



March 7, 2023

FINDING OF NO SIGNIFICANT IMPACT
MILE CREEK ROAD REALIGNMENT AND BRIDGE CONSTRUCTION
ENVIRONMENTAL ASSESSMENT
Grand Portage National Monument, Minnesota

BACKGROUND

The National Park Service (NPS) has completed a comprehensive analysis of a proposal to realign a segment of Mile Creek Road and construct a new bridge (project) across Grand Portage Creek at Grand Portage National Monument (Park). The project is a partnership between Cook County, Minnesota, the Grand Portage Band of Lake Superior Chippewa (the Band), and the Park. The purpose of this project is to reduce the hazard caused by a blind curve, eliminate traffic and plowing impacts on the existing historic bridge, and increase pedestrian access.

The impacts of the proposed action were analyzed in an environmental assessment (EA), which was open for public comment from February 2 - March 4, 2023. A press release was issued on February 2, 2023 announcing that the EA was available for public review, and inviting comments online through the [Planning, Environment, and Public Comment \(PEPC\)](#) system or by U.S. mail. As described in [Attachment A](#), no public comments were received.

SELECTED ALTERNATIVE

Two alternatives were analyzed in detail in the EA. Based on this analysis, the NPS selected Alternative B, Road Realignment. The selected alternative will realign Mile Creek Road / County State Aid Highway 17 (CSAH 17) to remove a blind, 90-degree turn and eliminate vehicular traffic across a historic stone bridge. The current road segment between the Mile Creek Road / Store Road intersection and picnic area parking would be closed to all traffic and converted to a pedestrian trail that would cross the historic bridge. See Chapter 2 of the EA for a full description of this alternative.

RATIONALE FOR DECISION

The selected alternative best meets the project purpose and need, which is to reduce the hazard caused by a blind curve on CSAH 17, eliminate traffic and plowing impacts on the historic bridge, and increase pedestrian access. The existing road alignment does not conform to MnDOT guidelines for minimum bend radius, and the selected alternative would correct this deficiency and improve public safety. The selected alternative also provides protection for the historic stone bridge by closing it to vehicular traffic and retaining it as a pedestrian route.

MITIGATION MEASURES

The NPS places strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. Therefore, NPS recommends multiple mitigation measures and best management practices to protect the natural and cultural resources that the project could affect: Cultural Resources, Human Health and Safety, and Water Resources. These stipulations and

mitigations are described in Chapter 2 of the EA.

The authority for this project's mitigations comes from the following laws and policies:

- NPS Organic Act (16 United States Code [U.S.C.] 1)
- National Park Service Management Policies (NPS 2006)
- National Historic Preservation Act (54 United States code [U.S.C.] 306108)
- Archeological Resources Protection Act (16 United States Code [U.S.C.] 1B)

SIGNIFICANCE CRITERIA REVIEW

Potentially Affected Environment

This project will realign a portion of Mile Creek Road / CSAH 17 and construct a new bridge across Grand Portage Creek. Potentially affected resources include cultural resources, human health and safety, and water resources.

The entire Park is listed in the National Register of Historic Places (NRHP). It contains archeological deposits and historic structures within an important cultural landscape. The CCC-era stone bridge is significant for its association with government relief programs of the 1930s and its hand-laid stone wing wall. Known archeological resources include artifacts from 18th century fur trade operations and 19th and 20th century Grand Portage Village settlement and subsistence activities. The Park's cultural landscape includes circulation networks of historic significance that are still in use by the Grand Portage community, and plant species of historic, cultural, and/or ecological significance.

Mile Creek Road serves as a major corridor between two population centers, with approximately 1,450 commuters per day. The 90-degree bend and historic bridge on this road present human health and safety hazards. The bend's curve radius does not meet MnDOT guidelines, and pedestrians and vehicles share the narrow bridge crossing without sufficient room to pass safely.

There are 0.76 acres of riverine and palustrine scrub/shrub and forested wetlands in the project area, of which 0.33 acres would be impacted by the road realignment. The project is also in the floodplain of Grand Portage Creek. Water quality assessments of Grand Portage Creek indicate that it is a high-quality aquatic resource. Through the Park, Grand Portage Creek flows unimpeded, and few man-made structures exist in the stream channel.

Degree of Effects of the Action

The National Park Service considered the following actual or potential project effects in evaluating the degree of the effects (40 CFR 1501.3(b)(2)) for this proposed action.

a. Beneficial and adverse, and short- and long-term effects of the proposed action.

The selected alternative will result in mostly long-term beneficial impacts, and some negligible or minor adverse impacts, as described below.

Realignment of Mile Creek Road and construction of a new bridge across Grand Portage Creek could result in negligible long-term adverse impacts on archeological resources if previously undiscovered archeological resources are uncovered and affected during

construction. However, potential for such adverse impacts will be reduced by implementation of stipulations and mitigations. One area that could contain archeological deposits will be protected via encapsulation by the new road prism, and the realignment will otherwise impact only heavily disturbed areas or areas with minimal artifact density. The selected alternative will also have negligible, long-term impacts on the historic circulation pattern from the road realignment and repurposing of the old road to a pedestrian trail. The selected alternative will result in direct, long-term beneficial impacts to the historic stone bridge, as well as indirect long-term adverse impacts from the change in use. Structural degradation to the stone parapet walls from traffic and accidental vehicular impacts will be eliminated. Frequent seasonal snow plowing will not occur under this alternative, which will protect the bridge from further damage. The bridge was originally designed for vehicle access, and the change in use to a pedestrian trail will adversely impact the cultural use of the structure.

The project will result in indirect, long-term beneficial impacts to human health and safety, by eliminating the hazard posed by the existing 90-degree bend in Mile Creek Road and creating a safer crossing for pedestrians.

The selected alternative will result in minor, adverse, long-term impacts to water resources. The project will impact 0.33 acres of wetlands. As described in the Wetland Statement of Findings, these impacts will be offset by removal of invasive species in other wetland areas of the Park. The new bridge will result in <0.1 feet of rise in Grand Portage Creek under 100-year or 500-year flood scenarios, and there would be no downstream impacts to aquatic habitat, fish passage, or infrastructure. The realignment will create a net increase of 0.3 acres of impervious surfaces, resulting in a negligible increase in runoff.

- b. Degree to which the proposed action affects public health and safety.**
The selected alternative will result in indirect, long-term beneficial impacts to human health and safety, by eliminating the hazard posed by the existing 90-degree bend in Mile Creek Road and creating safer bridge crossings for both pedestrians and vehicles. The selected alternative will bring the road into compliance with MnDOT guidelines for minimum bend radius. Restricting use of the historic bridge to pedestrian traffic only will eliminate the safety hazards posed by pedestrians and vehicles sharing the same bridge. The new bridge will also be wider, which will increase safety for vehicular traffic.
- c. Effects that would violate federal, state, tribal, or local law protecting the environment.**
The selected alternative does not threaten or violate applicable federal, state, tribal, or local environmental laws or requirements imposed for the protection of the environment. The Band partnered with the NPS on this project and was consulted throughout the planning process under NHPA Section 106. Because this project occurs within the sovereign lands of the Grand Portage Reservation, consultation with the State Historic Preservation Office (SHPO) is not required. The Park also consulted with U.S. Fish and Wildlife Service (USFWS) to ensure compliance with the Endangered Species Act (ESA). These

consultation efforts are summarized below.

Tribal Consultation

The NPS closely collaborated with the Band on this project. Several meetings and site visits with the Tribal Historic Preservation Officer (THPO) and Reservation Tribal Council occurred, beginning in 2020. The Band concurred that the project would have no adverse effect on historic properties under Section 106 of the National Historic Preservation Act.

U.S. Fish and Wildlife Service

Consultation with USFWS regarding the threatened northern long eared bat was initiated on April 15, 2021 through the Information for Planning and Consultation (IPaC) system. The project was determined to be consistent with the Northern Long Eared Bat Programmatic Biological Opinion (PBO) under the ESA 4(d) rule. The project was resubmitted in IPaC on March 2, 2023 and a letter was received from USFWS re-affirming consistency with the PBO.

The northern long eared bat will be reclassified as endangered effective March 31, 2023. USFWS was contacted for guidance regarding ESA Section 7 consultation for this project on December 15, 2022. Section 7 consultation tools for the endangered listing are currently being developed by USFWS and are not yet available. Per USFWS guidance, consultation will be reinitiated if project elements that may affect the northern long eared bat (including tree removal) are not implemented by the effective date of the endangered listing. The project will not proceed until Section 7 consultation is complete.

FINDING OF NO SIGNIFICANT IMPACT

Based on the information contained in the EA, I have determined that the proposed action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement will not be required.

This finding is based on consideration of the Council on Environmental Quality criteria for significance(40 Code of Federal Regulations [CFR] 1501.3 [b] (2020)), regarding the potentially affected environment and degrees of effects of the impacts described in the EA (which is hereby incorporated by reference) and as summarized below.

Recommended:

Heather Boyd
Superintendent
Grand Portage National Monument

Date

Approved:

Herbert C. Frost, Ph.D.
Regional Director
National Park Service DOI Regions 3, 4, and 5

Date

Attachment A: Public Comment Summary and Errata

On February 2, 2023, Grand Portage National Monument released the Mile Creek Road Realignment and Bridge Construction Environmental Assessment (EA) and associated Wetland Statement of Findings (WSOF) for public review and comment. A press release was issued on February 2, 2023 announcing that the documents were available for public comment for 30 days. The public was invited to provide comments online through the Planning, Environment, and Public Comment (PEPC) system at <http://parkplanning.nps.gov/MileCreekRd> or to mail comments to the Park.

No public comments on the EA or WSOF were received. Minor typographical errors in the EA are corrected through the errata below.

ERRATA

This erratum contains minor revisions to the EA. These edits do not result in modifications to the selected action, and do not change the environmental analysis. They are provided to correct typographical errors and clarify the material presented in the EA.

Page 15:

“Archeological Resource and Protection Act” is corrected to “Archeological Resources Protection Act”

Page 22 (Alternative B): “This alternative is not anticipated to have any long term adverse impacts on water resources” is corrected to “This alternative is not anticipated to have any long term adverse impacts on water quality.”



March 7, 2023

DETERMINATION OF NON-IMPAIRMENT
MILE CREEK ROAD REALIGNMENT AND BRIDGE CONSTRUCTION
ENVIRONMENTAL ASSESSMENT
Grand Portage National Monument, Minnesota

National Park Service (NPS) *Management Policies 2006* (Section 1.4) requires analysis of potential effects to determine whether proposed actions will impair a national park's resources and values. NPS decision makers must always seek ways to avoid or to minimize, to the greatest degree practicable, adverse impacts on park resources and values. The NPS has the management discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of the park, although that discretion is limited by the statutory requirement that the NPS must leave resources and values unimpaired unless a particular law directly and specifically prescribes otherwise.

An impairment is an impact that, in the professional judgment of the responsible NPS decision maker, will harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values. An impact on any park resource or value may, but does not necessarily, constitute impairment. An impact will be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified in the park's general management plan or other relevant NPS planning documents as being of significance.

An impact may be less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values, and it cannot be further mitigated.

Impairment may result from visitor activities, NPS administrative activities, or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park. An impairment determination is not made for subject matters such as visitor experience, public health and safety, socioeconomics, environmental justice, land use, and park operations because impairment determinations only relate to resources and values that maintain the park's purpose and significance. Therefore, this consideration of impairment to resources of Grand Portage National Monument does not include human health and safety. Additionally, this determination applies only to NPS lands.

Cultural Resources

The selected alternative would realign Mile Creek Road and construct a new bridge across Grand Portage Creek. This could result in negligible long-term adverse impacts on archeological resources if previously undiscovered archeological resources are uncovered and affected during construction. However, potential for such adverse impacts will be reduced by implementation of stipulations and mitigations. One area that could contain archeological deposits will be protected via encapsulation by the new road prism, and the realignment will otherwise impact only heavily disturbed areas or areas with minimal artifact density. The selected alternative will also have negligible, long-term impacts on the historic circulation pattern from the road realignment and repurposing of the old road to a pedestrian trail. The selected alternative will result in direct, long-term beneficial impacts to the historic stone bridge, as well as indirect long-term adverse impacts from the change in use. The bridge was originally designed for vehicle access, and the change in use to a pedestrian trail will adversely impact (but not impair) the cultural use of the structure. Structural degradation to the stone parapet walls from traffic and accidental vehicular impacts will be eliminated. Frequent seasonal snow plowing will not occur under this alternative, which will protect the bridge from further damage. Therefore, the selected alternative would not constitute an impairment to cultural resources.

Water Resources

The selected alternative will result in minor, adverse, long-term impacts to water resources. The project will impact 0.33 acres of wetlands, which will be offset by removal of invasive species in other wetlands areas of the Park. The new bridge will result in <0.1 feet of rise in Grand Portage Creek under 100-year or 500-year flood scenarios, and there would be no downstream impacts to aquatic habitat, fish passage, or infrastructure. The realignment will create a net increase of 0.3 acres of impervious surfaces, resulting in a negligible increase in runoff. Therefore, the selected alternative would not constitute an impairment to water resources.

Conclusion

As guided by the expected outcomes noted above, implementing the selected alternative does not constitute impairment of any resource or park value whose conservation is: (1) necessary to fulfill specific purposes identified in establishing legislation or proclamation of the park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the Park's general management plan or other relevant NPS planning documents as being of significance. This conclusion is based on the consideration of the purpose and significance of the Park, a thorough analysis of the environmental impacts described in the environmental assessment, relevant scientific studies, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction of NPS.