

# DEPARTMENT OF NATURAL RESOURCES

## RECORD OF DECISION

**In the Matter of the Determination  
of the Need for an Environmental  
Impact Statement for the North  
Country National Scenic Trail  
(Becker County Section), Minnesota**

**FINDINGS OF FACT,  
CONCLUSIONS, AND  
ORDER**

### FINDINGS OF FACT

1. The North Country Trail Association (NCTA) proposed to build 25.6 miles of new trail and designate 16.3 miles of existing trail and 3.0 miles of rural road-walk as an extension of the North Country National Scenic Trail (NST) (a non-motorized footpath). This section of the trail would begin west-northwest of Ponsford, Minnesota, in east-central Becker County, and terminate at the city limits of Frazee, Minnesota. The trail traverses southward through forested habitat on public and private lands from a previously designated section of the North Country NST at its northern end.
2. After the release of the Environmental Assessment Worksheet (EAW) for public review, The NCTA concluded that it was no longer feasible to follow the proposed route south of Wannigan Road and east of the Otter Tail River (see bottom one-third of Figure 4.7 and all of Figure 4.8 of the EAW). The NCTA will explore alternative corridors to replace this segment of the trail. The revised trail would contain 20.8 miles of new trail, 16.0 miles of existing trail, and 3.0 miles of road-walk segments, for a total length of 39.8 miles. Approximately one mile of alternative routes, 0.3 miles of existing trail, and 4.8 miles of proposed trail were removed from consideration. The sections that were removed from further consideration crossed several wetland and steep areas and passed near potentially sensitive cultural resources. This revised North Country NST (Becker County Section) will terminate about one-third mile east of the Wannigan Road Bridge over the Otter Tail River, which is approximately four miles north of Frazee. The proposed trail including the revisions is referred to as the North Country NST (Becker Segment), “the proposed trail,” or simply, “the trail.”
3. The Becker Segment of the North Country NST would provide a critical link between sections of the North Country NST, which was authorized under the National Trails System Act of 1968 and designated as a national scenic trail in 1980. The routing proposed through Minnesota was generally scoped to run through eastern Becker County, where the proposed Becker Segment is located. When completed, the North Country NST will extend from east-central New York, to the Missouri River in west-central North Dakota, where it joins the route of the Lewis and Clark National Historic Trail. The length of the trail is officially 3,240 miles but by the time it is completed the trail is

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expected to exceed 4,600 miles. Over 500 miles of the trail is planned or completed in of Minnesota. The goal of the U.S. Department of Interior, National Park Service (NPS), the administrator of the trail, and its agent, the NCTA, is to fully develop the North Country NST as a premier hiking and backpacking trail.

The long-term goal for the North Country NST is to establish a continuous trail that meets the federal legislative intent of the national scenic trail system. It is to be developed and managed as a premier hiking trail, nationally significant in its scenic and recreational qualities, and generally closed to horses, mountain bikes, and motorized vehicles. Federal, state, local, and private landowners or managers participate in hosting, developing, and/or maintaining segments of the trail. The NPS completed an Environmental Impact Statement on the design plan and trail feasibility study for the North Country NST in 1975; in 1982 a management plan was completed.

4. The NCTA is seeking to build a continuous trail across Minnesota. The trail is being built in segments within a future time frame of twenty or more years. Future trail development projects will be undertaken in many additional counties in Minnesota and assessed pursuant to Environmental Review Program rules. *Minnesota Rules*, part 4410.1000, subpart 4 defines the environmental review process for phased actions, where it is not possible to adequately address all the project stages at the time of the initial EAW. This rule allows the environmental review process to be logically segmented for a series of linear projects, such as a system of trails.
5. Sections of the North Country NST have already been built or designated in Carlton, Cass, Hubbard, and Clearwater Counties by NCTA volunteers and agency partners (e.g. U.S. Department of Agriculture, U.S. Forest Service (USFS)). These projects pre-date recent changes in the Minnesota Environmental Quality Board (EQB) rules that now require environmental review of recreational trail development projects. A recent North Country NST project, the Round Lake project, a 7.5 mile new trail segment to which this project connects, has been approved pursuant to Environmental Review Program rules and is now under construction. The Minnesota Department of Natural Resources (MDNR) completed an EAW need determination for the North Country NST (Round Lake Segment) in December 2008, and amended the determination in January 2009, that the project did not meet the mandatory requirements for completion of an EAW.
6. The proposed project requires preparation of a State Environmental Assessment Worksheet (EAW) according to *Minnesota Rules*, part 4410.4300, subpart 37, item A, which states that an EAW is required for “constructing a trail at least 10 miles long on forested or other naturally vegetated land for a recreational use other than snowmobiling or cross-country skiing.” Subpart 37 also defines the MDNR as the Responsible Governmental Unit (RGU) for conducting the environmental review of recreational trails projects proposed on State-owned land or funded, in whole or part, by grant-in-aid funds administered by the MDNR.

7. The MDNR prepared an EAW for the North Country National Scenic Trail (Becker County Section) Project, pursuant to *Minnesota Rules* part 4410.4300, subpart 37, item A. The EAW is incorporated by reference into this Record of Decision on the Determination of Need for an Environmental Impact Statement (EIS).
8. The EAW was filed with the EQB and a notice of its availability was published in the EQB *Monitor* on July 26, 2010. A copy of the EAW was sent to all persons on the EQB Distribution List, to those persons known by the Department to be interested in the proposed project, and to those persons requesting a copy in writing. 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 MDNR Library (St. Paul), MDNR Northwest Regional Headquarters (Bemidji), Minneapolis Public Library, Fergus Falls Public Library and Detroit Lakes Public Library. The EAW was also made available to the public via posting on the MDNR's website.
9. The 30-day EAW public review and comment period began July 26, 2010 and ended August 25, 2010, pursuant to *Minnesota Rules*, part 4410.1600. The opportunity was provided to submit written comments on the EAW to the MDNR by U.S. Mail, by facsimile, or electronically by email.
10. During the 30-day EAW public review and comment period, the MDNR received written comments on the EAW from seven agencies or individuals. A copy of the comments is included with this Record of Decision as Attachment A.
  - 1 Brad L. Grant on behalf of the Becker County Soil and Water Conservation District (Aug. 3, 2010)
  - 2 Barbara A. Partington (Aug. 4, 2010)
  - 3 Ken Howell on behalf of National Park Service (Aug. 9, 2010)
  - 4 Matt and Roxanne Riewer (Aug. 9, 2010)
  - 5 Karen Kromar on behalf of the Minnesota Pollution Control Agency (Aug. 23, 2010)
  - 6 Willis Mattison as a member of the Laurentian Lakes Chapter of the North Country Trail Association (Aug. 25, 2010)
  - 7 James B. Hodgson on behalf of the Wildlife and Sport Fish Restoration Program, U.S. Fish and Wildlife Service (Aug. 25, 2010)
11. The following comments that were received expressed an opinion about the merits of the proposed project and did not address the completeness and accuracy of the Environmental Assessment Worksheet (EAW), specific impacts that require further investigation, the potential for significant environmental effects, or the need for an Environmental Impact Statement (EIS). These comments will be provided to the Proposer and to permitting and/or approval entities and/or authorities for their consideration as part of further decisions about whether to permit, approve, and/or implement the project. Individuals submitting comments in this category will generally find their comments

regarding the merits of the proposed project not addressed in this Record of Decision. The MDNR notes and acknowledges these comments and is providing additional response to certain statements and enquiries.

**a. Allowable Uses of North Country Trail (Becker County Section)**

Comment Letter # 2 Barbara A. Partington

**Comment:** The commenter provided a list of possible uses of a non-motorized trail system and prefers that all uses listed—hiking, bicycling, skiing, dog walking, and horseback riding—would be allowable on this section of the North Country Trail.

**Response:** As noted under Item No. 6c and Item No. 27 of the EAW, the North Country Trail is generally closed to horses, mountain biking, and motorized uses. The Becker Segment would likewise be closed to these uses. The accompaniment of pets with trail users is dependent on whether permission is granted by each agency or landowner.

**b. Route Complies with Administrator of North Country National Scenic Trail**

Comment Letter #3 Ken Howell on behalf of National Park Service

**Comment:** The commenter notes that the project fits into the route the National Park Service has chosen for this section of the North Country NST.

**Response:** Comment Noted.

**c. Agreements with Landowners for Permission to Cross Lands is a Prerequisite for Trail Development**

Comment Letter #4 Matt and Roxie Riewer

**Comment:** The commenters #4 noted a disinterest in the trail crossing their property.

**Response:** The Proposer on behalf of the North Country Trail Association acknowledged that several landowners rescinded their preliminary permission for the Becker Segment to cross their lands. The National Trail Systems Act authorizes the NCTA to develop formal or non-formal landowner agreements on permission to cross private or public lands for the operation, development, and maintenance of the North Country NST. Such agreements may be with states or their political subdivisions, landowners, private organizations, or individuals. The NCTA concluded that it was no longer feasible to follow the proposed route south of Wannigan Road and east of the Otter Tail River. The best replacement route identified at this time is the area west of the Otter Tail River. Environmental review of the replacement route will be included with the next section of the trail proposed to extend from the southern termination point of the North Country NST (Becker Segment).

12. Four commenters provided timely, substantive written comments as categorized into several topics listed below. Substantive comments address the accuracy and completeness of the information provided in the EAW, potential impacts that warrant further investigation and the need for an Environmental Impact Statement. The MDNR response follows each comment.
- a. National Pollution Discharge Elimination System Construction Stormwater Permit (NPDES-CSP)
  - b. Negative Declaration on the Need for an Environmental Impact Statement
  - c. State and County Policies on Off-Highway Vehicle (OHV) Use on Public Lands Inhibit NCTA from Achieving Environmental Protection Goals
  - d. Wildlife and Sport Fish Restoration Program (WR) Defines Restrictive Uses to Public Lands Purchased with WR Funds
13. The comments and MDNR's response are organized by topic. The written comments received are listed below, as compiled and summarized from the comment letters. Where multiple comments on one specific issue were received, those comments are combined in a summary form that represents the essence of the comments. The MDNR's response follows each comment.

**a. National Pollution Discharge Elimination System Construction Stormwater Permit (NPDES)**

Comment Letter # 5 Karen Kromar on behalf of the Minnesota Pollution Control Agency

**Comment:** Tamarac Lake and Height of Land Lake are listed on the Minnesota Pollution Control Agency (MPCA) Draft 2010 303(d) Total Maximum Daily Load (TMDL) list of impaired waters. Projects potentially affecting these waterbodies would be subject to additional increased stormwater treatment during and after construction as defined in the National Pollution Discharge Elimination System Construction Stormwater Permit.

**Response:** At the time the review of impaired waters was conducted, the Minnesota Pollution Control Agency's 2008 Map of Impaired Waters appeared to be the most recent data set. The draft updated information regarding impaired waters is incorporated into this Record of Decision under Findings 14j. As noted in the EAW under Item No. 12, the proposed trail alignment would be within the North Tamarac Lake watershed but outside that of Height of Land Lake. As indicated under Item No. 8 in the EAW, the NPDES permit was listed as potentially applicable, depending on the determination by permitting authorities. Under further review with MPCA after the public comment period had closed, MPCA concluded that a NPDES CSW permit would not be required for the North Country NST (Becker County Section) project. The proposed clearing would not meet the definition of construction activity as defined in MPCA's General Permit MN R100001. The type of clearing to be done along proposed new trail segments is generally described as establishing and smoothing a narrow, one-and-one-half to two-foot tread by removing duff, rocks, and/or roots and hand grading steep areas by forming a trail bench

along side-slopes (side-hilling), where necessary. The dispersed nature of the trail development limits the amount of disturbance within any given watershed to small areas. As recommended by MPCA, appropriate Best Management Practices (BMPs) would be incorporated into construction of the trail to protect water quality.

**b. Negative Declaration on the Need for an Environmental Impact Statement**

Comment Letter # 6 Willis Mattison as a member of the Laurentian Lakes Chapter of the North Country Trail Association

**Comment:** The commenter notes that the proposed project is well aligned with the goals and strategies contained in the 2009 Minnesota State Comprehensive Outdoor Recreation Plan. The commenter recommended a negative declaration on the need for the preparation of an environmental impact statement. Reasons for this recommendation were the proposed project’s sustainable and resilient infrastructure and low impact.

**Response:** Comment noted.

**c. State and County Policies on Off-Highway Vehicle (OHV) Use on Public Lands Inhibit NCTA from Achieving Environmental Protection Goals**

Comment Letter: #6 Willis Mattison as a member of the Laurentian Lakes Chapter of the North Country Trail Association

**Comment:** The commenter states that lands in northeastern Becker County have been damaged by lawful and unlawful motorized recreational activities. The proposed treadway and associated vegetative clearings would allow motorized recreation vehicle riders to advance into wooded areas that were previously inaccessible, particularly on Minnesota State and Becker County managed public lands. Motorized recreation is incompatible with and antagonistic to recreational users of the proposed trail. There has been a lack of cooperation from State and local agencies to resolve the conflicts between motorized and non-motorized recreational uses of public lands. The commenter suggests that the MDNR use the North Country NST (Becker County Section) project as an example of shortcomings of State policy and practice. The commenter recommends that entire zones of public property be set aside as off limits to off-highway vehicle users.

**Response:** Becker County policy for forest roads and trails on County-administered lands outside of State Forest boundaries is that they be open to motorized use unless (1) reclassified for other uses, or (2) restricted through signs, gates, berms, or other means; and that the County has the authority to close any forest road or trail on County-administered tax-forfeited land, either temporarily or permanently, when such action is necessary for the protection of the forest, the road or trail, or the general public. During early coordination on the proposed trail alignment on County lands, the County proposed that the trail have greater physical separation from existing forest roads accessible by

OHV and snowmobile riders. The proposed alignment was moved to a mutually acceptable location that had fewer intersections and provided better separation.

Minnesota laws restrict a person from intentionally operating an off-highway vehicle on a trail on public land that is designated or signed for nonmotorized use only (*Minnesota Statutes* section 84.773). Riders venturing onto unauthorized gated, blocked, or nonmotorized trails illegally, whatever the reason, or those who knowingly or unknowingly trespass, or cause rutting, erosion or damage to vegetation and wetlands, will be subject to citation.

Following completion of the State Forest system classification and route designation on December 31, 2009, and institution of the WHEELS database, which is used to store and track route data, the MDNR is well positioned to monitor and enforce off-trail OHV travel on State lands. Roads and trails on State forestlands in Becker County that are outside of the State Forest boundaries are classified as “managed” and are closed to OHV use unless posted open. The MDNR believes that its focus on off-highway vehicle monitoring and enforcement will make a substantial, lasting difference in terms of rider compliance with State law. Enforcement has grown commensurate with increased numbers of riders and registered vehicles. Increased enforcement has been assigned to some recently reclassified forests to boost compliance with new riding restrictions and trail designations. The MDNR works with other law enforcement agencies, notably County Sheriff’s Offices, to address OHV-related issues, safety training, and field enforcement.

Establishment of Grants-in-Aid (GIA) trails in this part of the State may help to provide manageable trail resources for riders. The GIA program is a way to encourage acquisition, development, and maintenance of public, locally controlled all-terrain vehicle or off-highway motorcycle trails and areas. Designated trails are more amenable to enforcement because of the clearly defined limitations of off-site usage. The program requires that necessary environmental, land use, and management considerations and compatibility issues be reviewed during the application process. The program would identify resource limitations and GIA trails must be appropriately marked and designated. The MDNR created an OHV Safety and Conservation Program, known as the Trail Ambassador Program to enhance management of official trail systems. Although volunteers of the Trail Ambassadors Program are not delegated enforcement responsibilities, they provide valuable eyes and ears in the forest and will assist in trail monitoring and incident reporting.

The MDNR is administrator of the Off-Highway Vehicle Damage Account, which makes funds available to repair damage to private or public lands caused by Off-Highway Vehicle (OHV) operation in unauthorized or unpermitted areas. OHV damage typically involves soil disturbance, erosion or rutting, but may also include damage to vegetation or property. This account is funded by an appropriation from the dedicated OHV accounts, and is administered by the MDNR out of its Area Offices. This Record of

Decision will be provided to officials within each governmental unit responsible for the management of these lands and enforcement of these laws.

**d. Wildlife and Sport Fish Restoration Program (WR) Defines Restrictive Uses to Public Lands Purchased with WR Funds**

Comment Letters: #7 James B. Hodgson on behalf of the Wildlife and Sport Fish Restoration Program, U.S. Fish and Wildlife Service (FWS)

**Comment:** The commenter serving as administrators of the WR program stated that the proposed trail was considered to be potentially incompatible with the purpose of the WR program, which was used for the purchase of lands within the Hubbel Pond Wildlife Management Area.

**Response:** This Record of Decision does not grant any approvals or denials to the NCTA for the trail to cross State lands. However, it lists the necessary permits and agreements that will be necessary and serves as a precursor to the permitting process. The preferred alignment of the trail is proposed to cross the Hubbel Pond Wildlife Management Area (WMA), which was acquired with funds from the Federal Aid in Wildlife Restoration Program (WR), a U.S. Fish and Wildlife Service administered federal-state cooperative unit. Land purchased with these funds must be used to restore, conserve, manage, and enhance wild birds and mammals and their habitat, provide public use of wildlife resources, and hunter education. The regulations of the program prohibit recreational activities and related facilities that would interfere with the purpose for which the State acquired, developed, or is managing the land. Although the MDNR has not officially authorized the trail to cross through the Hubbel Pond WMA, and may not do so, the Proposer has worked with agency wildlife staffs to define the trail alignment through the WMA and to evaluate the environmental effects of the project through this section of the trail. There are some indications that the trail is compatible with the purposes of the establishment of the WMA. The trail has the potential to enhance hunter experiences by providing access to otherwise remote parts of the WMA and serves as a link between individual hunter trails. It could provide additional fishing access to the Otter Tail River and additional opportunities for birding and wildlife photography. The agreement to cross State land would include the commitment of NCTA to provide trail maintenance along this section of the trail, making it fully available for fish or wildlife-dependent activities. Prior to any approvals being granted, MDNR will require that a formal application be developed to define specific issues and concerns regarding its alignment through the WMA. MDNR will process the application, which includes a federal review for compatibility, to determine its legal authority to agree to such a trail, review the issues, and determine the appropriate instrument for ascertaining compliance.

14. Based upon the information contained in the EAW, provided in the written comments received, and based on the responses to comments provided in Findings 13, the MDNR has identified the following potential environmental effects by topic associated with the project.

- a. Project Design, Construction, Management, and Maintenance
- b. Land Cover and Habitat Fragmentation
- c. Invasive Species
- d. Wildlife including Species in Greatest Conservation Need
- e. Endangered, Threatened, and Sensitive Species
- f. Sites of Biodiversity Significance
- g. Aquatic Resources including Wetlands
- h. Water-Related Land Use Management Districts
- i. Erosion and Sedimentation
- j. Water Quality
- k. Traffic and Engine Related Emissions
- l. Release of Toxic Substances
- m. Odors, Dust, and Noise
- n. Land Use Plans, Regulations, and Management
- o. Archeological, Historical, and Architectural Resources (AHARs)
- p. Cumulative Environmental Effects

**a. Project Design, Construction, Management, and Maintenance**

The design, construction, management, and maintenance of the proposed project were discussed in the EAW under Item No. 6. The Laurentian Lakes Chapter of the North Country Trail Association (NCTA) is proposing to continue the development of the North Country National Scenic Trail (NST), a non-motorized trail, through Becker County. The proposed trail will serve as a venue for recreational outings, including hiking, cross country skiing, snowshoeing, and wildlife viewing. A potential trail route has been identified, flagged on the ground, and assembled using global positioning system (GPS) tools and the project area defined to include a 300-foot scoping corridor. As noted in Findings 2, a segment located along the south end of the proposed trail was no longer under consideration for inclusion as part of the trail. The removal of this section from further consideration has reduced the environmental effects of the proposed project by eliminating the need to construct one campsite, one light bridge, two boardwalks and seven puncheon works for crossing wetlands, and six segments on steep slopes (including structures on alternative segments). One existing parking area at the Frazee Public School would no longer be relevant to the proposed project. The total number of structures involved in the project proposal was reduced from 87 to 68. The revised trail alignment extends for a distance of 39.8 miles, including 20.8 miles of proposed new trail, 16.0 miles of existing trail, and 3.0 miles of road-walk. The area of the revised 300-foot wide project scoping corridor is 1,458 acres in size.

The trail would be designed to provide a stable treadway that naturally drains water and a smooth walking surface, generally free of tripping hazards. The treadway would be one-and-one-half to two-feet wide and ongoing maintenance of the trail would entail periodic clearing of downed trees and mowing along the trail edges to prevent vegetation from

enveloping the pathway. Construction of the North Country NST (Becker Segment) would generally involve removing ground cover, establishing and smoothing a narrow treadway, outsloping the trail surface and installing drainage structures along steeper zones, installing puncheons for crossing wetlands, and constructing a foot bridge over the Otter Tail River. To improve trail access, up to three small parking areas and eight primitive backcountry campsites would be developed if needed. Hand and small power tools would be used for constructing and maintaining the trail and campsites. The backcountry campsites would include one or two ten-foot square tent pads, each with a metal or stone campfire ring, accessory trails, and nearby pit toilet. The tent pads would be located on or reshaped to nearly level conformity, debris and rocks removed, and native soils compacted in place. The entire length of the trail would be mowed two or three times during the growing season. The trail would be maintained by the NCTA according to trail certification agreements with the NPS and the landowners. Route clearing for the proposed trail is scheduled to begin during the fall-winter season of 2010, with the majority of tread work being completed by the Conservation Corps and NCTA volunteers during the 2011 field season.

Mitigation

The 300-foot wide scoping corridor provides construction crews with the flexibility needed to adjust the placement of the treadway to avoid sensitive resources such as seeps, wetlands and wetland edges, rock outcrops, steep slopes, historic resources, rare or sensitive species, unstable soils, etc. The treadway would conform to a narrow, one-and-one-half to two-foot wide pathway to reduce the amount of soil exposure and compaction, without compromising its utility. Special features and mitigation structures, including boardwalks, a bridge, puncheons, and side-hilling tread works, will be included in the project developments. The structures will be placed along the trail to improve trail conditions and to reduce the environmental effects from construction and use of the treadway (erosion, rutting, wetland effects, etc.). The proposed trail would avoid areas in proximity to managed motorized trails, but occasional crossings are necessary. Parking areas would remain unpaved and campsites near lakes and rivers would be subject to shoreland zoning ordinances.

**b. Land Cover and Habitat Fragmentation**

Environmental effects of the project related to land cover were discussed in the EAW under Item No. 7, Item No. 9 and Item No. 10, and those related to habitat fragmentation were discussed under Item No. 11. The trail will be primarily located on publicly-owned forestlands managed for multiple uses, including timber production, wildlife habitat, watershed protection, and outdoor recreation opportunities (both motorized and non-motorized). Private lands are primarily used for pasture and crop production. Existing cover of impervious surfaces is estimated to be less than one percent of the project area. Approximately 20.8 miles of new trail development are proposed, most of which would be located in young and mature forest tracts. New trail clearing would disturb about ten acres of vegetation (0.5 acres per mile). The new trail construction would create additional narrow corridors of cleared understory, resulting in fragmentation of forested

habitats in the project area. Proposed parking areas and campsites would occupy a total area of about five.

Mitigation

The trail does not result in any perceptible change in the land cover in the project area. Overstory vegetation and vegetation adjacent to the treadway would remain intact. Few canopy trees would be removed. The trail's narrow foot print would reduce the amount of soil exposure and the area of compaction. Soil disturbances would generally be dispersed over long distances. The treadway will partially revegetate naturally with grasses, forbs and mosses, and litter fall will cover much of the trail during the fall season. The project area already contains a light to moderate network of roads and trails, a patchwork of agricultural lands south of the Hubbel Pond WMA, and some timber harvest clearings.

**c. Invasive Species**

Environmental effects of the project related to invasive species were discussed in the EAW under Item No. 11. Hiking trails and associated facilities can be a pathway for the spread of invasive plants. Seeds are inadvertently carried on boots, clothing, and maintenance equipment. Disturbance of native vegetation cover and exposure of soil surfaces enable invasive species to establish in new areas. The movement of improperly cleaned maintenance equipment between work sites is a potential vector for spreading invasive species.

Mitigation

The project is proposed to disturb soils only where grading is necessary to make the trail suitable for hiking and maintenance crews and to prevent erosion. The NCTA worked with the State of Wisconsin on establishing Best Management Practices (BMPs) guidelines for minimizing the spread of invasive species caused by outdoor recreation. The practices deal with trail construction, maintenance, and use, and methods to minimize the spread of plant matter from site to site. Guidelines and recommendations are also found in MDNR's *Trails and Waterways Invasive Species Guidelines* (2009) and *Trail planning, design and development guidelines* (2007). These guidelines are incorporated into the project work plans. The BMPs will be provided to construction crews, trail user, and to the general hiking community through discussions, instructional literature, and web postings. Invasive Species that are listed as prohibited noxious weeds must be controlled or eradicated as required in *Minnesota Statutes*, section 18.78. The Noxious Weed Law charges county, city, and township officials to inspect land and compels owners to destroy local infestations.

Construction and maintenance crews will routinely clean hand and power tools to prevent invasive plant materials from being transported from contaminated areas to new locations. Maintenance equipment will be cleaned to remove vegetative debris after each work trip and after working in infested areas. Maintenance schedules will be timed to avoid periods, such as late summer and fall, when plants are setting seed. The NCTA

will train trail maintenance crews to regularly inspect, monitor, and remove small infestations of invasive species found along the trail. Larger problem areas would be reported to land managers.

**d. Wildlife including Species in Greatest Conservation Need**

Environmental effects of the project related to wildlife, including Species in Greatest Conservation Need (SGCN), were discussed in the EAW under Item No. 11a. The project area traverses large tracts of public lands which are generally reserved for the conservation of wildlife habitats, the promotion of outdoor recreation, and/or the production of wood products. On public lands, the trail crosses mostly upland hardwood forests with scattered areas of lowland swamp and non-forested wetland. The trail passes near the Otter Tail River for several miles and close to several lakes. Over one-hundred SGCN species are known or predicted to occur within the representative Ecological Subsections, which encompass an area of approximately ten thousand square miles. The trail crosses habitats that support some of these species. Key habitats that are considered important for supporting SGCN species have been identified in the project area: upland deciduous hardwood forest (72%), non-forested wetlands (7%), pine uplands (less than one percent), shallow lakes (2%), and 5) River headwaters (not classified).

Wildlife and their habitats would be affected by activities related to trail construction, maintenance and use. The types of environmental effects potentially generated from project developments could include: removal or destruction of understory vegetation along the new trail routes; accidental introduction of invasive species; damage to aquatic and transitional wetland–upland habitats where the trail crosses wetlands; some habitat fragmentation due to clearing of the ground cover; and disturbance and alteration of use patterns of wildlife species, especially those that are sensitive to human intrusion. Potential increases in foot traffic and associated human activities could disturb some animals. Trail construction and maintenance work would cause an increase in physical intrusion and noise over ambient levels, which are relatively low in this rural part of the County. The plying of hand tools and the slow pace of construction could lead to some direct mortality of a few individual animals that lack the mobility necessary to flee from the area. Ground dwelling macro-invertebrates and some small mammals, amphibians, and reptiles could be affected. Aquatic habitats and species, including fishes, would be indirectly affected by sedimentation and nutrient enrichment stemming from erosion of compacted and exposed treadway soils.

Mitigation

A continuous narrow pathway would be developed and managed over a distance of approximately 40 miles. Environmental effects would be dispersed over long distances. Nearly fifty percent of the treadway would be located on existing trail or road-walk segments that would require minimal construction. The project’s major reliance on manual labor for completing the work, the temporary nature of the construction, and the low-impact resulting from trail use will help to minimize the environmental effects on wildlife, including disturbances to vegetation and soil and extent and levels of noise, dust,

and fumes. Trail use is transient in nature, as each day, hikers normally have new destinations. Hiking activities are generally compatible with resident wildlife.

The NCTA encourages trail users to follow Leave No Trace (LNT) principles, which are outdoor ethic-based practices designed to minimize users' impacts to the resources and other users. With the distribution of information on trailhead kiosks, on NCTA trail maps, and in the NCTA membership magazine, respect for wildlife through promotions such as the need for: controlling pets, avoiding sensitive times for wildlife, and not feeding wildlife.

Trail segments passing through key habitats for SGCNs will be sited and designed to prevent damage to soils and vegetation along the trail. Species that inhabit wetland areas, the avian fauna, and ground dwelling species would normally be isolated from trail users either due to their elusive nature, secretive behavior, or nocturnal habitats, and/or their use of more isolated wetland areas. Vegetation found within forested sections, wetlands, and along the Otter Tail River generally provides sufficient escape cover for wildlife disturbed by construction or trail users. Mitigation measures to minimize the potential sedimentation include minimizing grade, installing proper cross-sloping along steep areas, and using erosion control structures along the treadway, especially at water crossings.

**e. Endangered, Threatened, and Sensitive Species**

Environmental effects of the project related to endangered, threatened and sensitive species were discussed in the EAW under Item No. 11b. A MDNR Natural Heritage Information System (NHIS) review was prepared to determine whether any significant natural features were known to occur within a one-mile distance of the proposed project area and whether these features may be affected by proposed project developments. Several rare features, which are within or in proximity to the project area and which have federal or state protection status, may be affected by the proposed project. They include the Trumpeter Swan (*Cygnus buccinator*), a State-listed threatened species and the Bald Eagle (*Haliaeetus leucocephalus*), which is protected under several federal bird protection acts. Other rare features are of special concern and have been determined to be vulnerable to further disturbances: the Red-shouldered Hawk (*Buteo lineatus*), Yellow Rail (*Coturnicops noveboracensis*), and the Rock Sandwort (*Minuartia dawsonensis*).

Mitigation

Under consultation with state wildlife officials, it was concluded that the probability of disturbing any of these species would be low. Should any of these species be identified during project planning, design, or construction and they indicate a vulnerability to project activities, wildlife officers would be notified and appropriate avoidance and disturbance minimization steps will be taken to reduce the potential environmental effects on these populations and their habitats. Special precautions would be taken to avoid working in areas containing active raptor nests. Field crews will be provided basic information on identifying birds and nests and their sensitivity to disturbances. If an

active nest of a listed or sensitive species is discovered near a construction area, the development work would be completed after nests are no longer used by fledgling birds. Few mature trees would be removed during trail construction. There is a low probability of disturbing the other species—Trumpeter Swan, Yellow Rail, Rock Sandwort—that were identified in proximity to the proposed project. Field crews will be provided with a fact sheet to facilitate better understanding of these species and their habitats.

**f. Sites of Biodiversity Significance**

Environmental effects of the project related to Sites of Biodiversity Significance (SBS) were discussed in the EAW under Item No. 11b. Several miles of new trail will be routed through several areas identified by the Minnesota County Biological Survey (MCBS) as Sites of Moderate Biodiversity Significance, as well as an existing trail through a Site of High Biodiversity Significance within the Greenwater Lake Scientific and Natural Area (SNA). The Sites of Biodiversity Significance have varying levels of native biodiversity and are ranked based on the relative significance of this biodiversity at a statewide level.

Mitigation

Overall, nearly fifty percent of the trail’s length is proposed to use existing trail routes or road-walk segments. Disturbance to the ecologically significant areas will be minimized as much as feasible and development will be confined to previously disturbed areas wherever possible. Ecologists familiar with the area have acknowledged the compatibility of the proposed trail with the SBS identified for the project area. Mitigation measures that will minimize environmental effects on the Sites of Biodiversity Significance and rare, vulnerable or common native plant communities (NPCs) include minimizing the width of the trail’s cleared zone of understory vegetation to a recommended four-foot width and the treadway to a one-and-one-half to two-foot width; few if any large trees would be removed; and invasive species controls would be in place. Additional general practices that will be employed in the proposed development include: avoidance of wetlands, bridging of streams rather than installing culverts; implementing erosion control and maintenance plans; and avoiding areas that contain habitats for wildlife sensitive to human intrusion. Within the Greenwater Lake SNA, which contains higher quality examples of natural plant communities, mitigation to prevent additional disturbance to the natural area would include use of only existing trail (an abandoned snowmobile trail) through the SNA corridor and administering the MDNR trail maintenance protocol.

**g. Aquatic Resources including Wetlands**

The environmental effects on aquatic resources were described in the EAW under Item No 11 and Item No. 12. The effects are mainly attributable to erosion and sedimentation originating from the proposed trail. Most of the proposed trail alignment occupies the Otter Tail River watershed, a subwatershed of the Red River of the North and the Hudson Bay drainage. A small section of the trail traverses the lip of the Shell River watershed, a subwatershed of the Crow Wing River, a Mississippi River tributary. Wetlands in the

project area are mainly Type 6 or Type 7 wetlands (shrub swamp or wooded swamp vegetation), lesser areas of (Type 3) wetlands (shallow marsh), and minor amounts of (Type 5) wetland (open water). The trail is situated within the shoreland zone of fourteen public water lakes, one public water river, and four public water wetlands. Several public waters within the project area are considered to be directly affected by the project: the Otter Tail River, two unnamed wetlands, and the seven lakes--Island, Chippewa, Tamarac, St. Patrick, Mud, Hubbel Pond, and an unnamed lake. Two campsites and one boardwalk may be constructed near public water wetlands. Two campsites, five wetland crossings, four sloped segments requiring sidehilling (bench development for the treadway), and a water control structure used for a trail crossing would be located in proximity to the public water lakes. A bridge would be required for crossing the Otter Tail River.

The revised project description indicates that six miles of new trail and five miles of existing trail would traverse through the 1000-foot shoreland zones of public water lakes and wetlands and one-half mile of new trail through the 300-foot shoreland zone of the Otter Tail River. Proposed new segments of trail would cross approximately 2.2 miles of wetlands, equaling 11 percent of the new alignment.

Mitigation

*The River Crossing.* The proposed bridge across the Otter Tail River would have a higher risk of affecting surface waters. Additional precautions are necessary to achieve minimal erosion and sedimentation when constructing bridge approaches and segments of the trail located within shoreland zones. The proposed bridge would require a Work in Public Waters Permit, which has provisions requiring the avoidance, minimization, and mitigation of any impacts to water resources. Best management practices defined in the permitting process may include: planning to minimize the size of the area of soil disturbance, using rapid stabilization methods such as vegetated buffers, soil mulching, soil blankets, rapid establishment of vegetation, or establishing diversion of water generated from exposed surfaces through temporary downdrains. Measures used for trapping sediments after they are detached could include silt fences, fiber logs, grade breaks, and compost or filter bags. Fish passages will be maintained and construction would be carried out at appropriate times to avoid fish spawning runs. Delivery of bridge materials would be conducted in a manner to minimize soil and vegetation disturbances.

*Campsites.* The potential campsites would provide access to a water source that is no closer than 150 feet but within one-half mile of the campsite. Campsites would be generally placed at least 150 feet away from shorelines of lakes or other water bodies. Tent pads would be dug into hill-slopes to provide adequate drainage and to prevent sites from being expanded arbitrarily by users. Soil types best able to withstand compaction and the forces of erosion would be sought after for locating campsites. Using areas with partial tree cover would be beneficial for reducing erosion at the campsite. Each campsite’s pit toilet would be constructed at least 100 feet away from the site and at least 200 feet from the drinking water source and any surface water. Lands sloping away from the drinking water source would be preferred. The campsites would be subject to

mitigation by ongoing public regulatory authority, including Becker County shoreland ordinances.

*Wetlands.* The NPS’s trail standards for routing new trails call for avoiding wetland and wetland transition zones. The 300-foot wide scoping corridor will provide flexibility in trail placement, enabling final routing to circumnavigate sensitive areas, including wetlands. No fill materials will be used for construction along any wetland crossing. A variety of special structures--puncheon, bog bridging, or boardwalk—would be constructed to prevent damage to wetland areas. The structures will help to mitigate for wetland crossings by reducing rutting, multiple trailing, trail widening and disturbance to vegetation. Environmental effects on wetlands would be subject to mitigation by ongoing public regulatory authority, including permits, approvals, and enforcement of regulations. The requirements for compliance would be pursued under guidance from Becker County Soil and Water Conservation District. Jurisdiction of wetland rules would be under the authority of Becker County, the Local Government Unit (LGU) for private lands, and the MDNR for State-owned lands. A Technical Evaluation Panel would assist in identifying the approvals necessary for trail construction. No construction within areas subject to wetland rules will take place until impacts of the proposed construction are identified, mitigation has been defined, and permits have been issued.

#### **h. Water-Related Land Use Management Districts**

Issues relating to land use management districts were described in the EAW under Item No 14. Developments of the revised project in shoreland areas are defined in this Record of Decision under Findings 14a and 14g. The width of Becker County’s designated shoreland zone is 1000 feet along lakes and 300 feet, along rivers. The water setback distance for structures along NE lakes is 150 feet and along RD lakes is 100 feet. The portion of the Otter Tail River at the proposed trail crossing in Hubbell Pond WMA is classified as Forested shoreland. The proposed route is within the shoreland area of fourteen lakes, classified as Natural Environment (NE) lakes in Becker County zoning ordinances, except for Island Lake, which is classified as a Recreational Development (RD) lake. No Federal Emergency Management Agency-delineated 100-year floodplain maps have been produced for the area. Portions of the trail near the Otter Tail River that would have flood hazard potential have been removed the proposed alignment.

#### Mitigation

The NCTA will design, construct, and maintain the proposed trail with the goal of protecting and maintaining water quality and surface hydrology. Applicable shoreland standards indicate that trails are an allowed use within shoreland zones. BMPs recommend placing trails at wider distances of physical separation as practical from public waters and associated wetlands. When no alternative exists, facilities may be placed within setback areas but need to be designed to minimize environmental effects. If it is not reasonable to move a trail to the regulated setback distances, at the discretion of the permitting authority, topographic or vegetative screens may need to be present or

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established during construction. Campsites would not be constructed within 150 feet of the shores of NE and RD lakes or Forested river segments. Other campsite design features were described under Item No. 12 in the EAW and summarized under Findings 14g. Efforts would be made to minimize ground and vegetation disturbance and maintain as much setback distance as is practical in shoreland zones. Some of the treadway located within shoreland zones would remain vegetated with grasses or shrubs or covered with litter for long periods of the year. Where the trail crosses wetlands in the shoreland zone, puncheon structures will be used to prevent wetland disturbance, soil compaction, and rutting. All segments located in shorelands will be subject to mitigation by ongoing public regulatory authority, including permits, approvals, and enforcement of regulations contained in Becker County's shoreland rules. Campsites and primitive toilets proposed in shoreland zones may require Becker County Land Alteration Permits. No development associated with this project will affect a state or federally-designated wild or scenic river land-use district.

**i. Erosion and Sedimentation**

Erosion and sedimentation were described in the EAW under Item No. 12, Item No. 16 and Item No. 17. The revised project is described in Findings 2 and Findings 14a of this Record of Decision. Exposure of the soil surface and disturbance of soils can lead to soil erosion and the movement of sediments towards and into surface waters. Development activities that would potentially disturb soils will be primarily limited to the construction of new trails and the stabilization of soils along slopes. Soils on landscapes that slope more than 15 percent are regarded as limited for the construction of paths and trails by the Natural Resource Conservation Service. Approximately four miles of the trail would be constructed in soil units having slopes greater than 15 percent. The treadway of the new segments would occupy approximately five acres of ground surface, a limited portion of which would be grubbed and leveled, which is mainly necessary on steep sloping areas. Approximately two acres of the treadway would be graded or excavated along new segments. Approximately ten acres of understory brush and saplings would be cleared along new trail segments. Although some clearing, grubbing, and mowing of understory vegetation would take place, the forest canopy would be left intact. The proposed treadway will conform to a narrow corridor of compacted natural soils that would become semi-impervious from frequent use. Some localized grading would be necessary on campsites and lesser sloping areas to make the route more conspicuous and accessible. The extent of grading could be less than projected, as the final alignment and accessory facilities would be positioned to avoid unnecessary root grubbing and trail placement would use a slope trajectory that avoids side-casting work.

Mitigation

The trail would be constructed along a narrow formation (one-and-one-half to two feet) to reduce the amount of soil exposure and area of compaction without compromising the utility of the trail. Trail construction techniques adopted by the NCTA call for positioning of the trail on gentle side slopes, which is the preferred trail location for drainage purposes. The grading would be done with hand tools to create a stable walking

surface that effectively drains water. When constructing the trail along sloping areas, the trail tread would be outsloped, and a series of minor tread crests, dips, and climbs would be built into the trail's pathway. The NPS trail construction standards for the North Country NST would be applied: 1) maximum sustained grade of 10 to 15 percent; 2) 15 to 30 percent grades will be kept to less than 100 feet in length; 3) additional erosion control structures would be used in steep areas; 4) to facilitate drainage of vulnerable areas, a standard cross slope of three- to eight-percent will be built into the treadway.

When working near wetlands and waterbodies, undisturbed vegetation would be maintained as a buffer. The vegetation growth between graded areas and water resources would not be disturbed. Litter, forbs, or grasses would typically cover the treadway, except for areas receiving higher use. Hand tools would be used for routine restoration of degraded sections of the treadway. Guidance manuals that will be used to prevent erosion, as referenced in the Conclusions of this Record of Decision, are: MDNR's *Trail planning, design, and development manual*, USFS's *The wetland trail design manual* and *The trail construction and maintenance notebook*, and NPS's *Handbook for trail design, construction and maintenance for the North Country NST*.

**j. Water Quality**

Erosion and sedimentation were described in the EAW under Item No. 16 and Item No. 17. If allowed to reach surface waters, sediment laden runoff contributes nutrients to surface waters and affects water clarity. The change in water quality stemming from a proposed development is partially a function of the amount of additional impervious surface created in each watershed. When impervious surface of a watershed is greater than five percent, some deterioration of water quality of streams and lakes could be expected. A minor amount of impervious cover exists in the project area, mainly due to the rural infrastructure of roads and highways and the area is extensively managed for timber production and wildlife management.

Based on surface area, nearly fifty percent of the lakes in the area are impaired, mainly due to aquatic consumption, i.e., the bioavailability of mercury to species occupying these aquatic habitats. A section of the Otter Tail River over ten river miles downstream from the project is impaired due to low dissolved oxygen levels (aquatic life). Tamarac Lake is listed on the MPCA Draft 2010 303(d) Total Maximum Daily Load (TMDL) list of impaired waters. The project would not affect the level of mercury contamination in lakes or the downstream oxygen levels of the Otter Tail River.

Some additional runoff and sedimentation would be expected due to the construction and use of the proposed pathway. Several segments of existing and new trail would be located on soil units that exhibit some limitation for trail development—steepness, sandiness and wetness. Length of existing and proposed trail segments within the Tamarac Lake Watershed total 5.9 miles and 2.4 miles, respectively. Other watersheds would experience similar or less development. The trail development would not result in

any increase in impervious cover, although some compacted surfaces of the treadway would become semi-impervious under normal use.

Mitigation

The project area occupies a landscape of mostly sandy soils that have higher infiltration rates and a smaller tendency to generate runoff. The treadway would conform to a narrow pathway and be outsloped to direct runoff onto the vegetated edges. Some parts of the treadway would naturally become revegetated. Most runoff from trail construction would be trapped by undisturbed vegetative between the trail and nearby surface waters. The parking lots and campsites would be constructed on natural soils and would likely remain partially vegetated. Puncheons will be used to cross wetlands to allow natural drainage to continue unabated. If highly erosive spots are identified along the trail, they will be modified by maintenance crews to stabilize the treadway and divert runoff .

**k. Traffic and Engine Related Emissions**

Traffic and emission related environmental effects were described in the EAW under Item No. 21 and Item No. 22. A very small increase in traffic over the current use level in the project area, possibly ten additional vehicle trips per day, is expected on forest-, township-, and county-roads in the vicinity of the proposed trail route. For local trail access, the revised plans would utilize nine existing parking areas, containing a total of 50 parking spaces. Depending on the use levels of the proposed trail, three additional sites containing a total of fifteen parking spaces have been identified as possible future developments. Vehicles transporting crews and those used to access the trail, and power tools and mowers used for construction and maintenance would generate some exhaust emissions that contain pollutants, including hydrocarbons, nitrous oxides, carbon monoxide, carbon dioxide, sulfur oxides, and particulate matter.

The additional traffic on the rural roads would be accommodated by local maintenance services. Emissions produced during transit of construction crews and users would be temporary in nature. Construction would be conducted during normal day-shift hours. Construction and maintenance operations would be transient in nature and generally limited to less than fifteen minutes at any one site, unless major blowdowns are encountered along sections of the trail. Exhaust emissions would dissipate quickly.

**l. Release of Toxic Substances**

This environmental effect was addressed in the EAW under Item No. 20. No solid wastes or hazardous wastes will be generated by the proposed project. The only potential for groundwater contamination from this project would be accidental fuel spills during the servicing of motorized equipment. Only very small quantities of fuel (three to five gallons) would be carried to construction and maintenance sites.

Operators will be made aware of the environmental effects of spills and ways to prevent them. Staff working with fuels on-site will be trained in techniques used in handling

fuels and other potential hazardous materials. If a spill does occur, it would be reported to the Minnesota Duty Officer and the Regional MDNR representatives. The Minnesota Duty Officer Program provides assistance and state guidelines for reporting petroleum spills and how to properly contain and clean the contaminated area.

**m. Odors, Dust, and Noise**

This topic was addressed in the EAW under Item No. 24. Minor amounts of odors, noise, and dust would be generated while using hand tools and power tools for trail construction and maintenance. Typical maintenance schedules include three or four clearing/mowing sweeps per year. Wildlife could be startled by activities and noise during construction. No receptor sites have been identified for the project area.

Mitigation

Odors, dust and noise generated by the proposed project would be transitory and limited in intensity. Although no receptors were identified in the project, if present, they would experience brief period of noise, less than fifteen minutes at any one time, and minor amounts of odors and dust. Trail developments will mainly depend upon manual labor that is less intrusive on the environment. Wildlife species would normally be isolated from trail users either due to their elusive nature, secretive behavior, or nocturnal habitats, and/or their use of more isolated wetland areas. Vegetation found within forested sections, wetlands, and along the Otter Tail River generally provides sufficient escape cover for wildlife disturbed by construction or trail users.

**n. Land Use Plans, Regulations, and Management**

This topic was addressed in the EAW under Item No. 25. The North Country Trail (Becker Segment) would be restricted to pedestrians for use during activities, such as, hiking, wildlife viewing, and cross-country skiing. Mountain biking and horseback riding would not be allowed on the hiking trail. The trail crosses the U.S. FWS Tamarac National Wildlife Refuge (NWR), Becker County forestlands, and State-managed forestlands, the Hubbel Pond WMA, and the Greenwater Lake SNA. The proposed trail does not enter the Tamarac NWR's Sanctuary Area. Hubbel Pond WMA was purchased with Federal Aid in Wildlife Restoration Program (WR) funds. Land purchased with these funds must be used to restore, conserve, manage and enhance wild birds and mammals and their habitat, provide public use of wildlife resources, and hunter education. The proposed trail was considered to be potentially incompatible with the purpose of the WR program.

The proposed trail is consistent with the Becker County Comprehensive Plan and contributes to its goals of increasing recreation and tourism. Becker County has identified the need and has plans for the development of additional trails for non-motorized activities in the county. The County is currently developing a county-wide outdoor recreation plan, which will provide guidelines for the development of recreational projects in the County. The proposed trail is consistent with the County's

local water plan goals, which include developing effective measures to protect surface and groundwater quality, in part, by reducing soil erosion on uplands and minimizing other sources of contamination.

Becker County policy for forest roads and trails on County-administered lands outside of State Forest boundaries is that they be open to motorized use unless reclassified or restricted. The County has the authority to close any forest road or trail on County-administered tax-forfeited land, either temporarily or permanently, when such action is necessary for the protection of the forest, the road or trail, or the general public. State-managed forestlands are classified as limited to roads and trails posted open for use. South of the Greenwater Lake SNA to north of Island Lake, the proposed alignment is in proximity to approximately five miles of the Winter Wonderland Trail, a grant-in-aid (GIA) snowmobile trail, which may also be used by OHV riders.

The National Trails System Act encourages that development the National Trails System be designed to harmonize with and complement any established multiple-use plans for a specific area in order to insure continued maximum benefits from the land. The *Comprehensive Plan for Management and Use of the North Country NST* was adopted by the NPS in 1982. Although general in its description of route location, it called for the trail to be constructed through this part of Becker County.

#### Mitigation

Strategies to prevent potential conflicts among motorized and non-motorized recreational users in this area will include efforts to prevent motorized vehicle access to the North Country NST by designing inconspicuous crossings that are restrictive to vehicle entry onto the hiking trail. The trail route has been modified during early coordination to provide physical separation of these recreational users. The NCTA will work with Becker County and the MDNR to minimize the potential conflicts with recreational users of County and State lands and to facilitate compatible uses of lands in proximity to the trail.

The MDNR has not officially authorized the trail to cross through the Hubbel Pond WMA, and may not do so. The Proposer has worked with agency wildlife staffs to define the trail alignment through the WMA and to evaluate the environmental effects of the project through this section of the trail. Prior to any approvals being granted, MDNR will require that a formal application be developed to define specific issues and concerns regarding its alignment through the WMA.

#### **o. Archeological, Historical, and Architectural Resources (AHARs)**

This topic was addressed in the EAW under Item No. 25. Guided by regulations of the Advisory Council on Historic Preservation for federally funded projects, proposers are required to consult with the Minnesota State Historic Preservation Office (SHPO) and Tribal Historic Preservation Office (THPO) to identify properties in project areas, determine the effects of proposed work on those properties, and find ways to avoid,

reduce, or mitigate harm to them. Under Section 106 of the National Historic Preservation Act, agencies must work with the SHPO to address historic preservation issues when planning projects or issuing funds or permits that may affect historic properties and archaeological resources listed in or determined eligible for the National Register of Historic Places. For projects within the Leech Lake, Mille Lacs and White Earth reservations, the THPO also carry out Section 106. A preliminary review by the U.S FWS determined that the proposed alignment is located within proximity of approximately twenty known archeological sites on Tamarac NWR. Similar sites within Hubbel Pond WMA may be known or identified during proposed surveys. The proposed project was reviewed by the SHPO to determine potential environmental effects to archaeological, historical, or architectural resources (AHARs). The SHPO recommended that a Phase 1A archaeological survey be completed in the project area along the flag line demarcating the proposed alignment.

Mitigation

The NPS requires AHAR investigations and field surveys, if necessary, for all trail projects proposed or funded to assess potential effects on these resources and to assure that the NCTA is in compliance with state and federal laws, including Section 106 of the National Historic Preservation Act. The NCTA and NPS has worked closely with the U.S. FWS during the siting of the corridor through the Tamarac NWR. To avoid the potential for disturbing sensitive areas within the refuge, the corridor was designed to use existing trails, where possible, and known sensitive archaeological areas were avoided.

The regional archeologist for the U.S. FWS is developing a scope of work to conduct the archaeological survey of new and existing trail segments potentially near sensitive areas in the refuge. Existing trail segments will be checked for integrity and erosion potential. The NCTA will not expose any soils along existing trails near known sensitive areas. The NCTA and NPS will consult with the SHPO, the Office of the Minnesota State Archaeologist (OSA), Minnesota Indian Affairs Council (MIAC), the NPS, and the U.S. FWS to determine the need and protocol for additional field survey and potential mitigation. Funding provided through the NPS will be applied to conduct the cultural resources review of trail segments outside of the Tamarac NWR using a SHPO-approved contractor. Should any archeological resources be identified, authorities would assist in determining the nature and scope of any effects and need for mitigation. If requested, the Proposer would reroute the trail to prevent exposure to the site. The 300-foot wide project area has been evaluated during the environmental review process to provide flexibility for positioning the trail. The purpose of the North Country NST is to complement the preservation and promote the appreciation of historical resources, and if authorized, provide the public a sustainable means of viewing them.

**p. Cumulative Environmental Effects**

The potential cumulative effects related to this project would be associated with environmental effects from other past, present, or reasonably foreseeable future projects for which a basis of expectation has been laid. These findings provide the basis for the

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determination of whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project.

As described in the EAW under Item No. 6, Item No 9, Item No. 27 and Item No. 29, developments in proximity to the proposed site have several similar environmental effects, including erosion and sedimentation, water quality, wetland disturbances, habitat fragmentation, wildlife and vegetation disturbances, spread of invasive species, exhausts, odors, dust, noise, compatibility with other users, and disturbance to archeological resources. Forestry and farming practices related to livestock and agronomic crop production, management of wildlife resources, recreational uses, including boating, hunting, and motorized recreational vehicle usage, and development of infrastructure for power, communication and transportation, and establishment and maintenance of water management and controls could have potentially cumulative environmental effects.

The proposed trail passes through or in proximity to several forest stands proposed for harvesting. Forest harvesting operations have been determined to be the only future action identified in the project area for which there is a basis of expectation of cumulative environmental effects. Becker County and the MDNR have recently offered timber sales on lands near Island Lake and in proximity to the trail. Several of the timber lots have been harvested within the last five years, including 25 acres in Township 140N Range 38W Section 4 and 15 acres in the Northeast Quarter of Township 140N Range 39W Section 13. A total of forty-two acres of timber sales are active in Section 4 (MDNR), Section 8 (Becker County), and Section 18 (MDNR) in Township 140N Range 38W. The Minnesota Department of Natural Resources and Becker County maintains or is seeking independent third-party forest certification through Forest Stewardship Council (FSC) and Sustainable Forestry Initiative (SFI) on County-managed tax-forfeit lands, State forestlands, and State WMAs. Certification reduces the environmental effects of forest management and provides a long-term, sustainable yield of forest resources from public forest lands. The environmental effects of the proposed trail, which is approximately 40 miles long, would be widely dispersed along the trail corridor. Only minor segments of the trail will pass through or within forest stands that have recently been harvested in the past are slated for harvest within the next two years. The environmental effects of the proposed projects that intersect with forest harvesting operations are limited to minor vegetation clearing and treadway developments that are relatively small, when viewed in connection with these logging operations,.

A 7.5 mile segment, referred to as the Round Lake trail project of the North Country NST system, has been proposed for development within the last three years and is presently under construction. The trail adjoins the northern terminus of the Becker Segment at the Greenwater Lake SNA. The Round Lake Segment would come in proximity to a few wetlands and would transect a few steep slopes. An increased trail use over time can be

expected, particularly as additional segments of trail are designated and a through-hiking opportunity is developed.

Mitigation

Strategies to reduce environmental effects of the proposed project have been described in the Record of Decision under each listed Finding. The treadway will conform to a narrow, one-and-one-half to two-foot wide pathway to reduce the amount of soil exposure and compaction, without compromising its utility. Additional precautions and special structures will be included in the project design to reduce effects of the trail on vulnerable areas—shorelands, wetlands, steep slopes, sandy soils, sensitive habitats, areas of biological diversity, and archeological resources. Strategies to prevent potential conflicts among motorized and non-motorized recreational users in this area will include reducing motorized vehicle access to the North Country NST by designing inconspicuous crossings that are restrictive to vehicle entry onto the hiking trail. Sufficient physical separation between users will be applied in multiple use areas. The NCTA will work with Becker County and MDNR to minimize the potential conflicts with recreational users of County and State lands and to facilitate compatible uses of lands in proximity to the trail. Known active timber sales in the vicinity of the proposed project are managed through sustainable forestry initiatives.

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

<u>Unit of Government</u>	<u>Type of Application</u>	<u>Status</u>
<b>County</b>		
Becker County	Permission to Cross Land (Board of Commissioners)	In progress
	Land Use Zoning Review and Approval	
	Land Alteration Permit	If applicable
	Site Permit Application	If applicable
Becker County Soil and Water Conservation District	Wetland Conservation Act (WCA)	If applicable
<b>State</b>		
Department of Natural Resources	Lease agreement – includes formal application to cross WMA	Not started
	SNA permit to cross	Not started
	SNA trail maintenance agreement	Not started
	Public Waters Work Permit	Not started
	WCA	Not started
Pollution Control Agency	National Pollution Discharge Elimination System/State Discharge System Permits – Construction Stormwater “General” Permit Activities (incl. Stormwater Pollution Prevention Plan)	Permit not required
	Clean Water Act, Section 401 Water Quality Certification	If applicable

State Historic Preservation Office (SHPO) (Minnesota Historical Society)	(National Historic Preservation Act) Section 106 Regulations	In progress
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**Federal**

U.S. Army Corps of Engineers (USCE)	Clean Water Act, Section 404 Permit	Not started
National Park Service	Trail Certification Agreement	Not started
Fish and Wildlife Service	Permit to cross public lands	Approved
	Archaeological review (within refuge only)	In progress
	Wildlife and Sport Fish Restoration Prog.	Under Review

### CONCLUSIONS

1. The Minnesota Environmental Review Program Rules, *Minnesota Rules*, part 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 MDNR concludes that the following potential environmental effects, as described and discussed throughout these Findings of Fact, will be limited in extent, temporary, or reversible:

- Project Design, Construction, Management, and Maintenance
- Land Cover and Habitat Fragmentation
- Invasive Species
- Wildlife including Species in Greatest Conservation Need
- Endangered, Threatened, and Sensitive Species
- Sites of Biodiversity Significance
- Aquatic Resources including Wetlands
- Water-Related Land Use Management Districts
- Erosion and Sedimentation

Water Quality  
 Traffic and Engine Related Emissions  
 Release of Toxic Substances  
 Odors, Dust, and Noise  
 Land Use Plans, Regulations, and Management  
 Archeological, Historical, and Architectural Resources  
 Cumulative Environmental Effects

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

Timber harvest activities are the only known anticipated future projects specifically planned in the foreseeable future affecting the proposed project area.

For each of the environmental effects listed, the proposed trail project would contribute minor increases in cumulative potential effects on the project area relative to the other contributors. There are no related project affecting the proposed project area, which combined with the proposed project would result in significant cumulative effects.

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 MDNR has determined that the following environmental effects, as described in Findings 14, are subject to mitigation by ongoing public regulatory authority, including permits approvals, enforcement of regulations or other programs:

Invasive Species that are listed as prohibited noxious weeds must be controlled or eradicated as required in *Minnesota Statutes*, section 18.78. The Noxious Weed Law charges county, city, and township officials to inspect land and compels owners to destroy local infestations.

Environmental effects on aquatic resources including wetlands, water-related land use management districts, and water quality, including construction related effects on fish and wildlife resources and soil stability at stream crossings and approaches (erosion, siltation, and sedimentation) (MDNR Public Waters Work Permit; the USCE, Section 404; and MPCA Clean Water Act, Section 401 Certification; Becker County Shoreland Zoning Ordinances, and Wetlands Conservation Act).

Archeological, historical and architectural resources are protected under the rules and laws governing the Minnesota State Historic Preservation Office (SHPO), the Office of the Minnesota State Archaeologist (OSA) and the Minnesota Indian Affairs Council (MIAC), who assist in determining the nature and scope of recommended studies, environmental effects and need for mitigation (National Historic Preservation Act, Section 106 Regulations).

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

Environmental effects related to trail design, construction, maintenance, and use can be anticipated and controlled as a result of the following studies.

MDNR. 2007. *Trail planning, design, and development guidelines*. MDNR, St. Paul.

MDNR. 2009. *Department of Natural Resources, Parks and Trails Division, Trails and Waterways Section - discipline guidelines for invasive species management*. (Under Operational Order 113). MDNR. February 9. 21 p. + append.

Steinholtz, Robert T., and Brian Vachowski. 2007. *Wetland trail design and construction*. 2007 Edition. USDA Forest Service Technology and Development Program, Missoula, MT (8E82A3—Trail Treatment for Wet Areas). January 2007. 90 p.

U.S. Department of the Interior, National Park Service. 1982. *North Country Trail-National Scenic Trail (North Dakota, Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, New York). Comprehensive plan for management and use*. National Park Service, Washington D.C. 51 p. + appendices.

U.S. Department of the Interior, National Park Service. ND. *Handbook for trail design, construction, and maintenance for the North Country National Scenic Trail*. National Park Service, Washington, D.C.

Wisconsin Council of Forestry. 2009. *Best management practices for pedestrian-based activities*. p. 35-39. *In Best Management Practices for Preventing the Spread of Invasive Species by Outdoor Recreation Activities in Wisconsin*. Wisconsin Council on Forestry, Wisconsin Department of Natural Resources, and others. 71p. <http://council.wisconsinforestry.org/invasives/pdf/RecBMPS-Final-091116.pdf>

Hesselbarth, Woody, Brian Vachowski, and Mary A. Davies. 2007. *Trail construction and maintenance notebook*, 2007 Edition. 0723-2806-MTDC. U.S. Department of Agriculture, Forest Service, Missoula Technology and Development Center, Missoula, MT (In cooperation with the Federal Highway Administration) 178 p.

Recent Environmental Review Documents Completed by the MDNR

MDNR 2007. North Country Trail Extension. Environmental Assessment Worksheet and Record of Decision.

6. The Minnesota Department of Natural Resources has fulfilled all the procedural requirements of law and rule applicable to determining the need for an environmental impact statement on the proposed North Country National Scenic Trail (Becker County Section), in Minnesota.

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7. Based on considerations of the standards and criteria and factors specified in the Minnesota Environmental Review Program Rules (*Minnesota Rules* part 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 MDNR determines that the proposed North Country National Scenic Trail (Becker County Section) 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 North Country National Scenic Trail (Becker County Section) project.

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

Dated this 21<sup>st</sup> day of September, 2010.

**STATE OF MINNESOTA  
DEPARTMENT OF NATURAL RESOURCES**



Larry R. Kramka  
Assistant Commissioner