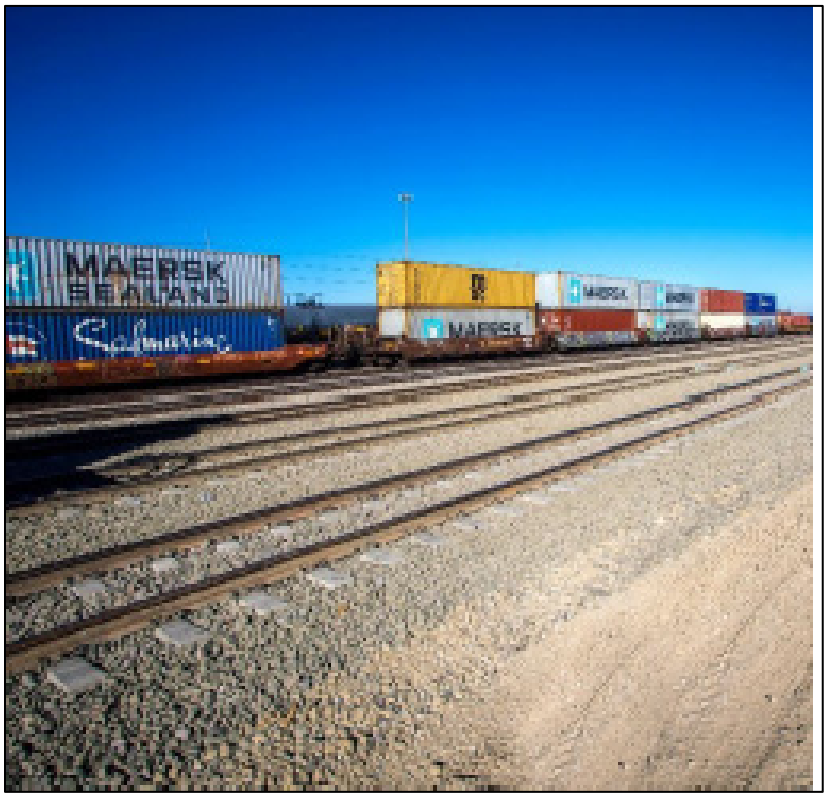
Finding of No Significant Impact

Logistics Park of North Dakota



Issued by: Federal Railroad Administration (FRA)
Prepared pursuant to 23 C.F.R 771

July 2024

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Introduction

The Federal Railroad Administration (FRA) prepared this Finding of No Significant Impact (FONSI) to comply with the National Environmental Policy Act, 42 United States Code (U.S.C.) §§ 4321 et. seq. (NEPA) and its implementing regulations, 40 Code of Federal Regulations (CFR) Parts 1500-1508; FHWA/FTA/FRA joint regulations implementing NEPA's (23 CFR Part 771); Section 4(f) of the United States Department of Transportation Act (49 USC §303) and FHWA/FTA/FRA implementing regulations (23 CFR Part 774); and related laws. FRA makes this FONSI based on information included in the environmental assessment (EA) FRA prepared in cooperation with the North Dakota Department of Transportation (NDDOT), the City of Minot (Minot), and the Minot Area of Chamber Economic Development Corporation (Minot Area Chamber EDC) for the Logistics Park of North Dakota (LPND) Project (the Project). The Project proposes the planning and design of the LPND facility within Minot, ND. This rail intermodal service will include the transportation and transloading of containerized freight between truck and rail and improve efficiency of the transportation of goods through Minot. This FONSI incorporates the EA by reference. The EA was made available to the public for review and comment from March 15 to April 15, 2024.

Project Area

The LPND Project Area is an approximately 800-acre site in Minot, North Dakota (**Figure 1**). The existing facility is located south of Ward County Route 12 (CR 12). The area is located north of CR 12 and framed on the west side by Ward County Route 19 (CR 19) and on the east side by 55th Street NE. This location is the site of a gravel pit, a former FEMA mobile home park, and one industry with rail spur connecting to the BNSF mainline, Tatman Spur.

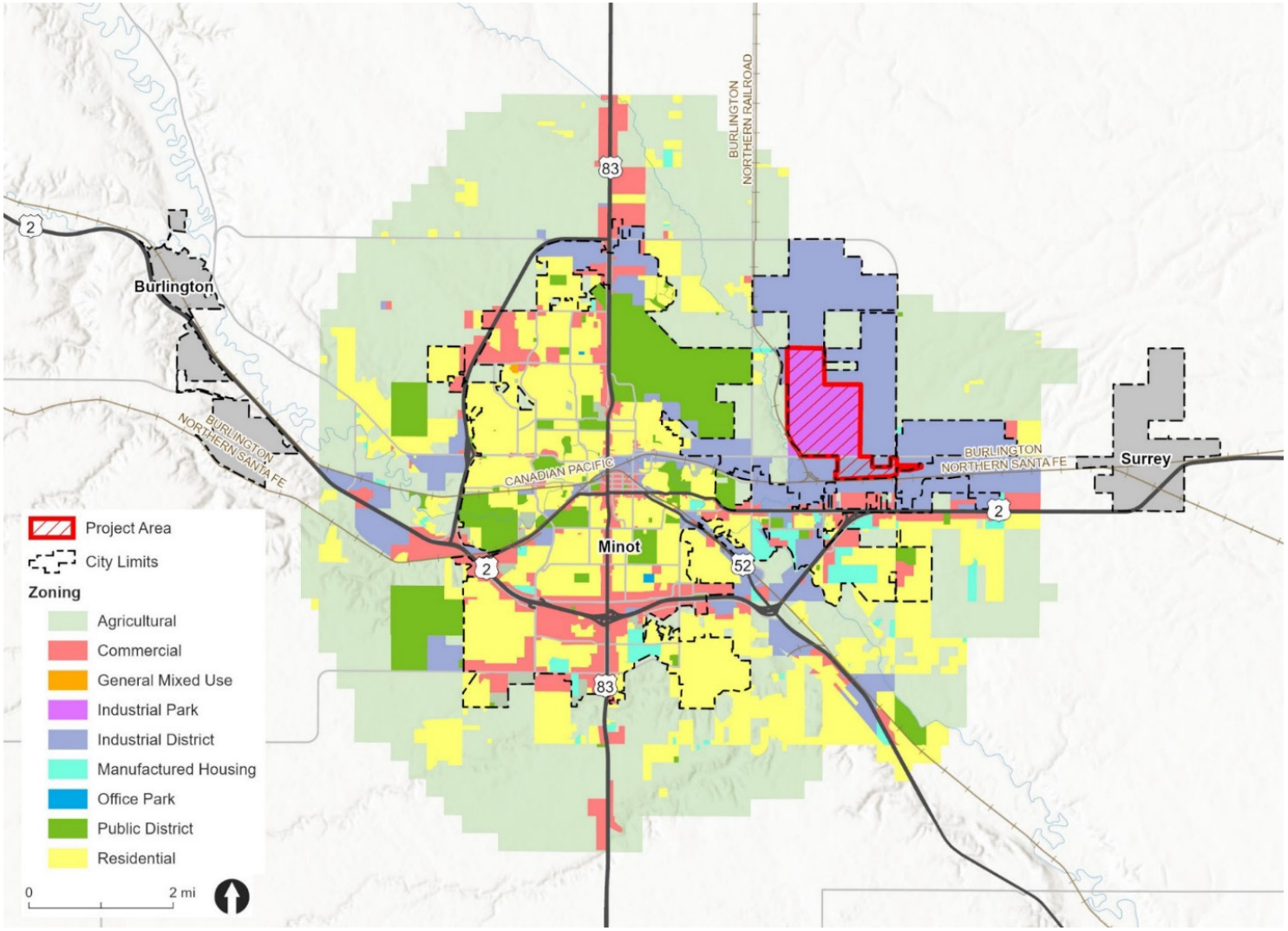

Figure 1. Logistics Park of North Dakota Project Area

Purpose and Need Statement

Purpose of the Project
The Project purpose is to provide North Dakota and the surrounding region access to an intermodal facility with transloading capability between truck and rail that facilitates cost-competitive shipment of goods among domestic and international markets.

Need for the Project
The Project is needed to:

- Accommodate existing and future freight demand in North Dakota **(Demand)**
- Provide operationally efficient transloading capabilities between truck and rail in North Dakota **(Operations)**
- Provide a competitively priced intermodal facility that connects North Dakota to international markets and key regional centers **(Cost & Linkage)**

Alternatives

As described in Section V of the EA, NDDOT, Minot, and Minot Area Chamber EDC identified and considered several alternatives for this Project. Alternatives were developed through site identification and possible site layout concepts. FRA, NDDOT, Minot, and Minot Area Chamber EDC completed agency coordination early in the alternative's development and screening process with several federal and state agencies.

NDDOT, Minot and Minot Chamber EDC chose the LPND location for several reasons, including:

- Presence of two Class I rails – BNSF and Canada Pacific (CP).
- Central location in North Dakota with excellent access to U.S. highways.
- Position as the only BNSF Certified Site for Intermodal Development in North Dakota.
- Location between west coast ports and other major container intermodal yards to the east (Minneapolis and Chicago).
  Location of BNSF rail refueling station and inspection point at Gavin Yard, located on the eastern edge of the City.

Alternatives Carried Forward

FRA, NDDOT, Minot, and Minot Chamber EDC conducted a fatal flaw screening that identified/screened out a concept that had high wetland impacts in comparison to the concept carried forward. FRA, NDDOT, Minot and Minot Chamber EDC carried forward two alternatives, the No Action Alternative and Build Alternative, following screening. The alternatives are described below.

No Action Alternative

The No Action Alternative consists of maintaining the existing rail and truck transportation infrastructure within the Project Area, with no improvements besides minimal regularly scheduled repairs. The continued rail operation within the Project Area would include the Tatman Spur from the BNSF mainline and one rail spur to one existing business. Between October 2020 to June 2021, 28 full unit trains with over 6,000 containers shipped out of the LPND, equating to almost one train per week.

As outlined in the EA, the No Action Alternative does not meet the Purpose and Need for the Project, because it would not accommodate the existing and future rail demands in the area and would not be able to efficiently connect North Dakota to international markets and key regional centers. This alternative is included in this EA as a baseline scenario to be compared to the Build Alternative.

Build Alternative

The Build Alternative is in Minot, located north of CR 12. The Build Alternative includes the rail infrastructure to create an intermodal facility on the proposed LPND. Referring to on **Figure 2**, the rail infrastructure includes:

- an infinity loop (shown in dark blue),
- transloading rail lines (shown in yellow),
- manifest rail lines (shown in red),
- intermodal rail lines (shown in light blue), and
- industry connection rail lines (shown in black).

The Build Alternative, in addition to the rail infrastructure noted, includes the associated infrastructure (maintenance building, lighting, security, etc.). The Build Alternative would meet the existing and future rail demands in the area and would efficiently connect North Dakota to international markets and key regional centers.

The Build Alternative does not include the future expansion of the site to grow the Industrial Park with developing approximately 27 sites as shown on **Figure 2**. The EA evaluates the potential impacts resulting from future development of the Industrial Park as indirect effects of the Project.

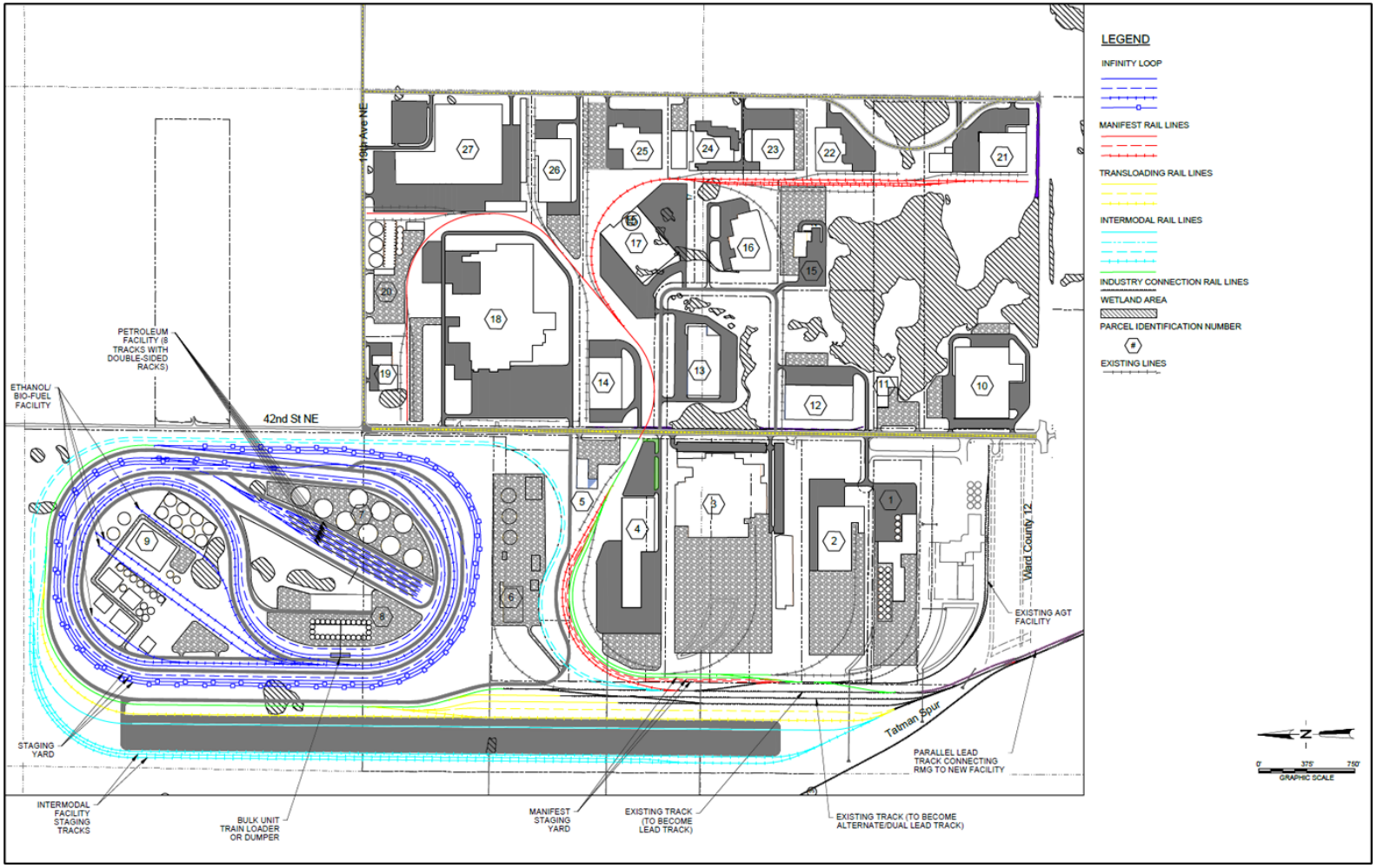

Figure 2. Rail Infrastructure Identified Under the Build Alternative

Selected Alternative

FRA, NDDOT, Minot, and Minot Chamber EDC compared the Build Alternative and No Build Alternative, assessing the ability of each alternative to meet the Project's Purpose and Need and determine the Selected Alternative. The following summarizes the Build Alternative's ability to meet the Purpose and Need for the Project:

- The Build Alternative would provide an intermodal facility within North Dakota that can transport at a minimum of 76,000 containers annually. This number of containers allows the current truck transport of goods within North Dakota to be transitioned to rail transport, allowing the site to assist in meeting the existing and future rail freight demand in North Dakota.
- The Build Alternative would improve the efficiency of the rail system on site and in the area. Currently, the existing rail spur within the LPND is limited in the number of trains that can be loaded and the maneuvering of full trains. The Build Alternative incorporates an infinity loop track that allows for additional and more efficient transloading capabilities between truck and rail.
- The Build Alternative would create efficiencies and transition transport from truck to rail capabilities, reducing the drayage costs of the transport of goods from North Dakota markets.
- The Build Alternative would result in diverting freight volumes from truck to rail and thus reducing pavement maintenance costs.

For the reasons outlined above, the Build Alternative is the Selected Alternative.

Environmental Consequences and Environmental Commitments

Based on the EA, FRA has concluded that the Selected Alternative will have no foreseeable significant impact on the quality of the natural and human environment. FRA finds the Selected Alternative is best able to achieve the Purpose and Need for the Project without significant environmental impacts.

FRA's environmental review for the Project included an analysis of potential impacts to resources protected under Section 4(f) of the USDOT Act of 1966 and resources protected under Section 6(f) of the Land and Water Conservation Fund Act (LWCF) of 1965. There are no Section 4(f) or Section 6(f) resources documented within the Project Area. No parks, recreation areas, or wildlife/waterfowl refuges are present.

Table 1 summarizes potential impacts to physical, biological, and human resources which have a possibility to be affected by the Project, as evaluated in Section VI of the EA. NDDOT, Minot, and Minot Chamber EDC is required to comply with all applicable federal, state, and local permitting requirements during the implementation of the Selected Alternative, which include:

- Clean Water Act of 1977, 33 U.S.C § 1251-1376;
- Section 404/401 of the Clean Water Act, 33 U.S.C § 1344; and
- Executive Order 11990, Protection of Wetlands, 42 FR 26961, 3 CFR, 1977.

Table 1. LPND Project Summary of Environmental Resources (Evaluated by the EA)

Environmental Resource	Potential Impact of Selected Alternative	Mitigation Measures
Air Quality	Anticipated reduction in regional emissions due to the reduction in truck traffic. Temporary, minor amounts of fugitive dust emissions are anticipated to occur during construction as well as exhaust emissions from construction equipment.	NDDOT, Minot, and Minot Chamber EDC will incorporate BMPs such as dust suppression methods, speed limits for construction-related vehicles on unpaved surfaces, shutting off equipment not in use, covering haul trucks with tarps, stabilizing disturbed areas with vegetation, and monitoring for necessary dust control measures will be used during construction. Dust suppression methods may include application of water, dust palliative, or soil stabilizers; the use of enclosures, covers, silt fences, or wheel washers; and suspension of earth-moving activities during high wind conditions. Any future reevaluation of the EA will consider whether additional evaluation of air quality impacts is required. NDDOT, Minot, and Minot Chamber EDC require heavy diesel equipment to use cleanest available engines or retrofits with diesel particulate control technology, require maintenance of engines; • Minimize fuel use and emissions by reducing unnecessary trips to and from the construction site; • Include considerations for limiting the amount of activity to avoid unacceptable impacts to occupied structures, such as utilizing travel routes farther away from occupied structures when possible and restricting the use of heavy machinery to certain daylight hours; and Include considerations to eliminate the need to idle locomotives (particularly during freezing temperatures), such as placing time limits on idling or posting notices discouraging idling within the Logistics Park of North Dakota.

Environmental Resource	Potential Impact of Selected Alternative	Mitigation Measures
Water Quality	Minimal direct and indirect effects to Livingston Creek. Anticipated direct effects to the creek are due to conversion of grassland. Potential indirect effects to the creek resulting from future Industrial Park expansion would be beneficial due to the inclusion of stormwater detention to offset additional runoff from development of the site.	NDDOT, Minot, Minot Chamber EDC or the construction contractor would obtain the required authorization to discharge under the North Dakota Pollutant Discharge Elimination System, in compliance with Chapter 33.1-16-01 of the North Dakota Department of Environmental Quality rules as promulgated under Chapter 61-28 of North Dakota Century Code (ND DEQ 2020). As part of this permit, BMPs such as the development of a SWPPP and permanently seeding undeveloped areas will be implemented to help minimize impacts. Stormwater detention will be incorporated into the future Industrial Park expansion.
Wetlands	Permanent impacts to wetlands and Other Waters (OW) are anticipated. The Selected Alternative would affect approximately 4.71 acres of wetland and 15.00 acres of OW. There are also potential indirect effects of the Project resulting from the expansion of the Industrial Park, as the area of the expansion has approximately 41.97 acres of wetland and 15.00 acres of OW.	NDDOT, Minot, and Minot Chamber EDC will need to coordinate the final design of the Build Alternative with USACE to determine if a Section 404 permit is required. If required, a Section 404 permit will need to be completed. Entities responsible for any future expansion of the Industrial Park would also need to consult to determine if a Section 404 permit is required for that proposed development.
Noise and Vibration	Noise levels are not anticipated to surpass the threshold of moderate noise impact threshold set by FTA/FRA. Additionally, ground vibrations are not anticipated to impact vibration-sensitive parcels near the Project.	NDDOT, Minot, and Minot Chamber EDC will: • Analyze the site layout and development plans with consideration of noise pollution. • Utilize noise-dampening equipment and technology whenever feasible.

Environmental Resource	Potential Impact of Selected Alternative	Mitigation Measures
Threatened and Endangered Species	USFWS concurred that the Project would not adversely affect or jeopardize federally listed/proposed species nor adversely modify designated/proposed critical habitats.	If a species, such as the Monarch Butterfly, is listed before construction begins, consultation would occur with USFWS to determine the effect on the species due to the project. Any measures would be determined through this consultation and include within the final design and construction.
Energy Use	Energy use would increase within the Project Area during operation of the LPND facility as compared to preconstruction. Energy would be used for purposes such as lighting, ventilation, and heat. In the long-term, fuel savings would be realized due to improved efficiencies in the movement of passenger rail to and from intermodal facilities. There would be no increase in electric power demand within the Project Area during construction.	None
Visual Resources	The Build Alternative would be visible from CR 19, CR 12, and residences on the north and south sides of the Project Area. Views would remain consistent with the zoning of industrial land use. No major impact to visual resources is anticipated.	None

Environmental Resource	Potential Impact of Selected Alternative	Mitigation Measures
Transportation	Improve inbound and outbound reach for products, increase competition, relieve congestion in the interstate highway system, and lower truck traffic for products that are shipped via truck. Minor increases in traffic within the area are anticipated during construction activities.	None
Land Use	The Selected Alternative is compatible with land use within the area.	None
Socioeconomic	Introduce transloading opportunities to both Minot and Central North Dakota. Key targeted industries in Minot would also potentially see economic benefits due to the improved capacity to transport freight as well as improving the cost effectiveness of importing/exporting goods. These benefits could add more high-wage jobs in value-added industries. Create construction jobs.	None

Environmental Resource	Potential Impact of Selected Alternative	Mitigation Measures
Environmental Justice	The Project would benefit EJ populations via job opportunities generated by the Project's construction and operation. Economic activity created by the Project is expected to provide a short-term increase in incomes in the local EJ communities and positively affect poverty rates. The Project is not anticipated to disproportionately burden minority or low-income populations.	None
Public Health and Safety	The Project is not anticipated to pose a significant threat to public health and safety during construction or operation.	Permanent fencing, controlled gates, security cameras, and lighting will be erected to prevent the public from accessing the areas immediately within the Project Area.
Hazardous Materials	Hazardous materials could be impacted during the redevelopment of the Project Area. Construction and excavation could disturb soils and/or groundwater at the Project Area, and unplanned or yet unknown activities might expose workers to the chemicals identified in soils/groundwater. Hazardous materials could also be handled during operation of the transloading facility and could pose a potential public health concern if not properly handled or maintained.	Before construction begins an environmental contractor will further investigate the site, prepare, and implement a site-specific management plan to address any known and potential hazardous material issues, as needed. This contractor would also be on site during construction to oversee the proper handling, characterization, treatment, and/or management and disposal of impacted soil and groundwater encountered during construction activities. All excavated soil requiring off-site disposal would be characterized and managed in accordance with North Dakota Department of Environmental Quality (NDDEQ) regulatory requirements. Transportation of material within or leaving the Project Area would be completed in accordance with all applicable federal, state, local, and agency requirements covering licensing of haulers and trucks, placarding, truck routes, manifesting, etc.

Environmental Resource	Potential Impact of Selected Alternative	Mitigation Measures
		NDDOT, Minot and Minot Chamber EDC will implement a Spill Prevention, Control, and Countermeasure (SPCC) plan. An environmental contractor could also assist with preparing the SPCC plan, if needed.
Cultural Resources (6(f))	The ND SHPO concurred with the recommended effect determination of *No Historic Properties Affected*.	If cultural or archeological materials are discovered during construction, the Apache Tribe of Oklahoma's Environmental Department will be contacted.
Section 4(f)	No 4(f) properties are present within the Project Area. No impact is anticipated.	None

In addition, in implementing the Selected Alternative, NDDOT, Minot, and Minot Chamber EDC must comply with all applicable federal, state, and local laws.

Coordination and Consultation

Public Outreach

Public involvement for the EA included a press release, newspaper advertisements, web page updates on both the Federal Railroad Administration (https://railroads.dot.gov/rail-network-development/environment/environmental-reviews/logistics-park-north-dakota) and Minot Area Chamber EDC websites (minotchamberedc.com), as well as social media posts.

Agency Coordination

Coordination for the LPND Project has occurred and is ongoing with several federal, state, and local agencies. Section 106 consultation regarding potential impacts to historic properties as described in the EA occurred with the ND SHPO. Agency coordination was completed during the EA process by NDDOT, the City of Minot, and the Minot Chamber EDA. The following agencies and stakeholders were contacted:

- City of Minot- Commissioners, Engineer, Fire Chief, Manager, Mayor, Planner and Police Chief
- North Dakota Department of Water Resources- Director and Project Reviewer
- Indian Affairs Commission
- Minot International Airport
- North Dakota Aeronautics
- North Dakota Associations of Counties
- North Dakota Department of Emergency Services
- North Dakota Forest Service

- North Dakota Game & Fish Department
- North Dakota Geological Survey
- North Dakota Geological Survey
- North Dakota National Guard
- North Dakota Parks and Recreation
- North Dakota State Historic Preservation Office
- North Dakota Tourism Division
- North Dakota Trust Lands
- North Dakota Department of Environmental Quality
- North Dakota State University Extension Service Soil Conservation Committee
- Bureau of Indian Affairs
- Bureau of Reclamation
- Federal Emergency Management Administration
- Grand Forks Air Force Base
- U.S. Coast Guard
- U.S. Geological Survey
- U.S. Army Corp of Engineers
- U.S. Department of Corrections
- U.S. Department of Energy
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service

Tribal Coordination

FRA completed Tribal consultation in compliance with Section 106 of NHPA, with the federally recognized tribes identified having lands or resources in the Study Area. The following tribes were identified:

- Apache Tribe of Oklahoma
- Fort Belknap Indian Community
- Three Affiliated Tribes

EA Public Comment Period

The EA was made available for public review with a formal comment period on March 15 to April 15, 2024. Comments provided on the EA during the public review period and responses to comments received are included in **Appendix A** of this FONSI.

Conclusion

FRA carefully considered the Project record, including the EA and associated technical reports and analysis, the identified mitigation measures and environmental commitments, and the written and oral comments offered by agencies, stakeholders, and the public on this record. Based on this consideration, FRA determined the LPND Project as presented and assessed in the attached EA satisfies the requirements of NEPA (42 U.S.C. § 4321 et seq.), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and FHWA/FTA/FRA joint regulations implementing NEPA (23 CFR Part 771), and the Selected Alternative described in this FONSI would have no significant impact on the quality of the human or natural environment. The EA provides sufficient evidence and analysis for FRA to determine that an environmental impact statement is not required for the LPND Project as presented.

STEPHANIE BENNETT PEREZ-ARRIETA

Digitally signed by STEPHANIE BENNETT PEREZ-ARRIETA
Date: 2024.07.22 16:14:38 -04'00'

Stephanie B. Perez, PG **Date**
Chief, Environmental Review Division
Federal Railroad Administration

Federal Railroad Administration

FRA's Office of Railroad Policy and Development, with assistance from FRA's Office of Chief Counsel, prepared this document in March 2024 in accordance with USDOT's NEPA regulations. For further information regarding this FONSI contact:

Brandon Bratcher
Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Avenue, SE
West Building Mail Stop 20
Washington, DC 20590
Brandon.bratcher@dot.gov

The following organization(s) assisted FRA's Office of Railroad Policy and Development in the preparation of the associated EA:

North Dakota Department of Transportation
City of Minot
Minot Area Chamber EDC
HDR Engineering, Inc.

Appendix A: Comment Letters and Responses to Comments Received on the EA

Comment Number 1

United States Department of Agriculture

Natural Resources
Conservation Service

Bismarck State Office
PO Box 1458
Bismarck, ND
58502-1458

Voice 701.530.2000
Fax 855-813-7556

March 18, 2024

Rebecca Baker
HDR, Inc.
51 North Broadway, Suite 550
Fargo, ND 58102
rebecca.baker@hdrinc.com

Dear Ms. Baker:

The Natural Resources Conservation Service (NRCS) has reviewed your email dated March 15, 2024, concerning a Rail Freight Intermodal Logistics Facility in Minot, North Dakota.

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., Prime, Statewide Importance and/or Local Importance) to non-agricultural use when federal funding is used. Your proposed project is within the city limits of Minot, North Dakota where FPPA does not apply; therefore, no further action is needed.

If you have additional questions pertaining to FPPA, please contact Wade Bott, State Soil Scientist, NRCS, Bismarck, North Dakota, at (701) 530-2021.

WADE BOTT Digitally signed by WADE BOTT
Date: 2024.03.18 12:54:46 -05'00'

WADE D. BOTT
State Soil Scientist

NORTH Dakota | Environmental Quality

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Comment Number 2

March 27, 2024

Jennifer Hanley, P.E.
Environmental Project Manager
HDR, Inc.
51 North Broadway, Suite 550
Fargo, ND 58102-4970

Re: Minot Logistics Park Environmental Assessment in Ward County

Dear Mrs. Hanley:

The North Dakota Department of Environmental Quality (Department) has reviewed the information concerning the above-referenced project received at the Department on March 15, 2024, with respect to possible environmental impacts.

1. Necessary measures should be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise should be dealt with in an efficient and effective manner.

2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.

3. Projects disturbing one or more acres are required to have a construction stormwater permit to discharge runoff until the site is stabilized by the re-establishment of vegetation or other permanent cover. Projects disturbing less than one acre also are required to have a construction stormwater permit to discharge stormwater runoff if the site is part of a larger common plan of development or sale, and the larger common plan will ultimately disturb equal to or greater than one acre. Coverage under an industrial stormwater permit, or certification for exclusion from an industrial stormwater permit, is required to discharge runoff from industrial facilities. Further information about the applicability of the construction and industrial stormwater permits may be obtained from the Department's website or by calling the Division of Water Quality at 701-328-5210. The city of Minot may require postconstruction practices to address stormwater quality by ordinance or as part of its NDPDES Small Municipal Separate Storm Sewer System (MS4) General Permit obligations. Check with local officials to be sure local MS4 Program considerations are addressed.

4. The construction project may include individual projects located within Ward County. It is possible that some projects may be located over defined glacial drift aquifers, defined sensitive groundwater areas, or within wellhead or source water protection areas. Care should be taken to avoid spills of any materials that may have an adverse effect on groundwater quality. All spills must be immediately reported to this Department and appropriate remedial actions performed.

5. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the Department's Division of Waste Management at 701-328-5166.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this Department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this Department in our determination regarding the issuance of such a certification.

The Department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

L. David Glatt, P.E., Director
North Dakota Department of Environmental Quality

LDG:ll
Attach.

Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality (Department) for projects that involve construction and environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be prohibited against compaction, vegetation loss and unnecessary damage.

Surface Waters

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be contained to minimize silt movement, nutrient upsurges, plant dislocations, and any physical chemicals, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the Department's pesticide application permit with notification to the Department.

Fill Material

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds, including, but not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill material. All temporary fills must be removed. Debris and solid waste must be properly disposed or recycled. Impacted areas must be restored to near original condition.

Comment Number 3

Baker, Becky

From: Abid, Greyson <Abid.Greyson@epa.gov>
Sent: Monday, April 15, 2024 6:15 PM
To: Baker, Becky
Cc: McCoy, Melissa
Subject: EPA Comments on Logistics Park of North Dakota Project EA
Attachments: 2024 Logistics Park of North Dakota DEA EPA Comments_4-15-2024.pdf

Dear Rebecca Baker,

The U.S. Environmental Protection Agency Region 8 has reviewed the March 2024, draft Environmental Assessment (EA) for the Logistics Park of North Dakota Project prepared by the Federal Railroad Administration (FRA). In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA) and Section 102(2)(C) of the National Environmental Policy Act (NEPA), we are providing comments on the EA. If further explanation of our comments is desired, please contact me at (303) 312-6425 or abid.greyson@epa.gov, or Melissa McCoy, our NEPA Branch Manager, at (303) 312-6155 or mccoy.melissa@epa.gov.

Thank you for providing us with the opportunity to review the project.

Greyson Abid (he/him/his), PhD
NEPA Branch
U.S. EPA Region 8
1595 Wynkoop St.
Denver, Colorado 80202
Phone: 303-312-6425

REGION 8
DENVER, CO 80202

April 15, 2024

Ref: 8EJC-NE

Rebecca Baker, Senior Environmental Scientist
HDR
101 S. Philips Avenue, Suite 401
Sioux Falls, South Dakota 57104
Transmitted by email

Dear Rebecca Baker:

The U.S. Environmental Protection Agency Region 8 has reviewed the March 2024, draft Environmental Assessment (EA) for the Logistics Park of North Dakota Project prepared by the Federal Railroad Administration (FRA). In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA) and Section 102(2)(C) of the National Environmental Policy Act (NEPA), we are providing comments on the EA. The CAA Section 309 role is unique to EPA. It requires EPA to review and comment on the environmental impact on any proposed federal action subject to NEPA's environmental impact statement requirements and to make its comments public.

The Project seeks to expand the Logistics Park of North Dakota Project to better accommodate rail freight volumes within the region and industrial park. The proposed expansion would provide an intermodal facility with transloading capability between truck and rail. The EA suggests that this facility would facilitate the cost-effective shipment of goods to both domestic and international markets. The project site consists of approximately 800 acres in Minot, North Dakota. The projected timeline of the initial project construction is 2 years, starting in 2025.

Based on the information available, our initial areas of interest for the EA include: (1) air quality; (2) climate-related impacts and greenhouse gas emissions; (3) wetlands; (4) water quality; (5) hazardous waste; (6) monarch butterfly; and (7) noise pollution. Our detailed comments are enclosed. We recommend the NEPA document disclose the impacts associated with each alternative on environmental resources in a manner that will allow for the decision-maker to effectively plan to reduce potential impacts to such resources to the greatest extent possible and help determine whether a FONSI is supported.

The EPA appreciates the opportunity to provide comments at this stage of the NEPA process. These comments are intended to facilitate decision-making. Thank you for considering our input.

If further explanation of our comments is desired, please contact me at (303) 312-6155 or mccoy.melissa@epa.gov, or Greyson Abid, lead reviewer for this project, at (303) 312-6425 or abid.greyson@epa.gov.

Sincerely,

Melissa W. McCoy, Ph.D., J.D.
NEPA Branch Manager
Environmental Justice, Community Health, and
Environmental Review Division

Enclosure

Enclosure – EPA Comments on Logistics Park of North Dakota Project EA

General Comments

The EA states that the purpose of the project "is to provide North Dakota and the surrounding region access to an intermodal facility with transloading capability between truck and rail that facilitates cost-competitive shipment of goods among domestic and international markets." Presently defined, the purpose restricts the range of viable alternatives considered in the EA to just the Build and No Action Alternative. The EPA recommends defining the purpose and need of the project less narrowly to allow for a broader range of alternatives to be considered, such as a more minimal Build Alternative. For example, the purpose might be defined as providing North Dakota and the surrounding region access to more efficient means of facilitating cost-competitive shipment of goods among domestic and international markets.

The EPA appreciates that the EA considers the cumulative impacts of the proposed action. The EPA recommends incorporating reasonably foreseeable development and induced growth associated with the project (e.g., the expected construction of 27 rail and non-rail served facilities mentioned on page 13 of the EA that is expected to begin following the completion of the Build Alternative) into the cumulative analyses on page 56 of the EA. The EPA also recommends utilizing quantitative analyses whenever possible, as opposed to qualitative comparisons suggesting only "minimal" cumulative impacts. For example, the cumulative analysis of impacts on air quality might provide an estimate of background air pollutant concentrations, emissions directly related to the project, and emissions from other projects in the area and evaluate the combined impacts on surrounding air quality.

Finally, the EPA suggests including a more precise estimate of the project timeline and milestones to help the public more accurately predict the timing and magnitude of impacts from the proposed action.

Air Quality

The EPA appreciates that the EA considered the air quality impacts of the proposed action. The EPA recommends presenting existing air quality and air quality related values (AQRV) data, including the most relevant and recent air quality design values (background pollutant concentrations), in table form. While the EA states that 2022 monitoring data from the Ryder Ambient Air Quality Monitoring site indicates that federal and state ambient air quality standards were met, the EPA recommends presenting relevant site monitoring data to help the public assess historical and ongoing air quality trends and better contextualize potential impacts from the proposed action.

The EA considered the reduction of truck traffic due to the anticipated increase in rail traffic stemming from the proposed action. The EPA recommends expanding this quantitative estimate by estimating the total number of truck and rail trips under each alternative and utilizing emission factors to estimate annual emissions under each alternative. The EPA also recommends distinguishing between changes in state-wide truck traffic and local truck traffic. Based on the discussion in the EA, it is presently unclear whether the trip reductions will have meaningful impacts to local air quality for the Minot area or whether these trip reductions are solely being considered on a statewide basis where the trips deducted are those going to the US/Canada border or the North Dakota/Minnesota border. We recommend the FRA discuss whether there will be a localized net increase of truck trips arriving and departing from the Minot micropolitan statistical area. In comparing estimates of air pollutant emissions for each alternative, the EPA recommends considering air pollution emissions stemming

from construction, development, and future activity associated with the Build Alternative, such as gasoline and diesel emissions from equipment used during construction, emissions from idling equipment, and emissions from vehicles traveling on paved and unpaved roads, including re-entrained dust and fugitive dust. Specifically, we recommend FRA prepare an inventory of emissions associated with the Build Alternative's completion following established EPA guidance for developing emissions inventories for freight terminals and intermodal facilities.[1] We recommend using this information to identify whether there could be any impacts that warrant additional quantitative analysis, or mitigation, especially impacts to occupants of adjacent structures and areas.

The EPA appreciates the inclusion of air quality best management practices (BMPs) on pages 24-25 of the EA. The EPA recommends supplementing these BMPs with the following:

- Require heavy diesel equipment to use cleanest available engines or retrofits with diesel particulate control technology;
- Requirements for maintenance of engines;
- Minimize fuel use and emissions by reducing unnecessary trips to and from the construction site;
- Include considerations for limiting the amount of activity to avoid unacceptable impacts to occupied structures, such as utilizing travel routes farther away from occupied structures when possible and restricting the use of heavy machinery to certain daylight hours; and
- Include considerations to eliminate the need to idle locomotives (particularly during freezing temperatures), such as placing time limits on idling or posting notices discouraging idling within the Logistics Park of North Dakota.

Finally, we recommend consulting with the occupants of residences in the vicinity of the project area to determine if they have additional concerns relating to air quality. If any concerns are raised, we recommend documenting and addressing them in the NEPA document.

Climate-related Impacts and Greenhouse Gas (GHG) Emissions

As noted in our earlier comment letter sent on December 21, 2022, we recommend including a quantitative estimate of the direct and indirect GHG emissions associated with the project, and an analysis of alternatives and/or identification of practicable mitigation to reduce project related GHG emissions. In addition to emissions associated with project construction, development, and operation, we recommend calculating reasonably foreseeable upstream and downstream emissions that could be attributable to the project and providing an analysis of other relevant climate-related impacts. For the analysis, we suggest the following general approach:

- Include a summary discussion of ongoing and projected regional climate change relevant to the project area, based on U.S. Global Change Research Program assessments. This would enable the environmental report to identify impacts that may be exacerbated by climate change.
- Estimate the anticipated direct and indirect GHG emissions associated with the project. The NEPA.gov website includes a non-exhaustive list of GHG accounting tools available to agencies.[2]

[1] U.S. EPA (2022). "Ports Emissions Inventory Guidance: Methodologies for Estimating Port-Related and Goods Movement Mobile Source Emissions". EPA document ID no. EPA-420-B-22-011. Accessible via EPA webpage at: https://www.epa.gov/state-and-local-transportation/port-emissions-inventory-guidance

[2] https://ceq.doe.gov/guidance/ceq_guidance_nepa-ghg.html

We also recommend estimating GHG emissions in CO_2-equivalent terms and translating the emissions into equivalencies that are more easily understood by the public (e.g., annual GHG emissions from x number of motor vehicles, see https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator).

- Account for the project's climate impacts by utilizing the current interim values for the social cost of GHG emissions. The EPA's November 2023 Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances provides the most current and relevant information on generating these calculations.[3]
- Identify and assess measures to reduce GHG emissions associated with the project, including alternatives and/or requirements to mitigate or offset emissions.
- Discuss how reasonably foreseeable GHG emissions associated with the project are, or are not, consistent with state or federal policies or goals. For example, discuss how emissions help or hinder meeting GHG reduction targets set at the federal, state, or local level as required in 40 C.F.R. § 1506.2(d), including the U.S. 2030 Paris GHG reduction target and 2050 net-zero pathway.[4] In this context, we appreciate that the NEPA document discusses the FRA's commitment to reach net-zero GHG emission in the rail industry and rail transportation by 2050. We recommend that the NEPA document avoid relying on percentage comparisons between project-level and national or global emissions, which can inappropriately minimize the significance of planning-level GHG emissions.

Wetlands

The EPA recognizes and appreciates the effort that has gone into configuring the Build Alternative to avoid and minimize impacts to both jurisdictional and non-jurisdictional wetlands and other waters. According to the EA, it is anticipated that impacts to approximately 4.71 acres of non-jurisdictional wetlands are unavoidable (Table 6). The EA notes on page 29 that the Build Alternative falls under Executive Order (EO) 11990 requirements. EO 11990 discusses that proposed actions must include all practicable measures to minimize harm to wetlands. The EPA interprets such practicable measures to include compensatory mitigation; therefore, we recommend that the unavoidable impacts to non-jurisdictional wetlands from the Build Alternative be offset with compensatory mitigation. We encourage the compensatory mitigation to be completed consistent with the EPA and U.S. Army Corps of Engineer's 2008 Mitigation Rule (33 CFR § 332.4 and 40 CFR § 230.94, Compensatory Mitigation for Losses of Aquatic Resources).

The EPA notes that the "jurisdictional under section 404" column of Table 6 on page 29 of the EA is not consistent with paragraph 2 of section VI.C.1. on page 28 of the EA. For example, the text describes wetland 1 as jurisdictional, while this is not reflected in Table 6. Please ensure this table is updated for consistency with the text.

The EPA recommends that the NEPA document include a map showing where the impacted Other Waters are located. This map could be formatted similarly to Figure 7 on page 32 of the EA, which shows the location of wetlands within the project area.

[3] https://www.epa.gov/environmental-economics/scghg

[4] https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/22/fact-sheet-president-biden-sets-2030-greenhouse-gas-pollution-reduction-target-aimed-at-creating-good-paying-union-jobs-and-securing-u-s-leadership-on-clean-energy-technologies/

The EPA recommends discussing how construction, development, and increased rail freight volumes associated with the Build Alternative may increase contaminant levels in wetlands and other water within the project area. The EPA also recommends considering the indirect impacts of increased industrial activity at the Logistics Park of North Dakota on wetlands and other waters in the project area. For instance, how might the addition of new agricultural, distribution, manufacturing, and storage facilities affect wetlands within the project area? We recommend that the NEPA document evaluate the potential types of industrial activities that the proposed action may support and their potential impacts to wetlands and other waters.

Water Quality

The EPA appreciates the discussion on page 25 of the EA of the Minot Water Treatment Plant (WTP) and its treatment capacity in the Affected Environment Subsection of the Water Quality Section. The EPA recommends expanding this discussion in the Environmental Consequences Subsection to consider the proposed action's potential effects on drinking water supply, wastewater, sanitary sewer, and storm sewer impacts. The EPA also recommends considering how these impacts may affect the City of Minot utilities, WTP, and infrastructure.

The EPA appreciates that the EA proposes to include a stormwater pollution prevention plan (SWPPP) on page 26 and commits to permanently seeding undeveloped areas to minimize water quality impacts. To ensure that requirements are met and significant impacts are avoided, the EPA recommends following the EPA's template to help construction site operators develop a SWPPP that is compliant with the minimum requirements of EPA's 2022 Construction General Permit (CGP)[5] and including a draft SWPPP in the final EA. In addition, the EPA recommends including the following in the final EA:

- A list of BMPs that would be required to protect surface water and ground water resources. These could include silt fences, detention ponds, and other stormwater control measures, as well as measures to prevent any associated construction or railroad contaminants from entering waters of the U.S.;
- A discussion of the circumstances under which the BMPs would be applied (e.g., proximity to surface water resources, presence of erosive soils, slope, shallow water aquifers, the proximity of water wells, etc.); and
- Identification of the entity responsible for BMP installation and maintenance and an explanation of how the responsible entity would ensure that the BMPs would be monitored and enforced.

Hazardous Waste

The EA notes that hazardous substances may be present within the project area. A Phase I Environmental Site Assessment (ESA) conducted in June 2022 concludes that site use as a railroad right-of-way and transload facility have caused releases to the soil and may have affected surface or ground water within the project area. A limited Phase II soil investigation in select sites in September 2022 identified the presence of volatile organic compounds (VOCs) in the soils where surficial stains were identified in the Phase I ESA and soil samples with strong creosote odors, with some exhibiting photoionization detector readings >100 parts per million (ppm). The EA identified seven areas of environmental concern within the project area. Following the recommendation of the Phase II report,

[5] https://www.epa.gov/system/files/documents/2022-01/swppp-template.docx

the EA indicates that test pit excavations would be completed during final design of the site. Since these findings have the potential to impact a determination regarding the significance of impacts under NEPA, the EPA recommends either conducting test pit excavations now or making a commitment to conduct a supplemental EA if the excavations reveal any potential hazardous material issues.

The EA also notes that the Build Alternative may present some public health concerns due to the handling of hazardous materials during the operation of the transload facility. The EPA appreciates the EA's stated commitment on page 53 "to maintain BMPs and equipment for spill prevention and response, known as a Spill Prevention, Control, and Countermeasure (SPCC) plan." The EPA recommends documenting whether an SPCC plan is already in place for the Logistics Park of North Dakota and how much oil is currently being stored on site. The EPA also recommends estimating increases in oil storage as a result of the proposed action. Given the site-specific history of releases of hazardous materials and the discussion in the EA that the Build Alternative could impact hazardous materials in the project area, the EPA also recommends disclosing which hazardous materials may be present on site, what specific risks each poses, and how they would be handled to reduce those risks.

The EPA also recommends expanding the cumulative impacts analysis relating to hazardous waste. For example, the NEPA document might consider how potential hazardous wastes requiring off-site disposal might place a burden on intended receiving facilities in conjunction with nearby hazardous waste-generating facilities, which were identified by the EPA using the EPA's NEPAssist tool.[6] Similarly, the NEPA document might estimate how reasonably foreseeable development due to the expansion of the Logistics Park may contribute to this hazardous waste burden. For example, the NEPA document might consider the risk that additional soil disturbance may spread contaminants, potentially impacting surface and ground water.

While the existing hazardous waste within the project area was not caused by a rail accident, the EPA nonetheless recommends discussing whether any hazardous waste may be transported through the project area in the future and estimating the potential impacts on groundwater, wetlands, soil, site workers, and nearby communities in the unlikely event of a rail or truck accident. Environmental risk analysis frameworks for hazardous material rail transportation have been previously developed and may assist with these risk analyses.[7] The EPA also recommends assessing the risk of small leaks or accidental releases of transported materials that could present a source of chronic pollution.

Monarch butterfly

The United States Fish and Wildlife Service (USFWS) encourages cooperative conservation efforts for candidate species that may warrant future protection under the Endangered Species Act (ESA).[8] As noted on page 41 of the EA, the USFWS's Information, Planning, and Consultation System (IPaC) tool indicates that the monarch butterfly (*Danaus plexippus*) has the potential to occur within the project boundary or may be affected by the proposed action. In addition, as noted in Appendix E (Dakota Skipper 2022 Occupancy Surveys), two monarch butterflies were identified within the project area on July 16, 2022. While consultation with the USFWS regarding federally-listed species did take place, the

[6] https://www.epa.gov/nepa/nepassist

[7] https://railtec.illinois.edu/wp/wp-content/uploads/pdf-archive/Saat-et-al-2014-Environmental-risk-analysis-of-hazardous-material-rail-transportation.pdf

[8] https://www.fws.gov/sites/default/files/documents/Candidate-Species.pdf

USFWS's August 08, 2023, letter enclosed in Appendix D (Agency and Tribal Coordination) states that their conclusions do not cover the monarch butterfly.

The EPA recommends including additional mitigations and BMPs to reduce potential impacts on monarch butterflies within the project area. For example, project activities might be restricted during applicable times of year in monarch butterfly habitat or additional monitoring might be implemented prior to project activities.[9] The EPA also recommends consulting with the USFWS to find additional ways of mitigating any adverse impacts on monarch butterflies and other listed or sensitive species.

Noise Pollution

Noise pollution has a wide range of health-related impacts, such as creating sleep disturbances, raising stress hormone levels, increasing cardiovascular risk, and impairing cognitive function.[10] The EPA appreciates that the EA discusses the potential impacts of noise pollution stemming from the proposed action. The EA notes that five receptors are located within a ½-mile screening distance and one agricultural receptor (where there appears to be a home) is located within a 1000-foot screening distance. The EA also notes in Table 4 of Appendix C (Logistics Park of North Dakota Noise Analysis Report) that two of these receptors have day-night noise levels at or only slightly below the FTA/FRA moderate noise impact threshold of 55 dBA.

Since at least two receptors are potentially susceptible to negative impacts relating to noise pollution, the EPA recommends implementing noise-related mitigation and BMPs whenever possible. Example measures include:

- Constructing noise barriers, such as berms or fences, between residential areas and rails.
- Implementing train horn protocols that safely limit the use of train horns near residential areas, especially during nighttime hours.
- Providing educational materials to help nearby residences with sound abatement.
- Analyzing site layout and development plans with consideration of noise pollution.
- Utilizing noise dampening and minimizing equipment, technology, and engines whenever possible.
- Providing follow-up monitoring to ensure that noise pollution levels have not exceeded noise pollution standards.

Finally, the EPA recommends conducting outreach to occupants of nearby residences to ensure that they are aware of the proposed action, its possible impacts to their health and standard of living, and opportunities to contribute feedback and public comments.

[9] https://www.nrcs.usda.gov/sites/default/files/2022-09/Best%20Practices%20for%20the%20Monarch%20Buterfly.pdf
[10] https://www.nature.com/articles/s41569-021-00532-5

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U.S. Department of Agriculture Natural Resources Conservation Service	1-1	The Natural Resources Conservation Service (NRCS) has reviewed your email dated March 15, 2024, concerning a Rail Freight Intermodal Logistics Facility in Minot, North Dakota. NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., Prime, Statewide Importance and/or Local Importance) to non-agricultural use when federal funding is used. Your proposed project is within the city limits of Minot, North Dakota where FPPA does not apply; therefore, no further action is needed.	Thank you for your response.
North Dakota Department of Environmental Quality	2-1	Necessary measures should be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise should be dealt with in an efficient and effective manner.	The Draft EA includes a section (under Air Quality- Minimization Measures) with a commitment for NDDOT, Minot, and Minot Chamber EDC to use appropriate dust suppression methods during on-site construction activities. Available dust suppression methods include application of water, dust palliative, or soil stabilizers; use of enclosures, covers, silt fences, or wheel washers; and suspension of earth-moving activities during high wind conditions. This commitment is included in the FONSI.
North Dakota Department of Environmental Quality	2-2	Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.	Thank you for your comment. The Draft EA addresses this concern with a commitment for NDDOT, Minot, and Minot Chamber EDC will incorporate BMPs, such as developing a SWPPP and permanently seeding undeveloped areas, to minimize effects to water quality. Refer to the Water Quality-Minimization Measures. This commitment is included in the FONSI.
North Dakota Department of Environmental Quality	2-3	Projects disturbing one or more acres are required to have a construction storm water permit to discharge runoff until the site is stabilized by the re-establishment of vegetation or other permanent cover. Projects disturbing less than one acre also are required to have a construction storm water permit to discharge storm water runoff if the site is part of a larger common plan of development or sale, and the larger common plan will ultimately disturb equal to or greater than one acre. Coverage under an industrial stormwater permit, or	The Water Quality- Minimization Measures Section within the Draft EA includes a commitment that addresses this comment. NDDOT, Minot, and Minot Chamber EDC will incorporate BMPs, such as developing a SWPPP and permanently seeding undeveloped areas, to minimize effects to water quality. This commitment is included in the FONSI. Additionally, NDDOT, Minot, Minot Chamber EDC or the construction contractor would

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		certification for exclusion from an industrial stormwater permit, is required to discharge runoff from industrial facilities. Further information about the applicability of the construction and industrial stormwater permits may be obtained from the Department's website or by calling the Division of Water Quality at 701-328-5210. The city of Minot may require postconstruction practices to address stormwater quality by ordinance or as part of its NDPDES Small Municipal Separate Storm Sewer System (MS4) General Permit obligations. Check with local officials to be sure local MS4 Program considerations are addressed.	obtain a required authorization to discharge under the North Dakota Pollutant Discharge Elimination System, in compliance with Chapter 33.1-16-01 of the North Dakota Department of Environmental Quality rules as promulgated under Chapter 61-28 of North Dakota Century Code (ND DEQ 2020). Refer to the Draft EA Water Quality- Build Alternatives section.
North Dakota Department of Environmental Quality	2-4	The construction project may include individual projects located within Ward County. It is possible that some projects may be located over defined glacial drift aquifers, defined sensitive groundwater areas, or within wellhead or source water protection areas. Care should be taken to avoid spills of any materials that may have an adverse effect on groundwater quality. All spills must be immediately reported to this Department and appropriate remedial actions performed.	The Draft EA includes a commitment (refer to Hazardous Materials-Build Alternatives) for tenants and the operator of the transload facility to have contractual agreements requiring compliance with environmental regulations, including requirements to maintain BMPs and equipment for spill prevention and response, known as a Spill Prevention, Control, and Countermeasure (SPCC) plan. An environmental contractor could also assist with preparing the SPCC plan, if needed. This commitment is included in the FONSI.
North Dakota Department of Environmental Quality	2-5	All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the Department's Division of Waste Management at 701-328-5166.	NDDOT, Minot and Minot Chamber EDC will require all excavated soil to be disposed of off-site disposal would be characterized and managed in accordance with applicable NDDEQ regulatory requirements, including the testing requirements of any intended receiving facilities. Transportation of material within or leaving the Project site would be completed in accordance with all applicable federal, state, local, and agency requirements covering licensing of haulers and trucks, placarding, truck routes, manifesting, etc. Refer to the Draft EA Hazardous Materials-Minimization Measures section. This commitment is included in the FONSI.
Environmental Protection Agency (EPA)	3-1	**Purpose and Need** The EA states that the purpose of the project "is to provide North Dakota and the surrounding region access to an intermodal facility with transloading capability between truck and rail that facilitates cost competitive shipment of goods among domestic and international markets." Presently defined, the purpose restricts the range of viable alternatives considered in the EA to just the Build and No Action Alternative. The EPA recommends defining the Purpose and Need of the Project less narrowly to allow for a broader range of	Thank you for your thoughtful comments. The FRA grant awarded to the applicant specifically identifies the existing Minot site – which was previously purchased and privately-owned – as the nexus for the NEPA study. The state of North Dakota, prior to the awarding of the FRA grant, had determined the site as its priority location. The Draft EA identifies the FRA project to include rail infrastructure for the facility, with an eventual logistics park build-out speed and density

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		alternatives to be considered, such as a more minimal Build Alternative. For example, the purpose might be defined as providing North Dakota and the surrounding region access to more efficient means of facilitating cost-competitive shipment of goods among domestic and international markets.	indeterminate as it is subject to market conditions. The scope of work within the grant was addressed by the purpose, needs, and alternatives within the EA, including: • Construction of new track; • Installation of turnouts and crossovers; • Site grading for rail infrastructure; • Design of access roads for intermodal operations; and • Design location of track crossings for intermodal operations. Appendix A discusses the Build Alternative design including the facility and rail lines. The design was based on the projected rail service needs in this region and discusses the selection of Minot.
Environmental Protection Agency (EPA)	3-2	**Cumulative Impacts** The EPA appreciates that the EA considers the cumulative impacts of the proposed action. The EPA recommends incorporating reasonably foreseeable development and induced growth associated with the project (e.g., the expected construction of 27 rail and non-rail served facilities mentioned on page 13 of the EA that is expected to begin following the completion of the Build Alternative) into the cumulative analyses on page 56 of the EA.	As discussed on page 13, the EA evaluated the reasonably foreseeable impacts of the 27 rail and non-rail serviced facilities that are part of the future expansion of the Industrial Park as indirect impacts of the project resulting from induced growth and development, not as a cumulative effect. The potential indirect effects of the Industrial park expansion is noted in each relevant resource area within Chapter 3 of the Draft EA. The Industrial Park development timeline and composition are unknown and largely dependent on future market factors.
Environmental Protection Agency (EPA)	3-3	**Project Timeline and Milestones** Finally, the EPA suggests including a more precise estimate of the project timeline and milestones to help the public more accurately predict the timing and magnitude of impacts from the proposed action.	To the extent possible, the proposed phases of the project are discussed in Errata #1, Appendix B of FONSI. Detailed timeline and proposed milestones are not available since the development of the site will be industry driven.
Environmental Protection Agency (EPA)	3-4	**Air Quality** The EPA appreciates that the EA considered the air quality impacts of the proposed action. The EPA recommends presenting existing air quality and air quality related values (AQRV) data, including the most relevant and recent air quality design values (background pollutant concentrations), in table form. While the EA states that 2022 monitoring data from the Ryder Ambient Air Quality Monitoring site indicates that federal	The North Dakota Department of Environmental Quality (NDDEQ), Air Quality Monitoring branch ensures that the ambient air quality in North Dakota meets the standards set forth by the North Dakota Century Code Chapter 33.1-15-02. The NDDEQ owns and operates a network of eight ambient air quality monitoring sites stationed throughout the state. The closest location to Minot, ND is Ryder, ND (approximately 40 miles southwest

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		and state ambient air quality standards were met, the EPA recommends presenting relevant site monitoring data to help the public assess historical and ongoing air quality trends and better contextualize potential impacts from the proposed action.	of Minot) and the site that is down prevailing wind is in Bismarck, ND (approximately 115 miles south of Minot). Added the monitoring results for Ryder, ND and Bismarck, ND in a table, see Errata #2 in Appendix B of the FONSI.
Environmental Protection Agency (EPA)	3-5	**Air Quality** The EA considered the reduction of truck traffic due to the anticipated increase in rail traffic stemming from the proposed action. The EPA recommends expanding this quantitative estimate by estimating the total number of truck and rail trips under each alternative and utilizing emission factors to estimate annual emissions under each alternative. The EPA also recommends distinguishing between changes in state-wide truck traffic and local truck traffic. Based on the discussion in the EA, it is presently unclear whether the trip reductions will have meaningful impacts to local air quality for the Minot area or whether these trip reductions are solely being considered on a statewide basis where the trips deducted are those going to the US/Canada border or the North Dakota/Minnesota border. We recommend the FRA discuss whether there will be a localized net increase of truck trips arriving and departing from the Minot micropolitan statistical area. In comparing estimates of air pollutant emissions for each alternative, the EPA recommends considering air pollution emissions stemming from construction, development, and future activity associated with the Build Alternative, such as gasoline and diesel emissions from equipment used during construction, emissions from idling equipment, and emissions from vehicles traveling on paved and unpaved roads, including re-entrained dust and fugitive dust. Specifically, we recommend FRA prepare an inventory of emissions associated with the Build Alternative's completion following established EPA guidance for developing emissions inventories for freight terminals and intermodal facilities.[1] We recommend using this information to identify whether there could be any impacts that warrant additional quantitative analysis, or mitigation, especially impacts to occupants of adjacent structures and areas.	As noted in Chapter 3, Air Quality, Build Alternative, the estimates of truck and train traffic was noted for the build alternative. The truck traffic could be reduced by approximately 30 to 40 trucks a week. An additional MOVES analysis was conducted to complete an emissions inventory for construction of site. This analysis is reported within the Errata #3 in Appendix B of this FONSI. The data that would be necessary to conduct further additional analysis requested by EPA is not available at the current stage of project development.

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Environmental Protection Agency (EPA)	3-6	**Air Quality** The EPA appreciates the inclusion of air quality best management practices (BMPs) on pages 24-25 of the EA. The EPA recommends supplementing these BMPs with the following: • Require heavy diesel equipment to use cleanest available engines or retrofits with diesel particulate control technology; • Requirements for maintenance of engines; • Minimize fuel use and emissions by reducing unnecessary trips to and from the construction site; • Include considerations for limiting the amount of activity to avoid unacceptable impacts to occupied structures, such as utilizing travel routes farther away from occupied structures when possible and restricting the use of heavy machinery to certain daylight hours; and • Include considerations to eliminate the need to idle locomotives (particularly during freezing temperatures), such as placing time limits on idling or posting notices discouraging idling within the Logistics Park of North Dakota.	Thank you for your comment. Added these recommended measures, see Errata #4 in Appendix B and Table 1. Commitments and Mitigation Measures of this FONSI.
Environmental Protection Agency (EPA)	3-7	**Air Quality** Finally, we recommend consulting with the occupants of residences in the vicinity of the project area to determine if they have additional concerns relating to air quality. If any concerns are raised, we recommend documenting and addressing them in the NEPA document.	The Draft EA was made available for public review and comment for 30 days, which was advertised on the FRA website, Minot Chamber EDC website and within the local newspaper, *Minot Daily News* to solicit public review and input. The residences adjacent to the project area had the opportunity to provide comment during this 30-day period. No comments were received.
Environmental Protection Agency (EPA)	3-8	**Climate-related Impacts and Greenhouse Gas (GHG) Emissions** As noted in our earlier comment letter sent on December 21, 2022, we recommend including a quantitative estimate of the direct and indirect GHG emissions associated with the project, and an analysis of alternatives and/or identification of practicable mitigation to reduce project related GHG emissions. In addition to emissions associated with project construction, development, and operation, we recommend calculating reasonably foreseeable upstream and downstream emissions that could be attributable to the project and providing an analysis of other relevant climate-related impacts. For the analysis, we suggest the following general approach:	The suggested BMPs including NDDOT, Minot, and Minot Chamber EDC requiring heavy diesel equipment to use the cleanest available engines and having maintenance for these engines will also assist in reducing GHG emissions from this source. An additional MOVES analysis was conducted to complete an emissions inventory for construction of site. This analysis is reported within the Errata #3 in Appendix B of this FONSI. The data that would be necessary to conduct further additional analysis requested by EPA is

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		• Include a summary discussion of ongoing and projected regional climate change relevant to the project area, based on U.S. Global Change Research Program assessments. This would enable the environmental report to identify impacts that may be exacerbated by climate change. • Estimate the anticipated direct and indirect GHG emissions associated with the project. The NEPA.gov website includes a non-exhaustive list of GHG accounting tools available to agencies. We also recommend estimating GHG emissions in CO2-equivalent terms and translating the emissions into equivalencies that are more easily understood by the public (e.g., annual GHG emissions from x number of motor vehicles, see https://www.epa.gov/energy/greenhouse-gasequivalencies- calculator). • Account for the project's climate impacts by utilizing the current interim values for the social cost of GHG emissions. The EPA's November 2023 Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances provides the most current and relevant information on generating these calculations.[3] • Identify and assess measures to reduce GHG emissions associated with the project, including alternatives and/or requirements to mitigate or offset emissions. • Discuss how reasonably foreseeable GHG emissions associated with the project are, or are not, consistent with state or federal policies or goals. For example, discuss how emissions help or hinder meeting GHG reduction targets set at the federal, state, or local level as required in 40 C.F.R. § 1506.2(d), including the U.S. 2030 Paris GHG reduction target and 2050 net-zero pathway.4 In this context, we appreciate that the NEPA document discusses the FRA's commitment to reach net-zero GHG emission in the rail industry and rail transportation by 2050. We recommend that the NEPA document avoid relying	not available at the current stage of project development.

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		on percentage comparisons between project-level and national or global emissions, which can inappropriately minimize the significance of planning-level GHG emissions.	
Environmental Protection Agency (EPA)	3-9	**Wetlands** The EPA recognizes and appreciates the effort that has gone into configuring the Build Alternative to avoid and minimize impacts to both jurisdictional and non- jurisdictional wetlands and other waters. According to the EA, it is anticipated that impacts to approximately 4.71 acres of non-jurisdictional wetlands are unavoidable (Table 6). The EA notes on page 29 that the Build Alternative falls under Executive Order (EO) 11990 requirements. EO 11990 discusses that proposed actions must include all practicable measures to minimize harm to wetlands. The EPA interprets such practicable measures to include compensatory mitigation; therefore, we recommend that the unavoidable impacts to non-jurisdictional wetlands from the Build Alternative be offset with compensatory mitigation. We encourage the compensatory mitigation to be completed consistent with the EPA and U.S. Army Corps of Engineer's 2008 Mitigation Rule (33 CFR § 332.4 and 40 CFR § 230.94, Compensatory Mitigation for Losses of Aquatic Resources).	The FRA appreciates EPA noting the avoidance measures that were taken. FRA interprets the EO's direction to "avoid undertaking or providing assistance for new construction located in wetlands unless... (there's) no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands" as having been met by the design avoidance measures and minimization outlined in the Draft EA. The project will comply with U.S. Army Corps of Engineers (USACE) Section 404 permitting requirements. Private development in the logistics park will also be subject to the Clean Water Act permitting process and any wetland mitigation that ensues.
Environmental Protection Agency (EPA)	3-10	**Wetlands** The EPA notes that the "jurisdictional under section 404" column of Table 6 on page 29 of the EA is not consistent with paragraph 2 of section VI.C.1. on page 28 of the EA. For example, the text describes wetland 1 as jurisdictional, while this is not reflected in Table 6. Please ensure this table is updated for consistency with the text.	Revised Table 6 based on Jurisdictional Determination documents from USACE are included in Appendix B, Errata #5.
Environmental Protection Agency (EPA)	3-11	**Wetlands** The EPA recommends that the NEPA document include a map showing where the impacted Other Waters are located. This map could be formatted similarly to Figure 7 on page 32 of the EA, which shows the location of wetlands within the project area.	Thank you for your comment. The Other Waters are included within the EA in Appendix B, shown on the figures within Appendix A of the Field Aquatic Resource Delineation and OHWM Report.
Environmental Protection Agency (EPA)	3-12	**Wetlands** The EPA recommends discussing how construction, development, and increased rail freight volumes associated with the Build Alternative may increase contaminant levels in wetlands and other water within the project area. The EPA also recommends considering the indirect impacts of increased industrial activity at	FRA appreciates EPA's recommendation. The proposed action that FRA is evaluating under NEPA includes: • Construction of new track; • Installation of turnouts and crossovers; • Site grading for rail infrastructure;

Commenter	Commentor and Comment Number	Comment Summary	Response
		the Logistics Park of North Dakota on wetlands and other waters in the project area. For instance, how might the addition of new agricultural, distribution, manufacturing, and storage facilities affect wetlands within the project area? We recommend that the NEPA document evaluate the potential types of industrial activities that the proposed action may support and their potential impacts to wetlands and other waters.	• Design of access roads for intermodal operations; and • Design location of track crossings for intermodal operations. NDDOT, Minot and Minot Chamber EDC will comply with USACE Section 404 permitting requirements and 401 certification. The Draft EA noted the impacts, direct and indirect, by each wetland area. The consideration of indirect impacts to jurisdictional wetlands and waterways will be included within the analysis for Section 404 permitting. The Industrial Park development timeline and composition are unknown and largely dependent on future market factors. As such, as each site is developed, governing stormwater and wetland regulations will be applied.
Environmental Protection Agency (EPA)	3-13	**Water Quality** The EPA appreciates the discussion on page 25 of the EA of the Minot Water Treatment Plant (WTP) and its treatment capacity in the Affected Environment subsection of the Water Quality Section. The EPA recommends expanding this discussion in the Environmental Consequences Subsection to consider the proposed action's potential effects on drinking water supply, wastewater, sanitary sewer, and storm sewer impacts. The EPA also recommends considering how these impacts may affect the City of Minot utilities, WTP, and infrastructure.	Thank you for your recommendation. Drinking water for the Minot area is either piped in from the Northwest Area Water Supply or comes from the Sundre Aquifer which is located northwest of the proposed action. The Minot water treatment plant is located approximately 3.75 miles southwest of the proposed action. As noted in the Draft EA, stormwater detention areas would be required as part of the industrial sites as the Industrial Par develops. The Industrial Park development timeline and composition are unknown and largely dependent on future market factors.
Environmental Protection Agency (EPA)	3-14	**Water Quality** The EPA appreciates that the EA proposes to include a stormwater pollution prevention plan (SWPPP) on page 26 and commits to permanently seeding undeveloped areas to minimize water quality impacts. To ensure that requirements are met, and significant impacts are avoided, the EPA recommends following the EPA's template to help construction site operators develop a SWPPP that is compliant with the minimum requirements of EPA's 2022 Construction General Permit (CGP)5 and including a draft SWPPP in the final EA. In addition, the EPA recommends including the following in the final EA: • A list of BMPs that would be required to protect surface water and ground water resources. • These could include silt fences, detention ponds, and other stormwater	FRA notes and acknowledges the EPA recommendation. The proposed action FRA is evaluating under NEPA includes: • Construction of new track; • Installation of turnouts and crossovers; • Site grading for rail infrastructure; • Design of access roads for intermodal operations; and • Design location of track crossings for intermodal operations. NDDOT, Minot, and Minot Chamber EDC will comply with North Dakota Administrative Code Article 33.1-16 Control, Prevention, and Abatement of Pollution of Surface Water for

Commenter	Commentor and Comment Number	Comment Summary	Response
		control measures, as well as measures to prevent any associated construction or railroad contaminants from entering waters of the U.S. • A discussion of the circumstances under which the BMPs would be applied (e.g., proximity to surface water resources, presence of erosive soils, slope, shallow water aquifers, the proximity of water wells, etc.); and • Identification of the entity responsible for BMP installation and maintenance and an explanation of how the responsible entity would ensure that the BMPs would be monitored and enforced.	the rail infrastructure. Private entities that develop the industrial sites will also have to comply with the administrative code. Compliance with this require the completion of a SWPPP. The SWPPP(s) will identify the BMPs that will be employed and identify the party responsible for BMP installation, monitoring, and enforcement.
Environmental Protection Agency (EPA)	3-15	**Hazardous Waste** The EA notes that hazardous substances may be present within the project area. A Phase I Environmental Site Assessment (ESA) conducted in June 2022 concludes that site use as a railroad right-of-way and transload facility have caused releases to the soil and may have affected surface or ground water within the project area. A limited Phase II soil investigation in select sites in September 2022 identified the presence of volatile organic compounds (VOCs) in the soils where surficial stains were identified in the Phase I ESA and soil samples with strong creosote odors, with some exhibiting photoionization detector readings >100 parts per million (ppm). The EA identified seven areas of environmental concern within the project area. Following the recommendation of the Phase II report, the EA indicates that test pit excavations would be completed during final design of the site. Since these findings have the potential to impact a determination regarding the significance of impacts under NEPA, the EA recommends either conducting test pit excavations now or making a commitment to conduct a supplemental EA if the excavations reveal any potential hazardous material issues.	The Draft EA notes (under Hazardous Materials, Environmental Consequences, Mitigation Measures) a requirement for additional test pits. The timeline of the development of the site, including all proposed rail lines is unknown. This as a commitment will allow a more updated response to any materials and proposed mitigation that would need to occur. If test pit excavations taken during final design of the site reveal hazardous material issues, the project owners would coordinate with the FRA to determine if a re-evaluation or supplement to the EA is required.
Environmental Protection Agency (EPA)	3-16	**Hazardous Waste** The EA also notes that the Build Alternative may present some public health concerns due to the handling of hazardous materials during the operation of the transload facility. The EPA appreciates the EA's stated commitment on page 53 "to maintain BMPs and equipment for spill prevention and response, known as a Spill Prevention, Control, and Countermeasure (SPCC) plan." The EPA recommends documenting whether an SPCC plan is already in place for the	Thank you for your recommendation. No oil is currently being stored at the site and no oil storage would occur under the Build Alternatives. The FRA has no control over how or how quickly the site will develop. If required by the type of development, a SPCC(s) will be prepared for the governing agency.

Commenter	Commentor and Comment Number	Comment Summary	Response
		Logistics Park of North Dakota and how much oil is currently being stored on site. The EPA also recommends estimating increases in oil storage as a result of the proposed action. Given the site-specific history of releases of hazardous materials and the discussion in the EA that the Build Alternative could impact hazardous materials in the project area, the EPA also recommends disclosing which hazardous materials may be present on site, what specific risks each poses, and how they would be handled to reduce those risks.	
Environmental Protection Agency (EPA)	3-17	**Hazardous Waste** The EPA also recommends expanding the cumulative impacts analysis relating to hazardous waste. For example, the NEPA document might consider how potential hazardous wastes requiring off-site disposal might place a burden on intended receiving facilities in conjunction with nearby hazardous waste-generating facilities, which were identified by the EPA using the EPA's NEPAssist tool. Similarly, the NEPA document might estimate how reasonably foreseeable development due to the expansion of the Logistics Park may contribute to this hazardous waste burden. For example, the NEPA document might consider the risk that additional soil disturbance may spread contaminants, potentially impacting surface and ground water.	The Industrial Park was considered indirect, please refer to Pages 13-14 within the EA for this discussion. If test pit excavations taken during final design of the site reveal hazardous material issues, the project owners would take appropriate steps to minimize or prevent spreading of contaminants and potentially impacting surface and ground water.
Environmental Protection Agency (EPA)	3-18	**Hazardous Waste** While the existing hazardous waste within the project area was not caused by a rail accident, the EPA nonetheless recommends discussing whether any hazardous waste may be transported through the project area in the future and estimating the potential impacts on groundwater, wetlands, soil, site workers, and nearby communities in the unlikely event of a rail or truck accident. Environmental risk analysis frameworks for hazardous material rail transportation have been previously developed and may assist with these risk analyses. The EPA also recommends assessing the risk of small leaks or accidental releases of transported materials that could present a source of chronic pollution.	Interstate and intrastate rail carries that ship oil and hazardous substances are subject to spill prevention regulations under federal DOT regulation. These railroad regulations apply to railcars that are in transit, either within or outside the LPND property. They require the rail carrier to maintain emergency response plans and to train their staff to notify off-site responders (e.g., the City fire department) immediately in the event of a spill.
Environmental Protection Agency (EPA)	3-19	**Monarch Butterfly** The United States Fish and Wildlife Service (USFWS) encourages cooperative conservation efforts for candidate species that may warrant future protection under the Endangered Species Act (ESA). As noted on page 41 of the EA, the USFWS's Information, Planning, and Consultation	Thank you for your comment. The USFWS concurred that the project as described will not adversely affect or jeopardize federally listed/proposed species. The consultation with USFWS is attached in Appendix D. The Monarch Butterfly is currently

Commenter	Commentor and Comment Number	Comment Summary	Response
		System (IPaC) tool indicates that the monarch butterfly (*Danaus plexippus*) has the potential to occur within the project boundary or may be affected by the proposed action. In addition, as noted in Appendix E (Dakota Skipper 2022 Occupancy Surveys), two monarch butterflies were identified within the project area on July 16, 2022. While consultation with the USFWS regarding federally-listed species did take place, the USFWS's August 08, 2023, letter enclosed in Appendix D (Agency and Tribal Coordination) states that their conclusions do not cover the monarch butterfly. The EPA recommends including additional mitigations and BMPs to reduce potential impacts on monarch butterflies within the project area. For example, project activities might be restricted during applicable times of year in monarch butterfly habitat or additional monitoring might be implemented prior to project activities. The EPA also recommends consulting with the USFWS to find additional ways of mitigating any adverse impacts on monarch butterflies and other listed or sensitive species.	a candidate species, which is noted within the EA section. A commitment was added as Errata #6 and the commitments within this FONSI, noting that if a species is newly listed, before construction begins, consultation would occur with USFWS to determine the effect on the species due to the project. Any mitigation measures would be determined through this consultation.
Environmental Protection Agency (EPA)	3-20	**Noise Pollution** Noise pollution has a wide range of health-related impacts, such as creating sleep disturbances, raising stress hormone levels, increasing cardiovascular risk, and impairing cognitive function.10 The EPA appreciates that the EA discusses the potential impacts of noise pollution stemming from the proposed action. The EA notes that five receptors are located within a ½-mile screening distance and one agricultural receptor (where there appears to be a home) is located within a 1000-foot screening distance. The EA also notes in Table 4 of Appendix C (Logistics Park of North Dakota Noise Analysis Report) that two of these receptors have day-night noise levels at or only slightly below the FTA/FRA moderate noise impact threshold of 55 dBA. Since at least two receptors are potentially susceptible to negative impacts relating to noise pollution, the EPA recommends implementing noise-related mitigation and BMPs whenever possible. Example measures include: • Constructing noise barriers, such as berms or fences, between residential areas and rails.	The noise analysis in the EA followed FRA and FTA guidelines, including the consideration of State of North Dakota, Ward County, and Minot noise ordinances. The recommended measures have been included as Errata #7 and within the commitments section of this FONSI.

Commenter	Commentor and Comment Number	Comment Summary	Response
		• Implementing train horn protocols that safely limit the use of train horns near residential areas, especially during nighttime hours. • Providing educational materials to help nearby residences with sound abatement. • Analyzing site layout and development plans with consideration of noise pollution. • Utilizing noise dampening and minimizing equipment, technology, and engines whenever possible. • Providing follow-up monitoring to ensure that noise pollution levels have not exceeded noise pollution standards. Finally, the EPA recommends conducting outreach to occupants of nearby residences to ensure that they are aware of the proposed action, its possible impacts to their health and standard of living, and opportunities to contribute feedback and public comments.	

Appendix B: Errata to the EA

Errata #1: Page 14 of the EA, Chapter 2, Build Alternative

The following paragraph should be added after the sentence, “Therefore, this EA considers the potential impacts of this future growth as indirect impacts.”

The transloading rail lines would be constructed in the early stages of the development of the site, with the infinity loop likely to follow. The manifest rail lines and intermodal rail lines would be constructed as needed for the overall facility. The connection rail lines would occur as the development of each industrial site occurs. The construction overall would be driven by the development of the rail-served industries that decide to build in the LPND.

Errata #2: Chapter 3, Air Quality Affected Environment

On page 24 of the EA, the following should be added after the sentence***,*** “The Project Area is in attainment of air quality standards.”

Table 14 displays the recent air quality data from the closest site, Ryder, approximately 40 miles from Minot, and the Bismarck site (NDDH, 2023).

Table 14. Air Quality Standards and Monitoring Site Levels (NDDH, 2023).

Air Quality Parameter	Standard	Ryder	Bismark Residential Site
CO- 8 Hour Period	9,000 ppb	N/A	400 pb
NO_2 1-Hour Period	100 ppb	13 ppb	30 ppb
O_3	70 ppb	53 ppb	52 ppb
Continuous PM $_{2.5}$ 24-Hour Period	35 ug/m^3	24 ug/m^3	28 ug/m^3
Continuous PM_{10} 24-Hour Period	150 ug/m^3	73 ug/m^3	83 ug/m^3
SO_2	75 ppb	8 ppb	10 ppb

On page 24 of the EA, the following (#1) should be replaced with (#2)

> #1: “During operation of the Build Alternative, increased rail traffic using the transload facility would increase rail emissions. However, truck traffic would be reduced by approximately 30 to 40 trucks a week, assuming one rail car can carry 3 to 4 truckloads and 10 to 11 rail cars leave the transloading facility each week.”
>
> #2 As a result of the Build Alternative, industries are anticipated to expand their operations at the existing LPND or begin operations within the LPND. These industries will result in additional localized emissions but would be regulated by the Clean Air Act and required to obtain an operating permit. Operating permits would require installation of pollution control equipment to meet specific emissions limitations. The North Dakota Department of Environmental Quality - Division of Air Quality maintains federal

delegation of responsibility for EPA programs - including the issuance of permits that include specific emission limits to ensure clean air during operations.

Further, the Build Alternative would expand the capacity of the existing operations at the LPND to divert more goods currently exported outside of North Dakota via truck transport to rail transport. As cited within the purpose and need chapter, the NDTO, 2017 reported that 340,000 tons of legumes would be diverted from truck transport to rail transport if an intermodal facility existed in central North Dakota which equates to 76,000 containers a year from the legumes, food-grade soybeans and commodity grain, soybeans, and dried distiller's grain. As reported in the alternatives analysis section, the current facility cannot accommodate the estimated demand. Therefore, as economic conditions drive the expansion of the LPND, there would inherently be an overall net decrease in transportation emissions compared to the No Build.

Errata #3: Page 25, Chapter 3 Air Quality Environmental Consequences

The following paragraph should be added to the end of the Air Quality Environmental Consequences of the Build Alternative. Appendix F would also be added and is include at the end of this errata list.

A detailed quantitative inventory of greenhouse gas (GHG) emissions criteria air pollutants (CAP) resulting from the project's construction phase was completed in accordance with the EPA's Motor Vehicle Emission Simulator (MOVES) Version 4.0 and Ports Emissions Inventory Guidance. Refer to Appendix F. The MOVES model was set up to obtain emission factors for construction equipment, workers commutes, and material hauling for one construction year. Construction to expand the site to the full build would be driven by market demand, and, for this analysis, is expected to last from 2025-2045. The GHG emissions were estimated for the year 2025, and the same emissions are conservatively assumed to continue for the next 20 years. The estimate is conservative because improvements in efficiencies of construction equipment and truck transportation is expected to continue over time.

GHG emission reductions will result from the potential mode shift from truck trips to train and by reducing the current haul distance by truck. For example, the Purpose and Need (Need # 1 = Demand) states the North Dakota Intermodal Initiative 2017 update indicates there are currently 340,000 tons of legumes that would be diverted from truck transport to rail transport if an intermodal facility existed in central North Dakota. Currently, intermodal facilities in Regina Saskatchewan and St. Paul Minnesota draw freight from this region. An intermodal facility in Minot that addresses the needs for the project would shorten the haul distance of regional freight being transported to facilities further away. However, the mode shift information was not included in this assessment because of market uncertainty and the degree of speculation that would be required in knowing what industries would comprise the LPND in 20+ years. As such, operation data would not be available until the complete project is built out.

The annual total GHG emissions for all construction activities are projected to be 1,474 short tons of CO_2e per year. These GHG emissions broken down by sources and geography (within and outside Ward County) are summarized in Table 15.

Table 15. 2025 LPND GHG Emissions (tons/year)

Construction Activities	CO2	CH4	N2O	CO2e
LPND Construction Equipment	1,161	0.004	0.099	1187
On road (Ward County)	202	0.002	0.014	207
On road (Outside of Ward County)	31	0.000	0.003	31
Train (Ward County)	5	0.000	0.000	5
Train (Outside Ward County)	43	0.003	0.001	43
Total	1,442	0.010	0.117	1,473

The annual CAP emissions are calculated from construction equipment inside the construction sites except PM, which include fugitive dust from soil disturbance, onsite light and heavy vehicle mileage, and wind erosion (see Table 16). Emission factors were sourced from the WRAP Fugitive Dust Handbook[1]. The calculation of fugitive dust emissions involved four components: soil disturbance, onsite light and heavy vehicle mileage, and wind erosion. For each activity, relevant data were collected, including construction duration, the area affected or mileage, and WRAP Handbook level per Table 3-2. Control efficiencies were then applied to these estimates to account for mitigation measures. A control efficiency of 50% was assumed for all activities based on WRAP handbook recommendations. The major contributor of fugitive dust is soil disturbance, primarily from excavation and grading activities that account for 67% of the PM emissions.

Table 16: 2025 LPND CAP Emissions inside the construction sites (tons/year)

Construction Activities	CO	NO_X	SO_2	VOC	PM_{10}	$PM_{2.5}$
LPND Construction Equipment	0.29	0.71	0.003	0.046	0.05	0.05
Fugitive Dust					21.93	2.22
Total	**0.29**	**0.71**	**0.003**	**0.046**	**21.98**	**2.27**

Errata #4: Page 25, Chapter 3 Air Quality Minimization Measures

The following would be added after the last bullet:

- Any future reevaluation of the EA will consider whether additional evaluation of air quality impacts is required.

Errata #5: Page 29, Chapter 3 Wetlands, Table 6

[1] WRAP Handbook, https://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf. Assessed 7/11/2024

The following table would replace Table 6:

Field Delineated Wetland Number	Total Area within Project Area (Acreage)	Jurisdictional Under Section 404	Considered Under EO 11990	Build Alternative Permanent Impacts
Wetland 1	0.01	0.01	0.01	0.00
Wetlands 2a, 2b, 2c, 2d, 2e, 2f, and 2g	0.22	0.22	0.22	0.00
Wetland 3	0.30	N/A	0.00	0.00
Wetland 4	3.79	3.79	3.79	0.00
Wetland 5	0.05	N/A	0.05	0.00
Wetland 6	0.25	N/A	0.25	0.00
Wetland 7	0.04	0.04	0.04	0.00
Wetland 8	0.55	N/A	0.00	0.00
Wetland 9	0.44	N/A	0.00	0.00
Wetlands 10a and 10b	30.53	30.53	30.53	0.00
Wetland 11	0.01	0.01	0.01	0.00
Wetland 12	4.18	4.18	4.18	0.00
Wetland 13	0.60	0.60	0.60	0.00
Wetland 14a, 14b, and 14c	3.04	3.04	3.04	0.00
Wetland 15a, 15b, 15c, 15d, 15e, 15f, and 15g	0.45	0.45	0.45	0.00
Wetland 16	0.17	0.17	0.17	0.00
Wetland 17	0.52	0.52	0.52	0.00
Wetland 18	0.20	0.20	0.20	0.00
Wetland 19	0.17	0.17	0.17	0.00
Wetland 20	0.50	0.50	0.50	0.00
Wetland 21	0.11	0.11	0.11	0.00
Wetland 22	0.21	0.21	0.21	0.00
Wetland 23	0.07	0.07	0.07	0.00
Wetland 24	0.11	0.11	0.11	0.00
Wetland 25	0.57	0.57	0.57	0.00
Wetland 26	0.03	0.03	0.03	0.00
Wetland 27	0.18	0.18	0.18	0.18
Wetland 28	0.04	0.04	0.04	0.00
Wetland 29	0.84	0.84	0.84	0.84
Wetland 30	1.21	1.21	1.21	1.21
Wetland 31	0.46	0.46	0.46	0.00
Wetland 32	0.29	0.29	0.29	0.29
Wetland 33	1.46	1.46	1.46	1.46
Wetland 34	0.36	0.36	0.36	0.36
Wetland 35	0.17	0.17	0.17	0.17
Wetland 36	0.20	0.20	0.20	0.20
Total	**52.33**	**50.74**	**51.04**	**4.71**

Errata #6, Page 41, Chapter 3 Threatened and Endangered Species, Minimization Measures

If a species, such as the Monarch Butterfly, is listed before construction begins, consultation would occur with the USFWS to determine the effect on the species due to the project. Any measures would be determined through this consultation.

Errata #7, Page 39, Noise and Vibration, Minimization Measures

The following measures that may be incorporated into the final design and construction:

- Analyzing site layout and development plans with consideration of noise pollution.
- Utilizing noise dampening and minimizing equipment, technology, and engines whenever possible.

Memo

Date:	7/17/2024
Project:	Logistics Park of North Dakota
To:	Jennifer Hanley, Kendall Vande Kamp
From:	Ronald Ying
Subject:	Logistics Park of North Dakota Quantitative Construction Assessment

Introduction

In response to the EPA's comments emphasizing the need for a detailed quantitative assessment of greenhouse gas (GHG) and criteria air pollutants (CAP) emissions, this memorandum outlines the project's construction phase GHG inventory process using the EPA's Motor Vehicle Emission Simulator (MOVES) version 4.0 and Ports Emissions Inventory Guidance. The MOVES model was set up to obtain emission factors for construction equipment, workers commutes, and material hauling for one construction year. The construction is expected to last from 2025-2045. However, the construction emissions were estimated for the year 2025, as the same emissions is conservatively assumed to continue for the next 20 years despite potential improvement of the nonroad equipment technology. The CAP from on-road vehicles and trains traveling through highly remote areas are not calculated in this assessment to focus on localized emissions at the site. Operation emission benefit will come from potential mode shift from truck trips to train. However, the mode shift information is not included in this assessment because of market uncertainty. As such, operation data would not be available until the complete project is built out.

Analysis Parameters

The following table lists the nonroad construction equipment that will be used for the project. Each piece of equipment is described by its fuel type, quantity, horsepower (HP), and the number of operating hours anticipated for 2025. Table 1 provides a detailed inventory of the diesel-powered machinery involved in the project, which is used to estimate the greenhouse gas emissions using the EPA's MOVES model.

Table 1. Nonroad Equipment List

Equipment	Fuel	Quantity	HP	Hours
Mid Sized Excavator	Diesel	1	275	1,564
Motor Grader	Diesel	1	300	2,938
Dozers	Diesel	1	300	2,374
Sheepfoot Compactor	Diesel	1	130	2,963
Scraper	Diesel	1	700	1,062

Equipment	Fuel	Quantity	HP	Hours
Medium Wheel Loader	Diesel	1	325	48
Tractor w/ wheel packer	Diesel	1	225	16
Asphalt Paver	Diesel	1	225	10
Asphalt Roller	Diesel	1	140	29
Front Loader Tractor	Diesel	1	70	10
Asphalt Plant	Diesel	1	350	10
Tack Truck	Diesel	1	250	10
Concrete Curb Machine	Diesel	1	130	10

Table 2 details the material hauling and worker commutes involved in the construction phase of the project. Each entry includes the type of material, round trip distance, year hauled, average hauling speed, and total number of trips. These values are used to estimate the onroad GHG emissions using the EPA's MOVES model.

Table 2. 2025 Onroad Material Hauling and Worker Commute List

Hauling / Commute Activity	Round Trip Distance (mi)	Average Speed (mph)	Total Trips per year	Miles Inside Ward County	Miles outside Ward County
Common Excavation Waste	8	25	19480	155840	0
Common Excavation	0.5	15	3746	1873	0
Aggregate Base Course	10	25	90	900	0
Geotextile Fabric	220	65	1	50	170
Hot Mix Asphalt	3	25	56	168	0
PG Binder	220	65	3	150	510
Tack Oil	220	65	1	50	170
Concrete	3	25	7	21	0
PVC Sanitary Sewer	7	45	1	7	0
Sanitary Manhole	220	65	9	450	1530
PVC Watermain	7	45	2	14	0
Hydrants	7	45	1	7	0
Gate Valves	7	45	1	7	0
Tees	7	45	1	7	0

Hauling / Commute Activity	Round Trip Distance (mi)	Average Speed (mph)	Total Trips per year	Miles Inside Ward County	Miles outside Ward County
Storm Sewer Pipe	220	65	75	3750	12750
Storm Sewer Manholes & Catch Basins	220	65	13	650	2210
Flared End Sections	220	65	1	50	170
Erosion Control Items	220	65	2	100	340
Traffic Control Items	11	45	1	11	0
Pavement Markings	220	65	1	50	170
Railroad Track, Turnout, Switches*	500	50	1	50	450
Ballast	30	45	175	5250	0
Wood Railroad Ties*	500	50	1	50	450
Mobilization of Equipment	100	50	4	200	200
13 Worker Commute - Gas SUV	27.6	45	2496	68889.6	0
12 Worker Commute - Gas Car	27.6	45	2304	63590.4	0
*denotes mileage from train and the emission inventory was calculated based on Ports Emissions Inventory Guidance					

Assumptions

1. All equipment hours are accounted for in Table 1 regardless of the number of equipment.
2. Distance to Ward County Limit: Assumed to be 25 one-way miles.
3. Construction Workforce: 25 total construction workers per day.
4. Commute Details: Workers have an 18.4-minute commute time, with an average travel speed of 45 mph.
5. Work Schedule: Six 10-hour days per week (60 hours/week/worker) for 8 months of the year.
6. Vehicle and Fuel Type for Commute: 50% of workers use cars and 50% use mid-size SUVs, all gasoline-powered.

7. Class I line haul locomotives. The locomotives are presumed to be rated 4400 hp[1].
8. N_2O emissions estimated based on the ratio of g N_2O per gallon of construction diesel to gallons of diesel per g CO_2, obtained from Tables 2.7 and 2.1, respectively, of the 2022 Climate Registry Default Emission Factors. Retrieved from https://theclimateregistry.org/wp-content/uploads/2022/11/2022-Default-Emission-Factors-Final.pdf on April 7, 2023.
9. CO_2e calculation is based on 20-year global warming potential (GWP) estimates for CH_4 (84) and N_2O (264).
10. N_2O emissions estimated based on the ratio of g N2O per gallon of construction gasoline to gallons of gasoline per g CO_2, obtained from Tables 2.7 and 2.1, respectively, of the 2022 Climate Registry Default Emission Factors. Retrieved from https://theclimateregistry.org/wp-content/uploads/2022/11/2022-Default-Emission-Factors-Final.pdf on April 7, 2023.
11. The onroad and train CAP emissions are considered minimal from offsite activities and not quantified

MOVES Methodology

MOVES Model Setup common for both onroad and nonroad:

- Options Selected**:**
  - **Scale**: Default scale, Inventory mode
  - **Geographic Bound:** Ward County, ND
  - **Year**: 2025, January and July, all hours, weekdays
  - **Unit output**: gram, mile, million BTU
- Pollutant (GHG)
  - Carbon Dioxides (CO_2), Methane (CH_4), and Nitrous Oxide (N_2O)
- Pollutant (CAP)
  - Carbon Monoxides (CO), Nitrogen Oxides (NOx), Sulfur Dioxide (SO_2), Volatile Organic Compounds (VOC), Particulate Matters (PM_{10} and $PM_{2.5}$)

NONROAD Setup

- **Fuel and Vehicle Selection:** Compressed Natural Gas (CNG), Gasoline, Liquefied Petroleum Gas (LPG), Nonroad Diesel Fuel across Agriculture, Airport Support, Commercial, Construction, Industrial, Lawn/Garden, Logging, Oil Field, Pleasure Craft, Railroad, and Recreational sectors
- **Road Type selection:** Nonroad
- **Output Aggregation:** Hour in County
- **Output Selection**: Model year, fuel type, emission process, sector, engine technology, horsepower class, SCC

ONROAD Setup

- **Fuel and Vehicle Selection:** Compressed Natural Gas (CNG), Diesel Fuel, Electricity, Ethanol (E-85), Gasoline across Combination Long-haul Truck, Combination Short-haul

[1] Source: CARB Technical Assessment: Freight Locomotives

Truck, Passenger Car, Passenger Truck, Single Unit Long-haul Truck, Single Unit Short-haul Truck
- **Road Type selection:** All
- **Output Aggregation:** Hour in County
- **Output Selection**: Fuel type, road type, source use type

Fugitive Dust Methodology

Emission factors were sourced from the WRAP Fugitive Dust Handbook[2]. The calculation of fugitive dust emissions involved four components: soil disturbance, onsite light and heavy vehicles mileage, and wind erosion. For each of these activities, relevant data were collected, including construction duration, area affected or mileage, WRAP Handbook level per Table 3-2.

Control efficiencies were then applied to these estimates to account for mitigation measures. A control efficiency of 50% was assumed for all activities based on WRAP handbook recommendations.

Post Process Methodology

NONROAD

The emission factors in grams per horsepower-hour (g/hp-hr) were obtained from MOVES for every piece of equipment. The MOVES equipment description is then used to best match the construction equipment provided in Table 1. The load factor were obtained from MOVES activities output. The emission factor was then multiplied by the hp and hour information provided in Table 1 and load factor information from MOVES activities to obtain the total emissions in tons/year.

ONROAD

Emission factors in grams per vehicle miles traveled (g/VMT) were obtained from MOVES for each vehicle classification between passenger car, passenger truck, single unit truck and combination trucks. The total miles are calculated based on the round trip distance multiply by the total number of trip. All the mileages inside and outside Ward county are summarized in Table 2.

Train

The emission factors in grams per horsepower-hour (g/hp-hr) were obtained based on the guidance locomotive brake specific fuel consumption and carbon content factor listed in Table 8.4 and equation 8.5, 8.6 and 8.7 for CO_2, CH_4 and N_2O. The locomotive for material hauling is assumed to be 4,400 hp. The total miles are calculated based on the round-trip distance multiply by the total number of trip. All the mileages inside and outside Ward county are summarized in Table 2.

[2] WRAP Handbook, https://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf. Assessed 7/11/2024

Results

Table 3 to Table 5 summarizes the annual emissions inside, outside and total emissions for the construction emissions based on 2025 emission factor.

Table 3: 2025 GHG Emissions inside Ward County (tons/year)

Construction Activities	CO_2	CH_4	N_2O	CO_2e
LPND Construction Equipment	1161	0.004	0.099	1187
Onroad	202	0.002	0.014	207
Train	5	0	0	5
Total Inside Ward County	1368	0.006	0.113	1399

Table 4: 2025 GHG Emissions outside Ward County (tons/year)

Construction Activities	CO_2	CH_4	N_2O	CO_2e
Onroad	31	0	0.003	31
Train	43	0.003	0.001	43
Total Outside Ward County	**74**	**0.003**	**0.004**	**74**

Table 5: 2025 LPND GHG Emissions (tons/year)

Construction Activities	CO_2	CH_4	N_2O	CO_2e
LPND Construction Equipment	1161	0.004	0.099	1187
Onroad-Ward County	202	0.002	0.014	207
Onroad-Outside of Ward County	31	0.000	0.003	31
Train-Ward County	5	0.000	0.000	5
Train-Outside Ward County	43	0.003	0.001	43
Total	**1442**	**0.010**	**0.117**	**1474**

Table 6: 2025 LPND CAP Emissions inside the construction sites (tons/year)

Construction Activities	CO	NO_X	SO_2	VOC	PM_{10}	$PM_{2.5}$
LPND Construction Equipment	0.29	0.71	0.003	0.046	0.05	0.05
Fugitive Dust					21.93	2.22
Total	**0.29**	**0.71**	**0.003**	**0.046**	**21.98**	**2.27**

The GHG emissions from construction activities are primarily concentrated inside Ward County, with CO_2e emissions totaling 1399 tons. The emissions from material hauling outside Ward County are significantly lower, with CO_2e emissions totaling 74 tons. The annual total GHG emissions for all construction activities are projected to be 1474 tons of CO_2e per year.

The CAP emissions are calculated from construction equipment inside the construction sites with the exception of PM, which include fugitive dust from soil disturbance, onsite light and heavy vehicles mileage, and wind erosion. The major contributor of fugitive dust is from soil disturbance primarily from excavation and grading activities that accounts for 67% of the PM emissions. As a result, the CO emissions totaling to 0.29 tons/year, NOx emissions totaling 0.71 tons/year, SO_2 emissions totaling 0.003 tons/year, VOC emissions totaling 0.046 tons/year, PM_{10} emissions totaling 21.98 tons/year, and $PM_{2.5}$ emissions totaling 2.27 tons/year.