

Minnesota Department of Natural Resources

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Date: March 7, 2012

To: Parties on the EAW Distribution List
Other Interested Parties

From: Ronald Wieland, Environmental Planner
Environmental Policy and Review Unit
DNR – Division of Ecological and Water Resources

A handwritten signature in blue ink, appearing to read 'RW', is written over the name 'Ronald Wieland' in the 'From:' field.

Re: Split Rock Lighthouse State Park Campground Expansion Project
Record of Decision on Environmental Assessment Worksheet

The Minnesota Department of Natural Resources (DNR), which serves as the Responsible Governmental Unit for the environmental review of the proposed project, "*Split Rock Lighthouse State Park Campground Expansion*," has issued a Record of Decision regarding the need for an Environmental Impact Statement for the project.

The DNR has concluded that an Environmental Impact Statement is not required because the project does not have the potential for significant environmental effects. The justification for the determination is contained in the Record of Decision. The Record of Decision also contains the Department's responses to all substantive written comments received on the Environmental Assessment Worksheet.

Issuing this Record of Decision concludes the State environmental review process for this project according to the Minnesota Environmental Quality Board rules, *Minnesota Rules*, part 4410.1000 to 4410.1700. This project can now proceed to permitting and approvals.

Electronic copies of this document are available from the DNR website under the project heading, *Split Rock Lighthouse State Park Campground Expansion*: <http://mndnr.gov/input/environmentalreview/>

Attachment: March 7, 2012 Record of Decision

DEPARTMENT OF NATURAL RESOURCES

RECORD OF DECISION

**In the Matter of the Determination
of the Need for an Environmental
Impact Statement for the Split Rock
Lighthouse State Park Campground
Expansion, Lake County, Minnesota**

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

FINDINGS OF FACT

1. The Minnesota Department of Natural Resources (DNR) proposes to expand the campground at Split Rock Lighthouse State Park (the Park) by constructing access roads and adding up to 77 additional campsites and four camper cabins. The expansion is located within the existing State Park, northwest of Trunk Highway 61 in southern Beaver Bay Township, Lake County. The Park is located along the North Shore of Lake Superior, approximately 40 miles northeast of Duluth, near the towns of Beaver Bay and Silver Bay, Minnesota.
2. In 1967, legislative action authorized the establishment of Split Rock Lighthouse State Park, initially including about 1000 acres of land. In the 1970s, the federal government deeded the lighthouse station to the State of Minnesota and the Minnesota Historical Society (MHS) assumed operation, which continues today. The Park's present campground facilities, trail center, and picnic shelter were built in 1985. Currently, the historical lighthouse station and the Park encompass approximately 2,400 acres and serve as a popular tourist destination, receiving over 343,000 visitors annually.
3. The Lighthouse Station was placed on the National Register of Historic Places in 1969. In 2011, the National Park Service designated Split Rock Lighthouse as a National Historic Landmark, which denotes a much higher level of historic significance.
4. The DNR operates and maintains a campground of 20 cart-in sites at Split Rock Lighthouse State Park and camping facilities at nearby Gooseberry Falls State Park (seven miles southwest of the proposed site) and Tettegouche State Park (twelve miles northeast). The facilities enable visitors to take advantage of a wide variety of outdoor recreation activities in the area. The completion of the campground expansion will increase the number of individual campsites among the three state parks by approximately 50 percent. The number of campsites with electricity will increase from 22 to 99. There are other private campsites available within a 20 mile radius of the Park.
5. In 1979, the DNR approved "A Management Plan for Split Rock Lighthouse State Park." This plan described the need for and proposed the expansion of the Park and campground facilities. The plan stipulated the development of a semi-modern family campground on the west side of TH 61, where about 80 percent of the Park is located.
6. As part of developing the proposed campground, DNR evaluated several potential campsite locations. No suitable sites were identified on the east side of the highway due to the nature of the landscape flanking the rugged Lake Superior shoreline. Several potential sites on the west side of the highway primarily to the south and west of the final proposed campground location were

evaluated and removed from consideration due to their landscape and topographic limitations—abundant steep slopes, interspersed wetlands, intersecting water courses, and/or a greater presence of shallow soils/bedrock outcrops. The proposed site was selected because it provided the best balance of developable area and operational efficiency. This included more opportunities for establishing campsites with better access and privacy than the other sites under consideration, and its proximity to the Park’s main entrance and facilities improved the feasibility for managing the site as a campground. The feasibility for developing the other sites was also limited by the higher costs of longer access road/pavement areas.

7. The point of access to a west-side campground expansion was settled by the selection of the TH 61 bridge site completed in 2011 as part of Minnesota Department of Transportation’s (Mn/DOT) Split Rock River to Chapin's Curve project. The bridge was built to provide safe passage of the Park’s future internal pedestrian, bicycle, and vehicle traffic underneath TH 61, effectively allowing controlled access to the proposed campground from the nearby Park’s entrance and contact station, historical site, Lake Superior shoreline, and other attractions.
8. The proposed site for designing the campground expansion was within a 179 acre project area. The layout of the facility was designed to avoid areas with limitations in the project area, such as steep slopes, rock outcrops, and wetland areas, as much as possible. The design indicated that 28 acres will be disturbed by construction activities.
9. The proposed campground expansion will include access and loop roads, 77 electric campsites, four camper cabins, a picnic shelter, a paved connector trail to the Gitchi-Gami State Trail, water pump house, well and well house, a small parking area, several vault toilets, a sanitation building, and a recreational vehicle (RV) dump station/recycling center. The project will be completed in two phases, as funding becomes available, constructing 47 campsites and the sanitation building during the first phase and 30 campsites, four camper cabins, and the sanitary dump station during the second phase. Each campsite will be designed to accommodate RV users and tent campers. The sanitation facility will include showers, toilets, water supply system, and a gathering space/shelter. The DNR would internally manage proposed well-water supply and distribution system and wastewater collection/treatment facilities for the campground expansion. The project would require the construction of underground utility lines for distributing electricity to the facilities.
10. Construction will consist of clearing vegetation and preparing sites to support the proposed structures; placing culverts at wetland or stream crossings; coarse and fine grading, gravelling, and paving of access and loop roads and the pedestrian-bike trail; and building the proposed structures and other utilities. The utilities will include electrical main and service lines, water main installation, water treatment, distribution equipment, and pipe network. Blasting of the bedrock may be necessary along some segments of the road system and at a few campsites. Equipment necessary for the construction will include backhoes, bull dozers, trucks, and blasting equipment. Vegetation clearing and implementing erosion control measures will be sequenced as construction proceeds.
11. Campsites will be approximately sized at 1000 square feet; irregularly shaped; and designed with “pull through” or “single” spur access and parking areas to accommodate RVs or other highway licensed vehicles. The parking areas would be surfaced with aggregate and the campsites, with a mixture of compacted aggregate, sand, and compost. Each campsite would be fitted with a fire ring and picnic table. Some campsites would incorporate a 16 by 16 foot tent pad area.

12. No future stages of campground expansion are planned for this area. Some ancillary trail developments will be considered for providing short hikes near the campground expansion area or for connecting the campground to existing trails, such as the Superior Hiking Trail.
13. The proposed project requires preparation of a State Environmental Assessment Worksheet (EAW) according to *Minnesota Rules*, part 4410.4300, subpart 20 (Campgrounds and RV Parks), which states that an EAW is required for the expansion of a seasonal or permanent recreational development, accessible by vehicle, consisting of 50 or more sites.
14. Pursuant to *Minnesota Rules*, part 4410.0500 subpart 5, item A, the DNR is the Responsible Governmental Unit (RGU) for conducting the environmental review.
15. The EAW was filed with the Minnesota Environmental Quality Board (EQB) and a notice of its availability was published in the EQB Monitor on December 26, 2011. 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. 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 Minneapolis Public Library; the Silver Bay Public Library; the Two Harbors Public Library; the Regional Development Library (Duluth); the DNR Library (St. Paul); and the DNR Northeast Regional Office (Grand Rapids). The EAW was also made available to the public via posting on the DNR's website.
16. The 30-day EAW public review and comment period began December 26, 2011 and ended January 25, 2012, pursuant to *Minnesota Rules*, part 4410.1600. The comment period closed at 4:30 pm. The opportunity was provided to submit written comments on the EAW to the DNR by U.S. Mail, by facsimile, or electronically by email.
17. During the 30-day EAW public review and comment period, the DNR received 22 written comments on the EAW from agencies or individuals. A copy of the comments is included with this Record of Decision as Attachment 1.

- 1 Brent Ballavance on behalf of the Municipal Division, Duluth Office, Minnesota Pollution Control Agency (MPCA)
- 2 David Stanton
- 3 Ted Chura
- 4 Pamela Freeman
- 5 Dyke Williams
- 6 Mike G. Holznagel
- 7 Wally Heise
- 8 John Lundy
- 9 Jean Edstrom
- 10 Jon Peters
- 11 Dana Simonson
- 12 Scott L. Olson, Sr.
- 13 Daryn Christenson
- 14 Dyanne Ross-Hanson
- 15 Jim Linscheid

- 16 Carl A. Sannes, Jr.
- 17 Lee Radzak, Split Rock Lighthouse Historic Site (Minnesota Historical Society)
- 18 Carol R. Pearson
- 19 Linda Ross Sellner
- 20 Kelly Gragg-Johnson on behalf of State Historic Preservation Office (Minnesota Historical Society)
- 21 Tamara E. Cameron on behalf of St. Paul District, U.S. Army, Corps of Engineers
- 22 Karen Kromar on behalf of the St. Paul Office, MPCA

18. After the conclusion of the 30-day EAW public review and comment period, the DNR received one written comment letter on the EAW from Kevan Hanson. The comment is included with this Record of Decision as Attachment 2.

Comments received after the conclusion of the public review and comment period do not require responses. The DNR response to these comment letters, received after the end of the EAW public review and comment period, are not provided in or as part of this Record of Decision.

19. Several comments expressed an opinion about the merits of the proposed project and did not address the accuracy and completeness 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).

Seven commenters expressed opposition to the project and five commenters wrote to express their “support” or approval of 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. 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.

20. Several commenters identified issues related to fees charged for using the campground. Dyke Williams Comment Letter (#5) and Wally Heise Comment Letter (#7) suggested that the DNR change its fee policy and rates applied to campground users.

These comments did not address the accuracy and completeness 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 for their consideration as part of future policy decisions relating to campground management.

21. Several comments addressed 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 written comments that were received are listed below, as compiled by topic and summarized from the comment letters. Topics are generally listed in order of the most applicable EAW item number. 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 DNR’s response follows each comment.

a. Connected Actions (underpass)

Comment Letters #19 Linda Ross Sellner

Comment: The commenter alleges that Minnesota Department of Transportation's (Mn/DOT) underpass that accommodates an access road to the proposed campground is a connected action. The underpass should not have been built prior to conducting environmental review on the proposed campground expansion.

Response: The structure is referred to as Mn/DOT Bridge 8286 that crosses Unnamed Creek S-031. This issue relates to the interpretation of the definition of connected actions as defined in *Minnesota Rules*, part 4410.0200, subpart 9c and described in part 4410.1000 subpart 4, which states that multiple projects and multiples stages of a single project that are connected actions or phased actions must be considered in total when preparing the EAW. In addition, the EAW content is to address cumulative environmental effects (*Minnesota Rules*, part 4410.4100, subpart 4). The purpose of including connected actions in an EAW is to ensure all relevant environmental effects are considered in determining the need for an EIS.

At the time Mn/DOT staff conducted the environmental review on the Trunk Highway 61 (TH 61) project, referred to as the Split Rock River to Chapins Curve project (SP-3806-60), details on the campground expansion were not developed to a degree that would allow for environmental review. Therefore, Mn/DOT was unable to incorporate the campground expansion project into the environmental review of the highway project. Furthermore, according to federal National Environmental Policy Act requirements, the SP-3806-60 project was determined to not individually or cumulatively have a significant effect on the human environment and, therefore, neither an environmental assessment nor an environmental impact statement was required. To make this determination, Mn/DOT completed a report referred to as a Categorical Exclusion Determination (CE), which briefly defines the environmental effects of the proposed project, including the bridge replacement. *Minnesota Rules*, part 4410.4600, subpart 14 indicate that the reconstruction or modification of an existing bridge structure considered on its own merit, if on essentially the same alignment or location and involving minimal amounts of land acquisition, is exempt from state environmental review.

The DNR has considered the highway project's underpass as a connected action and has sufficiently described the development and considered relevant cumulative environmental effects when determining the need for an EIS. The underpass was identified in the EAW in Item No. 6b; its associated box culvert and Unnamed Creek S-031 were described in Item No. 12; the SP-3806-60 project was described in Item No. 21; and the cumulative effects of Mn/DOT's TH 61 reconstruction and realignment project, which included the replacement bridge that incorporated the underpass, was discussed in Item No. 29.

b. Government Actions (buying land)

Comment Letter #19 Linda Ross Sellner

Comment: The DNR purchased land prior to conducting the environmental review on the campground expansion project.

Response: *Minnesota Rules*, part 4410.3100, subpart 2, prohibits governmental actions, including the acquisition of property, prior to having a negative declaration issued or until the final EIS has been determined adequate by the RGU or the EQB if the action will prejudice the

ultimate decision on the project. Prejudicial actions are those that predetermine development or limit alternatives or mitigative measures.

Beginning in the early 1990s, Minnesota Parks and Trails Council initiated complicated land exchanges with the State of Minnesota and Lake County on a private estate they acquired near Split Rock Lighthouse State Park. State lands in the George H. Crosby Manitou State Park, which were managed by Lake County at the time, were converted to DNR state park administration; in the exchange, the private lands became State land administered by Lake County. The Council promoted the trade of lands near Split Rock Lighthouse State Park to the State as a protective measure for the Park because it ensured future public forest management of these lands in contrast to their probable development, if left in private ownership. The transfer also increased the percentage of public lands crossed by the Superior Hiking Trail, thus further strengthening its establishment.

A secondary land exchange occurred between the DNR and Lake County on a portion of the earlier exchange that entrusted the DNR, rather than Lake County, administration of the land. In 2011 the Legislature authorized an 80-acre addition to Split Rock Lighthouse State Park, of the following parcels: (SE ¼ of the NW ¼ and the SW ¼ of the NE ¼ of Section 55 North, Range 8 West, Section 32), which represent the northern part of the project area. The second exchange converted the land to Class A from Class B status. Under Class B status, administration by the State includes payments in lieu of taxes (PILT) to Lake County.

At the time of the initiation of the land exchange, no plans for a campground on the land were considered or in detail to identify any environmental effects of the future campground proposal. Although the 1979 management plan for Split Rock Lighthouse State Park indicated a need for an inland campground, the feasibility analysis conducted by the DNR, which included consideration of alternative sites was not conducted until later. The proposed campground expansion was selected based on the elimination of less desirable alternative sites.

The development of the proposed campground has not been predetermined by the acquisition of the property. The interest in development at this location is based on previous feasibility investigations. However, if a positive declaration on the need for an EIS was reached as part of this EAW process, the DNR would evaluate other alternatives including additional sites. As part of screening and evaluating alternatives in an EIS, the purchase of the property would not be a factor when considering the screening of alternative sites.

Regardless of whether the campground development reaches fruition, the land purchase meets the goals of park management, as spelled out in *Minnesota Statutes*, section 86A.05, subdivision 2c, that state parks be managed to preserve, perpetuate, and interpret the natural features that existed at the time of Euro-American settlement, and other significant natural, scenic, scientific, or historic features present.

c. Project Design

Comment Letter #8 John Lundy, #11 Dana Simonson, #12 Scott L. Olson, Sr., #15 Jim Linscheid, #16 Carl A. Sannes, Jr., #17 Lee Radzak, Split Rock Lighthouse Historic Site, and #18 Carol R. Pearson

Comment: Several commenters provided suggestions to change the project design: 1) doubling cart-in sites (#8); 2) electrify all camp sites (#11); 3) keep cart-in sites intact (#12); 4) overbuild waste treatment system (#15); 5) develop water conservation measures like those used in Europe

(#15); 6) place utilities underground and install during initial construction period (#16); 7) use the historic railroad grade located in the project area as a corridor for a hiking trail (#17); and 8) make one/several of the cabins wheelchair accessible (#18).

Response: The comments will be passed along to the proposer for consideration. Some of the information related to these issues was presented in the EAW under Item No. 6b; a revised Figure 5 identifying the sanitation building, wastewater treatment location (preferred), camper cabins, RV dump station, and picnic shelter is provided as Attachment 3. Additional clarification follows. 1) There will be several additional cart-in camp sites developed during the second phase of the proposed project. 2) All drive-to camp sites will be electrified. 3) Existing cart-in sites will not be eliminated at the Park's existing campground. 4) The wastewater treatment system, which will be built according to the rules established for such facilities, would not be "overbuilt," nevertheless; design standards incorporated into the rules include margins of safety for ensuring suitable treatment. 5) Beginning in 2010, new Minnesota State bonded projects will be required to meet the Minnesota Sustainable Building 2030 (SB 2030) energy standards, which will significantly reduce carbon emissions released during operations of the sanitation building; between the years 2010 and 2015, a 60 percent reduction in carbon producing fuel used for building energy is required; after 2015, at least a 70 percent reduction is required. 6) Utilities will be buried on-site to reduce the visual distraction of such features; the seasonal water line will be installed in the access road corridor after the rough grading has been completed; vegetation clearing and implementing erosion control measures would be sequenced as construction proceeds. 7) The DNR concurs that the railroad grade has historical value and would consider using the corridor for potential future trail development. 8) The present Americans with Disability Act (ADA) rules require that two of the proposed cabins will need to be ADA compliant.

d. Purpose and Need

Comment Letter #3 Ted Chura and #6 Mike G. Holznagel

Comment: The commenters noted that more camp sites were needed in the park.

Response: Information about this issue was discussed in the EAW under Item No. 6c. The comments are noted.

e. Increased Demand for Use of Facility

Comment Letter #19 Linda Ross Sellner

Comment: The commenter alleges that the future fuel prices will reduce the demand for the proposed facility because it will be too costly to operate recreational vehicles.

Response: Information about this issue was discussed in the EAW under Item No. 6c. The mission of the DNR is to provide recreation opportunities, without impairment of its land resource base. In the DNR Minnesota State Park System Land Study completed in 2000, it was projected for the year 2025 that the upper portion of the Arrowhead Region of Minnesota, which has a large number of recreational sites, would experience a very high demand for outdoor recreation opportunities. Although fuel prices could play a role in the preferred form of transport in the future, the choices should not substantially affect usage rates of the proposed campground because alternate modes of transportation, such as higher fuel efficiency vehicles and more convenient public transport, may be available to consumers. The campground would continue to meet its mission without a high demand from campground users with a recreational vehicle, as

camp sites will also accommodate smaller more efficient units or the more traditional tent camping. The campground would be built in two phases, with proficiency of campground operation and a sufficient user demand prerequisites for commencing construction of the second phase.

f. Additional Parking Needs at the Historic Site

Comment Letter #17 Lee Radzak, Split Rock Lighthouse Historic Site (Minnesota Historical Society)

Comment: The commenter alleges that the Split Rock Lighthouse Historic Site parking area may reach capacity more frequently when users of the campground driving recreational vehicles visit the historic site.

Response: The increase in visitor use and length of stay in the Park was projected in the EAW in Item No. 6b and Item No. 6c. Some of the ramifications of the increase in usage rates were discussed under Item No. 11. For further clarification, two existing alternative parking areas in the Park, which are near popular shoreline views and about one-half mile from the visitor center, could handle overflow parking. A Park entrance fee would be charged for use of these parking lots. Some campers with park passes may volunteer to use the secondary parking areas, while others may prefer to bike or walk to the historic site. Some increase in the use of the Historic Site's parking area is likely. There are no plans for increasing parking areas in other portions of the park.

g. Additional Permit Requirements

Comment Letter #15 Jim Linscheid

Comment: The commenter suggested that the DNR would need to obtain a conditional use permit from Lake County for the proposed campground expansion project.

Response: Information about the permits required for the proposed project was presented in the EAW in Item No. 8. When a state agency is proposing developments on state lands, the agency is not required to obtain permits from local governmental units. In such cases the state usually coordinates with the local government to ensure that local regulations are summarily met.

h. Loss of Large Spruce Trees

Comment Letter #17 Lee Radzak, Split Rock Lighthouse Historic Site

Comment: The commenter has visited the site and has concern that patches of large old spruce trees found in the construction zone would be logged to make way for the access roads.

Response: Information about this issue was discussed in the EAW in Item No. 10 and Item No. 11. The native vegetation has been considered in planning the campground expansion area. However, some unavoidable loss of mature trees will occur. The DNR has a commitment to avoid clearing forest vegetation as much as possible. An objective of the project, as noted in the Park's management plan, is to maintain or re-establish plant and animal life representing pre-European settlement biotic communities and utilize resource management techniques that harmonize with the park's natural systems. To help mitigate for the losses, a restoration and revegetation plan using native species has been developed for the impacted areas.

i. Naming of Streams

Comment Letter #17 Lee Radzak, Split Rock Lighthouse Historic Site

Comment: Creek names used in the EAW are known locally by different names that have a long history of usage. Shipwreck Creek has been locally known as Chapin Creek since the 1920's; Unnamed Creek has been called No Name Creek or Anonymous Creek; and Split Rock Creek has held its names since the 1920's.

Response: The creek names--Split Rock Creek (S-030), Unnamed Creek (S-031), and Shipwreck Creek (S-032)--were included in the EAW in Item No. 12 and displayed on the map in Figure 2 of the EAW. The codes in parenthesis are "kittle numbers" that help staff identify streams when names are not applied consistently. The DNR fisheries staff was consulted to assist in selecting the creek names to use in the EAW. Kittle numbers were found to be the least confusing way to identify the creeks. The preferred names used were also listed, which unfortunately has caused some confusion.

At the present time, DNR records indicate that Split Rock Creek (S-030), Unnamed Creek (S-031), and Shipwreck Creek (S-032) do not have official names established in files. Naming lakes, rivers, streams, or other water bodies (natural geographic features) in Minnesota is guided by the statutory process found in *Minnesota Statutes*, sections 83A.05 to 83A.07. Basically, the process requires 15 or more registered voters to petition the county board of commissioners in the county where the feature is located for a public hearing concerning a proposed name. If the public hearing is successful, the county board would adopt a resolution in support of the proposed name (or other name if favored by the board as a result of testimony at the hearing) and forward it to the state commissioner of natural resources. The name proposed in the resolution must be approved by the commissioner of natural resources to become the official name of the feature in Minnesota. Approved names are subsequently submitted to the United States Board on Geographic Names for federal approval and use.

j. Wetlands and the Section 404 Permit and its Implications

Comment Letter #16 Carl A. Sannes, Jr., #19 Linda Ross Sellner, and #21 Tamara E. Cameron on behalf of the St. Paul District, U.S. Army, Corps of Engineers

Comment: Commenter No. 16 alleges that 23 acres of wetland mitigation may be needed and the wetland mitigation portion is incomplete. Commenter No. 17 alleges that the loss of wetlands should not be allowed. Commenter No. 21 described the compliance requirements of Section 404 of the Federal Clean Water Act that is administered by the U.S. Army, Corps of Engineers. The Corps invited the proposer to meet early in the project's design phase to obtain guidance on understanding the project, information needed for a permit review, and its potential requirements.

Response: Information about this issue was presented and discussed in the EAW in Item No. 12. The preliminary wetland delineation map was prepared and early coordination was completed with parties of the wetland Technical Evaluation Panel (TEP) prior to the release of EAW for public comment. According to the preliminary project layout, about four acres of wetlands impacts would require mitigation. The Wetland Conservation Act (WCA) requirements are applicable and the Clean Water Act (CWA) requirements may be applicable to the proposed developments. On DNR land, the Division responsible for administering the land typically fulfills the role of the local governmental unit (LGU), which is charged to conduct prioritized

wetland sequencing--avoid wetlands, minimize wetland effects, and replace wetland losses. The wetland sequencing process is reinforced in the Governor's Executive Order 91-3, referred to as the No Net Loss Policy of the state.

The project proposers will coordinate with the TEP that includes representatives of the Corps, the Board of Water and Soil Resources, the DNR, and Lake County to develop agreement on the scope and methodology of wetland mitigation. A detailed project plan and wetland delineation report will be included as part of the wetland application provided to the permitting authorities. Requirements of the WCA and CWA permitting authorities will be further clarified when the TEP meets in the spring of 2012. The 23-acres of wetlands identified in the EAW in Item 10 reference the total wetland acreage estimated to occur in the vicinity of the construction zone. Plans for the implementation of minor developments that were identified in Item No. 29 of the EAW will be coordinated with the Corps to determine potential regulatory requirements.

k. Erosion and Sedimentation

Comment Letter #16 Carl A. Sannes, Jr., #19 Linda Ross Sellner, and #21 Tamara E. Cameron on behalf of the St. Paul District, U.S. Army, Corps of Engineers

Comment: Commenter No.16 requested avoidance of hillside cut and fill construction and additional information on the potential for increased sedimentation in the Unnamed Creek (S-031). Commenter No. 19 alleges that project construction could cause cumulative erosional effects within and outside the local watershed that would be detrimental to stream stability and the water quality of Lake Superior due to construction activities. Commenter No. 21 specified the CWA Section 404 permit requirements.

Response: Information about this issue was presented and discussed in the EAW under Item No. 12, Item No. 16, and Item No. 17. During the project's planning phase, an exhaustive design selection process was completed to reduce the environmental effects of the trail and road construction while maintaining treadway configurations that are safe for users. Modeling was conducted to determine pre-development and post-development stormwater quality and volume in the local subcatchment. The physical attributes of the proposed campground and the parameters of the subcatchment have been incorporated into post-project stormwater runoff analysis models. The dispersed nature of the construction area will help to prevent erosion from reaching unacceptable levels.

The preliminary hydrologic models, maps, and related documents, have helped determine the appropriate treatment designs and the extent of treatment methods for addressing water quality and volume control. The Drainage Report for this project, as completed and signed by a State of Minnesota Registered Professional Engineer, summarizes all pertinent information. The report will be kept on file.

The campground expansion project is designed in compliance with all applicable local, state, and federal stormwater and erosion-related regulations. The modeling is integral to making sure that the project meets the requirements of the MPCA General Permit. According to the General Permit, the proposed construction can not generate stormwater runoff volumes that exceed existing conditions when calculated for a maximum 24-hour storm event of 100-year frequency. The stormwater best management practices associated with the proposed project construction are designed to collect and convey the stormwater generated by a 10-year, 24-hour storm event or a 2.4 inch rainfall. This was incorrectly stated as a 1.0 inch rainfall event in the EAW. The Stormwater Pollution Prevention Plan also requires several special provisions to be implemented

to manage water quality and volume. Special categories C1, C2, and C3 of Appendix A in the General Permit are applicable. Additional best management practices will be integrated into the construction plans and specifications for activities that are within one mile of Lake Superior.

The project's construction management will be overseen by the DNR construction inspectors, who will verify the contractor's compliance with the General Permit at all times. Integral to managing the construction activity are best management practice treatment inspections, scheduled weekly or more frequent during periods of rainfall. These site inspections are required by the General Permit and shall be turned over to the DNR inspector on a weekly basis. They will document the condition of the best management practices and alert the DNR inspectors of any required maintenance to ensure their continuous effectiveness.

It is anticipated that there will be no increase in sediment transport from the project area as a result of the proposed project. The cumulative effects from reasonably foreseeable projects for which a basis of expectation has been laid has been addressed in the EAW in Item No. 29 and is described in Finding 22(i).

I. Wastewater Treatment

Comment Letter #1 Brent Ballavance on behalf of the Municipal Division, Duluth Office, MPCA, #15 Jim Linscheid, and #19 Linda Ross Sellner

Comment: The three commenters noted that the failure of the wastewater treatment system would be unacceptable. Commenter No. 1 provided performance and compliance requirements for protecting groundwater, as defined in *Minnesota Rules*, part 7081.0080, which may be applicable to the proposed wastewater treatment system. Commenter No. 15 recommended precautions that insure adequate implementation of the wastewater system. Commenter No. 19 stated that parameters of the proposed mound system site should be defined.

Response: Information about this issue was presented and discussed in the EAW under Item No. 18. The general location of the mound system is exhibited on a revised Figure 5 in Attachment 3 of this Record of Decision. The study conducted by an outside contractor indicated that within one of the two sites examined for placement of the mound system, soils had sufficient capacity for treatment and dispersal of additionally pretreated septic tank effluent (STE). Additional pretreatment of STE is necessary because there is less than three feet of consistently unsaturated permeable soil. The suitable site has sufficient area to include an initial mound system and, in case of failure, its replacement system, each with a capacity to handle approximately 9,600 gallons per day of MPCA Level B or better septic tank effluent. A professional wastewater treatment system designer will be used to ensure the system meets the regulatory requirements. Lake County officials will have an opportunity to review and comment on proposed system designs to insure the designs are in compliance with applicable state and local regulations.

Minnesota Rules, chapters 7080, 7081, 7082, and 7083 of the Minnesota Pollution Control Agency are applicable to the sewage system proposed for the campground expansion. Chapter 7081 provides measurable performance outcomes for mid-sized sewage treatment systems (MSTS) and limited design, construction, inspection, and operational standards that would reasonably protect surface water, groundwater, public health, safety, general welfare, and the environment. The relatively new provisions in *Minnesota Rules*, part 7081.0080 will be applied to the proposed treatment system, if applicable. With the assistance from the MPCA, the DNR will fully assess the Park's sewage system to confirm whether a State Disposal System (SDS) permit will be required. Other chapters that have a bearing on MSTS are: standards for individual

subsurface sewage treatment systems in chapter 7080; administrative requirements for subsurface sewage treatment systems local permit and inspection programs in chapter 7082; and certification and licensing requirements for those who design, install, inspect, maintain, or operate subsurface sewage treatment systems and product registration in chapter 7083.

m. Hunting on Adjacent Private Lands

Comment Letter #17 Lee Radzak, Split Rock Lighthouse Historic Site

Comment: The commenter encouraged the DNR to be respectful of the property rights of nearby private landowners and residents, alleging that hunting on adjacent private lands could pose a potential conflict with the proposed campground expansion project.

Response: As noted in Item No. 18, the campground's public sanitary facilities would be open during the summer, closing in mid-October. The campground would not be open after the sanitary facilities are closed for the season. Typically, there is minimal overlap between hunting and camping seasons. The cabins that will be constructed during the second phase of the project would be open year around. It is not unusual for public or private hunting lands to border a state park and some park lands are open to hunting for special hunts. Rules and restrictions are in place to prevent conflicts of use. A person may not take a wild animal with a firearm within 500 feet of a building occupied by humans without written permission of the owner. Discharging a firearm within 150 yards of a building, campground, developed recreation site or occupied area; or from or across a forest road; or in a manner or place that could cause injury or damage is prohibited. State Park boundaries are marked and signed, as required.

n. Air Emissions

Comment Letter #16 Carl A. Sannes, Jr.

Comment: Any potential new sources of emissions should be addressed.

Response: Information about this issue was presented and discussed in the EAW under Item No. 22. Vehicle exhaust emissions will increase during both construction and facility operations. The use of heavy equipment for trucking materials and constructing the road and campground will produce exhaust emissions. Gasoline and diesel fuel exhaust emissions, including a mix of carbon monoxide, nitrogen oxides, reactive organic gases, sulfur dioxide, and suspended particulate matter, will contribute to the area's ambient pollutant levels and could incrementally increase associated health risks. Pollutants can linger, especially during windless days.

Local climatic conditions will act to dissipate, dilute, and control concentrations of noxious vehicle emissions. Winds are more pronounced in open and upland areas. At times, these emissions may be objectionable but are unlikely to exceed state or federal air quality standards. By 2007, the Environmental Protection Agency (EPA) required the use of ultra-low sulfur diesel (ULSD) fuel in heavy-duty vehicles, which includes some recreational vehicles, and more stringent exhaust emission standards have been established for new engines. Sulfur content had averaged between 300-500 parts per million (ppm) but the new ULSD has just 15 ppm. When the new fuel is coupled with newer clean diesel engines with diesel oxidation catalysts, the particulate emissions are reduced by about 90 percent. Reducing the sulfur will make a substantial improvement to air quality by reducing the fine particles so prevalent in diesel exhaust. Deterioration of local air quality would be temporary and long term effects are not expected.

o. Noise

Comment Letter #12 Scott L. Olson, Sr. and #16 Carl A. Sannes, Jr.

Comment: Commenter No. 12 alleges a loss of quietness to the park with the allowance of recreational vehicle campers. Commenter No. 16 alleges that baseline noise studies be conducted to assure that state and local standards are not exceeded.

Response: Information about this issue was presented and discussed in the EAW under Item No. 24. *Minnesota Rules*, part 7030.0040 define noise standards applicable to the proposed campground expansion. The rules also contain motor vehicle noise limits. During the construction of the proposed campground expansion, the MPCA's Daytime and Nighttime Ambient Noise Standards of L_{50} equal 65 dB(A) (the level exceeded 50 percent of the time), or the L_{10} equal 70 dB(A) standard (the level exceeded 10 percent of the time), will not be exceeded by the Proposer. Construction will only be conducted during daylight hours. Noise generated during construction would generally be far enough away from receptors to pose only minor annoyances.

Development of some portions of the access road would be in proximity to several receptors. The receptor site, a residential home on adjacent private property, is greater than 350 feet from the proposed construction area. EPA has quantified the potential noise generated by a typical dozer and other types of construction equipment, using "acoustical usage factor" and A-weighted maximum sound level (L_{max}), measured at a distance of 50 feet from the construction equipment. Acoustical usage factor is the estimate of the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation. For dozers, the acoustical usage factor was 40 percent and the L_{max} was 82 dB(A). Although the exact amount of attenuation resulting from the distance and screening available from natural vegetation is not known, the noise effects would be within standards allowed. Equipment will be outfitted with standard noise arresting devices, i.e. mufflers in good working order.

During normal campground operation and activities will not exceed the MPCA's Daytime Ambient Noise Standards of L_{50} equal 60 dB(A) or the L_{10} equal 65 dB(A) standard. The Nighttime Ambient Noise Standards of L_{50} equal 50 dB(A) or the L_{10} equal 55 dB(A) standard will not be exceeded. The proposed campground will have designated quiet hours from 10:00 PM to 8:00 AM.

p. Odors

Comment Letter #16 Carl A. Sannes, Jr.

Comment: The commenter alleges that the EAW did not address the potential for odors from the sanitary facilities or dump station.

Response: Information about this issue was presented and discussed in the EAW under Item No. 24; a revised Figure 5 is included with these Findings in Attachment 3. The proposed project would generate limited odors from the operation of the main sanitation facility, pit toilets, and dump station. Odors generated during the operation of the proposed project would also be limited. The DNR has considerable experience in managing campground sanitation facilities. Although the odors occasionally are noticeable, routine maintenance keep them from becoming

an annoyance. By enlarge, odors are limited in extent and dissipate within a few hundred feet of the source. The nearest receptor to a sanitation site would be approximately 400 feet, which is sufficient for dissipating most odors.

q. Cultural Resources

Comment Letter #17 Lee Radzak, Split Rock Lighthouse Historic Site

Comment: The EAW did not mention a railroad grade that dates from logging operations in the Split Rock River between 1899 and 1906.

Response: Information about cultural resources was presented and discussed in the EAW under Item No. 25. As reported in the EAW, the 2009 on-site archeological survey identified no historical or cultural properties within the footprint of the proposed developments. At the time of the completion of the EAW, the final report had not been submitted to the State Historical Preservation Office (SHPO). To clarify further, details of the survey included the identification and exact location of the historic railroad grade in reference to the proposed construction zone. The proposed campground expansion will not affect the historic feature and no development on the railroad grade is proposed. The DNR is presently documenting the historic feature and will determine an appropriate preservation approach. Construction crews will be required to avoid the historic corridor.

r. Cultural Resource Surveys

Comment Letter #20 Kelly Gragg-Johnson on behalf of State Historic Preservation Office (Minnesota Historical Society)

Comment: The SHPO will provide comments on the proposed project once the results of the survey are submitted for review.

Response: Information about this issue was presented and discussed in the EAW under Item No. 25. Upon completion of the final report of the 2009 on-site archeological survey, it will be forwarded to SHPO for review and comment. The DNR has concluded that no significant historic properties will be affected by the proposed project. The SHPO will evaluate these findings. Any additional guidance from the SHPO will be incorporated into the project designs.

s. Aesthetics and Ambience

Comment Letter #4 Pamela Freeman, #8 John Lundy, #12 Scott L. Olson, Sr., #13 Daryn Christenson, #14 Dyanne Ross-Hanson, #16 Carl A. Sannes, Jr., and #19 Linda Ross Sellner

Comment: The proposed campground expansion will affect the untrammelled nature of the Park. The proposed campground development is distressing because it would diminish the pristine or wilderness qualities of the Park that are held in high esteem.

Response: Information about this issue was presented and discussed in the EAW under Item No. 7, Item No. 10, Item No. 11, Item No. 21, Item No. 25, and Item No. 26. The campground would provide additional facilities for visitors, which could increase the number and duration of users of the Park. The additional interest in the park would generate more traffic which may negatively affect users preferring a wilderness experience.

The campground expansion will be confined to within one-half mile of TH 61 corridor and would occupy an area relatively isolated from existing hiking areas. The main corridor of the Superior Hiking Trail is greater than 0.6 miles from the construction zone. Connector spurs of the trail that run along the Split Rock River are greater than 0.8 miles from the campground. The hills and cliffs of the Split Rock River valley that presently offer prized scenic vistas and back country experiences would remain isolated from the proposed facility. Alternative sites reviewed were not isolated from these prime hiking areas. The placement of the campground facility is as close as possible to other developed areas in the park. Beyond the estimated 28 acre construction area, the natural vegetation would not be disturbed, except for its use as buffer and infiltration zones. Physical impacts will be confined to the construction zone while noise, toxic emissions, odors, and dust would dissipate relatively quickly in the interspersed and bordering vegetation of the site. Approximately 18 percent of the construction zone is located on a previously developed residential lot. State parks have rules that govern the use of campgrounds, generally maintaining quietude.

t. Need for an EIS

Comment Letter #19 Linda Ross Sellner

Comment: The commenter alleges that the review of environmental effects defined in the EAW of the proposed campground expansion project would lead to the conclusion that there are significant environmental effects and the Record of Decision should declare the need of an Environmental Impact Statement.

Response: In response to the standard and criteria described in the Environmental Quality Board rules and as outlined in the duties of the responsible governmental unit in writing the Record of Decision, this Record provides Findings of Fact, Conclusions, and Order on whether the project has significant environmental effects and contains the declaration of whether there is a need for completion of an Environmental Impact Statement.

22. Based upon the information contained in the EAW, provided in the written comments received, and based on the responses to comments provided in Finding 21, the DNR has identified the following potential environmental effects associated with the project. Each of these environmental effects are discussed in more detail below:

- a. Wildlife and Fisheries, including Species in Greatest Conservation Need
 - b. Invasive species
 - c. Surface and Ground Water Quality
 - d. Erosion and Sedimentation
 - e. Compatibility with Adjacent and Nearby Land Uses
 - f. Traffic and Vehicle Related Air Emissions
 - g. Noise, Odors, and Dust
 - h. Archaeological, Architectural, and Historical Resources
 - i. Cumulative Environmental Effects
- a. Wildlife and Fisheries, including Species in Greatest Conservation Need.** This topic is addressed in the EAW in Item No. 11. The proposed campground expansion project will result in the loss of 9.5 acres of aspen-birch forest habitat (wetland and upland); increase forest fragmentation in the project area; and affect wildlife behavior and movements, including their use of feeding, nesting, and resting areas. According to the DNR, the Split Rock Lighthouse State Park environs contain a complex of Sites of Biodiversity Significance (SBS) of statewide

importance. The natural vegetation remains relatively intact and, with a larger percentage of the landscape composed of public forest and park lands, commercial and residential development is relatively low. The SBS areas contain a larger compliment of very good quality occurrences of the rarest species, high quality examples of rare native plant communities, and/or important functional landscapes. Of the quantifiable forest habitat loss, the expansion would affect four acres of wetland and potentially increase erosion/sedimentation in the construction area and nutrient influx into ground and surface waters, including Lake Superior. The construction activities, campground operations, and visitor use could increase the spread of invasive species into the adjacent forests. The area could become more attractive to deer and hare, both of which could damage some native species, especially white pine. The project would increase the number of accommodations for campers and consequently the number and the amount of time spent by park users would likely increase, thus potentially increasing the exposure of some sensitive areas to disturbances.

Management of the campground would be integrated into the overall Park plan that currently specifies two main objectives: to maintain or reestablish plant and animal life which represents pre-European settlement biotic communities; and to utilize resource management that will harmonize with the Park's natural systems. The campground design will maintain patches of forest vegetation that are interspersed between campsites. While providing privacy between units the vegetation buffers would also help to reduce erosion and provide limited habitat for some wildlife species. The dispersion of campsites within surrounding natural vegetation helps reduce the disturbance experienced by wildlife. The park promotes compatible and less intrusive forms of recreation such as bicycling and hiking, nature study and wildlife viewing, and the leisurely enjoyment of the forested countryside and lakeshore scenery. The construction is designed to minimize the amount of soil disturbance and forest clearing. Portions of the project area that were previously impacted by home site development have been incorporated into the campground plans to help reduce forest habitat losses. Specific resource objectives include: avoiding steep slopes for developments other than trails; using the most suitable soils available for developments; eliminating existing erosion or compaction problems; reestablishing some of the original conifer forests; improving hardwood stands; improving habitat for wildlife; and protecting sensitive species and their habitat. Controlling erosion and sedimentation rates in the project area will help conserve wetlands, the stream system, and some wildlife habitats. Efforts to avoid wetlands will help to maintain vegetative buffers along the creek bottoms. Resource management programs (e.g. invasive species treatments, deer hunts and controlled burns) that require prescriptive 'windows' and changes in standard operating procedures in order to accomplish goals would not be limited by the development. The DNR will monitor nearby sensitive areas and apply additional measures for protection, if warranted. Plant restoration activities for the campground will need to include some protection from deer browsing, such as fenced exclosures for protecting vulnerable conifers and sensitive areas. Stream crossings will be appropriately sized and positioned to prevent affects on the intermittent stream and may include reptile and amphibian crossings, if warranted. The underpass is likely to become a natural route for animals to move across the highway corridor safely.

- b. Invasive Species.** This topic is addressed in the EAW in Item No. 11. The construction and use of the proposed campground would contribute to the spread of invasive species. The DNR has policies established for controlling the spread of invasive species. Guidance and directives of Division operational orders No. 113 and No. 59 are incorporated into the project design by reference. Prevention measures would include such activities as: assessing the project area for the presence of invasive species prior to initiating work; treatment of invasive species before work begins; locating sources of weed-free materials; cleaning equipment before it arrives and departs; and re-vegetating disturbed areas as soon as possible. The stormwater management

protocol requires that revegetation of road shoulders be completed quickly after construction is completed. Invasive species that are found within the project area or along access routes will be managed to minimize their spread and the potential introduction to other areas. Invasive species management in the project area will be folded into the Park's active program, which has the basic objectives of: keeping new invasive species out; managing existing populations of well-established species; and cooperating with other agencies and disciplines to coordinate control along administrative boundaries.

- c. **Surface and Ground Water Quality.** This topic is addressed in the EAW in No. 11, Item No. 12, Item No. 14, Item No. 17, and Item No. 18. The water resources of the local area will be affected in several ways. The proposed campground expansion project would develop an access road system requiring several stream crossings. The MPCA General Permit may necessitate the use of settling ponds, several of which would be placed in or near wetlands. Potentially four acres of wetlands would be impacted by construction activities. The site could generate additional runoff due to the limited soil infiltration capacity of the soils. The campground's mid-sized sewage treatment system (MSTS) would rely on a mound infiltration system that requires adequate soil and space to sufficiently handle wastewater effluent from the sanitary facility. Wastewater from pit toilets and the RV dump station would be hauled to a nearby public treatment facility.

Strategies designed to minimize environmental effects on water resources are incorporated into the design of the proposed project. Minimizing ground disturbances and forest clearings will help to reduce the environmental effects on the intermittent stream system. Road and side-slope widths will be minimized to the greatest extent practical without jeopardizing safety. Additional ground-truthing will be carried out to fine-tune the placement of campsites, trails, and roads around wetlands. Culverts at stream crossings will be appropriately sized and positioned to protect the stream channel. Some wetlands affected by trail development could be avoided by bridging affected areas. Additional coordination will be pursued to enable the TEP panel to develop appropriate mitigation for wetland impacts. The proposed project would fulfill regulatory requirements incorporated into Wetland Conservation Act and Clean Water Act rules. Additional wetland sequencing (avoidance, minimization, and mitigation) will be completed as part of the permitting process. DNR proposes to fulfill the mitigation requirements through the use of wetland bank credits.

The North Shore Management Zone compliance calls for the DNR to provide the campground's sewage system plan to Lake County for review when available. *Minnesota Rules*, chapters 7080, 7081, 7082, and 7083 of the Minnesota Pollution Control Agency are applicable to the sewage system proposed for the campground expansion. Chapter 7081 provides measurable performance outcomes for the MSTS and limited design, construction, inspection, and operational standards that would reasonably protect surface water, groundwater, public health, safety, general welfare, and the environment. The relatively new provisions in *Minnesota Rules*, part 7081.0080 will be applied to the proposed treatment system, if applicable. With the assistance from the MPCA, the DNR will fully assess the Park's sewage system to confirm whether a State Disposal System (SDS) permit will be required. Other chapters that have a bearing on MSTS are: standards for individual subsurface sewage treatment systems in chapter 7080; administrative requirements for subsurface sewage treatment systems local permit and inspection programs in chapter 7082; and certification and licensing requirements for those who design, install, inspect, maintain, or operate subsurface sewage treatment systems and product registration in chapter 7083. The design, construction, and management of the wastewater treatment system will meet the applicable regulatory requirements of these chapters.

- d. Erosion and Sedimentation.** This topic is addressed in the EAW in Item No. 17 and Item No. 18. Steep slopes, clay soils, and areas of shallow bedrock are complicating factors of the proposed site. The construction zone will encompass approximately 28 acres, where from 70 to 135 thousand cubic yards will be graded and sculpted to develop access roads, campsites, and buildings. The grading will temporarily expose areas of mineral soils and compaction would reduce infiltration rates in some areas. About five acres of impervious surfaces would be created.

Modeling was conducted to determine pre-development and post-development stormwater quality and volume in the local subcatchment. During the project's planning phase, an exhaustive design selection process was completed to reduce the environmental effects of the road and trail construction while maintaining safe alignment configurations. Construction will avoid areas with the most severe limitations (steep slopes, shallow soils, wetlands).

The campground expansion project is designed in compliance with all applicable local, state, and federal stormwater and erosion-related regulations as defined in the MPCA General Permit. This permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Enhanced runoff controls and stormwater treatment will be incorporated into the proposed project, pursuant to provisions C1, C2, and C3 of Appendix A of the General Permit. The stormwater best management practices integrated with project construction are designed to collect and convey the stormwater generated by a 10-year, 24-hour storm event or a 2.4 inch rainfall. This was incorrectly stated as a 1.0 inch rainfall event in the EAW. The project's construction management will be overseen by the DNR construction inspectors, who will conduct timely inspections and verify the contractor's compliance with the General Permit.

Campground development includes the following processes and best management practices to address surface water runoff:

- 1) Silt fence or bio-rolls around the perimeter of graded areas will contain sediment on site.
- 2) Erosion control blankets or mulch will be placed on disturbed soils and areas graded with 2:1 slopes or steeper. All exposed soils will be stabilized within seven days.
- 3) Energy dissipation devices will be used at culvert outfalls.
- 4) The rapid stabilization method will be implemented. The method refers to the application of temporary ground cover protection and reseeded areas that are not actively being worked and permanent seeding and revegetation with native plant species afterwards.
- 5) Temporary sediment basins will be used.
- 6) On-site stormwater management will meet the MPCA General Permit requirements by employing a series of strategically located swales, rock checks, and ponding areas.

The DNR insures that stormwater water controls will be sufficient to protect surface waters. The use of best management practices, both during construction and campground operation, will limit the environmental effects on Lake Superior waters. The dispersed nature of the construction area will help to prevent erosion from reaching unacceptable levels. It is anticipated that there will be no increase in sediment transport from the project area as a result of the proposed project.

- e. Compatibility with Adjacent and Nearby Land Uses.** Construction activities could disturb a few residents living on nearby private lands. Additional noise, air emissions, and dust would be generated during construction and park operations. Residents on adjacent properties may engage in the sport of hunting, which may be affected by the nearby presence of park staff and campers.

The DNR will notify adjacent landowners by mail of construction activities on a timely basis to insure awareness and to enable individuals to adjust schedules to avoid being exposed to odors, noise, and dust associated to project activities. Most of these annoyances will only occur during

project construction and would not be an issue during campground operation. The dust generated by normal traffic along the paved access road will be minimal. It is not unusual for public or private hunting lands to border a state park and some park lands are open to hunting for special hunts. Rules and restrictions are in place to prevent conflicts of use. State Park boundaries are marked and signed, as required.

- f. Traffic and Vehicle Related Air Emissions.** This topic is addressed in the EAW in Item No. 21 and Item No. 22. Construction traffic will include grading of access roads and campsites and trucking materials to and from the worksite. The potential vehicle and equipment exhaust gasses, which will be similar to typical construction operations, are temporary, limited, and local in nature. There will be some local concentrations of air emissions that may annoy a few nearby receptors. Equipment working along the access roads will spend a limited amount of time near the receptors. Local vehicle-related air emissions are anticipated to increase moderately during the use and operation of the campground expansion. The proposed campground may reduce some trip distances by providing accommodations that are near primary destinations of interest.
- g. Noise, Odors, and Dust.** This topic is addressed in the EAW in Item No. 24. There will be temporary vehicle and equipment odors, noise, or dust during project construction. Blasting of bedrock may be necessary. Construction noise will occur during daylight hours during the field season, kept to moderate levels, and mostly occur at sufficient distances from receptor sites.
- h. Archaeological, Architectural, and Historical Resources.** Information about cultural resources was presented and discussed in the EAW under Item No. 25. The 2009 on-site archeological survey referenced in the EAW identified no historical or cultural properties within the footprint of the proposed development. The DNR's final report to the SHPO has not been completed at this time. Details of the survey included a description and location of the historic railroad grade. The proposed campground expansion would not affect the historic feature and no development on the railroad grade is proposed. The DNR has concluded that no significant historic properties will be affected by the proposed project. The SHPO will evaluate the results once the completed report is received. Additional guidance from the SHPO will be incorporated into project designs.
- i. Cumulative Environmental Effects.** The potential environmental 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. The findings provide a basis for determining whether the cumulative potential effect is significant and whether the contribution from the project is significant, when viewed in connection with other contributions. Cumulative environmental effects related to the proposed project include effects from projects in proximity to the proposed campground expansion that increase: stormwater runoff, impervious surface area, and the potential for erosion and sedimentation. Relevant projects identified are timber harvesting and forest management, road and bridge construction, and other small parking and treadway repair/repaving projects. Developments in proximity to the project were discussed in the EAW in Item No. 6, Item No. 12, Item No. 16, Item No. 17, and Item No. 29.

Lake County Forestry management would cause some additional erosion and sedimentation to the watershed that encompasses the project area (Unnamed Creek S-031). Approximately 35 acres of Lake County Forest lands are slated for harvest around the time in which the campground expansion would be constructed. The risk of erosion from the proposed harvest is largely diminished by the harvest scheduled for winter, the one-half mile distance between developments, and the gentle slopes of the site (98 percent of site has slopes that are less than 12 percent).

Lake County Forestry is a Forest Stewardship Council (FSC) certified land management agency that follows the site level forest management guidelines established by Minnesota Forest Resources Council (MFRC). Lake County Forestry takes MFRC recommended precautions for protecting streams during managed harvests by: applying required buffers, minimizing stream crossings, and conducting all forest management activities in the winter in this area. Forest management activities in the district are scheduled to be distributed spatially and temporally to mitigate for cumulative effects. There are no more stands planned for harvest in the next five years in the Unnamed Creek S-031 watershed.

The Mn/DOT's Split Rock River to Chapin's Curve road improvement project on TH 61 has recently been completed. Streams generally maintain a stable channel if the amount of impervious surfaces in the watershed is kept below five percent. After the projects are completed, the impervious surface area is estimated to be approximately 8.8 acres, which represents about 1.4 percent of the watershed. The cumulative impervious surface area would not reach a threshold in which the stream would likely begin to show instability. The stormwater pollution prevention plan will address ways for the project to maintain the quantity and quality of surface water runoff.

Several Park development/maintenance projects that will cause some minor soil disturbances are scheduled during the 2012 construction season. These appear to be minor and inconsequential in generating additional erosion and sedimentation. The US Army Corps of Engineers will be notified of these activities to insure that the projects are evaluated in the context to related project activities. No other known or proposed development projects in the vicinity of the proposed project are being planned or under development at the present time.

Stormwater management of the proposed campground will incorporate a variety of best management practices designed to limit the project's contribution to cumulative potential effects from surface water runoff. The Park goals are to maintain or reestablish plant and animal life which represents pre-European settlement biotic communities; and to utilize resource management that will harmonize with the Park's natural systems. Actions that would meet these goals include controlling invasive species, protecting habitats from further development, controlling stormwater runoff, and encouraging compatible types of outdoor recreation. The cumulative environmental effects of the proposed project on the watershed and other resources in the area are expected to be limited and manageable.

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

<u>Unit of Government</u>	<u>Type of Application</u>	<u>Status</u>
Lake County	Review of septic system plan (per North Shore Management Zone)	To be obtained
MPCA	Section 401 Water Quality Certification	To be obtained
MPCA	NPDES Construction Stormwater Permit	To be obtained
MPCA	State Disposal System (SDS) Permit	To be obtained if necessary
DNR	Wetland Conservation Act Permit	To be obtained
DNR	Minnesota Sustainable Building Guidelines B3	To be implemented for Sanitation Building & Camper Cabins
Department of Labor	Building Permit	To be obtained
U.S. Army Corps Eng.	Section 404 Permit	To be obtained

CONCLUSIONS

1. The Minnesota Environmental Review Program Rules, *Minnesota Rules*, part 4410.1700, subpart 6 set forth the standard of deciding whether a project has the potential for significant environmental effects and that the Responsible Governmental Unit shall compare impacts that may be reasonably expected to occur from the project using the criteria listed in subpart 7.

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 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;*
 - 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 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 above, the DNR concludes that the following potential environmental effects, as described and discussed throughout these Findings of Fact, will be limited in extent, temporary, or reversible:

Wildlife and Fisheries, including Species in Greatest Conservation Need
Invasive Species
Surface and Ground Water Quality
Erosion and Sedimentation
Compatibility with Adjacent and Nearby Land Uses
Traffic and Vehicle Related Air Emissions
Noise, Odors, and Dust
Archaeological, Architectural, and Historical Resources
Cumulative Environmental 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;*

Based on the Findings of Fact above, the DNR concludes that cumulative potential effects, as described in Finding 22, are not significant in terms of:

The proposed project would contribute minor increases in cumulative potential effects on the project area relative to the other contributors for erosion and sedimentation. The project also complies with approved mitigation measures specifically designed to address the cumulative potential effect; and efforts have been made by the proposer to minimize project contributions.

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

The DNR has determined that the following environmental effects, as described in Finding 22, are subject to mitigation by ongoing public regulatory authority, including permits, approvals, enforcement of regulations, or other programs:

Invasive Species. (Operational Order #113 The DNR's invasive species management and control program; statutes and rules that govern management; and other activities pertaining to selected invasive species. Operational Order #59 governs the DNR's use of pesticides).

Surface and Ground Water Quality. (USACE, Section 404 Clean Water Act (CWA); MPCA NPDES/SDS Permit: Construction Stormwater General Permit and Section 401 CWA Certification; North Shore Management Zone compliance, Wetlands Conservation Act; and Lake County local administrative requirements for mid-sized sewage treatment systems).

Erosion and Sedimentation. (MPCA NPDES/SDS Permit: Construction Stormwater General Permit including Appendix A requirements).

Noise, Odors, and Dust. (MPCA noise standards, *Minnesota Rules* Chapter 7030 in concert with DNR and local governmental units; *Minnesota Statutes*, section 84.789).

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 campground design, construction, maintenance, and use are addressed in DNR's planning documents, where designs and strategies for proposed development and desired outcomes for resource conservation and management are included.

2003. Native plant communities and rare plants of Split Rock Lighthouse State Park. Minnesota County Biological Survey (DNR), St. Paul. Biological Report No. 74. 75 p.

1980. A management plan for Split Rock Lighthouse State Park. DNR, St. Paul. 81 p.

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 Split Rock Lighthouse State Park Campground Expansion project.
7. Based on considerations of the standard 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 DNR determines that the proposed Split Rock Lighthouse State Park Campground Expansion project does not have the potential for significant environmental effects.

ORDER

Based on the above Findings of Fact and Conclusions:

The Minnesota Department of Natural Resources determines that an Environmental Impact Statement is not required for the Split Rock Lighthouse State Park Campground Expansion, Lake County, Minnesota.

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

Dated this 7th day of March, 2012.

**STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES**



Mary McConnell
Assistant Commissioner