

# DEPARTMENT OF NATURAL RESOURCES

## RECORD OF DECISION

**In the Matter of the Determination of the Need for an Environmental Impact Statement for the Cuyuna Connection and Cuyuna Hills Trails Project in the Cities of Cuyuna and Crosby and Rabbit Lake Township, Crow Wing County, Minnesota**

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

### FINDINGS OF FACT

1. The Cuyuna Lakes Mountain Bike Crew proposes to construct a total of 11.40 miles of recreational trails, consisting of the Cuyuna Connection Trail Loop (Cuyuna Connection) and the Cuyuna Hills Trail Loop (Cuyuna Hills). The trails are designed to be used for non-motorized recreation access including mountain biking, hiking, trail running, snowshoeing and cross-country skiing in the Cuyuna area.
2. On April 16, 2018, Department of Natural Resources (DNR) determined the need for a State Environmental Assessment Worksheet (EAW). The proposed project requires preparation of an EAW for constructing a trail at least ten miles long on forested or other naturally vegetated land for a recreational use other than snowmobiling or cross-country skiing. *See* Minn. R. 4410.4300, subp. 37(A).
3. DNR is the Responsible Governmental Unit (RGU) in the preparation and review of environmental documents related to the Cuyuna Connection and Cuyuna Hills Trails Project (project) because it exceeds the threshold and will be built in part on state land. *See* Minn. R. 4410.4300 subp. 37.
4. The DNR prepared an EAW for the project. *See* Minn. R. 4410.1400.
5. The EAW was filed with the Minnesota Environmental Quality Board (EQB) and a notice of its availability was published in the EQB *Monitor* on August 19, 2019. A copy of the EAW was sent to all persons on the EQB Distribution List, to those persons known by DNR to be interested in the proposed project, and to those persons requesting a copy. A statewide press release announcing the availability of the EAW was sent to newspapers, radio and television stations. Copies of the EAW were also available for public review and inspection at the DNR Northeast Region Headquarters, DNR Central Office Library, Minneapolis Public Library, Kitchigami Regional Library in Pine River, Jessie F. Hallett Memorial Library in Crosby and the Brainerd Public Library. The EAW was also made available to the public via posting on DNR's website. *See* Minn. R. 4410.1500.
6. The 30-day EAW public review and comment period began August 19, 2019 and ended September 18, 2019. Written comments on the EAW could be submitted to the DNR by U.S. mail, by facsimile, or electronically via email. *See* Minn. R. 4410.1600.

7. During the 30-day EAW public review and comment period, DNR received ninety-eight (98) written comments on the EAW. Agencies and individual commenters are listed in Attachment 1 of this Record, which also includes copies of the comment letters. Findings 8 through 11 include further discussion on comments received including responses to substantive comments on the EAW. See Minn. R. 4410.1700, subp. 4.
8. **Commenters 1-24, 27-60, 62-94, and 97-98:** Commenters expressed enthusiasm and/or support for the project and some urge DNR to ensure the project moves forward for the good of the community. These commenters did not address the accuracy and completeness of the material contained in the EAW, impacts that may warrant further investigation before the project is commenced, or the need for an EIS as required by Minn. R. 4410.1600. Therefore, these comments are not receiving a specific response. All persons that commented in writing will be provided with this Record of Decision. See Minn. R. 4410.1700, subp.5.
9. **Commenters 25-26, 94 and 96:** These comments are extraneous to the project and regard land ownership and signage related to other bike trails, the pros and cons of bike trails and mining leases. These comments did not address the accuracy and completeness of the material contained in the EAW, impacts that may warrant further investigation before the project is commenced, or the need for an EIS as required by Minn. R. 4410.1600. Therefore, these comments are not receiving a specific response. All persons that commented in writing will be provided with this Record of Decision. See Minn. R. 4410.1700, subp.5.
10. **Commenter 61:** Minnesota Pollution Control Agency (MPCA), Kromar, Karen  
**Comment 61a:** Commenter notes that the EAW does not specify whether the total project area of 409 acres equals the total disturbed area.  
**Response 61a:** As shown in the corrected table below, the total proposed project area equals 409 acres of which 5.79 acres will be converted to trails and 0.11 to parking for a total anticipated disturbed area of 5.90 acres.

	Before	After		Before	After
Wetlands	12.74 acres	12.73 acres	Lawn/Landscaping	0	0
Deep water/streams	0	0	Impervious Surface	0	0.11 acres
Wooded/forest	395.42 acres	389.64 acres	Stormwater Pond	0	0
Brush/Grassland	0.84 acres	0.73 acres	Trails*	0	5.79 acres
Cropland	0	0			
			<b>TOTAL</b>	<b>409 acres</b>	<b>409 acres</b>

\*The trail area is estimated using a width of 4'. As sustainable trails vary in total width based on sideslopes, turns and other features, there is no definable width, maximum or average. On a 20% sideslope, which is the average sideslope for both projects, a 3' wide bench would have a 0.75' wide backslope, for a total disturbed area width of 3.75'.

**Comment 61b:** Commenter states that the EAW does not list impaired or special water designations and notes that Portsmouth and Manuel Mine Lakes are listed as trout lakes and therefore considered special waters requiring additional Best Management Practices (BMPs).

**Response 61b:** Comment Noted. DNR recognizes Manuel Mine Lake and Portsmouth Mine Lake as special waters. Construction 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 were 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.

**Comment 61c:** MPCA notes that if the project is constructed as proposed, it will require the Proposer to submit a Stormwater Pollution Prevention Plan (SWPPP) prior to obtaining National Pollutant Discharge Elimination System/State Disposal System General Construction Stormwater permit (CSW Permit).

**Response 61c:** Comment noted. EAW Items 10 and 11 address the SWPPP. The MPCA's guidance regarding requirement of a SWPPP and CSW Permit have been provided to the Proposer.

**Comment. 61d:** MPCA commented that the gravel parking areas and access road are considered new impervious surfaces and therefore need to be included in the total new impervious area. Depending on construction, boardwalks and any other hard surfaces constructed over water bodies may need to be included in new impervious surfaces.

**Response 61d:** Comment noted. EAW items 7, 11, and 13 address new impervious area. The total proposed project new impervious surface equals 0.11 acres, specific to the Cuyuna Hills Loop. This includes a gravel parking area and access road which would be constructed southerly of Iron Hub Road at the trailhead. The parking area would be graded to prevent water from entering the adjacent wetland.

**Comment 61e:** Commenter notes the importance of plans for redundant sediment controls wherever 50 feet of existing buffers to wetlands will be encroached by the construction.

**Response 61e:** Comment Noted. 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.

11. **Commenter 95:** Minnesota State Historic Preservation Office (SHPO), Sarah J. Beimers

**Comment 95a:** SHPO reports their review of the Phase 1A Cultural Resources Survey and concurs with the recommendation stated in the EAW and the report that the identified archeological site be avoided by all construction-related activities. Commenter also notes the maple sugaring area identified in the survey and recommends construction-related activities in this area also be avoided.

**Response 95a:** SHPO's comments on historic properties have been provided to the Proposer. EAW Item 14 addresses historic properties.

**Comment 95b:** Commenter notes that the proposed project is partially located within a historic mining landscape district; however, SHPO has determined the project is not expected to have an adverse impact on intact mining features nor will it adversely impact the historic district.

**Response 95b:** SHPO's comments on historic properties have been provided to the Proposer.

**Comment 95c:** SHPO identified procedural requirements for applying Section 106 rules of the National Historic Preservation Act of 1966 (Section 106).

**Response 95c:** Item No. 8 of the EAW identifies permits and approvals required for the proposed project. SHPO was listed as the unit of government that has the authority of overseeing the Historic Properties Review for the project. SHPO's comments on Section 106 have been provided to the Proposer.

12. Based upon the information contained in the EAW and received as public comments, the DNR has identified the following potential environmental effects associated with the project:

- a. Construction
- b. Cover Type Conversion
- c. Stormwater and Erosion
- d. Wetlands
- e. Contamination and Hazardous Materials
- f. Wildlife Resources and Habitat
- g. Invasive Species
- h. Air/Dust
- i. Noise
- j. Cumulative Potential Effects

Each of these environmental effects is discussed in more detail below.

- a. Project Construction

This topic was discussed in EAW Item 6.

Construction would be necessary to install the 11.40-mile network of trails, parking lot and the trailhead area. Site development would include clearing of the proposed trail corridors and other sites using mechanized tools such as a mini-excavators and plate compactor. Hand tools would also be used during development. The constructed trails would not exceed six-feet in width, and may be less than five-feet wide for trails designated as beginner and intermediate.

Project-related construction activities are considered temporary and limited to the project site. These actions are subject to ongoing public regulatory authority by Crow Wing County, DNR, Minnesota State Historic Preservation Office (SHPO) and MPCA's National Pollutant Discharge Elimination/State Disposal System (NPDES/SDS) CSW Permit. The Proposer is committed to construct the trails according to the International Mountain Biking Association's (IMBA's) professional design standards. Maintenance of the trail would be ongoing subject to the conditions of applicable permits and approvals.

b. Cover type conversion

This topic was addressed in EAW Items 6, 9 and 11.

Cover type reflects vegetation and land uses within and surrounding the 409-acre project site, which for the proposed project includes wooded/forest land, wetlands, and brush/grassland. Development-related cover type conversion primarily affects forested areas, although some brush/grassland-types of vegetation would be converted to trails and/or trailhead and parking area. Avoiding wetlands and minimizing trail width to a minimum would be project features to limit impacts to this cover type.

The approximately 0.11 acres of project-related cover type conversion to impervious surface is considered permanent. The parking area would be graded as a means to minimize impacts to the wetlands.

c. Stormwater and Erosion

This topic was addressed in EAW Items 10, 11 and 13.

The project has the potential for increased stormwater runoff and erosion during construction and operation.

**Stormwater**

Development of the proposed trail would include a net increase of approximately 0.11 acres of impervious surface in the project area, which would increase stormwater runoff compared to current conditions. The impervious surfaces would be graded to shed water away from nearby waterbodies. The project proposer expects the overall effect would be minimal because of the design of the impervious surface area. Post-construction stormwater runoff should return to pre-construction levels and revegetation adjacent to the trail would slow runoff.

BMPs for use during and after construction include vegetation management and addressing erosion. Project-related stormwater generation is subject to ongoing public regulatory authority under MPCA National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Construction Storm Water Permit requirements. To emphasize a design that specifically allows trails to drain water in a non-erosive, stormwater-limiting manner, proposer commits to employ the IMBA Sustainable Trailbuilding Guidelines.

**Potential Erosion during Construction**

Construction activities would involve the disturbance and/or excavation of vegetation and soil for the proposed project. Use of the trails could result in ongoing erosion. The existence of natural surface trails could provide an opportunity for erosion during storm and rainfall events.

Construction BMPs and development guidelines provide a number of techniques and tools that would reduce erosion. During construction, silt fences would be in place and maintained to limit erosion and runoff from the newly graded surfaces. Wildlife-friendly erosion control and sediment control BMPs would be installed as necessary to minimize erosion from disturbed surfaces.

Construction and maintenance of the proposed trails follow sustainable building techniques as found in the DNR Trail Planning, Design and Development Guidelines. Trails would be full benchcut, single-track trails. This design element creates a consistent and stable tread with

rounded edges that encourage sheet flow off the trail. This does not allow water to stand on or run down the trail. Routine inspections and maintenance by volunteers will help maintain the original trail shape to prevent erosion from becoming a problem and frequent inspections of trails identify problems as they emerge.

Project-related potential for erosion and sedimentation are subject to ongoing public regulatory authority under the MPCA Construction Stormwater General Permit and the project's required SWPPP.

#### **Potential Erosion during Operations**

Trail inspections would identify problem areas. Repairs would be conducted as needed.

#### d. Wetlands

This topic was addressed in EAW item 11.

The proposed project area contains several wetlands. With the exception of one area, the Project does not propose to encroach or place fill into wetlands. In this area, adjacent to the proposed parking, two raised bed turnpikes would be constructed through the wetland. Each section would include a small section of boardwalk as a bridge placed over the wetland to mitigate potential impacts to this wetland. BMPs would be used to minimize disturbance as follows: Minimizing trail width, minimizing vehicular disturbance in the area (allow only vehicles/equipment necessary for construction activities); Refraining from parking equipment or stockpiling supplies in the areas; Refraining from placing soil within these areas; use effective erosion prevention and sediment control measures,

Project-related wetland impacts are subject to ongoing public regulatory authority under the US Army Corps of Engineers (USACE) Clean Water Act Section 404 Permit and Crow Wing County Wetland Conservation Act) WCA approval. Although the Proposer does not anticipate any wetland mitigation would be required if the measures identified above are employed in the design, location, and installation of any elevated boardwalk or bridge structures, the respective agencies would be consulted to confirm potential permitting requirements if a bridge or elevated crossing is required. Mitigation would be conducted pursuant to any permit conditions.

#### e. Hazardous Materials

This topic was addressed in EAW Item 12.

The construction, monitoring, and maintenance of the proposed project have limited potential for releases of toxic or hazardous substances. Equipment would be regularly inspected by the contractor and repaired to prevent inadvertent loss of fuels, oils, or other hazardous fluids. Spills would be promptly reported to MPCA.

#### f. Wildlife Resources and Habitat

This topic was addressed in EAW Item 13.

Wildlife species typical to the project area include deer, fox, grouse, hawks and other species are common. The proposed project area is mainly forested with large percentages of aspen, maple, oak, birch and other deciduous tree species. Some ferns, forbs and grasses are present on the forest floor.

Wildlife and associated habitat would be affected by project-related construction. Potential environmental effects include changes in ground habitat due to removal of trees and understory vegetation; accidental introduction of invasive species; and human-related disturbance during construction and maintenance of the trail. Construction-related effects would be temporary, while disturbance effects would be ongoing and vary as a function of the level of site usage. Measures available and incorporated into the project to minimize operational effects to wildlife include retaining vegetative communities and associated habitat to the extent practicable and controlling the potential introduction and spread of invasive plant species.

#### ***Sites of Biodiversity Significance***

The Minnesota Natural Heritage Information System (NHIS) database was queried by Natural Heritage Review staff in 2018 and 2019 to identify rare species or other significant natural features known to occur within or near the project area. This query identified features near the project area as listed below. Because information in the NHIS database is continuously updated, the NHIS database would be queried again prior to each construction phase.

The proposed project site is located within an area identified by the Minnesota Biological Survey (MBS) as a site of *Moderate Biodiversity Significance*. Sites ranked as *Moderate* contain occurrences of rare species and/or moderately disturbed native plant communities, and/or landscapes that have a strong potential for recovery.

#### ***Native Plant Communities***

The proposed trails would be located within the following Native Plant Communities: Mesic Hardwood Forest System and Northern Wet-Mesic Hardwood Forest.

#### ***State-listed Species***

Blanding's Turtle (*Emydoidea blandingii*) Minnesota Status: Threatened. This rare species has been reported in the vicinity of the proposed project and may be encountered on site.

Red Shouldered Hawk (*Buteo lineatus*) Minnesota Status: Special Concern. This species has been documented during the breeding season in the vicinity of the project.

#### ***Federally-listed Species***

The Proposer queried the US Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) online tool for the proposed project area against records for federally-listed plant and wildlife species. The following species were identified as potentially occurring in the project vicinity:

Gray Wolf (*Canis lupus*). Federal Status: Endangered, Minnesota: Threatened. The project area is within the range of the gray wolf identified as critical habitat by the USFWS.

Northern Long-eared Bat (*Myotis septentrionalis*), Federal Status: Threatened, Minnesota Status: Special Concern. There are currently no known Northern Long-eared Bat roost trees or hibernaculum sites in the project area. However, forest habitat does exist that has the potential to provide habitat and/or roost trees. Tree clearing, if required for the project, would take place within the period of August 15 to March 31 in order to prevent impacts to the Northern Long-eared bat and bird nesting.

The proposer commits to review the DNR's rare features database prior to project construction to ensure rare species are not located within the project area. If rare features are identified, measures to limit potential adverse environmental effects to sites of biodiversity significance include:

- minimize width of trail
- operate within already-disturbed areas as much as possible
- avoid routing trails through wet swales or depressions or sensitive rock outcrop areas
- bridge all stream and wetland crossings
- minimize construction equipment and vehicular disturbance in the area
- not parking equipment or stockpile supplies in the area
- not placing spoil within sensitive area
- employing effective erosion prevention and sediment control measures
- pre-inspect and clean all equipment for invasive species prior to entering the site
- maintain trails to address erodible soils, especially in steep areas
- use signage to encourage visitors to stay on designated trails
- revegetate disturbed soil with native species suitable to the local habitats as soon after construction as possible

g. Invasive Plant Species

This topic was addressed in EAW Item 13.

Accidental introduction of invasive species can occur on mountain bike trails from project-related construction, maintenance and ongoing use. Invasive plant species can adversely affect wildlife habitat and reduce site-level biodiversity, the latter due to invasive species outcompeting native plants. Seeds can be carried in on boots, clothing, and equipment. The disturbance of native vegetative cover and exposed soil enable invasive species to establish. In order to mitigate potential impacts, the proposer commits to inspect and clean equipment during both construction and maintenance to prevent invasive species introduction. This includes commitment to DNR Operational Order 113 regarding prevention of the spread of invasive species. DNR Operational Order No. 113 provides guidance and directives for implementing site-level management to prevent or limit the introduction, establishment, and spread of invasive species. The guidance provides procedures applicable to the proposed project that would be implemented.

During the construction phase, the risk is primarily introduction of these plants due to equipment brought to the project area, fill materials used, movement of seeds and plant fragments within the site, and disturbance of soil that can provide an opportunity for invasive plant establishment.

The risk of introduction and spread of invasive species during the operations and maintenance phase is primarily tied to use of mechanical equipment on the site, which can serve as a transport vector of invasive plant seeds and infested plant material to the site. Introduction can occur from trail users and maintenance equipment and from the movement of seeds and plant fragments from one portion of the site to another by way of boots, bike tires, and maintenance equipment.

To reduce potential invasive species spread during each construction phase, contract language requires oversight to ensure that all equipment is cleaned prior to arriving at the project area. Soil disturbance would be minimized and disturbed areas would be revegetated as quickly as



possible to avoid the establishment of invasive species. Construction BMPs available to limit the introduction of invasive plant species include locating and using staging areas that are free of invasive plant species, and monitoring revegetation once construction is complete.

Project-related impacts are subject to ongoing public regulatory authority under DNR agreements that would require assessment and control of invasive plant species at the site. Provisions in the MPCA-required SWPPP to minimize soil erosion and sedimentation could also lessen potential adverse effects to wildlife. Minimizing cover type conversion would also address potentially adverse effects.

h. Air/Dust

This was addressed in EAW item 16.

Construction activities may create temporary dust and odors during daytime operations depending on site conditions. Effects associated with fugitive dust and any potential offensive odors are expected to be limited to the construction site. Fugitive dust impacts are expected to be temporary and localized to the area where the construction work is occurring. Dust control measures would be implemented and other appropriate BMPs to minimize fugitive dust. Standard trail use on the native mineral soils is not anticipated to generate substantial dust. During dry weather periods, the vegetation adjacent to the trail would help mitigate minor dust generation.

i. Noise

This topic was addressed in EAW Item 17.

The Project would generate noise during daytime construction and maintenance activities above existing conditions. Use of small diesel- or gasoline-powered equipment during trail construction, such as a mini-excavator would generate noise while operating. These noise levels can be lessened by use of noise-reduction mufflers on construction and/or maintenance equipment. Operation of other hand tools or small equipment, such as chainsaws and brush cutters, would generate noise during site construction and periodic maintenance. State Noise Standards are not expected to be exceeded. Operation of the new trail is not expected to change the existing noise levels.

j. Cumulative Potential Effects

This topic was addressed in EAW Item 19.

Cumulative potential environmental effects are the combined effects of the proposed project and past, present, and reasonably foreseeable future projects. See Minn R. 4410.0200, subp. 11a.

Construction related noise could overlap with a nearby bike trail expansion reasonably foreseen for this area. If they occur, the cumulative potential effects are expected to be minor and of limited extent and noise is not expected to exceed state standards.

Cumulative erosion effects are possible, but not expected if the proposed project meets the conditions of the MPCA Construction Stormwater General permit.

Cumulative invasive species effects are possible, both during construction and during ongoing use of the trails. The nearby reasonably foreseeable bike trail expansion would provide additional possible infestation sources. 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 to manage the effect.

No other projects are known to be proposed within the vicinity of the project at this time.

k. On October 9, 2019, DNR requested a 15-day extension for making a decision on the need for an EIS for the proposed project. On October 10, 2019, DNR was granted the extension by EQB. See Minn. R. 4410.1700, subp. 2b.

l. The following permits and approvals would be needed for the Project

Unit of Government	Type of Application	Status
MPCA	Construction Site Stormwater Permit	To be submitted
Crow Wing County	Recreational Trail Development and Improvement Request	Application Started
DNR	Trails and Roadway Easement	Preliminary Process Completed
DNR	Rental Agreement for section 36 School Trust Land	Preliminary Process Completed
Crow Wing County	WCA Approval	Application Started
SHPO	Historic Properties Review	Phase 1 Archeological Survey Required and Completed
US Army Corps of Engineers	Section 404 Permit	Application started

## 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 compare the impacts that may be reasonably expected to occur from the project in order 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. The RGU shall consider the following: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the 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;*
- C. *the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and*
- D. *the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.*

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

Based on the Findings of Fact paragraphs 12a to 12j, and the information contained in the administrative record, the DNR concludes that the following types of potential environmental effects, as described in the Findings of Facts, will be limited in extent, temporary, or reversible:

- Construction
- Cover Type Conversion
- Stormwater and Erosion
- Wetlands
- Contamination and Hazardous Materials
- Wildlife Resources and Habitat
- Invasive Species
- Noise
- Cumulative Potential Effects

3. *Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the 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.*

The effects of all past projects comprise the existing condition of the project area. Cumulative environmental effects add the proposed project and reasonably foreseeable future projects to the existing condition.

As described in Findings of Fact paragraph 12, future trail expansion activities are identified as reasonable projects whose affects could interact with the project. Construction-related potential cumulative noise, erosion and invasive species would be temporary and limited to construction. Invasive species-related cumulative effects could persist over the life of the project during use of the trails and requires permanent routine monitoring and maintenance of the trails to manage the effect.

Based on the Findings of Fact above, DNR concludes that the cumulative potential environmental effects to noise, terrestrial erosion and potential introduction of invasive species are not significant when viewed in connection with: other contributions; the degree to which the project complies with mitigation measures to minimize project impacts; and/or the efforts the proposer has made to minimize contributions from the project.

4. *Extent to which environmental effects are subject to mitigation by ongoing public regulatory authority:*

Based on the information in the EAW and Findings of Fact above, the DNR concludes that the following potential environmental effects, as described in Findings of Fact paragraphs 12a to 12i are subject to mitigation by ongoing public regulatory authority:

**Permits and Approvals:** Prior to initiation of this project, the permits and approvals identified in Finding 12 would be required. When applying the standards and criteria used in the determination of the need for an environmental impact statement, the 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.

**Project construction:** Multiple permits will control environmental effects associated with project construction, including the USACE Clean Water Act Section 404 Permit; Avoidance Plan for Blanding's turtle, MPCA NPDES/SDS General Construction Stormwater (CSW) Permit and its associated SWPPP. It is the proposer's responsibility to properly handle and report any releases of hazardous materials to the State Duty Officer.

**Cover Type Conversion:** Environmental effects from cover type conversion are subject to mitigation by ongoing public regulatory authority from DNR, Crow Wing County WCA Approval and Recreational Trail Development Approval. Proposer commits to follow the IMBA trail development guidelines, which would also reduce cover type conversion.

**Stormwater and Erosion:** Environmental effects from stormwater, erosion and sedimentation are subject to mitigation by ongoing regulatory authority under the MPCA NPDES/SDS Construction Stormwater General Permit and the required SWPPP. These approvals address potential stormwater runoff impacts where temporary erosion and sediment control BMPs would be installed prior to construction. Redundant erosion control measures for any soil disturbing activities that encroach within 50 feet of natural surface waters or wetlands at the site will be required in the MPCA permit. The Proposer commits to employ appropriate trail construction BMPs for water quality and erosion control for the trail.

**Wetlands:** Impacts to wetlands are subject to permitting under the Minnesota Wetland Conservation Act administered by Crown Wing County and USACE Clean Water Act Section 404 Permit. Mitigation would be conducted pursuant to any permit conditions. Project goal is to avoid wetland impacts altogether, but where wetlands must be crossed, the proposer commits to employ specific measures to limit the impacts from boardwalks.

**Wildlife Resources and Habitat:** Environmental effects to significant natural features are subject to mitigation by ongoing public regulatory authority under the DNR lease. The proposer commits to engage appropriate DNR resource specialists to identify potentially affected resources. Other measures to address potential impacts include designing the project to minimize trail widths, control invasive species, limit impacts to adjacent vegetation, minimize wetland impacts, and limit tree removal during certain periods to avoid impacts to wildlife resources and habitat from the project. Avoidance Plans for state-

listed species and means to control invasive species colonization of existing habitat will provide mitigation for impacts.

**Invasive Species:** Environmental effects due to invasive plant species are subject to mitigation by ongoing public regulatory authority under the DNR lease. The Proposer commits to inspect and clean equipment during both construction and maintenance to prevent invasive species. This includes adherence to DNR Operational Order 113 regarding prevention of the spread of invasive species at all stages of Project implementation.

**Noise:** Operation of construction equipment and machinery would adhere to state noise standards and are not expected to be exceeded. Environmental effects due to construction, operation, and maintenance-related noise are subject to mitigation by ongoing public regulatory authority under MPCA-administered State Noise Standards.

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, or other EISs.*

The following environmental studies assist in the anticipation and control of potential environmental effects:

Environmental studies undertaken by the Proposer include:

- Phase 1A Cultural Resources Survey, Cuyuna Mount Bike Trail Expansion Project, Crow Wing County, Minnesota (2019)

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 the following:

- International Mountain Bicycling Association's Trail Solutions Program (2014)
- DNR Trail Planning, Design and Development Guidelines, 2007

6. The 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 Connection and Cuyuna Hills Trails Project in the Cities of Cuyuna and Crosby and Rabbit Lake Township, Crow Wing County, Minnesota
7. Based on consideration of the criteria and factors specified in the Minnesota Environmental Review Program Rules (*Minnesota Rules* part 4410.1700, subparts 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 DNR determines the proposed Cuyuna Connection and Cuyuna Hills Trails 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 Connection and Cuyuna Hills Trails Project in the cities of Cuyuna and Crosby and Rabbit Lake Township, Crow Wing County, Minnesota.

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

Dated this 30<sup>th</sup> day of October, 2019

**STATE OF MINNESOTA**  
**DEPARTMENT OF NATURAL RESOURCES**



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Jess Richards  
Assistant Commissioner