

RECORD OF DECISION

In the Matter of the Determination
Of Need for an Environmental
Impact Statement for the Northwoods
Regional Trail Phase 2
Aitkin County, Minnesota.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

FINDINGS OF FACT

- 1) The Aitkin County Land Department prepared an Environmental Assessment Worksheet (EAW) for the proposed phase 2 of the Northwoods Regional Trail, pursuant to Minnesota Rules 4410.4300, Subp.37-A.
- 2) The EAW was filed with the Environmental Quality Board (EQB) and notice of it's availability was published in the EQB Monitor on November 15, 2010. A copy of the EAW was sent to all persons on the EQB Distribution List, and a copy was available for review in the Aitkin County Planning and Zoning Office. A press release announcing the availability of the EAW was published in the Aitkin Independent Age, Newshopper and Grand Rapids Herald Review newspapers.
- 3) The 30 day EAW public review and comment period began November 15, 2010 and ended December 15, 2010.
- 4) The EAW is incorporated by reference into this Record of Decision on the Determination of Need for an Environmental Impact Statement.
- 5) The proposed project connects three existing recreational trails in an extensive, quality ATV/OHV trail system in Aitkin and Itasca Couties, Minnesota. The new designated trail is designed to be environmentally sensitive, economically beneficial, and community supported. A project goal is to reduce natural resource impacts associated with unregulated cross-country travel.
- 6) During the 30 day public review and comment period, the Aitkin County Planning and Zoning Department received written comments on the EAW from the Minnesota Pollution Control Agency and Minnesota Historical Society State Historic Preservation Office.
- 7) The following are comments were submitted by Karen Kromar of the Minnesota Pollution Control Agency:
 - A. Any stream or wetland crossing work should follow established protocols for siting, design, and construction of bridge and culvert infrastructure to ensure the cross section and profile of the streams are maintained.

- B. It is unclear whether the U.S. Army Corps of Engineers and/or the Wetlands Conservation Act will regulate all physical alterations to wetlands.
- C. A National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit is required from the MPCA. Special attention should be given to BMP's for land disturbing activities near streams and wetlands.
- D. NPDES/SDS Construction Stormwater Permit will require the identification of all surface waters within one mile of the project that have the potential to receive runoff. Special waters or impaired waters must be identified for purposes of compliance and additional or enhanced BMP's will be required in these areas. Post construction BMP's should be considered in order to control runoff velocity in the vicinity of streams and wetlands.

Ms. Kromar, MPCA: The Minnesota Department of Natural Resources (DNR) Area Hydrologist has been contacted regarding the crossing of the Willow River. A water crossing permit will be obtained before construction in this area begins. To minimize the impact of the river crossing, a steel bridge will be used to span the river. Although minimal excavation is expected in this area, enhanced BMP's will be followed to reduce and eliminate any adverse impacts.

Wetland crossings during the first phase of the trail were viewed by several state agencies to determine which type of crossing had the least impact. Synthetic mats and wooden puncheon bridges were used and due to the failure rate of the synthetic mats in deeper wetlands, the wooden puncheon bridges are the preferred method of choice. The wooden puncheon bridge will be used to cross the deeper wetlands.

Great care has been taken to avoid and minimize the wetland impacts throughout this project. All wetland impacts will require approval of the Aitkin County Wetland Technical Evaluation Panel (TEP) and the Local Governing Unit (Aitkin County). A Section 404 permit is required by the Army Corps of Engineers. A representative of the Army Corps of Engineers participates with the (TEP) and has reviewed the proposed project.

A NPDES/SDS will be submitted for the project. All requirements and BMP's will be implemented to control erosion throughout the project. Enhanced BMP's will be used in areas near water resources as required in the NPDES/SDS permit.

- 8) The following are comments submitted by Mary Ann Heidemann, MN Historical Society State Historic Preservation Office:
 - A) An archaeological survey should be completed which includes the requirements of the Secretary of the Interiors Standards for Identification and Evaluation and should include an evaluation of National Register eligibility.

- B) If the project is considered for federal assistance, or requires a federal license or permit, it should be submitted to our office with reference to the appropriate federal agency.

Ms. Heidemann, MN Historical Society: Approximately 75% of the proposed trail is located on existing routes and logging roads. These areas are previously disturbed areas. Right-of-way clearing is proposed to occur in January through March, under frozen ground conditions to minimize soil disturbance. A data base review of priority areas will be done by a DNR staff archaeologist. If needed, prior to clearing the right-of-way, a meeting with a State Historic Preservation Office staff could be held to go over the trail alignment and identify areas which should be avoided until a field evaluation can be conducted in the spring. MN DOT is in the process of doing a data base search for the federal grant application number .

The only federal permit required for the project is an Army Corps of Engineer Section 404 permit.

There are federal funds being administered through the MN DNR that will be used for the project. The contact person for more information on the federal funds is Traci Vibo, MN DNR Parks and Trails Grant Coordinator, 500 Lafayette Rd, Box 52, St. Paul, MN 55155-4052.

CONCLUSIONS

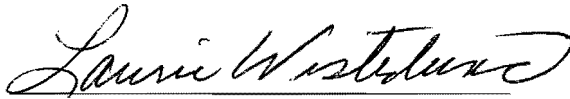
- 1) The Aitkin County Planning and Zoning Department has fulfilled all the procedural requirements of law and rule applicable to the need for an Environmental Impact Statement on the proposed Northwoods Regional ATV/OHV Trail Phase 2.
- 2) The identified environmental effects of the project are minor and /or temporary.
- 3) There are no elements of the project that pose the potential for significant environmental effects that cannot be addressed through permit and regulatory processes.
- 4) Based on consideration of the criteria and factors specified in the Minnesota Environmental Review Program Rules to determine whether a project has the potential for significant environmental effects, and on the finding and record in this matter, Aitkin County determines that the proposed Northwoods Regional ATV/OHV Trail Phase 2 does not have the potential for significant environmental effects.
- 5) An Environmental Impact Statement on the proposed Northwoods Regional ATV/OHV Trail Phase 2 in Aitkin County is not required.
- 6) That any Findings that might properly be termed Conclusions and any Conclusions that might properly be termed Findings are hereby adopted as such.

ORDER

Based on the above Findings of Fact and Conclusions:

Aitkin County determines that an Environmental Impact Statement is not required for the Northwoods Regional ATV/OHV Trail Phase 2.

Dated this 11th day of January, 2011.

A handwritten signature in cursive script, reading "Laurie Westerlund". The signature is written in black ink and is positioned above a horizontal line.

Laurie Westerlund
Chair Person, Aitkin County
Board of Commissioners
Aitkin County, Minnesota

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 Minnesota
Historical Society
STATE HISTORIC PRESERVATION OFFICE

DEC 16 2010

December 2, 2010

Terry Neff
Aitkin County Environmental Services Planning and Zoning
209 2nd St NE, Room 100
Aitkin, MN 56431

RE: Northwoods Regional OHV Trail (Phase 2 of Aitkin/Itasca 70-Mile Trail Project)
Aitkin and Itasca Counties
SHPO Number: 2011-0573

Dear Terry Neff:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

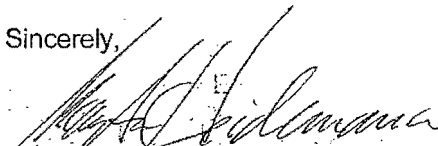
Due to the nature of the proposed project, we recommend that an archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified. For your information, we have enclosed a list of consultants who have expressed an interest in undertaking such surveys.

If the project area can be documented as previously disturbed or previously surveyed, we will re-evaluate the need for survey. Previously disturbed areas are those where the naturally occurring post-glacial soils and sediments have been recently removed. Any previous survey work must meet contemporary standards.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal license or permit, it should be submitted to our office with reference to the appropriate federal agency.

If you have any questions on our review of this project, please contact me at (651) 259-3456.

Sincerely,



Mary Ann Heidemann
Manager, Government Programs and Compliance

Enclosure: List of Consultants



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

December 10, 2010

Mr. Terry Neff
Aitkin County Environmental Services Director
209 2nd Street NW, Room #100
Aitkin, MN 56431

Re: Northwoods Regional OHV Trail Project Environmental Assessment Worksheet

Dear Mr. Neff:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for Northwoods Regional OHV Trail Project (Project) in Aitkin and Itasca counties, Minnesota. The Project consists of the construction of 12.5 miles of new recreational trail that will connect with 37.5 miles of existing trail. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, MPCA staff has the following comments for your consideration.

Physical Impacts on Water Resources (Item 12)

This section of the EAW states that the trail route includes nine stream crossings. However, eight of the crossings already exist and the one proposed crossing will be a constructed as a bridge over the Willow River. Any stream crossing work should follow established protocols for siting, design, and construction of bridge and culvert infrastructure to ensure that the cross section and profile of the streams are maintained. These same protocols should be followed in wetland crossings in which there is a defined channel, as mentioned in section 11.B.d of the EAW.

It is unclear whether the U.S. Army Corps of Engineers and/or the Wetlands Conservation Act (WCA) will regulate all physical alterations to wetlands that will result from the Project. There are circumstances when wetlands are determined to be "non-jurisdictional" by the Corps and "incidental" under WCA. In these situations, the MPCA maintains regulatory authority regarding physical alteration of the wetlands and the Project would be required to comply with the MPCA's Water Quality Standards, Minn. R. ch. 7050 as they pertain to wetlands, including compensatory mitigation for all wetland impacts.

Erosion and Sedimentation (Item 16)

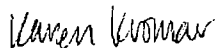
As you are aware, a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit is required from the MPCA. Information regarding the MPCA's Construction Stormwater Program can be found on the MPCA's Web site at: <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html>. Questions regarding construction stormwater permit requirements should be directed to Larry Zdon at 651-757-2839. Special attention should be taken in constructing and maintaining erosion and sediment control BMPs for land disturbing activities that will occur near streams and wetlands.

Water Quality: Surface Water Runoff (Item 17)

- The NPDES/SDS Construction Stormwater Permit will require the identification of all surface waters within one mile of the Project that have potential to receive runoff from the Project. In particular, all special waters or impaired waters must be identified for the purpose of compliance with Appendix A of the permit. In part 17.b of the EAW, the Mississippi River is identified as a water body in the vicinity of the trail that will be receiving runoff. This portion of the Mississippi River is a designated Special water, and thus the portion of the proposed Project within one mile of this water body will require additional and enhanced BMPs, as outlined in Appendix A of the NPDES/SDS Permit.
- Post construction stormwater BMPs should be considered in order to control runoff velocity and allow for settling of entrained sediment in stormwater runoff, especially in the vicinity of streams and wetlands.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me at 651-757-2508.

Sincerely,



Karen Kromar
Planner Principal
Environmental Review and Feedlot Section
Regional Division

KK:mbo

cc: Craig Affeldt, MPCA, St. Paul
Tom Estabrooks, MPCA, Duluth
Scott Lucas, MPCA, Brainerd
Larry Zdon, MPCA, St. Paul
Suzanne Hanson, MPCA, Duluth