

5.0 SECTION OF ENVIRONMENTAL ANALYSIS RECOMMENDATIONS FOR MITIGATION AND REQUEST FOR COMMENTS

Based on independent analysis of the project and the comments received from various agencies consulted with prior to and during the preparation of this EA (see Appendix A), SEA recommends that if the Board grants ICRRA authority to construct and operate the proposed rail line, such authority be subject to the mitigation measures identified below.

PHYSICAL RESOURCES – Geology and Soils, Surface and Ground Water, and Air Quality

1. ICRRA shall limit construction activities and vegetation clearing to the railroad right-of-way in order to minimize fugitive dust generation, and employ best management practices in the control and suppression of fugitive dust emissions.
2. ICRRA shall comply with the reasonable requirements of all applicable Federal, state, and local regulations regarding open burning and the control of fugitive dust related to rail line construction activities. ICRRA shall take reasonable measures to maximize combustion and minimize emissions during any open burning activities.
3. To address the concerns of the Minnesota Department of Health, ICRRA shall employ best management practices to prevent surface and groundwater contamination during construction and operation of the rail line.
4. To address the concerns of the U.S. Department of Agriculture, Natural Resources Conservation Service, should any Federal funds be used by ICRRA during construction of the rail line, ICRRA shall identify farmland soils as determined by the Itasca County Soil Survey, obtain all evaluations, and comply with the reasonable requirements of the Farmland Protection Policy Act.

BIOLOGICAL RESOURCES – Vegetation, Wetlands, and Wildlife

5. ICRRA shall minimize sedimentation and erosion in the project area by employing best management practices to reduce soil erosion during construction.

6. ICRRA shall, immediately following completion of construction, re-seed the railroad right-of-way outside the subgrade slope with native grass species and other appropriate native vegetation to minimize impacts on wildlife and wetland areas, to establish ground cover and to minimize soil exposure and erosion.
7. ICRRA shall avoid or minimize disturbance to wetland areas whenever possible during construction. In the event wetland areas cannot be avoided, compensatory wetland mitigation will be required, as determined to be appropriate by the U.S. Army Corps of Engineers during the Clean Water Act, Section 404 permitting process.
8. ICRRA shall adhere to the reasonable mitigation measures as imposed by the U.S. Army Corps of Engineers in any Section 404 permit(s) issued by USACE for construction of the line.
9. ICRRA shall minimize disturbance to wildlife by restricting construction activities to the proposed rail line right-of-way and immediate surrounding area.
10. ICRRA shall conduct a botanical survey of the proposed rail line right-of-way prior to construction to determine the presence or absence of any threatened or endangered plant species. If threatened or endangered species are found, ICRRA shall coordinate with the Minnesota Department of Natural Resources to develop appropriate mitigation.
11. ICRRA shall apply for and obtain from the Minnesota Board of Water and Soil Resources and/or Itasca County, as appropriate, a permit under the Wetland Conservation Act, and adhere to the reasonable requirements of any permit issued.
12. ICRRA shall apply for and obtain from the Minnesota Department of Natural Resources, as appropriate, a permit to work in public waters, and adhere to the reasonable requirements of any permit issued.

NOISE

13. ICRRA shall maintain construction and maintenance vehicles in good working order to minimize air emissions, noise, and fluid leaks.

14. ICRRA shall conduct construction activities in accordance with the reasonable requirements of all Federal, state, and local ordinances pertaining to noise and air emissions.

CULTURAL RESOURCES

15. To protect cultural and historic resources, ICRRA shall comply with the provisions of the Programmatic Agreement as incorporated by amendment and executed between U.S. Army Corps of Engineers, Minnesota State Historic Preservation Office, and Section of Environmental Analysis with ICRRA's concurrence.
16. ICRRA shall cease construction activities and notify the Minnesota State Historic Preservation Office immediately if any cultural or archaeological resources are inadvertently discovered during construction of the rail line.

HAZARDOUS MATERIALS/WASTE SITES

17. ICRRA shall observe the reasonable requirements of all applicable Federal, state, and local regulations regarding the handling and disposal of any waste materials, including hazardous waste, encountered or generated during construction and operation of the rail line. Should a spill occur during construction or operation of the rail line, ICRRA shall follow the appropriate emergency response procedures outlined in its Emergency Response Plan, ensuring that spills are cleaned up in accordance with all applicable Federal, state, and local regulations.

Conclusion

Based on available information provided from all sources to date, SEA preliminarily concludes that, as currently proposed, construction and operation of ICRRA's proposed rail line, Alternative 2, would not significantly affect the quality of the natural or human environment provided that the recommended mitigation measures as set forth in this EA are implemented. Therefore, an EIS is unnecessary in this proceeding.

Request for Comments

SEA (lead agency) and USACE (cooperating agency) invite comments on all aspects of this EA, including the scope and adequacy of the recommended mitigation, SEA's participation in the PA, as well as other reasonable alternatives. SEA will consider all comments received in response to the EA in making its final recommendations to the Board. The Board will consider SEA's final recommendations and the environmental comments in making its final decision in this proceeding.

Please send any comments on this Environmental Assessment to:

Kenneth Blodgett
Surface Transportation Board
395 E Street SW
Washington, DC 20423
Attn: Docket No. FD 34992

Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. Please refer to Finance Docket No. 34992 in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or email at blodgettk@stb.dot.gov.