

DEPARTMENT OF NATURAL RESOURCES

RECORD OF DECISION

**In the Matter of the Determination of
the Need for an Environmental
Impact Statement for Cuyuna
Country State Recreation Area Trail
Expansion Project in Crow Wing
County, Minnesota**

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

FINDINGS OF FACT

1. The Minnesota Department of Natural Resources (MN DNR) is proposing to expand recreational opportunities within the Cuyuna Country State Recreation Area (CCSRA), in Crow Wing County, by developing up to 50 miles of new trails in the Yawkey, Mahnomen, Sagamore, and Portsmouth Units, and adding a trailhead and an outdoor event space in the Sagamore Unit.
2. The proposed project area is located entirely within the CCSRA, which is owned by the State of Minnesota and managed by the MN DNR. The CCSRA is located in Crow Wing County, Minnesota, and is bordered by the cities of Crosby, Cuyuna, Trommald, Ironton, and Riverton, as well as Irondale Township. The CCSRA currently covers an area of nearly 5,000 acres and is mostly a mix of undeveloped land and inactive mining areas. This area includes both natural lakes and deep mine pit lakes. An extensive informal trail system covered the entire state recreation area prior to the development of mountain bike trails starting in 2010. Past mining activities have significantly altered the natural environment that existed prior to mining. However, natural and planted regeneration has occurred following the cessation of mining in the 1970s. Aspen, birch, goldenrod, asters and various grass species now dominate the landscape. Existing recreational activities within the CCSRA include camping, trout fishing, canoeing/paddling, mountain biking (typically riding bicycles over natural surfaces and varied terrain) and biking (typically riding a bicycle on paved or hardened, relatively level surfaces), scuba diving, swimming, and winter fat-tire biking. Hunting is allowed within the CCSRA during normal hunting seasons. Trails are closed to biking during fire arms deer season. The existing mountain bike system includes approximately 40 miles of natural-surfaced trails, ranging from 12 to 60 inches in width, and accommodating beginner, intermediate and advanced skill levels. The CCSRA includes four different management units, referred to as the Mahnomen, Sagamore, Portsmouth and Yawkey units. Land ownership varies across the CCSRA, with a mix of public, private, and undivided interests. Current and proposed development is located only on MN DNR owned and administered lands as well as School Trust owned lands. Any development on School Trust lands would require a lease agreement with the Trust.
3. Pursuant to *Minnesota Rules*, chapter 4410.4300, subpart 1, an environmental assessment worksheet (EAW) must be prepared for projects that meet or exceed the threshold defined in

any of the subparts 2-37. The proposed project exceeds the threshold defined under *Minnesota Rules*, chapter 4410.4300, Subp. 37, Part A, regarding recreational trails exceeding ten miles in forested or other naturally vegetated land.

4. Pursuant to *Minnesota Rules*, part 4410.0500, subpart 1, for any project listed in part 4410.4300, the government unit specified in those rules shall be the responsible government unit (RGU) unless the project will be carried out by a state agency, in which case that state agency shall be the RGU. Therefore, as the Proposer of the project, the MN DNR is delegated the duties of the RGU for conducting the environmental review.
5. The MN DNR prepared an EAW for the proposed project, pursuant to *Minnesota Rules*, parts 4410.1400.
6. The EAW is incorporated by reference into this Record of Decision on the Determination of Need for an Environmental Impact Statement (EIS).
7. The EAW was filed with the EQB and a notice of its availability was published in the *EQB Monitor* on April 22, 2019. A copy of the EAW was sent to all persons on the EQB Distribution List, to those persons known by MN DNR to be interested in the proposed project, and to those persons requesting a copy. A press release announcing the availability of the EAW was sent to newspapers and radio and television stations statewide. Copies of the EAW were also available for public review and inspection at the MN DNR Northeastern Region Headquarters, the MN DNR Library, the Jessie F. Hallett Memorial Library in Crosby, the Brainerd Public Library, and the Kitchigami Regional Library in Pine River. The EAW was also made available to the public via posting on MN DNR's website.
8. The 30-day EAW public review and comment period began April 22, 2019 and ended May 22, 2019 pursuant to *Minnesota Rules*, chapter 4410.1600. The opportunity was provided to submit written comments on the EAW to the MN DNR by U.S. Mail, by facsimile, or electronically.
9. During the 30-day EAW public review and comment period, the MN DNR received 50 written comments on the EAW from agencies and individuals. A copy of comments received is included in this Record of Decision as Attachment A. The findings numbered 10 through 26 include further discussion on comments received and responses from the MN DNR.
 1. John Savaloja (4/29/2019)
 2. Jon Mason, on behalf of MNDOT (5/6/2019)
 3. Gail Haglund, on behalf of the Minnesota Department of Health Source Water Protection Program, and the City of Riverton (5/16/2019)
 4. George Minerich, in association with Gail Haglund (5/16/2019)
 5. Jeremy Compton (4/23/2019)
 6. Mark Swan (4/23/2019)
 7. Patty Kealy (4/26/2019)
 8. Mary Leisten (4/25/2019)
 9. Doug Moan (4/26/2019)

10. Karen Kromar, on behalf of the MPCA (5/21/2019)
11. '67Polaris' (5/19/2019)
12. Dale Lueck, Representative for District 10B, Minnesota House of Representatives (5/14/2019)
13. Gus Fisker (4/28/2019)
14. Colin Ryan (5/8/2019)
15. Meredith Novak (5/13/2019)
16. Ken Baalson (5/15/2019)
17. Austin Babler (5/15/2019)
18. John Berg (5/15/2019)
19. Denise DeBoer (5/15/2019)
20. Eric Ekstrand (5/15/2019)
21. Marcia Schroeder (5/15/2019)
22. Mark Gujer (5/15/2019)
23. Aaron Hautala (5/15/2019)
24. RaeAnn Hecker (5/15/2019)
25. Dustin Juntunen (5/15/2019)
26. Mary L. Manlick (5/15/2019)
27. Tyler Monda (5/15/2019)
28. Matthew Nelson (5/15/2019)
29. Johnny Pugh (5/15/2019)
30. Sadie Wunder (5/15/2019)
31. Kelly Ziegler (5/15/2019)
32. Alison Swoboda (5/15/2019)
33. Michael Baetz (5/16/2019)
34. Paul Bergren (5/16/2019)
35. Cuyuna Lakes Chamber of Commerce (5/17/2019)
36. Laura Huisinga (5/17/2019)
37. Matt Kilian (5/17/2019)
38. Ron Plinske (5/17/2019)
39. Jenny Smith (5/17/2019)
40. Aaron Starry (5/17/2019)
41. Luke Novak (5/17/2019)
42. Brainerd Lakes Area Economic Development Corporation (5/19/2019)
43. Ken Fogal (5/19/2019)
44. John Schaubach (5/19/2019)
45. Cuyuna Range Economic Development (5/20/2019)
46. Matt Sundquist (5/20/2019)
47. Mitchell Hecker (5/20/2019)
48. Sarah Katzenberger (5/15/2019)
49. Sleeping Bear Tree Farm (5/15/2019)
50. City of Crosby (5/20/2019)

10. In Submission Number 1, the commenter questions whether the addition of new trails and anticipated increased numbers of bikers would result in an increase in wastewater, in contradiction to the statement of no anticipated increase in wastewater on Page 22 of the EAW.

RESPONSE: This section of the EAW referenced by the comment concerns the production of sanitary and industrial wastewater, and not stormwater runoff. Bike trails do not create sanitary and industrial wastewater so new trails would not result in an increase. The toilets and portable washstands proposed for the event center are self-contained, so they would collect and store any wastewater that would later be transported off site. There would be no new on-site wastewater treatment as a result of the Proposed Projects.

11. In Submission Number 1, the commenter questioned whether there was a contradiction in the EAW text concerning placement of trails on iron-bearing stockpiles on Page 16 and the proposed trail south of Maroco shown on Figure 9, which seems to show the proposed trail on iron bearing stockpile.

RESPONSE: The DNR acknowledges this comment. MN DNR Parks and Trails would make every effort to avoid high value mineral stockpiles when siting new facilities. However, the iron bearing stockpiles are conducive to enjoyable trail experiences. Since natural surface trails are not a large encumbrance on the iron-bearing stockpiles and can be relocated if mineral extraction does occur, MN DNR Parks and Trails intends to take advantage of the trail opportunity that the iron bearing stockpiles provide. More intensive infrastructure such as the trailhead in the Sagamore unit would avoid iron bearing stockpiles as those facilities are not easily relocated. The economic value of and possible future mining plans for the iron bearing stockpiles shown on Figure 9 has not been determined, so at this time it is not known whether the stockpiles here are of high value, or if or when they will be exploited. If this stockpile is mined at some time in the future, any overlying bike trails would be rerouted or temporarily or permanently removed. Because a bike trail is easy to construct and has no associated infrastructure to remove, rerouting or removal and replacement of trails that overly mineral stockpiles is feasible.

12. In Submission Number 2, the commenter describes a second road project on State Highway 210 between Brainerd and Ironton, scheduled for 2019, that was not included as one of the reasonably foreseeable projects in the area.

RESPONSE: The DNR acknowledges this comment and thanks MNDOT for the additional information. The additional work on MN210 may come within 800 feet of the statutory boundary of the Mahnomen Unit, within 1,500 feet of Black Hoof Lake, and crosses Black Hoof Creek, which is a designated trout stream. This could result in additional cumulative water quality effects on these waterbodies, although effects would not be expected to become significant if both the project and the proposed highway construction meet MPCA stormwater general permit conditions.

13. In Submission Number 2, the commenter provides information on Average Annual Daily Traffic (AADT) in different areas in the vicinity of the CCSRA. The EAW included AADTs of 5,100 near Crosby and 5,600 near Ironton; additional information from MNDOT indicates higher AADTs of 9,700 at the intersection of MN 210 and Crow Wing CSAH 59. According

to the commenter, this intersection also experiences a high rate of accidents due to limited sight distance and a high embankment.

RESPONSE: The MN DNR appreciates the additional information. This intersection is south of the Sagamore Unit, which would have the event center and can therefore expect additional increased traffic. According to CCSRA management, the special events hosted at the CCSRA are organized by outside parties, such as bike clubs. These outside parties are required to obtain a special event permit, which requires that the permittee coordinate with and hire adequate law enforcement services from the county sheriff, local police, and state patrol, for traffic control during special events.

14. In Submission Number 2, the commenter reminded the MN DNR that no net increase in storm water runoff into MNDOT rights of way is allowed, and that computations of all storm water directed into any rights of way shall be provided to MNDOT.

RESPONSE: Comment noted. The MN DNR will provide this comment to the Proposer.

15. In Submission Number 2, the commenter reminded MN DNR that a permit is required for any work conducted in rights of way.

RESPONSE: Comment noted. The MN DNR will provide this comment to the Proposer.

16. In Submission Number 3, the commenter notes that the City of Riverton's Emergency Response Area (ERA) and Drinking Water Supply Management Area (DWSMA) overlap part of the Sagamore Unit, and advises that any stormwater treatment areas for the proposed event space and associated parking be sited outside of the ERA and DWSMA.

RESPONSE: Comment noted. The MN DNR will provide this comment to the Proposer.

17. In Submission Number 3, the commenter reminded the DNR of notification requirements that must be complied with and permits that must be obtained if a well is constructed for drinking water purposes. A well construction notification must be submitted to the Minnesota Department of Health (MDH); the well must be constructed by a licensed water well contractor; and the well would be classified as a noncommunity public water supply well, thus putting it under the regulatory jurisdiction of the MDH.

RESPONSE: Comment noted. The MN DNR will provide this comment to the Proposer.

18. In Submission Number 4, the commenter reminded the DNR that any well constructed for public use must have the well casing grouted for its full length by the well driller at the time of well construction.

RESPONSE: Comment noted. The MN DNR will provide this comment to the Proposer.

19. In Submission Number 5, the commenter opined that the area has enough bicycle trails and that additional ATV trails and connections will be more beneficial to the local area.

RESPONSE: The CCSRA Management Plan does not allow for ATV use within the unit boundary. However, nearly 200 miles of ATV trails are available on public lands within 50 miles of CCSRA.

20. In Submissions 6 and 7, the commenters opined that the proposed recreational uses and associated infrastructure in the proposed project would detract from the natural character of the area. The commenter in Submission 7 also observed that the Sagamore Unit is marred by garbage and expressed a concern that additional trails and increased use would result in more garbage.

RESPONSE: The Minnesota Legislature established the CCSRA as a recreational area. Before construction of the bike trails, the area had been mined for iron and other minerals, and much of the area are mine spoils in the process of revegetating. In addition, the area includes several intact iron bearing stockpiles, which may be mined at some future date. The proposed project is therefore consistent with legislative intent. The Proposer would make every reasonable effort to balance these recreational uses with the surrounding natural area as well as those parts of the CCSRA that are recovering native vegetation. The comments about increased garbage will be passed along to CCSRA staff so they can address any garbage or littering problems.

21. In Submission Number 8, the commenter opined that additional paved trails and increased handicapped access to the lake in the Sagamore Unit would be beneficial for the community.

RESPONSE: The MN DNR will provide this comment to the Proposer.

22. In Submission Number 9, the commenter opined that users of the bicycle trails should be charged a user or license fee.

RESPONSE: Comment noted. Imposition of new usage or license fees for bicyclists is outside of the scope of the EAW as well as that of the Proposer.

23. In Submission Number 10, The MPCA reminded the MN DNR that it is the responsibility of the Project Proposer to secure any required permits and to comply with any requisite permit conditions.

RESPONSE: The MN DNR will provide this comment to the Proposer.

24. In Submission Number 11, the commenter expressed concerns about the proposed bike trail expansion resulting in more ATV trails, to which the commenter is opposed.

RESPONSE: ATV trails are not allowed on the state property in the CCSRA, so this project will not lead to more ATV trails on state land.

25. In Submission Number 12, the commenter expressed support for the project and noted that the EAW does not address the need for increased staff in the CCSRA.

RESPONSE: The MN DNR acknowledges these comments. Staffing levels and funding for staffing are outside the purview of the EAW, so they were not addressed. This comment will be provided to the Proposer.

26. The remaining submissions express support for the proposed project.

RESPONSE: The DNR acknowledges these comments.

27. Based upon the information contained in the EAW, the MN DNR has identified the following potential environmental effects associated with the project:

- Land Use
- Erosion and Sedimentation
- Surface Water and Water Quality
- Contamination/Hazardous Materials/Wastes
- Fish, wildlife, plant communities, and sensitive ecological resources (rare features)
- Invasive species
- Noise
- Traffic
- Cumulative Potential Effects

a) **Land Use.** This topic was addressed under Item 9 and Item 10 of the EAW.

Large parts of the CCSRA were mined for iron-bearing minerals in the past, and the area still contains some iron-bearing and other metal mineral deposits. The CCSRA was established by the legislature with the knowledge of these deposits and the expectation that they may be mined in the future, and that therefore uses of the CCSRA must be balanced between recreation and possible mineral exploitation. Although the proposed development would avoid high value iron-bearing stockpiles to the extent possible, some trails may be constructed atop such stockpiles. In addition, development can only avoid known stockpiles and therefore trails could be constructed atop as-yet undiscovered high value mineral deposits. Should any future mining be undertaken, the recreational component of the area is expected to accommodate this activity. Some trails may need to be re-routed or temporarily closed.

b) **Erosion and sedimentation.** This topic was addressed under Item 6b, Item 10b, and Item 11 of the EAW.

Construction activities would involve the disturbance and/or excavation of vegetation and soil in the CCSRA. Use of the trails could result in ongoing erosion from bicycle traffic. The existence of the unpaved trails could provide an opportunity for erosion and sediment laden runoff during storm and rainfall events.

Construction Best Management Practices (BMPs) and development guidelines provide a number of techniques and tools that would reduce erosion and sedimentation. Perimeter

erosion control would be installed where needed, particularly in sensitive areas, prior to construction. During construction erodible soil stockpile would have perimeter sediment controls such as silt fences or bio-logs. A 50-foot natural buffer consisting of habitat-appropriate native vegetation would be maintained from surface waters or, if a buffer is not feasible, redundant sediment controls would be provided. Where the receiving body is a special water, a 100-foot natural buffer would be maintained from surface waters or, if a buffer is not feasible, redundant sediment controls would be provided. On slopes 3:1 or steeper, perimeter erosion BMP's would be installed prior to construction.

The contractor would have a designated person at the project site who is trained and certified as either an Erosion/Sediment Control Inspector/Installer or as an Erosion/Sediment Control Site Manager to oversee construction activities.

Construction and maintenance of the existing and proposed trails follows sustainable building techniques found in the DNR Trail Planning, Design and Development Guideline, Section 6. Most trails would be contour trails benched into the hillside. Contour trails are paths that gently traverse the hill or side-slope. A bench is a section of tread cut across the side, or contour, of a hill, and a full bench trail is constructed by cutting the full width of the tread into the hillside. This design element creates a consistent and stable tread. All edges are rounded and the tread has a 5% outslope to encourage sheet drainage off the trail. This design does not allow water to stand on the trail or run down the trail. Where trails are on flatter terrain, the tread is crowned to allow water to roll off both sides of the trail. When the trail is initially built and during subsequent maintenance, the tread is mechanically compacted to help lock in these critical design features and promote water sheeting off the trail. Routine annual maintenance maintains the original trail shape to prevent erosion from becoming a problem, and frequent inspections of trails identifies problems as they emerge. Trails would be closed during wet conditions to further limit the potential for erosion to become an issue.

Project-related potentials for erosion and sedimentation are subject to ongoing public regulatory authority under the MPCA Construction Stormwater General Permit, city and county land alteration permits, and the project's required Stormwater Pollution Prevention Plan (SWPPP). The DNR Lease would require monitoring and erosion control over the life of the project.

The effects of climate change predicted for Minnesota could increase the erosion impact of this project, since the state is expected to get more intense rainfall events. This can be mitigated by more frequent inspections of trails, particularly after rainfall events, and sizing buffer strips and other erosion control or containment structures for larger erosional events. Risk of washouts and erosion from more intense flooding would be mitigated by ensuring that any water crossings and culverts be designed with the capacity to convey or withstand anticipated precipitation and flooding changes.

- c) **Surface Water and Water Quality.** This topic was addressed under Item 6b, Item 9a(iii), and Item 11 of the EAW.

Water quality in the CCSRA could be impacted by trail construction activities and from the ongoing presence and use of the trails, the special event center, and the parking lot.

The CCSRA contains several water basins, wetlands, and streams, including some trout lakes. A designated trout stream is outside of but within one mile of the CCSRA boundary. The rolling topography of the project area makes it likely that much of the surface water runoff from construction activities and the trails would end up in adjacent lakes. Therefore, it is critical to preserve and establish vegetative buffers between the lakes and trails, both during and after construction to prevent any sediment from entering these lakes.

The Proposed Project would include two stream crossings.

Construction would use Best Management Practices (BMPs) for shoreland management to avoid, minimize, and mitigate impacts to waterways. Development would meet or exceed setback standards; strive to minimize impervious surfaces; treat stormwater runoff on site; use natural vegetative buffers to infiltrate runoff and screen much of the development from lakes; and minimize disturbance and fragmentation of riparian and aquatic habitats.

Permanent stormwater management would be implemented during construction. Along trails, stormwater management would be achieved using the existing system of vegetated natural depressions; this method is most appropriate for narrow, natural surfaced trails. In the Sagamore unit trailhead and event space area, stormwater from proposed roadways and parking areas would be routed through swales seeded with deep-rooted native vegetation. Ditch blocks may be used to provide additional treatment within the constructed swales. Infiltration BMPs would be utilized where soil conditions allow. In general, impervious areas would be disconnected from conveyance systems. Where larger impervious areas are proposed, treatment swales and bio-retention areas would be utilized to remove sediment from runoff prior to entering waterways. Soil amendments and/or deep tillage may be incorporated into pervious areas to promote infiltration of stormwater. A Stormwater Pollution Prevention Plan (SWPPP) would be prepared prior to development.

Proposed development is expected to be able to avoid wetland impacts with rare exception. The two stream crossings may have wetlands adjacent to them; the Proposer would make every effort to avoid crossing the wetlands but if wetland impacts cannot be avoided in these locations, the impacts would be minimized and mitigated as required by the Wetland Conservation Act (WCA) and USACE requirements. All proposed developments would be reviewed by MN DNR resource specialists with expertise in wetland identification to delineate any wetlands in the vicinity of the planned trails.

Project-related stormwater generation is subject to ongoing public regulatory authority under the MPCA NPDES/SDS Construction Stormwater General Permit and the SWPPP. Project-related wetland impacts are subject to ongoing public regulatory authority under

the Minnesota Wetland Conservation Act and the US Army Corps of Engineers (USACE) Clean Water Act Section 404 permit.

Expected consequences of climate change in Minnesota can increase the water quality impacts of this project. This is because the state is expected to experience more rain and more intense rainfall events, thus increasing runoff into water bodies. Strategies to mitigate predicted increased effects are discussed above, under Paragraph 27b **Erosion and sedimentation**.

- d) **Contamination/Hazardous Materials/Wastes.** This topic was addressed under Item 12 of the EAW.

Some trash and solid wastes would be generated during construction. These wastes would be removed from the site by the contractors. Ongoing recreational use of the trails would be accompanied by trash generation and accumulation in the CCSRA. MN DNR Division of Parks and Trails would contract with a local waste management company to collect trash and recyclable materials left behind by recreational users.

- e) **Fish, wildlife, plant communities, and sensitive ecological resources (rare features).** This topic was addressed under Item 13 of the EAW.

The CCSRA contains a few low-quality occurrences of two rare native plant communities, the Central Dry-Mesic Pine Hardwood Forest and the Southern Dry Savannah. Efforts would be made to minimize disturbance in these areas, and the southern dry savannah would be avoided. The northern wet meadow/carr is also found in the CCSRA and would be avoided.

Several state or federally listed or otherwise protected plant species occur in the CCSRA. These include several species of moonwort, grapefern, and butternut. Impacts to these plants would be minimized by installing and maintaining vegetative buffers around them.

- f) **Invasive Species.** This topic was addressed under Item 13 of the EAW.

Project-related construction and ongoing visitor use would likely provide opportunities for the introduction and/or spread of invasive plant species. Soil disturbance due to construction, unmanaged trail development or use, or heavy rains, can provide conditions suitable for establishment of invasive plant species introduced to the site by animals, birds and wind, operator clothing, or via equipment, trucks, or bicycles originating from infested areas, both outside the CCSRA and from other portions within it. Wetland crossings provide an opportunity for introduction of Reed Canary Grass, and any water crossings can provide an opportunity to introduce aquatic invasive species as well as provide a corridor for the spread of terrestrial invasive species. In addition, materials such as gravel could provide seedstock for the introduction of invasive plant species to the project site.

To reduce the risk of invasive species spread during the construction phase, contract language would require oversight to ensure that all equipment would be cleaned and

inspected prior to arriving at the project area, and cleaned and inspected again after work is completed and the equipment is moved from the area. Work would be conducted in uninfested sites before work in infested sites, to minimize the possibility of cross-contamination. Work would not be conducted and sites would not be disturbed during wet conditions to minimize soil disturbance. Workers would avoid parking in or moving equipment through patches of invasive species. To the extent possible work would not be conducted in infested areas when seed-bearing invasive species are present. Additionally, all fill materials, mulch seed mixes, hay, and other similar material brought to the site would be certified clear of invasive species. Soil disturbance would be minimized and would be revegetated as quickly as possible with temporary cover crops, appropriate native plants, and certified weed-free native seed mixes, to avoid the establishment of invasive species.

The risk of introduction and spread of invasive species during the operations and maintenance phases is primarily tied to invasive plant seeds and other plant matter being transported to the site by trail users and maintenance equipment, as well as the movement of seeds and plant fragments from one portion of the site to another by way of boots, bike tires, and maintenance equipment. Operational order guidelines would be followed to prevent the spread and introduction of invasive species, and invasive species signage, information, and education would be provided at key points throughout the recreation area, such as at trailheads and parking lots, and in conjunction with special programming and special events. Boot brushes and bike cleaning stations would be available at trail heads, parking lots and the rally center so users can clean their equipment. Wet trails would be temporarily closed until the trail surface dries or is suitable for use. Newly detected species, such as those requiring early detection and rapid response, and those listed on the MDA Eradicate List would be treated. As per Op Order 59 PAT guidelines, any pesticide applications would be preceded by a Natural Heritage information System (NHIS) database review to prevent rare species or significant native plant communities from being harmed.

Project-related impacts are subject to ongoing public regulatory authority under the DNR Lease that would require assessment and control of invasive plant species at the site.

g) **Noise.** This topic was addressed under Item 17 of the EAW.

The proposed project would create some temporary noise during construction activities. Noise from construction activities would occur during grading/treadway preparations or operation of motorized construction equipment. Construction activities would occur during normal daylight hours. Operation of motorized construction equipment would be the main source of construction noise. Noise would be controlled by ensuring standard noise arrestors (mufflers) are properly installed on construction and maintenance vehicles (including snowmobiles). Operation of construction equipment would be limited to several weeks at any given location and would occur only during daylight hours. Winter trail grooming may include the use of snowmobiles. Noise impacts are expected to be temporary or of short duration and transitory in location as the source of the impacts moves along the trail.

Operation of the new trails is not expected to significantly change or increase the existing noise levels within the CCSRA. There are no known sensitive noise receptors in the immediate area.

h) **Traffic.** This topic was addressed under Item 18 of the EAW.

Traffic to the new event space at the Sagamore Unit is expected to increase for special events, but is not expected to substantially increase the average daily traffic. During special events, traffic increases are expected to be similar to what is currently experienced when events are held at the Mahnomen Unit trailhead where approximately 200 - 250 vehicles arrive for events that are of a similar size to those planned to be hosted at the Sagamore Unit. Special events at the Sagamore Unit would be handled in coordination with local law enforcement in the same manner that current special events are handled, so this would not create a new environmental effect.

i) **Cumulative Potential Effects.** This topic was addressed under Item 19 of the EAW.

The potential environmental effects related to this proposed project could combine with environmental effects from other past, present, or reasonably foreseeable future projects for which a basis of expectation has been laid. The proposed project has been identified to have possible limited and minor cumulative potential environmental effects to erosion, water quality, introduction or spread of invasive species, noise, and traffic.

Construction-related noise, erosion, and water quality effects could overlap with the planned highway improvements and other bike trail expansion projects reasonably foreseen for this area. The cumulative potential effects are expected to be minor and of limited extent if they occur, because these projects have little to no overlap in geographic extent with the proposed project. Exceedance of state noise standards is not expected. Cumulative erosion and water quality effects are possible but not expected if the Proposed Project meets the conditions of the MPCA Construction Stormwater General Permit.

Cumulative traffic effects could persist over the life of the recreational trails, and would peak during periods of increased trail use (e.g., major summer holidays and special events).

Cumulative invasive species effects are possible, both during construction and during ongoing use of the trails. The reasonably foreseeable bike trail expansions would provide additional possible infestation sources, as would the existing bike trail system. Any invasive species established along these trails could serve as a potential source for additional invasive species spread to any subsequent nearby project. This is an ongoing possibility and requires permanent routine monitoring and maintenance of the bike trails now and in the future to manage the effect.

28. The MN DNR requested and was granted a 15-day extension for making a decision on the needs for an EIS as provided under the provision of *Minnesota Rules*, chapter 4410.1700 Subp. 2.b.

29. The following permits and approvals are needed for the project:

Unit of Government	Type of Application	Status
US Army Corps of Engineers	Section 404 Permit, Clean Waters Act	To be obtained, as needed
MN DNR	Wetland Conservation Act (WCA) Permit	To be obtained, as needed
MN DNR	Work in Public Waters Permit	To be obtained
MN DNR	Lease: School Trust Lands	To be obtained, as needed
MN Pollution Control Agency(MPCA)	NPDES/SDS Construction General / NPDES Construction Stormwater Permit	to be obtained
MN Pollution Control Agency (MPCA)	CWA 401 Certification	to be obtained as needed
Minnesota Department of Health (MDH)	Well Construction Notification	Submitted if public water well is constructed
Minnesota Department of Health (MDH)	Noncommunity public water supply well sanitary inspection and monitoring	Conducted as needed
Minnesota Department of Transportation (MNDOT)	Permit to perform work in MNDOT road rights of way	to be obtained as needed
Crow Wing County	Highway Dept. Permit	To be obtained, as needed
Crow Wing County	Building Permit (contractor)	To be obtained, as needed
Crow Wing County	Grading, filling, and land alteration permits	To be obtained, as needed
City of Riverton	Grading, filling, and land alteration permits	To be obtained, as needed
City of Riverton	Building Permit (contractor)	To be obtained, as needed

CONCLUSIONS

1. The Minnesota Environmental Review Program Rules, *Minnesota Rules*, chapter 4410.1700, subparts 6 and 7 set forth the following standards and criteria, to which the effects of a project are to be compared, to determine whether it has the potential for significant environmental effects.

In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

- a. *type, extent, and reversibility of environmental effects;*
- b. *cumulative potential effects of related or anticipated future projects;*

- c. *extent to which the environmental effects are subject to mitigation by on-going regulatory authority; and*
- d. *the extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by agencies or the project proposer, including other EISs.*

2. *Type, extent, and reversibility of environmental effects*

Based on the Findings of Fact above, the MN DNR concludes that the following potential environmental impacts, as described in Paragraph 27, will be either limited in extent, temporary, or reversible:

- Erosion and sedimentation
- Surface Water and Water Quality
- Spread of Invasive Species
- Noise
- Traffic
- Cumulative Potential Effects

3. *Cumulative potential effects of related or anticipated future projects.*

Known planned or anticipated future projects that would result in cumulative potential effects on erosion; water quality; spread of invasive species; noise; or traffic are temporary, minor, and limited.

4. *Extent to which environmental effects are subject to mitigation by on-going public regulatory authority.*

Based on the information in the EAW and Findings of Fact above, the MN DNR has determined that the following environmental effects, as described in Paragraph 27, are subject to mitigation by ongoing public regulatory authority:

Prior to initiation of this project, the permits and approvals described above would be required.

When applying the standards and criteria used in the determination of the need for an Environmental Impact Statement, the MN DNR finds that the Project is subject to these regulatory authorities to an extent sufficient to mitigate potential environmental effects through measures identified in the EAW and Record of Decision.

Environmental effects due to erosion and sedimentation are subject to mitigation by ongoing public regulatory authority from city and county grading, filling, and land alteration permits; MNDOT and Crow Wing County highway permits; Crow Wing County building permits; and the MPCA Construction Stormwater General Permit. The Proposer commits to employ appropriate mountain bike trail construction BMPs for the trail network.

Environmental effects to surface water and water quality are subject to ongoing public

regulatory authority under the MPCA NPDES/SDS Construction Stormwater General Permit and the SWPPP. Any work in public waters is subject to the MN DNR Work in Public Water Permit. Project-related wetland impacts are subject to ongoing public regulatory authority under the Minnesota Wetland Conservation Act, the Crow Wing County wetlands ordinance, and the USACE Clean Water Act Section 404 permit. A Project goal is to avoid wetland impacts altogether; however, if wetlands impacts are unavoidable then the Proposer would follow appropriate WCA sequencing and permitting requirements, as necessary. (Also addressed in EAW Items 8 and 11.b.iv.a.)

Environmental effects due to presence and possible spread of invasive species are subject to mitigation by ongoing public regulatory authority from the MN DNR School Trust Lands Lease and city and county permits. The Proposer commits to use only clean fill and control any plants that may colonize the site, and also address potential effects due to the establishment and spread of invasive plant species.

Environmental effects due to facility construction-, operation-, and maintenance-related noise are subject to mitigation by ongoing public regulatory authority under the MPCA-administered State Noise Standards.

Environmental effects due to traffic are subject to ongoing regulatory authority under city and county permits under supervision of relevant local law enforcement personnel.

5. *the extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by agencies or the project proposer, including other EISs.*

Environmental studies undertaken by the Proposer include:

- Cultural Resource Reconnaissance Survey for a Native Soil Mountain Bike Trail Project, Cuyuna Country State Recreation Area, Crow Wing County, Minnesota (March 2017)
- Vegetation Survey, Midwest Natural Resources, June 2018

Previous bike trail construction in the CCSRA was the subject of an earlier EAW, Cuyuna Country State Recreation Area Mountain Bike Trail, for which a ROD of *No Need for an EIS* was issued on December 11, 2008.

Guidance documents are based on the best available scientific studies that have been tested and approved by regulatory authorities. The Project is being designed in accordance with:

- International Mountain Bicycling Association's (IMBA) Trail Solutions Program (2014)
- MN DNR Trail Planning, Design and Development Guidelines, 2006
- Cuyuna Country Recreation Area Trails and Facilities Rare Species Avoidance Plan
- MN DNR Operational Order 113
- MN DNR Operational Order 59
- Invasive Species Early Detection and Distribution Mapping System (EddMaps)

Development is in accordance with the following management and recreation plans:

- Cuyuna Country State Recreation Area Management Plan (MN DNR, 1995)
 - Cuyuna Country State Recreation Area Management Plan Amendment (MN DNR, 2005)
 - Cuyuna Country State Recreation Area, Recreation Implementation Plan (MN DNR, 2008)
 - Cuyuna Lakes Mountain Bike Trails, System Expansion Concepts (IMBA, Trail Solutions Program, 2014)
 - Cuyuna Country State Recreation Area Management Plan and Recreation Implementation Plan Amendment, Trail System Expansion, Support Feature Development (MN DNR, 2016)
 - Cuyuna Lakes State Trail Master Plan (MN DNR, 2004)
6. The MN DNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an environmental impact statement on the proposed Cuyuna Country State Recreation Area Bike Trail Expansion project.
7. Based on consideration of the criteria and factors specified in the Minnesota Environmental Review Program Rules (*Minnesota Rules*, chapter 4410.1700, subpart 6 and 7) to determine whether a project has the potential for significant environmental effects, and on the Findings and Record in this matter, the MN DNR determines that the proposed Cuyuna Country State Recreation Area Bike Trail Expansion project does not have the potential for significant environmental effects.

ORDER


Based on the above Findings of Fact and Conclusions:

The Minnesota Department of Natural Resources determines that an Environmental Impact Statement is not required for the Cuyuna Country State Recreation Area Bike Trail Expansion Project in Crow Wing County, Minnesota.

Any Findings that might properly be termed Conclusions and any Conclusions that might properly be termed Findings are hereby adopted as such.

Dated this 25th day of June, 2019.

**STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES**



Jess Richards
Assistant Commissioner