

5. Public and Agency Involvement

This chapter describes the public and agency involvement activities that have been undertaken to date for the Tier 2 EA process. In keeping with agency involvement, Section 5.2.3 contains a list of the permits and approvals that are anticipated to complete the NLX Project. Section 5.3 describes the steps in the public review process that will occur to complete this EA and to prepare appropriate decision documents.

MnDOT developed and implemented a Stakeholder Engagement Plan (SEP) early in the Tier 1 EA process to identify public and agency outreach activities. The SEP was completed in 2013 and updated in 2015. This was followed by the Public Involvement Plan Supplement (February 2015), which identifies additional outreach activities that built on the work initiated during the Tier 1 EA process. The SEP established a process for communication with MnDOT, FRA, WisDOT, relevant state and federal agencies (see Section 5.2.1), Indian tribes and the public, as well as identified outreach tools for implementation.

Outreach activities provided an opportunity to answer questions and understand the concerns that the public and agencies have about the NLX Project, and solicit technical input such as project area knowledge, resource information, and regulatory details.

5.1 Public Involvement

The Tier 2 EA process included a public involvement and outreach program to facilitate participation across a broad spectrum of the populations along the NLX Project, including minority and low-income communities. MnDOT's outreach activities during the Tier 2 EA process included establishing an NLX Steering Committee, hosting stakeholder meetings and workshops, public open houses, project newsletters and maintaining a project website.

5.1.1 NLX Steering Committee

MnDOT established the NLX Steering Committee to provide input on NLX Project progress and advise MnDOT on technical and policy issues affecting NLX Project decisions. The Steering Committee meets monthly. Members represent the following NLX Project communities and agencies:

- Wisconsin Department of Transportation
- Metropolitan Council
- Amtrak
- Hennepin County
- St. Louis County
- City of Coon Rapids
- City of Isanti
- City of Cambridge
- City of Duluth

- Minneapolis Duluth/Superior Passenger Rail Alliance
- Metro Transit
- Duluth-Superior Metropolitan Interstate Council
- Pine County
- City of Minneapolis
- City of Sandstone
- City of Hinckley
- City of Superior

5.1.2 Stakeholder Meetings

MnDOT provided briefings on the progress of the NLX Project to communities and stakeholders. These meetings began in 2013, shortly after completion of the Tier 1 EA, and are ongoing. Meetings included presentations to city councils, county boards, and municipal and county staff.

5.1.3 Station and Maintenance/Layover Site Analysis Coordination

In fall 2014, MnDOT initiated the station and facilities site analyses by meeting with local officials and staff in the cities of Minneapolis, Coon Rapids, Cambridge, Hinckley, Sandstone and Duluth, Minnesota, and Superior, Wisconsin, where either stations or maintenance/layover facilities are proposed. These meetings helped MnDOT identify site alternatives for stations and facilities that best met NLX operational needs and local plans. MnDOT also held workshops in Duluth in December 2014 and May 2015 to coordinate the proposed Duluth NLX Station with existing and planned functions at the established Union Depot. Chapter 2 Alternatives, Section 2.3.3.2 provides a detailed discussion of these outreach activities. The outcomes of meetings and workshops and the site analysis process were presented at the public open houses described below.

5.1.4 Grade Crossing Coordination

MnDOT met with local officials (see **Table 5-1**) in summer 2016 to discuss proposed grade crossing improvements and gain additional input on local needs that would further inform project design. MnDOT will provide county and city engineers and township representatives with a summary of the initial determination of grade crossing upgrades within their jurisdiction, and will continue to hold follow-up meetings in conjunction with final design and construction.

Table 5-1: Summary of Community Grade Crossing Coordination

Community	Date
Cambridge Township	7/8/2016
Carlton County	7/13/2016
Holyoke Township	7/13/2016
City of Cambridge	7/20/2016
Kanabec County	9/22/2016
Pine County	9/30/2016
Isanti County	10/5/2016
Douglas County (Wisconsin)	10/7/2016
Village of Superior (Wisconsin)	10/7/2016
Town of Superior (Wisconsin)	10/7/2016
Town of Summit (Wisconsin)	10/7/2016

5.1.5 Public Open Houses

Three series of public open houses (12 meetings total) were held between December 2014 and October 2016, as shown in **Table 5-2**. The meetings were informal with an open house format featuring visual display boards on varying topics. Staff was available to answer questions about the project. The purpose of each series of open house meetings varied. See Chapter 2 Alternatives, Section 2.3.3.2, for a summary of station planning process meetings and outcomes.

- December 2014: Public Open Houses, Series 1
 - The purpose of these meetings was to provide information about the proposed NLX Station sites and features in Cambridge, Hinckley and Superior, Wisconsin, and a proposed light maintenance or layover facility site in Sandstone. These meetings also informed about NLX Project background and status. MnDOT used input from the open houses to help identify preferred station sites in Cambridge, Hinckley and Superior.
- February and March 2016: Public Open Houses, Series 2
 - The purpose of these meetings was to present an update on the NLX Project, including preferred station and maintenance facility sites and potential layover sites. The meeting series served to kick-off the Tier 2 EA.

- October 2016: Public Open Houses, Series 3
 - The purpose of these meetings was to discuss potential changes to railroad grade crossings included in the NLX Project, as well as provide an update on NLX Project status.

Table 5-2: Public Open House Attendance by Location

Date and Time	Location	Number in Attendance ^a
December 4, 2014 4:30–6:30 p.m.	Superior Library Superior, Wisconsin	32
December 8, 2014 4:30–6:30 p.m.	Sandstone Senior Center Sandstone	14
December 9, 2014 5–7 p.m.	Cambridge City Center Mall Cambridge	41
December 10, 2014 4:30–6:30 p.m.	Hinckley Finlayson High School Hinckley	49
February 24, 2016 6–8 p.m.	Fridley Community Center Fridley	33
February 25, 2016 6–8 p.m.	Duluth Depot Duluth	18
February 29, 2016 6–8 p.m.	Cambridge City Center Mall Cambridge	44
March 3, 2016 6–8 p.m.	Hinckley Finlayson High School Hinckley	24
October 18, 2016 5–7 p.m.	Hinckley-Finlayson High School Hinckley	17
October 19, 2016 5–7 p.m.	Cambridge City Center Mall Cambridge	20
October 24, 2016 5–7 p.m.	Pine County History Museum Askov	13
October 25, 2016 5–7 p.m.	Superior Government Center Superior, Wisconsin	17

^a Attendance figures are based on participants who signed in and do not include staff and media.

Full public open house meeting summaries are provided in **Appendix O**.

Meeting notices were distributed through the MnDOT NLX Project and Minneapolis-Duluth/Superior Passenger Rail Alliance¹ websites, news releases, NLX Project email distribution lists (MnDOT: 3,466 subscribers; Alliance: 1,500 subscribers), direct mailings and fliers circulated by local municipalities (see **Appendix O**). All NLX Project stakeholders were encouraged to share meeting information with their networks and via their online sources, including organization websites and social media.

All materials, including meeting summaries and collected feedback are posted on the NLX Project website for review (<http://www.dot.state.mn.us/nlx/>).

Meeting notices for one or more of the public open houses were published and/or shared via the following print, broadcast and online media outlets:

- WIDO-TV
- KBJR-TV
- KQDS-TV
- WCCO-TV
- KSTP-TV
- WDIO News Channel 10
- Duluth News Tribune
- Superior Telegram
- Isanti County News
- Pine County Pioneer
- Progressive Railroading
- Trains Magazine
- Prairie Business Magazine
- Bring Me the News
- Hinckley News
- PiCK News
- Askov American

NLX Project staff was available in person at each meeting to respond to inquiries. Attendees were encouraged to provide oral or written comments using the available comment sheets. Review of comments received at the public open houses and received via the comment sheets found several themes:

- December 2014: Public Open Houses, Series 1
 - In general, feedback reflected support of the NLX Project.
 - Many attendees preferred facility sites in proximity to city centers for convenience. They also preferred sites that offered transportation connections, development and redevelopment, economic growth and employment opportunities.

¹ The Minneapolis-Duluth/Superior Passenger Rail Alliance is a joint powers board formed in 2007 to explore options for renewing passenger rail service between the two metropolitan areas. Alliance members include the regional rail authorities of Hennepin, Isanti, St. Louis and Lake Counties, the Cities of Minneapolis, Cambridge and Duluth, and the Mille Lacs Band of Ojibwe.

- The greatest concerns about the NLX Project came from the attendees at the Hinckley meeting. Specifically, attendees had concerns about the cost of the NLX Project, including who will pay for it and the return on investment for taxpayers.
- February and March 2016: Public Open Houses, Series 2
 - In general, feedback reflected support of the NLX Project.
 - Project operations including trip length and schedule, train speed and ticket price, and associated effects on ridership, were of concern to attendees.
 - Attendees at the Duluth meeting expressed concern over station aesthetics.
 - Attendees at the Cambridge meeting were concerned about possible effects on personal property resulting from the NLX Project, including property acquisition and vibration, as well as effects on their community, such as traffic congestion and potential rail crossing closures.
 - There was mixed support for the NLX Project from attendees at the Hinckley meeting. MnDOT announced that it had completed the separate Hinckley Loop study, which determined that the Project would not provide service directly to the Grand Casino, located about three miles east of Hinckley. This result thus confirmed that NLX service would be located at a downtown Hinckley station.
- October 2016: Public Open Houses, Series 3
 - In general, feedback reflected support and anticipation for implementation of the NLX Project.
 - Questions were frequently asked at each meeting about the plan for improvements at specific grade crossing locations.
 - Concerns about anticipated grade crossing closures and subsequent effects were a concern to attendees. *Note: Staff confirmed at the open house that no grade crossing closures are proposed as part of the NLX Project.*
 - General questions about operations, service and costs were asked at all meetings.

5.1.6 Outreach to Underrepresented Populations

The U.S. DOT Environmental Justice Order 5610.2(a), issued May 2, 2012, specifically requires the need to address disproportionately high and adverse human health or environmental effects of programs, policies and activities on minority populations and low-income populations. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance. Together, these regulations require effort to include not only minority and low-income populations, but also other potentially underrepresented groups including people with disabilities, people with limited English proficiency, ethnic minority groups and organizations, immigrant groups, elderly individuals and others. The NLX Project identified strategies in the SEP to directly reach underrepresented population groups potentially affected by the Project, including social service organizations, churches and established organizations that serve minority communities, low-income residents, veterans and senior citizens. The strategies also sought to more fully engage these groups in the Tier 2 EA process.

Strategies used to reach underrepresented populations for the NLX Project include:

- Translating meeting notices and NLX Project information when requested
- Providing interpretation services and/or staff that are bilingual at public open houses when requested
- Choosing meeting locations that are easily accessible by walking, biking and public transportation, as well as by vehicle, and providing maps and directions to demonstrate how to get to each location

Meeting notices were distributed through news releases, the NLX Project email list (3,466 subscribers) and fliers distributed to local municipalities through email. Meeting information was also provided via email to organizations who serve underrepresented groups such as minority populations, low-income populations, veterans and elderly populations. All notices included instructions on how to request the information in an alternative format, including in different languages. All materials, including meeting summaries and collected feedback, are posted on the NLX Project website (www.mndot.gov/nlx) for review. No requests were received for the translation of meeting notices or interpretation services at public open houses.

5.1.7 Newsletters

The NLX Project developed newsletters on an as-needed basis. Typically, publication was timed with NLX Project milestones and opportunities to provide input. The following is a complete list of newsletter editions and a brief content description.

- September 2013: the NLX Project moves into preliminary engineering and Tier 2 EA
- December 2013: a year in review
- April 2014: ridership survey is complete; the Tier 2 EA begins in summer 2014
- July 2014: an overview of proposed NLX Station locations and potential design concepts
- November 2014: open houses to be held in the following proposed NLX Station cities: Cambridge and Hinckley, Minnesota, and Superior, Wisconsin
- April 2015: public feedback from the December open houses
- February 2016: MnDOT and NLX Project consultants work to cut costs
- June 2016: outreach activities commence the next phase of environmental study
- December 2016: overview of fall 2016 open houses with information about grade crossings

Each newsletter featured an NLX Project background, an updated NLX Project schedule, an NLX Project map and recent NLX Project news. Ongoing features that spanned multiple editions were railroad speak, agency spotlight, and station spotlight articles. The September 2013 newsletter was directly mailed to stakeholders. It provided NLX Project information and asked recipients to sign up to receive future newsletters electronically. These stakeholders included tribal organizations, federal agencies, regional agencies, local agencies,

community organizations, cooperating agencies and the media. Subsequent newsletters were distributed to MnDOT's NLX Project email distribution list, posted to the NLX Project website and directly mailed to NLX Project stakeholders upon request. Published newsletters are provided in **Appendix O**.

5.1.8 Websites

A website is hosted and maintained by MnDOT for the NLX Project at <http://www.dot.state.mn.us/nlx/>. This website provides a summary of the NLX Project, past and upcoming informational meeting dates and materials, NLX Project contact information, and a form to sign up for email updates. The website is updated with new information a minimum of once per month throughout the development of the NLX Tier 2 EA.

A complementary website was developed and is maintained by the Minneapolis-Duluth/Superior Passenger Rail Alliance (see Section 5.1.5) at www.northernlightsexpress.org. This website offers information about the proposed NLX Project, NLX Project background, press releases, upcoming informational meetings, newsletters, Alliance information, NLX Project contact information and a form to sign up for email updates.

5.1.9 Minneapolis-Duluth/Superior Passenger Rail Alliance Coordination and Outreach Activities

MnDOT also provides monthly updates to the Minneapolis-Duluth/Superior Passenger Rail Alliance to advance the NLX Project. The Alliance is not part of official NLX Project outreach efforts or the decision-making process. However, the group's efforts are beneficial to raising awareness of the NLX Project through outreach events.

In addition to MnDOT outreach activities, the Alliance performed complementary outreach activities during the Tier 2 EA process. Outreach occurred primarily through the following community events and presentations in 2015 and 2016.

- 2015
 - Duluth/St. Louis County Days at the Capitol, February 25
 - Train Day in Duluth, May 9
 - Train Day in St. Paul, May 9
 - Isanti County Fair, July 22–26
 - Pine County Fair, July 31–August 2
 - Carlton County Fair, August 13–16
 - Minneapolis Farmer's Market, August 22–23

- 2016
 - Duluth/St. Louis County Days at the Minnesota Capitol, March 23
 - East Central Regional Development Commission, February 22
 - Duluth Chamber of Commerce, April 5
 - Train Days in St. Paul, April 30–May 1
 - 4th of July Community Celebration in Coon Rapids, July 3
 - Isanti County Fair, July 20–24
 - Pine County Fair, August 4–8
 - Carlton County Fair, August 18–21
 - Imagine Duluth, September 21

The Minneapolis-Duluth/Superior Passenger Rail Alliance maintains an email database of roughly 1,500 addresses separate from MnDOT's NLX Project distribution lists. NLX Project email updates were distributed to promote MnDOT-facilitated public open houses and opportunities to engage with Alliance staff at public events.

5.2 Agency Involvement

5.2.1 Agency Coordination

FRA, MnDOT and WisDOT are designated responsible agencies for the Tier 2 EA process. FRA is the federal lead agency and MnDOT is the state lead agency. By a November 2009 agreement, WisDOT is participating as both a responsible agency and a Cooperating Agency due to its signatory role. WisDOT served a similar role during the Tier 1 EA process.

Cooperating Agencies are federal agencies, other than the lead agency, that have jurisdiction by law or special expertise with respect to any environmental impact. A state or local agency of similar qualifications, or a tribal agency when effects are on lands of tribal interest, may, by agreement of the lead agency, also become a Cooperating Agency. Cooperating Agencies share responsibility for participating in the NEPA process at the earliest possible time and to expedite reviews; for participating in the scoping process; and for developing information and environmental analyses related to their respective areas of expertise. The U.S. Environmental Protection Agency, Federal Highway Administration and Surface Transportation Board are additional Cooperating Agencies on the NLX Project.

The NLX Project maintains an agency contacts list, which is used to distribute meeting notifications. In addition to the Cooperating Agencies, the following agencies and other groups have been added to the agency contacts list and invited to participate in agency coordination meetings:

- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- Minnesota Department of Natural Resources
- Minnesota Department of Agriculture
- Minnesota Department of Commerce
- Minnesota Indian Affairs Council
- Minnesota Board of Water and Soil Resources
- Wisconsin State Historical Society
- Metropolitan Council
- East Central Regional Development Commission
- Fort Snelling History Center
- U.S. Coast Guard
- Federally recognized tribes in Minnesota and Wisconsin
- Minnesota State Historic Preservation Office
- Minnesota Pollution Control Agency
- Minnesota Environmental Quality Board
- Minnesota Department of Health
- Wisconsin Department of Natural Resources
- Great Lakes Indian Fish and Wildlife Commission
- St. Louis/Lake County Regional Rail Authority
- Arrowhead Regional Development

Contact occurred through agency coordination meetings held on February 25 (Wisconsin agencies), March 3 (Minnesota and federal agencies) and November 16, 2016 (Wisconsin, Minnesota and federal agencies). The purpose of the February 25 and March 3, 2016, agency coordination meetings was to kick-off the Tier 2 EA process. Meeting content included an NLX Project overview, Tier 1 EA outcomes, a description of the impact analysis approach, study schedule, NLX Station information and upcoming public engagement opportunities. An NLX Project update was held on November 16, 2016, to share progress on the environmental document, including previous coordination, ongoing freight rail coordination, infrastructure improvements to be evaluated during the Tier 2 EA development, preliminary findings, and the Tier 2 EA schedule.

Agency coordination meeting minutes and other agency comments resulting from this outreach are provided in **Appendix I**.

5.2.2 *Coordination with BNSF*

MnDOT coordination with BNSF, which began in 2008 during preparation of the Tier 1 EA, is continuing through Tier 2 EA activities. Since the Tier 1 EA was completed in 2013, MnDOT coordination with BNSF has occurred periodically to discuss project progress and capacity improvements needed to accommodate both NLX passenger rail and freight rail operations. Throughout 2016, MnDOT and BNSF met to further update operational and engineering requirements for the proposed NLX service. BNSF has evaluated and commented on proposed operations, infrastructure, and analyses with regard to track schematics, timetables, and

proposed infrastructure improvements. The infrastructure improvements identified during these coordination efforts are evaluated in this Tier 2 EA. MnDOT will continue working with BNSF as the project progresses to further refine operational and engineering requirements.

It is anticipated that BNSF would prepare final design plans and construct improvements on their facilities under formal agreements with MnDOT.

5.2.3 Permits and Approvals

Table 5-3 lists the federal, state and local permits and approvals needed for the NLX Project.

Table 5-3: Anticipated Permits, Approvals and Agreements

Permits, Approvals and Agreements	Agency	Status
Federal Approvals		
Final Federal NEPA Decision Document	Federal Railroad Administration (FRA)	To be obtained
Section 7 (Threatened and Endangered Species)	FRA and U.S. Fish and Wildlife Service	In process
Passenger Service Operating Authority	Surface Transportation Board	To be obtained
Section 404 Wetland Permit – Individual	U.S. Army Corps of Engineers	To be obtained
State Approvals		
Negative Declaration on the Need for an Environmental Impact Statement (EIS)	Minnesota Department of Transportation (MnDOT)	To be obtained
Geometric Layout Approval	MnDOT	To be obtained
Construction Plan Approval	MnDOT	To be obtained
Right of Way Permit	MnDOT	To be obtained
Application for Drainage Permit	MnDOT	To be obtained
Application for Utility Accommodation on Trunk Highway Right of Way	MnDOT	To be obtained
Application for Miscellaneous Work on Trunk Highway Right of Way	MnDOT	To be obtained
Wetland Conservation Act – approval of wetland boundaries	MnDOT	To be obtained

Permits, Approvals and Agreements	Agency	Status
Wetland Conservation Act – approval of replacement plan	MnDOT with review of Board of Soil and Water Resources, and Minnesota Department of Natural Resources (MnDNR)	To be obtained
Water Use Appropriation Permit (dewatering during construction)	MnDNR	To be obtained
Public Waters Work Permit	MnDNR	To be obtained
Section 401	Minnesota Pollution Control Agency (MPCA) and Wisconsin Department of Natural Resources (WDNR)	Certification to be obtained
National Pollutant Discharge Elimination System Section 402 Permit	MPCA	To be obtained
Section 106 Programmatic Agreement	Minnesota and Wisconsin State Historic Preservation Offices (SHPO)	NLX PA guides consultation and development of agreement documents, if required
Construction Site Stormwater General Permit	WDNR	To be obtained
Waterway and Wetland Permit	WDNR	To be obtained
Wisconsin Pollutant Discharge Elimination System (WPDES) Permit	WDNR	To be obtained
Drainage Permit (may be required)	WisDOT	To be obtained
Work on highway right of way permit	WisDOT	To be obtained
Local Approvals^{a, b}		
Road Crossing/Right of Way Permits/Access	Cities of Minneapolis, Fridley, Coon Rapids, Cambridge, Hinckley and Duluth, Minnesota, and Superior, Wisconsin Hennepin, Anoka, Isanti, Kanabec, Pine, Carlton and St. Louis Counties, Minnesota, and Douglas County, Wisconsin	To be obtained

Permits, Approvals and Agreements	Agency	Status
Building Permit	Cities of Minneapolis, Coon Rapids, Cambridge, Hinckley, Sandstone and Duluth, Minnesota, and Superior, Wisconsin Hennepin, Anoka, Isanti, Kanabec, Pine, Carlton and St. Louis Counties, Minnesota, and Douglas County, Wisconsin	To be obtained
Conditional Use Permit	Cities of Minneapolis, Coon Rapids, Cambridge, Hinckley, Sandstone and Duluth, Minnesota, and Superior, Wisconsin Pine and Carlton Counties, Minnesota, and Douglas County, Wisconsin	To be obtained
Sediment and Erosion Control Permits – Stormwater	Cities of Minneapolis, Coon Rapids, Cambridge, Hinckley, Sandstone and Duluth, Minnesota, and Superior, Wisconsin Hennepin, Anoka, Isanti, Kanabec, Pine, Carlton and St Louis County, Minnesota, and Douglas County, Wisconsin	To be obtained
Land Alteration Permits	Cities of Minneapolis, Fridley, Coon Rapids, Cambridge, Braham, Hinckley and Duluth, Minnesota, and Superior, Wisconsin Hennepin, Anoka, Isanti, Kanabec Pine, Carlton and St. Louis Counties, Minnesota, and Douglas County, Wisconsin	To be obtained
County Ditch Permit	Anoka, Isanti, Kanabec, Pine and Carlton Counties, Minnesota, and Douglas County, Wisconsin	To be obtained
Watershed District Permit	Rice Creek Watershed and Coon Creek Watershed	To be obtained
Watershed Management Organization	Upper Rum River Joint Powers WMO Six Cities Joint Powers WMO Snake River Watershed Management Board	To be obtained
Anticipated Agreements		
Topics including, but not limited to track usage, work within railroad right of way, construction responsibilities, property acquisitions, relocation of affected railroad structures, permitting responsibilities and operations, maintenance and operator agreements	BNSF Railway	Agreements to be developed

Permits, Approvals and Agreements	Agency	Status
Topics related to shared facilities at Target Field Station	Metro Transit	Agreement to be developed
Topics related to shared facilities at the Duluth Station	St. Louis & Lake Counties Regional Railroad Authority and the Lake Superior Railroad Museum	Agreement to be developed

^a Local permitting would be coordinated among watershed districts, watershed management organizations, counties and municipalities.

^b Additional local permits may be required upon consultations with local agencies.

5.3 Publication of Environmental Assessment and EIS Need Determination

5.3.1 Public Comment Period and Public Meeting

Comments from the public and agencies affected by the NLX Project are requested during the public comment period described in the transmittal letter distributing this EA. A formal 30-day public comment period will begin in April 2017. A public meeting will be held during that comment period, following the distribution of this EA to the public and Cooperating Agencies, as well as interested federal, state and local agencies and Native American Tribes, for their review.

Public meeting attendees will have the opportunity to comment on the Tier 2 EA outcomes. Comments received at this meeting and during the public comment period will become part of the official record.

The final FRA decision and Minnesota Finding of Fact and Conclusion are anticipated to be published by late summer 2017.

5.3.2 Report Distribution

Copies of this document have been sent to agencies, local government units, libraries and other interested organizations in accordance with Minnesota Rule 4410.1500 (Publication and Distribution of an EAW) and Wisconsin Administrative Code Chapter Trans 400.11 (Distribution and Review of Environmental Documents). In addition, copies of this document have been distributed to all agencies and individuals who received a copy of the Tier 1 EA. Additionally, those who provided comments during the Tier 1 EA public comment period have received notification of the Tier 2 EA availability and information on where to access the document for review. The Tier 1 EA and this Tier 2 EA are also available on the NLX Project website for review at www.dot.state.mn.us/nlx/.

5.3.3 Steps to Determine Documentation Adequacy

Following the comment period, the responsible agencies (FRA, MnDOT and WisDOT) will make a determination as to the adequacy of the environmental documentation. If further documentation is necessary, it could be accomplished by preparing an EIS, revising the EA, or clarification in the Findings of Fact and Conclusion, whichever is appropriate.

If an EIS is not necessary, as currently anticipated, MnDOT will prepare a Negative Declaration on the Need for an EIS (Negative Declaration) to fulfill Minnesota state environmental requirements. If the FRA agrees that this finding is appropriate, it will issue a FONSI. WisDOT will adopt the FRA decision.

Notices of the federal and state decisions and availability of the above document will be placed in the MEQB Monitor. MnDOT will distribute the Negative Declaration and FONSI to the EAW distribution list. Notices will be posted to the NLX Project website and distributed to local media outlets. The FONSI, if warranted, will be published on the FRA and NLX Project websites.

As appropriate and necessary, this Tier 2 EA would be refined through future supplemental NEPA documentation as the final design advances and funding is secured for the NLX Project. Future supplemental environmental documentation is identified as appropriate throughout this Tier 2 EA.