

DECISION MEMO

HIGHWAY 1 RECONSTRUCTION AND EASEMENT PROJECT

U.S. FOREST SERVICE SUPERIOR NATIONAL FOREST LAKE

COUNTY, MINNESOTA

BACKGROUND

The Minnesota Department of Transportation, in cooperation with the Federal Highway Administration and the Superior National Forest, proposes to complete road repairs and maintenance on two segments of Trunk Highway 1 (TH 1) within the Superior National Forest. Since some of these activities would occur on national forest lands, the Forest Service has a decision to make on activities on national forest lands.

The Highway 1 Reconstruction and Easement Project Area consists of two segments of County Road 1: (1) S.P. (State Project) 3801-92 approximately 4.5 miles in length extending from 0.2 mi south of the Kawishiwi River to 0.17 miles west of T-273; and (2) S.P. 3802-21 approximately 13.5 miles from milepost 311.7 near Lake County Road 2 to milepost 325.25 in Isabella, MN. See Map 1 for locations. These segments combined total almost 18.5 miles in length and consists of a rural design, two-lane minor arterial. Traffic counts from 2011 range from 530 Annual Average Daily Traffic (AADT) in the northern end to 355 AADT near the southern end of the project. In between the two segments there is approximately 10.5 miles of roadway that will not be part of this project and went through an Environmental Assessment in 2004.

Primary Need for the Project

Portions of these segments are located within the Superior National Forest. The pavement along these segments of TH 1 is deteriorating, which has resulted in a number of problems documented by the Minnesota Department of Transportation:

- The road is heavily cracked and faulted both longitudinally and transversely, making for an uneven roadway surface that is causing a rough ride for drivers.
- The deteriorating surface is also attributing to higher maintenance costs associated with patching and crack sealing to make it suitable for driving.
- The roadway is currently a year round 10-ton route with no spring load restrictions needed. If the pavement deterioration continues unchecked, load restrictions would become necessary causing problems for the local timber industry and other freight trucking.

[“MAP 1: Highway Reconstruction and Easement Decision Memo” not included here]

An evaluation of the roadway pavement was conducted by the Minnesota Department of Transportation along portions of TH 1 in 2013/2014. The study indicated that both segments showed deterioration and fair to poor performance levels. The Ride Quality Index (RQI) and Surface Rating (SR) for Segment 1 was 1.4 and 2.7, respectively; resulting in a Pavement Quality Index (PQI) of 1.9. Segment 2 showed slightly improved conditions, but is still considered deficient (RQI: 2.1, SR: 3.3, and PQI: 2.6). In contrast, the segment between both Segments 1 and 2 averaged a **PQI** of 3.5.

Bedrock outcroppings are present in 15 different areas along the shoulder in Segment I. The rock ledges are located in close proximity to the road, which hampers the ability to adequately snow plow in order to maintain passage through these areas. Currently, the driver must either raise the plow wing or swing into the opposing driving lane to avoid hitting the rock ledges. These rock ledges may also create a safety hazard for drivers due to: (1) build up of snow that can further limit driver sightlines or (2) the potential for impact from lane encroachment of an oncoming snow plow,

because poor sight distance is typical along this segment of TH 1.

TH 1 is a minor arterial route with a posted speed limit of 50 mph. Generally the 3 and 5 year crash rates are higher than the statewide average of 0.64 crashes per million vehicle miles. This slightly higher average could be attributed to the alignment and lack of clear zone on the roadway.

The culverts along these segments have been in place for approximately 80-85 years. They have deteriorated over time to the point where they are no longer functioning properly because of obstructions or total structural failure.

Secondary Need for the Project

A significant portion (approximately 73%) of the TH 1 corridor is located within the Superior National Forest, which is managed by the Forest Service. MnDOT does not have any property rights within the project segments; rather it has assumed rights with nothing recorded; to maintain and operate the highway in its existing footprint from shoulder Point of Intersect (PI) to shoulder **PI** which is 15 feet on either side of the centerline. This inadequate width technically limits MnDOT's authority and ability to maintain the roadside of the highway such as remove damaged or hazardous trees, repair culverts, or improve ditches. This Project would grant to MnDOT 75 feet of easement or right of way on either side of the centerline for the entire segment. This would require approximately 197 acres of additional easement on SNF land, 19 acres of permanent right-of-way on state forest land (Bear Island and Finland State Forests), and approximately 53 acres of permanent right-of-way on privately owned land.

Purpose of the Project

The purpose of the project for MnDOT is to achieve MnDOT's state-wide pavement condition target of an average PQI of 2.8 or higher on the non-principal arterial system by improving the ride and extending the useful life of the highway. Improvements related to drainage and winter maintenance of the roadway would also be addressed. MnDOT is also seeking to obtain a highway easement from the SNF in order to expedite the review process to perform necessary maintenance activities in the future.

The purpose of the project for the Forest Service is to help achieve Forest Plan Desired Conditions related to transportation management and special use management:

D-TS-1 The existing national Forest System roads that are suitable for passenger vehicles provide a safe and affordable system for administrative and public access to NFS land.

D-TS-4 The National Forest road system provides a "seamless" interface with the neighboring public road agencies based on coordinated use, function, and agency goals.

While TH 1 is not a National Forest system road, it is a key transportation artery to access National Forest system roads and the Forest, and I consider the project for achieving the overall intent of these Desired Conditions.

DECISION

I have decided to authorize the road repair and maintenance activities as described in the Minnesota Department of Transportation S.P. 3801-92 and S.P. 3802-21. This includes repaving the road surface, removing bedrock outcroppings, culvert replacements and repair, and incidental tree clearing within 75 feet of the road center line. A specific and detailed description of the locations and activities are laid out in the MnDOT Project Description. In addition, I am requiring the following mitigation measures:

- Avoid disturbance of existing Forest Service signs; if this cannot be avoided then replace the sign in consultation with the Forest Service when the project is complete.
- Blasting or rock removal/movement shall be natural appearing to prevent unsightly rock faces within the viewshed.
- Clearing limits shall be natural appearing to prevent straight view lines of vegetation.
- Any openings created as a result of tree clearing shall be natural appearing and contain islands of vegetation to prevent direct line sightings into the Forest.
- Where possible, design openings to allow views adjacent to waterbodies.
- Where the Stony River is near the highway in T60N R10W S26, ensure that best management practices are in place for sediment runoff to minimize effects to sensitive freshwater mussels.
- Culvert replacements or improvements will follow guidance provided by the Forest Service for maintaining or enhancing aquatic organism passage. The Forest Service provided MnDOT with the culvert locations.
- Review the MN DNR Natural Heritage database for rare species locations and avoid or mitigate effects to these if applicable.
- At northern goshawk sites with an existing nest structure, prohibit or minimize, to the extent practical, activities that may disturb nesting pairs in an area of 50 acres minimum (860 ft. radius) during critical nesting season (March 1- August 30).
- If culvert replacement happens near the rare plant location, conduct a rare plant survey if activities occur outside the existing clearing limits. The Forest Service provided MnDOT with the rare plant location.
- If culvert replacement happens at purple loosestrife locations, clean equipment before moving to next culvert replacement. The Forest Service provided MnDOT with the purple loosestrife locations.
 - Where feasible use relatively noxious weed free gravel sources such as the Denley pit.
 - Use a native seed mix for any revegetation needs.
 - Follow any mitigation measures identified in consultation with U.S. Fish and Wildlife Service for Endangered Species Act-listed species.

I have also decided to agree to the transfer by the Federal Highway Administration of a permanent easement to the State of Minnesota (administered by MnDOT) to manage TH 1 in the project area. The easement extends 75 feet from both sides of the center line of TH 1 within the project area. Included in my decision are stipulations that MnDOT and the Forest Service have agreed to follow regarding future activities within the easement area (see Exhibit A).

REASONS FOR THE DECISION

My decision meets the purpose and need because:

- The road improvement activities are designed by MnDOT to achieve the desired improvements in ride quality and safety.
- In turn, these improvements meet the overall intent of Forest Plan desired conditions D TS-1 and D-TS-4 to provide safe travel on TH 1, and to provide improved overall access both on TH 1 and connecting National Forest system roads.
- By granting the easement to MnDOT, repair and maintenance of these sections of TH 1 may be accomplished more efficiently in the future.
- Adverse effects are avoided and minimized due to the limited scope of activities (repair and maintenance within the existing road area), and through the application of design

features and mitigation measures included in the Decision, and as outlined in the Stipulations to the Easement.

REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in the Forest Service NEPA Regulations at 36 CFR 220, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

A. Category of Exclusion

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as 'Repair and maintenance of roads, trails, and landline boundaries.' (36 CFR 220.6(d)(4)). This category of action(s) is applicable because the activities in the project, and potential long-term activities in the permanent easement, include repair and maintenance of the sections of Highway 1 within the easement area extending 75 feet to either side of the road center line, as described in my decision.

B. Relationship to Extraordinary Circumstances

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species - The Biological Evaluation for the project indicated for sensitive species no effect, or would not result in a trend towards federal listing. For threatened species, analysis by MN DOT and FWS found no effect (gray wolf and Canada lynx), or may affect but would not result in prohibited incidental take (northern long eared bat).
- Flood plains, wetlands, or municipal watersheds - Up to 2.2 acres of wetlands may be impacted. MN DOT will obtain necessary permits from the U.S. Army Corps of Engineers, and carry out required avoidance and compensatory mitigation. The area of impervious surface would not change as a result of these projects. My decision would have minimal or no effects to floodplains and municipal watersheds. Any future construction proposed in the easement area would require review by the Forest Service before decisions are made as outlined in the easement stipulations.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas -The project is located about 3.4 miles outside the BWCAW and due to distance and minimal effects would not impact the BWCAW. There are no wilderness study areas or national recreation areas on the Superior National Forest.
- Inventoried roadless areas or potential wilderness areas - The project is located about 3.9 miles outside the nearest inventoried roadless area and due to distance and minimal effects would not impact inventoried roadless areas.
- Research natural areas - The project is located about 700 feet away from the nearest Research Natural Area and due to distance and minimal effects would not impact the Research Natural Area. No activities would occur inside the Research Natural Area since the easement extends 75 feet from the **TH 1** center line.
- American Indians and Alaska Native religious or cultural sites; Archaeological sites, or

historic properties or areas - A review for cultural and historical sites in the project area indicated a 'no effect' determination by the project Archaeologist. Since there is a 'no effect' determination for the project area, further consultation per Section 106 of the NHPA is not anticipated to be necessary for future maintenance activities conducted within the easement area.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Superior National Forest Schedule of Proposed Actions in April 2016 and updated periodically during the analysis. MnDOT took the lead on public involvement and consulted interested and affected parties including adjacent landowners through a public meeting on July 21, 2016. No substantial concerns were identified. MnDOT also took the lead on consultation with tribal governments including the Bois Forte, Grand Portage and Fond du Lac Bands and received no comments from tribal governments on the project.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with applicable laws and regulations. The project was designed in conformance with Forest Plan direction to avoid and minimize adverse effects to environmental resources, including water quality, threatened and sensitive species. This direction was included where relevant in the mitigation measures and easement stipulations outlined in the Decision.

The project is located in the General Forest, General Forest-Longer Rotation, Recreation Use in a Scenic Landscape, Semi-Primitive Motorized, and Unique Biological Area Management Areas in the Forest Plan. In particular for the Unique Biological Area (UBA) which is located north of part of SP 3802-21, I considered whether the project activities and easement Stipulations would comply with UBA direction in the Forest Plan. The road location would not change with this project, nor would any new roads or access points for the public be constructed. Measures to avoid and minimize effects to sensitive species are included in the project design. Likewise, stipulations in the easement require consultation with the Forest Service and consideration of appropriate environmental documents before a decision is made if MnDOT proposes new construction in the easement area outside the scope of regular maintenance in the future. I find that my decision complies with Forest Plan direction for the UBA.

ADMINISTRATIVE REVIEW OPPORTUNITIES

Per the letter of instruction from the Chief of the Forest Service dated March 5, 2014 and the Consolidated Appropriations Act of 2014, categorically excluded projects are not subject to notice, comment and appeal under 36 CFR 215. Categorical exclusions are not subject to objection regulations under 36 CFR 218. This decision is not subject to administrative review.

IMPLEMENTATION DATE

Implementation is anticipated to begin March 2017.

CONTACT

For additional information concerning this decision, contact: Elizabeth Schleif, Lands Program Manager, at eschleif@fs.fed.us or 218-626-4373.

Connie Cummins

Forest Supervisor, Superior National Forest
March 1, 2017

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