSHPO on January 16, 2014. The Phase I archaeology survey, reflecting the refined Tier 2 NLX Project, was conducted in 2016. FRA determined that there were no archaeological resources listed, or eligible for listing on the NRHP within the surveyed NLX APE. This finding received concurrence from the MnSHPO on May 1, 2017, and WisSHPO on May 2, 2017.

### **Effects Findings**

Utilizing the preliminary engineering developed for the NLX Project Tier 2 EA, and in accordance with 36 CFR 800.5(a), FRA has made a finding of effect for each historic property within the NLX Project's APE.

Two properties have been removed from the effects determination due to replacement and loss of integrity.

- Bridge No. 90664 in Minneapolis (HE-MPC-9002) has been replaced. The historic property has been removed and there will be no effects from the NLX Project.

- The Northern Pump Co./Northern Ordnance Plant site in Fridley (AN-FRC-177) has been redeveloped, with removal of buildings and alteration of remaining buildings. The property is no longer eligible due to loss of buildings and loss of integrity and no assessment of effects from the NLX Project has been conducted.

The effects assessments and the finding for each historic property are described in the attached report entitled *Section 106 Assessment of Effects and Final Determination of Effects for Historic Properties July 2017*. Table 1 provides a summary of the final effect determination for each property.

FRA has found that the Project will have **No Adverse Effect** on any historic properties. Future consultation is anticipated for six properties when the NLX Project is funded for final design and construction and is discussed following TABLE 1.

**TABLE 1: Finding of Effects on Historic Properties**

MnSHPO Inventory No.	Property Name	Effect Finding
<b>Hennepin County</b>		
HE-MPC-0441	Minneapolis Warehouse Historic District (listed)	No Adverse Effect; Future Consultation (see Table 2)
	St. Anthony Falls Historic District (listed)	No Adverse Effect
HE-MPC-2137	Minneapolis Fire Department Repair Shop (listed) (in St. Anthony Falls Historic District)	No Adverse Effect
HE-MPC-3788	Northrup, King & Company Complex (eligible)	No Adverse Effect
HE-MPC-3792	Northwestern Casket Company (eligible)	No Adverse Effect
HE-MPC-16387	St. Paul, Minneapolis and Manitoba/Great Northern Railroad Corridor, Minneapolis Jct. to Breckenridge (eligible)	No Adverse Effect
HE-MPC-17264	Minneapolis & Pacific Railway Co/Mpls/SP & Sault Ste. Marie/Soo Line/Canadian Pacific Railway, Minneapolis to the Minnesota/North Dakota state line west of Tenney, MN (eligible)	No Adverse Effect
HE-MPC-17694	St. Paul & Northern Pacific Railway/Northern Pacific Railway, Minneapolis to St. Paul Railroad Corridor Historic District (eligible)	No Adverse Effect
XX-RRD-001	St. Paul & Pacific Railroad (St. Vincent Extension)/St. Paul, Mpls & Manitoba Railway/Great Northern Railway (Willmar Div., 1st	No Adverse Effect

	Sub.)/Burlington Northern RR/ Burlington Northern Santa Fe Railway, Mpls. To St. Vincent (eligible)	
XX-RRD-003	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)	No Adverse Effect
XX-RRD-011	Great Northern and Northern Pacific Railway, Minneapolis Junction to Sauk Rapids Railroad Corridor Overlay Historic District (eligible)	No Adverse Effect
HE-MPC-9002	Bridge No. 90664- St. Anthony Boulevard over BNSF (eligible)	<i>Bridge Replaced; no effect determination</i>
<b>Anoka County</b>		
AN-FRC-178	Fridley Water Filtration Plant/Minneapolis Water Works – Fridley Plant (eligible)	No Adverse Effect
AN-FRC-177	Northern Pump Co./Northern Ordnance Plant (eligible)	<i>No longer eligible; no effect determination</i>
AN-OKG-005	Cedar Potato Warehouse (eligible)	No Adverse Effect Future Consultation (see Table 2)
<b>Isanti County</b>		
IA-ISC-002	Isanti Farmers Creamery Cooperative (eligible)	No Adverse Effect
IA-BRC-006	Oscar Olson House (listed)	No Adverse Effect
<b>Pine County</b>		
PN-SSC-011	Minneapolis Trust Company Building (listed)	No Adverse Effect
PN-SSC-008	Kettle River Sandstone Company Quarry (listed)	No Adverse Effect Future Consultation (see Table 2)
PN-ASC-005	Askov Great Northern Passenger Depot (eligible)	No Adverse Effect Future Consultation (see Table 2)

PN-ASC-006	Partridge Township Hall (listed)	No Adverse Effect
PN-ASC-056	Askov American (eligible)	No Adverse Effect
PN-KEC-003	Louis Hultgren House and Sand Pit (listed)	No Adverse Effect
PN-KEC-002	Kerrick Cheese Factory & Creamery (eligible)	No Adverse Effect Future Consultation (see Table 2)
<b>St. Louis County</b>		
SL-DUL-0009	Grassy Point Railroad Bridge (eligible)	No Adverse Effect
XX-RRD-025 (Field No. 1864 in Wis.)	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)	No Adverse Effect
SL-DUL-0012	North Western-Hanna Coal Dock No. 5 (eligible)	No Adverse Effect
SL-DUL-0014	Duluth, Missabe & Iron Range Ore Docks (eligible)	No Adverse Effect
SL-DUL-2499	Duluth, Missabe & Iron Range Railway (eligible)	No Adverse Effect
SL-DUL-2500	Portion of Lake Superior & Mississippi Railroad mainline (eligible)	No Adverse Effect
SL-DUL-0191	Great Northern Power Co/MN Power & Light Co/Mn Power Substation (eligible)	No Adverse Effect
SL-DUL-0658	Duluth Union Depot (listed)	No Adverse Effect Future Consultation (see Table 2)
SL-DUL-2465	William Crooks Locomotive (listed) (housed in Depot)	No Adverse Effect
AHI#30666; moved from Wisconsin/housed in Depot	Soo Line Locomotive#2719 (listed) (housed in Depot)	No Adverse Effect

*All architecture history properties located in Minnesota.*

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

### **Next Steps**

The determination of effects presented in this report finds that the NLX Project will have **no adverse effect** on historic properties from either operations or construction activities. No historic properties will be physically impacted or altered by NLX Project elements.

This determination of effects report has been prepared at the preliminary engineering stage of project design to indicate commitments under Section 106 for project planning and engineering as discussions continue with BNSF and MnDOT seeks funding for final design and construction. Plans for many Project improvements, including station and facilities plans, construction staging areas, or fencing alignments have not been specifically developed and await funding and agreements with BNSF before final design can be undertaken, or consultation to confirm avoidance of adverse effects, can occur.

Consultation with MnSHPO, WisSHPO and other consulting parties will continue in accordance with Stipulation VII (C) of the PA, which states that FRA may determine that there is no adverse effect on historic properties when conditions agreed upon by the SHPO are imposed, such as subsequent review of plans to ensure consistency with the Secretary’s Standards for the Treatment of Historic Properties (36 CFR Part 68) to avoid adverse effects.

When funding is available for final design and construction of the NLX Project, FRA will continue to consult with MnSHPO to avoid, minimize, or mitigate any potential adverse effect from new construction when plans are developed for the Target Field Station (located within the Minneapolis Warehouse District) and at the Duluth Station (adjacent to the National Register-listed Duluth Union Depot).

When funding is available for final design and construction, FRA will consult with MnSHPO to avoid any indirect construction impacts to the Cedar Potato Warehouse and the Kerrick Cheese Factory and Creamery, due to their locations near crossing improvements. MnDOT and FRA will include provisions so that fencing is appropriately placed to avoid impacts to the Cedar Potato Warehouse, along the Sandstone Quarry/NLX track in Sandstone, near the Askov Depot, and near the Kerrick Cheese Factory. Potential locations for fencing have been identified in the NLX Project Proposed Infrastructure Improvements (April 25, 2017).

Both fencing locations and construction staging areas are subject to future discussion with BNSF and cannot be confirmed until MnDOT receives additional funding for the Project and develops agreements with BNSF for final design. Consultation with MnSHPO and other interested parties, including BNSF, will occur to confirm that these measures will be carried out to avoid potential adverse effects. These commitments are documented in this submission to the MnSHPO and also documented along with other environmental commitments in the NLX Tier 2 EA FONSI.

**Table 2. Future Consultation on Historic Properties**

<b>Property Name and MnSHPO Inventory No.</b>	<b>Reason for Future Consultation</b>	<b>Timing of Future Consultation</b>
Minneapolis Warehouse Historic District (listed) HE-MPC-0441	Consultation to avoid Adverse Effect from station construction within historic district	When funding is available for construction and final design
Duluth Union Depot (listed) SL-DUL-0658	Consultation to avoid Adverse Effect from station construction adjacent to historic Union Depot	When funding is available for construction and final design



Cedar Potato Warehouse (eligible) AN-OKG-005	Consultation to avoid Adverse Effect from construction staging or fencing	When funding is available for construction and final design
Kerrick Cheese Factory & Creamery (eligible) PN-KEC-002	Consultation to avoid Adverse Effect from construction staging or fencing	When funding is available for construction and final design
Kettle River Sandstone Company Quarry (listed) PN-SSC-008	Consultation to avoid Adverse Effect from fencing adjacent to track	When funding is available for construction and final design
Askov Great Northern Passenger Depot (eligible) PN-ASC-005	Consultation to avoid Adverse Effect from fencing adjacent to track	When funding is available for construction and final design

In summary, FRA has found that the Project will have **No Adverse Effect** on any historic properties.

Future consultation by FRA is anticipated for six properties identified in Table 2 to ensure consistency with the Secretary's Standards for the Treatment of Historic Properties (36 CFR 68) to avoid adverse effects. Consultation will occur in accordance with the Programmatic Agreement (PA) per Stipulation VII (C), which states that FRA may determine that there is no adverse effect on historic properties when conditions agreed upon by the SHPO are imposed.

The documentation of commitments in this transmittal and in the NLX Tier 2 EA FONSI, as well as the PA established for this Project, will provide guidance for consultation. The PA would also guide further cultural resources work, including further survey, adjustment of APEs, or other project design changes that may occur as the NLX Project advances.

Based on the commitments provided by the FRA in the DOE report and in the NLX Tier 2 EA FONSI, FRA requests that MnSHPO concur with FRA's findings of effect and Final DOE Effect for the NLX Project within 30-days receipt of this letter.

If you have any questions, please contact Andrea Martin at (202) 493-6201 or [andrea.martin@dot.gov](mailto:andrea.martin@dot.gov) or Garneth Peterson at MnDOT CRU at (651)366-3615 or [garneth.peterson@state.mn.us](mailto:garneth.peterson@state.mn.us).

Sincerely,



Marlys Osterhues  
Chief, Environment and Corridor Planning  
Federal Railroad Administration

Enclosure: *Section 106 Assessment of Effects and Final Determination of Effects for Historic Properties July 2017*

CC:

PA Signatories

Kim Cook, WisSHPO  
Jason Kennedy, WisDOT  
Lynn Cloud, WisDOT  
Kenneth Blodgett, STB  
Frank Loetterle, NLX Project Manager  
Garneth Peterson, MnDOT CRU

Consulting party meeting participants

Arla Bud, Pine County Historical Society  
Margaret Keeler, Pine County Historical Society  
Kathy Morris, City of Askov  
Stan Gustafson, City of Cambridge  
Sean Sullivan, City of Isanti  
Julie Jones, City of Fridley  
Thavisack Silaphet, City of Minneapolis/Heritage Preservation Commission  
Ben Van Tassel, City of Duluth

## **Officials with Jurisdiction (OWJ) Concurrence**

FILE: Item 1

June 29, 2017

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

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

Proposed high speed intercity passenger rail project, Northern Lights Express

Dear Mr. Loetterle:

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

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

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

Thank you for contacting us.

Sincerely,

Mark Weaver  
Superintendent, North Country National Scenic Trail

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

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



Mark Weaver  
National Park Service

  
Date:



# United States Department of the Interior

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

IN REPLY REFER TO:

January 10, 2018

9043.1  
ER 17/0558

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

Dear Mr. Johnsen:

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

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

## **Section 4(f) Recreation Resources**

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

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

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

#### **Section 4(f) Historic Resources**

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

#### **Section 4(f) Conclusion**

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

#### **Section 6(f) Resources**

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

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

We appreciate the opportunity to provide these comments.

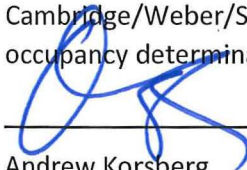
Sincerely,


A handwritten signature in black ink, appearing to read "Lindy Nelson", with a long horizontal flourish extending to the right.

Lindy Nelson  
Regional Environmental Officer

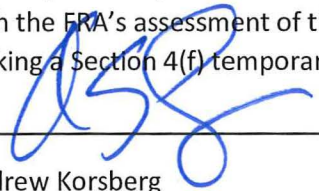


**Concurrence:** As the official with jurisdiction over the Cambridge/Weber/Starks/Isanti Snowmobile Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes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

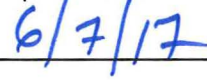
  
\_\_\_\_\_  
Andrew Korsberg  
State Trail and Snowmobile Program Consultant  
Minnesota DNR

  
\_\_\_\_\_  
Date:

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

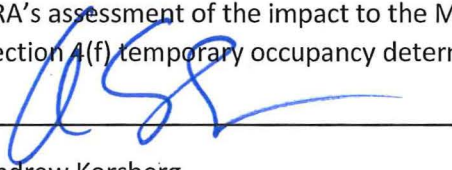


\_\_\_\_\_  
Andrew Korsberg  
State Trail and Snowmobile Program Consultant  
Minnesota DNR

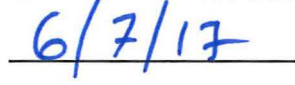


\_\_\_\_\_  
Date:

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

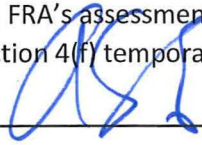


Andrew Korsberg  
State Trail and Snowmobile Program Consultant  
Minnesota DNR

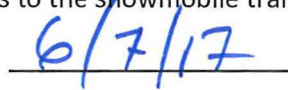


Date:

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

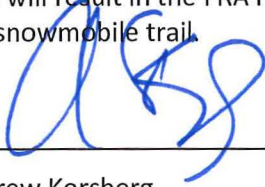


\_\_\_\_\_  
Andrew Korsberg  
State Trail and Snowmobile Program Consultant  
Minnesota DNR

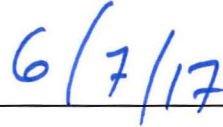


\_\_\_\_\_  
Date:

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

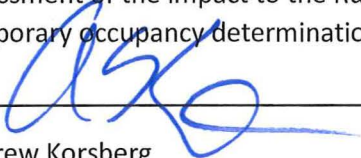


\_\_\_\_\_  
Andrew Korsberg  
State Trail and Snowmobile Program Consultant  
Minnesota DNR

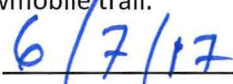


\_\_\_\_\_  
Date:

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



\_\_\_\_\_  
Andrew Korsberg  
State Trail and Snowmobile Program Consultant  
Minnesota DNR



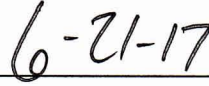
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Date:



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



\_\_\_\_\_  
Lucas Milz, Assistant Public Works Director  
City of Cambridge




\_\_\_\_\_  
Date:



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

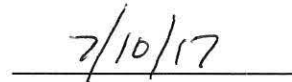
  
\_\_\_\_\_  
Greg Bernu, Land Commissioner  
Carlton County

  
\_\_\_\_\_  
Date:

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



Tim Himmer, Public Works Director  
City of Coon Rapids

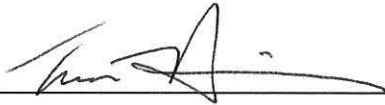


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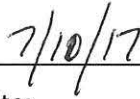
*When/if the NLX Project is funded and construction is planned, the City of Coon Rapids requests the following:*

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

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



Tim Himmer, Public Works Director  
City of Coon Rapids




Date:

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

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

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

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

  
\_\_\_\_\_  
Date:

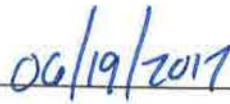
**When/if this project is funded and construction is planned. I would request being again notified and consulted with to mitigate any disturbances to our trail system.**

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

 06/19/2017


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

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

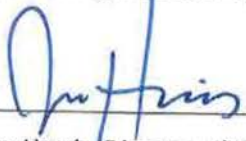
  
\_\_\_\_\_  
Date:

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


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

 06/19/2017

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



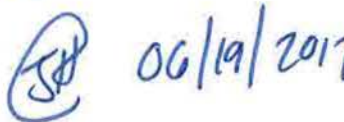
Jon Harris, Director of Forestry & Natural Resources  
Douglas County Forestry Department



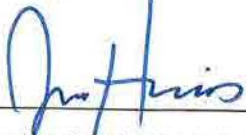
Date:

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

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



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



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



Date:

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

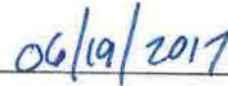
**NOTE: 58th Street Trail, Orange Trail and Trail 28 are all the same trail on the ground.**



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



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



Date:

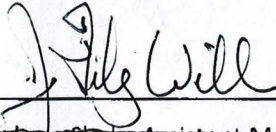
**When/if this project is funded and construction is planned. I would request being again notified and consulted with to mitigate any disturbances to our trail system.**

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

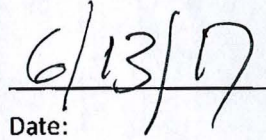




**Concurrence:** As the official with jurisdiction over the Cross City Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the Cross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



Andrew Slade, Assistant Manager  
City of Duluth



Date:

Jim Filby Williams  
City of Duluth, Director of Public Administration.

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

*Jack Kirk*

\_\_\_\_\_  
Jack Kirk, Director of Parks & Recreation  
City of Fridley

*5.22.17*

\_\_\_\_\_  
Date:

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

*Jack K.L*

\_\_\_\_\_  
Jack Kirk, Director of Parks & Recreation  
City of Fridley

*5.22.17*

\_\_\_\_\_  
Date:

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

  
\_\_\_\_\_  
Jack Kirk, Director of Parks & Recreation  
City of Fridley

  
\_\_\_\_\_  
Date:

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

*Jack Kirk*

\_\_\_\_\_  
Jack Kirk, Director of Parks & Recreation  
City of Fridley

*5.22.17*

\_\_\_\_\_  
Date:

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

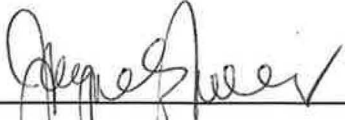


\_\_\_\_\_  
Jack Kirk, Director of Parks & Recreation  
City of Fridley



\_\_\_\_\_  
Date:

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

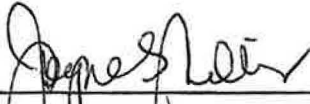


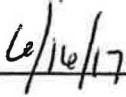
Jayne Miller, Superintendent  
Minneapolis Park and Recreation Board

July 14, 2017

Date:

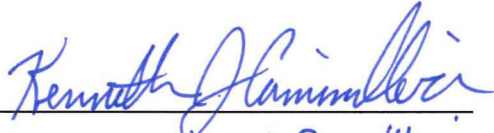
**Concurrence:** As the official with jurisdiction over the Grand Rounds Trail (in West River Parkway), I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes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

  
\_\_\_\_\_  
Jayne Miller, Superintendent  
Minneapolis Park and Recreation Board

  
\_\_\_\_\_  
Date:



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



~~Lara Smetana~~ *Kenneth Camilleri*  
~~Park and Recreation Supervisor~~  
Pine City *City Administrator*



Date

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

*Larry Puck*

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Larry Puck

Cambridge/Weber/Stark/Isanti Snowmobile Club

*7-26-2017*

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Date:

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

*Elwyn K Erickson*

Elwyn Erickson  
Moose Horn Rod and Gun Snowmobile Club

*1-6-2017*

Date:



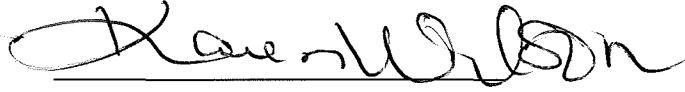
ELWYN K ERICKSON  
33802 CHESTNUT CIR  
MOOSE LAKE MN 55767-2214



U.S. Department of Transportation  
Federal Railroad Administration  
1200 NEW JERSEY AVE. SE  
WASHINGTON DC 20590



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



~~Brian Sutton~~ Karen Wilson  
Northern Lites Snowmobile Club

8-23-17

Date

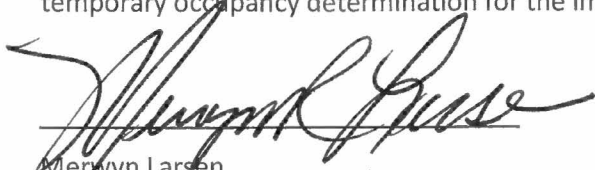
**Concurrence:** As the official with jurisdiction over the Pine 1, 2, 3s Snowmobile Trail, I hereby concur that the use and impacts of the NLX Project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify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



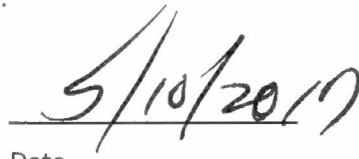
Terry Peterson  
Northern Pine Riders Snowmobile Club

May 28, 2017  
Date:

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



Merwyn Larsen  
Rum River Trail Association



Date



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

MINNEAPOLIS  
MN 554  
11 MAY '17  
PM 2 L



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

20590-

||||| D-54 |

## **Correspondence with Anoka County**



# Anoka County

## PARKS & COMMUNITY SERVICES DIVISION

Parks and Recreation

Parks and  
Recreation Office  
763-324-3300

Park  
Maintenance  
763-324-3326

Park Services  
763-324-3425

Natural Resources  
763-324-3413

Bunker Beach  
Water Park  
763-324-3310

Chomonix  
Golf Course  
651-482-8484

Wargo  
Nature Center  
763-324-3350

September 5, 2017

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

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

Dear Mr. Loetterle:

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

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

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

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

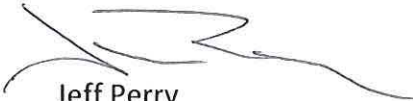


Bunker Hills Regional Park, Central Anoka County Regional Trail, North Anoka County Regional Trail (planned), and the Rum River Snowmobile Trail.

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

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

Sincerely,



Jeff Perry  
Park Planning & Resources Manager  
Anoka County Parks and Recreation Department

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

## Response to Anoka County

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

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

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

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

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