

FRA Categorical Exclusion Worksheet

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**Federal Railroad Administration (FRA)  
CATEGORICAL EXCLUSION WORKSHEET**

The purpose of this worksheet is to assist Project sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for projects that may qualify as Categorical Exclusions. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement (EIS) or an environmental assessment (EA). Decisions to prepare EAs and EISs are made by FRA.

*Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the Categorical Exclusion recommendation for NEPA requirements to be met.*

The Project sponsor is responsible for providing FRA with a sufficient level of documentation and analysis to help inform FRA's determination that a Categorical Exclusion is the appropriate NEPA class of action. Documentation and analysis may include background research, results of record searches, field investigations, field surveys, and any past planning or studies.

Instructions for completing this worksheet are available on the FRA website at: <http://www.fra.dot.gov/eLib/Details/L02708>. Please complete this worksheet using compatible word processing software and submit and transmit the completed form in MS Word electronic format.

*The following documents must be submitted along with this worksheet:*

1. Include maps or diagram of the Project area that identifies locations of critical resource areas, wetlands, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences.
2. Include maps or diagrams of the proposed modifications to existing railways, roadways, and parking facilities.
3. Copies of all agency correspondence particularly with permitting agencies.
4. Representative photographs of the Project area.

**I. PROJECT DESCRIPTION**

<b>Project Sponsor</b> City of Kalispell, MT and the Flathead County Economic Development Authority.	<b>Date Submitted to FRA</b> June 8, 2015	<b>FRA Funding (TIGER, HSIPR, Rail Line Relocation, RRIF, etc.) or other FRA Action</b> TIGER
<b>Contact Person</b> Katharine Thompson	<b>Phone</b> 406-758-7713	<b>E-mail address</b> kthompson@kalispell.com
<b>Proposed Project Title</b> Glacier Rail Park and Core Area Development and Trail Project		
<b>Location (Include Street Address, City or Township, County, and State)</b> 655 Whitefish Stage, Kalispell in Flathead County, MT		

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<b>NEPA Contact</b>	<b>Phone</b>	<b>E-mail Address</b>
Tom Jentz	406-758-7941	tjentz@kalispell.com

**Description of Proposed Action (Project):** Fully describe the Project including specifics that may be of environmental concern such as: *widening an embankment to stabilize roadbed; repairing or replacing bridge pier foundations, extending culverts, including adding rip-rap in a waterway; earthwork and altering natural (existing) drainage patterns and creating a new water discharge; contaminated water needing treatment; building a new or adding on to a shop building; fueling or collection of fuel or oil and contaminated water; building or extending a siding; and building or adding on to a yard. Where applicable fully describe the operational characteristics of the facility to be improved by the proposed action and any anticipated operational changes that may result.*

This project involves two related actions forming a single project. First will be a \$20.8 million investment in rail, road and utility infrastructure to develop the 40 acre Glacier Rail Park for tenants, leveraging the area's access to the BNSF rail line resulting in job creation. A \$10 million investment of TIGER funds will leverage \$10.8 million in local Flathead County Economic Development Authority (FCEDA) and City of Kalispell funds to develop this property. The TIGER grant funds would accelerate the development of the rail park by leveraging city, county and private funds in the project creating a location for existing businesses to consolidate and increase rail traffic use. Additionally, new and relocating businesses from outside of Montana have expressed an interest in locating in the park to improve efficiencies and cut costs while expanding their rail use.

Future Tennants: CENEX Grain and Harvest will relocate their grain handling facilities, fertilizer distribution plant, offices and a key card gas station from downtown to the park. Transload capacity will be developed in the park which will allow single car or partial car delivery of freight in and out of the Flathead. Other potential uses will include bulk propane and fuel storage and distribution, ag. and timber product manufacturing and shipping, general freight delivery and other industrial uses which need rail access.

Rail Work: A rail line will be extended into the proposed rail park leaving the mainline north of the park and entering on the east side of the park traversing westerly from the existing BNSF line a distance of 1,300 ft. with up to 6 parallel sidings for car storage adding an additional 9,100 ft. of track. The total new track in the park is approximately 10,400 linear feet. Outside of the rail park approximately 3,300 feet of new rail is proposed to be located within the existing BNSF railroad R/W that runs on the east side of the proposed rail park. A new rail line would parallel the existing mainline from just south of the rail bridge over the Stillwater River and end just north of the rail bridge over US Highway 2. No bridge work is needed or proposed. This extra rail line would allow for additional car storage and provide a run around for engines.

Road Work - The access coming in off of US Highway 2 at the Flathead Drive intersection and extending north along Flathead Drive approximately 2,100 feet into the rail park will be upgraded to accommodate truck traffic. This access point will serve as the primary entrance to the rail park. A traffic signal is proposed at the US 2 and Flathead Drive intersection. Approval from the Montana Department of Transportation is required for the intersection and signal work.

Utilities: Kalispell city water and sewer would be extended to the site from adjacent lines to address sewage disposal and fire flow and domestic water including 4,600 feet of sewer main, 8,600 feet of water main, and 17 hydrants. Storm water collection and treatment will be collected and treated on site.

The second aspect to this project is the development of approximately 2 miles of 10 foot wide pedestrian trail along the former BNSF R/W extending south from the Glacier Rail Park to South Meridian and the extension of up to 4 cross streets at 5<sup>th</sup> Ave. E and 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> Ave. W. between Center and Idaho Streets. The city would purchase the abandoned RR R/W either via an easement or fee simple. The cross streets would be complete streets and include sidewalks, bicycle facilities, street trees and sewer and water extensions.

**Purpose and Need of Proposed Action (Project).**

Flathead Economic Development Authority (FCEDA) owns the 40 acre site proposed for the rail industrial park. This site is immediately adjacent to property owned and served by BNSF. The Mission Mountain Railroad (WATCO) short line railroad currently is under contract with BNSF to provide rail service on this track. FCEDA will develop the rail industrial park with TIGER Funds in order to maximize and centralize the use of rail in the center of the Flathead Valley and improve the opportunities to market the development to potential tenants. FCEDA is moving ahead with a trans-loading service provider as a tenant in the rail park thereby serving additional local businesses located outside of the park with their rail shipping needs. The Kalispell-FCEDA Rail Park would be only the second facility in Montana with the capability of shipping goods via rail to Canada providing an additional connection between the Flathead Valley and Lethbridge, AB; two regions that already have significant exchange of people through tourism and second-home ownership as well as some commerce and economic development relationships. In addition, industrial tenants (CENEX Harvest Grain Elevators and Northwest Drywall) are two remaining rail tenants in downtown Kalispell who have expressed a strong desire to be located outside of the downtown and in a rail park to allow for improved safety, access and growth. This would allow the removing of approximately 2 miles of rail and 6 rail crossings currently existing in the downtown core of Kalispell. The rail will be replaced with a linear pedestrian/bike trail from the rail park to South Meridian opening up pedestrian access to an area previously void of such facilities. It will also allow the construction of up to 4 north-south complete street crossings offering vastly improved pedestrian and vehicle access in the core area of Kalispell connecting people and neighborhoods with jobs and services.

**II. NEPA CLASS OF ACTION**

*Please check the category or categories that the Project best fits. If no category applies, contact FRA as an EA or EIS may need to be prepared.*

- Changes in plans for a Project for which an environmental document has been prepared, where the changes would not alter the environmental impacts of the action. *(Describe the full consequences of the changes only in part III)*
- Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. *("Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs)*
- Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure.
- Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not result in a change in the effect on the environment.
- Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities.
- Minor rail line additions *including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards*, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the

existing rail lines or rail facilities.

- Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties.
- Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density characteristics of the existing rail line.
- Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, *including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the reconfiguration of yard tracks.*
- Alterations to existing facilities, locomotives, stations and rail cars in order to make them accessible for the elderly and persons with disabilities, *such as modifying doorways, adding or modifying lifts, constructing access ramps and railings, modifying restrooms, and constructing accessible platforms.*
- Bridge rehabilitation, reconstruction or replacement, the rehabilitation or maintenance of the rail elements of docks or piers for the purposes of intermodal transfers, and the construction of bridges, culverts, or grade separation projects, predominantly within existing right-of-way, that do not involve extensive in-water construction activities, *such as projects replacing bridge components including stringers, caps, piles, or decks, the construction of roadway overpasses to replace at-grade crossings, construction or reconstruction of approaches and/or embankments to bridges, or construction or replacement of short span bridges.*
- Acquisition (including purchase or lease), rehabilitation, or maintenance of vehicles or equipment that does not cause a substantial increase in the use of infrastructure within the existing right-of-way or other previously disturbed locations, *including locomotives, passenger coaches, freight cars, trainsets, and construction, maintenance or inspection equipment.*
- Installation, repair and replacement of equipment and small structures designed to promote transportation safety, security, accessibility, communication or operational efficiency that take place predominantly within the existing right-of-way and do not result in a major change in traffic density on the existing rail line or facility, *such as the installation, repair or replacement of surface treatments or pavement markings, small passenger shelters, passenger amenities, benches, signage, sidewalks or trails, equipment enclosures, and fencing, railroad warning devices, train control systems, signalization, electric traction equipment and structures, electronics, photonics, and communications systems and equipment, equipment mounts, towers and structures, information processing equipment, and security equipment, including surveillance and detection cameras.*
- Environmental restoration, remediation and pollution prevention activities in or proximate to existing and former railroad track, infrastructure, stations and facilities conducted in conformance with applicable laws, regulations and permit requirements, *including activities such as noise mitigation, landscaping, natural resource management activities, replacement or improvement to storm water oil/water separators, installation of pollution containment systems, slope stabilization, and contaminated soil removal or remediation activities.*
- Assembly or construction of facilities or stations that are consistent with existing land use and zoning requirements, do not result in a major change in traffic density on existing rail or highway facilities and result in approximately less than ten acres of surface disturbance, *such as storage and maintenance facilities, freight or passenger loading and unloading facilities or stations, parking facilities, passenger platforms, canopies, shelters, pedestrian overpasses or underpasses, paving, or landscaping.*
- Track and track structure maintenance and improvements when carried out predominantly within

the existing right-of-way that do not cause a substantial increase in rail traffic beyond existing or historic levels, *such as stabilizing embankments, installing or reinstalling track, re-grading, replacing rail, ties, slabs and ballast, installing, maintaining, or restoring drainage ditches, cleaning ballast, constructing minor curve realignments, improving or replacing interlockings, and the installation or maintenance of ancillary equipment.*

**III. PROJECT INFORMATION**

Potential impacts from both construction and changes to operations (where applicable) should be analyzed and identified for each resource type below. Where appropriate, the Project sponsor may commit to mitigation measures to avoid, reduce, or minimize impacts, including the use of Best Management Practices (BMP). Mitigation measures necessary to comply with other laws or regulations (e.g. Clean Water Act Section 404) should also be identified and the impacts from mitigation considered.

**A. Affected Environment: *Briefly describe the ecosystems and environmental conditions in the area affected by the Project (defined as broadly as necessary to evaluate potential impacts and address Project area habitats).***

The project is located in the Flathead Valley of Montana, in the heart of the Northern Rockies Ecoregion, just west of the Continental Divide. The valley contains glacial lakes and is flanked by forested, rugged, high elevation mountains with considerable climatic diversity. The site lies within the Stillwater River Watershed Basin. Several rivers, including the Stillwater, Flathead and many perennial streams, flow through the valley, eventually making their way to the Columbia River. The rivers and streams that comprise the basin are utilized for drinking water, recreation, fish habitat and crop irrigation. Unirrigated and irrigated agriculture, rural residential, suburban and commercial activities dominate the region. Approximately 94 percent of the land use is national or state forested land, wilderness, agricultural, and corporate timber land, confining development to the remaining six percent within the area.

The Stillwater River is located along the northwest boundary of the Glacier Rail Park site, with existing roadways located between the river and project site. There are no bridges or other water crossing structures located within the project site.

The entire 40 acre Glacier Rail Park site as far back as 1915 was the location of a former gravel extraction facility which more recently incorporated a concrete batch plant operation. Presently the site has been reclaimed under the Montana Open Cut Mining Program. Knife River, the responsible entity and former owner has regraded, and reseeded the site. J. J. O'Conner in the Kalispell, MT local office of the DEQ is available to verify this at 406-755-8985. The vast majority of the site has been graded and restored to a level condition. The very southwestern and southern corner of the site was regraded at a 3:1 slope to accommodate a hill rising approximately 40 feet in height to mark the end of gravel extraction. This 40 foot tall hill provides a buffer and a separation for the residential neighborhood to the south. There are no environmentally sensitive features on the site. The site is not in a designated floodplain, it does not contain steep slopes, wetlands or water features. The site does border a very short stretch of the Stillwater River but no actions or activity will impact the river and a vegetative setback of 50 feet will be maintained. Unconfined ground water is present at depths of 20 feet below ground surface. Land cover consists of large expanses of exposed gravel and soil

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which has been seeded to grasses.

Geologically speaking, glacial stream processes deposited alluvial sand and gravel throughout much of this area. The soil is classified as primarily Kalispell Gravely Loam, a well-drained soil consisting of gravely loams (0-30 inches) and stratified gravely loamy fine sand to gravel below 30 inches.

The site generally abuts the KRY State CECRA (Superfund) Facility in Kalispell and the very northeastern portion of the former gravel pit property (proposed Glacier Rail Park) does fall within the boundary of the KRY site. The Montana Department of Environmental Quality (DEQ) has indicated that the Glacier Rail Project is consistent with the identified reasonable future use of the area surrounding the KRY Site. This KRY Site is being remediated pursuant to a judicial abatement order under the authority of the CERCA Program. The Montana DEQ issued a Record of Decision (ROD) for the KRY facility in June 2008 (DEQ 2008) which included remedial actions to be undertaken. In October 2009 the DEQ issued a Remedial Action Work Plan (RAWP, DEQ 2009) for the KRY Facility that describes the implementation of the remedy. By November, 2010 BNSF had completed the lead-contaminated soil excavation and offsite disposal portion of the ROD. Additional large scale excavations were conducted in subsequent years. The DEQ is still reviewing the need for additional soil excavation at the KRY site. Contaminated groundwater still exists at the KRY facility and remediation of soil and groundwater is anticipated to continue at the KRY site for several years. Questions or concerns about the remediation process associated with the KRY facility should be directed to Travis Erny, of the Montana DEQ. (406-444-6802).

A Phase I Environmental Site Assessment (ESA) for the Glacier Rail Park was completed on January 1, 2011 by Knife River, the owner at that time. Subsequent to that a Phase 2 environmental site assessment was completed for the site on November 3, 2011. This phase 2 was updated in January, 2012. The assessments identified approximately \$28,000 worth of restoration activities that needed to be addressed. Identified issues included:

- Petroleum hydrocarbons originating near the onsite truck repair facilities on the west side of the site.
- Sump sediments at the truck repair shop.
- Asbestos and lead based paint associated with on-site buildings remaining on the site after the cessation of gravel processing and extraction.
- Potential groundwater contaminants from the adjacent KRY State CECRA (super fund) facility have migrated onto the northeastern corner of the site based on adjacent monitoring well data.

The first three activities were completed prior to FCEDA taking ownership in 2012. No cleanup was pursued relative to the concerns with the contaminants associated with the adjacent KRY CECRA facility because these contaminants on the proposed site are being remediated under the direction of the Montana Department of Environmental Quality (DEQ) in accordance with the Record of Decision for the KRY site.

Additional track installation will occur immediately outside of the rail industrial park to provide room for a train engine run around. All work of this nature will occur immediately adjacent to existing BNSF rail within the existing BNSF R/W and will occur between two existing bridge structures - the Stillwater River rail bridge to the north and the US Highway 2 rail bridge to the south. Neither bridge structure nor the immediate environs of the Stillwater River will be impacted. All rail work will stop within 150 feet of the Stillwater River and rail bridge over the river to the north. Correspondingly, all work will stop within 250 feet of the Highway 2 bridge to the south. Ultimately, the US Highway 2 rail bridge will have all tracks removed and it will be converted to a pedestrian bridge.

In addition to rail park development and rail siding work, BNSF proposes to abandon approximately 2 miles of rail road line. This line was originally constructed in 1892 and functioned as part of the main line between Chicago and Seattle. However, in 1904, the main line was re-routed through Whitefish to the north and the line into Kalispell was relegated to branch line status delivering local freight. The rail line now terminates just past the west end of the proposed project on the west side of Kalispell. The rail road R/W exists as up to a 100 foot wide easement extending through Kalispell. However, between 4th Ave. East and 8th Ave. West, (3/4 mile) BNSF has sold their ownership and now maintains a 25 foot easement for rail access only. This stretch of track was reconstructed in 1986 with the development of the Kalispell Center Mall and the resulting shift of the rail approximately 150 feet to the north. This new rail alignment is still within the general confines of the original rail yard through Kalispell.

The two mile long stretch of BNSF rail, when abandoned, will be converted to a paved (10 - 12 foot wide) multi-use pedestrian trail complete with pedestrian crossings at street level, pedestrian scale lighting and benches, tables and comfort station. Up to 4 cross streets will be developed opening up north-south circulation to the area which previously was landlocked. Currently the BNSF rail line has restricted north-south street connections in this 2 mile corridor to only 6 crossings. Phase 1 and phase 2 studies will need to be completed as well as any site specific clean up along the proposed abandoned rail line. The Montana Department of Quality letter dated May 29, 2015 indicated that typical soil contaminants found along older rail lines include poly-aromatic hydrocarbons (PAHs), Petroleum, and metals (particularly arsenic).

**B. *Location & Land Use:* Briefly describe the existing land use of the Project site and surrounding properties and resources and identify and discuss any potential inconsistencies the Project might have with local land use plans and policies.**

The Glacier Rail Park site contains 40 acres and is located in Township 28 North, Range 21 West, Section 8, in Kalispell, Montana. Kalispell is a municipality found within the boundaries of Flathead County. The property for the rail park project site was purchased by the Flathead County Economic Development Authority (FCEDA) in 2012 (Attachment 1 - Project Location Map). The rail park project site is

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located in an area containing mixed commercial, residential and heavy industrial land uses. Glacier Stone and Klingler Lumber are two heavy-industrial uses, along with a BNSF siding, found on the northern boundary. Whitefish Stage Road is a minor collector road marking the western boundary. Commercial use is east of the existing BNSF rail line and residential development is to the south of the KRP site. A portion of the Stillwater River flows near the northwestern boundary for a distance of 500 feet. The proposed transportation infrastructure includes BNSF property and existing rail line currently leased to WATCO, east of the project site. The proposed rail line extensions are to be constructed within existing BNSF R/W and extends into the project site. US Highway 2 is a major arterial roadway located approximately 500 feet east of the project site and extends through the City of Kalispell, traveling northeast in the direction of Columbia Falls, Montana. Minor collector roads in the vicinity of the project site include Whitefish Stage Road (west), E. Oregon Lane (east and south) and Flathead Drive (parallels the east side of the existing BNSF rail line).

The Kalispell Pole and Timber, Reliance Refining Company and Yale Oil Corporation facilities (collectively referred to as the KRY Site), are state Superfund facilities listed on the Montana Comprehensive Environmental Cleanup and Responsibility Act (CECRA) Priorities List. Remedial actions were initiated in 2008 and soil excavation was completed in October, 2010. Soil and groundwater monitoring are currently ongoing. The Glacier Rail Park site abuts the KRY site directly north.

The proposed Glacier Rail Park was annexed into the city of Kalispell in 2014. The entire site is designated as "Industrial" in the Kalispell Growth Policy document. The City Land Use Policy for this site has been specifically targeted for industrial park development for at least the past 25 years and is specifically first referenced in the 1986 Kalispell City-County Master Plan document. The site is presently zoned I-2 Heavy Industrial which anticipates rail park development as a permitted use. The project also involves the abandoning of approximately 2 miles of BNSF rail line through the center (Core Area) of Kalispell and the existing rail bridge over US Highway 2 and converting the rail bridge to a pedestrian bridge and replacing rail line with a pedestrian trail and 4 intersecting cross streets. This rail line was constructed in 1892 and has been an active rail line since that time.

The City of Kalispell adopted the "City of Kalispell Core Area Plan" in 2012, designating 365-acres as their core area. The core area is bound by current city limits to the east and west, Washington Street to the north and First Street to the south. The 2012 plan identifies the current location of the BNSF railroad track as a major issue of concern, listing the relocation of the line from the core area of Kalispell as the number one goal. A strategy has been identified to implement a program to relocate the tracks from the core area. The proposed project is a collaborated effort between the City of Kalispell, BNSF and FCEDA to create policy to implement the strategy. The Core Area Plan targets the proposed Glacier Rail Park as a rail industrial park. Chapter 4, Goal 1 -- Work with BNSF to initiate a program to remove tracks from the Kalispell Core area and develop a rail industrial park on the east side of Kalispell on the existing rail served site (former Knife River Gravel pit). The Core Area Plan then supports the pedestrian trail aspects. Goal 3 - Develop a multi use trail and linear park system using BNSF Railroad

R/W. Goal 4 - Preserve the rail bridge over US Highway 2 as a pedestrian bridge providing pedestrian access over US Highway 2, Goal 5 - Develop additional North - South streets and pedestrian crossings where rail has previously blocked access.

The Kalispell Growth Policy identifies goals to encourage the development and growth of commercial and industrial districts. It is recognized that the industrial districts should have adequate access to rail, highway, and airport facilities and be of sufficient size to allow for future expansion. Furthermore, the policy encourages the redevelopment of currently designated light industrial areas for a variety of uses.

No potential inconsistencies have been identified within the planning area that would conflict with local land use plans and policies.

**C. Cultural Resources:** *Is the Project of the type where there is no potential to affect historic properties? Check yes or no depending on whether resources have been identified in the immediate vicinity of the Project (Area of Potential Effect)*

Yes, explain how Project has no potential to affect historic properties. (Continue to D)

No, there is potential to affect historic properties. Describe identification procedures to determine the existence of cultural resources in the Project area.

Consultation with the Montana State SHPO Office has occurred. A file search was requested from the Montana State Historic Preservation Office (MTSHPO) by Tom Jentz, Planning Director for the City of Kalispell on December 11, 2011, May 23, 2013 and May 8, 2015. The search area was defined as Township 28 North, Range 21 West, Section 8. The results of the most recent request were provided by MTSHPO on May 19, 2015, and indicated seven previously recorded cultural resources as being present within the search area and designated as historic sites. Six of the sites are Eligible and one is unevaluated for inclusion on the National Register of Historic Places (NRHP). Five of the Eligible resources are listed as Historic Properties on the NRHP. GIS shapefiles for these sites were requested on January 29, 2014 by KLJ Engineering and plotted on a map of the project area. (Attachment 3 - Cultural Resources Map). MTSHPO shapefiles indicate one previously recorded site (24FH0219) immediately adjacent to the proposed area of potential effect (APE), as outlined in Attachment 4. This site consists of a structure and associated trash related to a historic oil refinery on land owned by the state, and is unevaluated for listing on the NRHP.

In the letter from the MTSHPO dated May 29, 2013, it was recommended that any structures over 50 years of age that would be altered by the project should be recorded and a determination of eligibility made. The City of Kalispell has indicated they are unaware of any structures existing in the project area more than 50 years of age.

Two previous cultural resource inventories have occurred within the search radius. One is related to the history of Kalispell and the other is related to an energy development intertie project. The City of Kalispell has contacted First American Title Company to

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provide a history of the previous owners/uses of the property. The property (Tracts 1-7 of COS 18380) was quitclaimed to a David McGinnis in 1891 shortly after the patent was recorded. He owned the property until his death, when it was distributed as part of his estate in 1954. During that time frame, there was a recorded lease referring to the "McGinnis Gravel Pit" in 1930. There was also an easement recorded in 1915 referencing a mill pond and dam bridge, although it is not clear if the pond and bridge were on this property or an adjacent parcel and there is no indication of these structures on site. Subsequent to 1954, there are various documents indicating the continued use of the property as a gravel pit, including an agreement with the state in 1966 for removal of gravel and other material, a transfer of ownership to McElroy and Wilken (a gravel/construction company) in 1983, and that company's merger with JTL construction in 2003.

Staff contacted the National Register of Historic Places website (<http://www.nationalregisterofhistoricplaces.com/mt/Flathead/state.html>) and found no listings within 1/2 mile of the project area.

The approximate 2 miles of BNSF Rail line that is proposed to be abandoned and converted into a pedestrian trail system does have historical significance. In a letter dated May 19, 2015 from the Montana State Historic Preservation Office, Damon Murdo indicated that the historic Great Northern Railroad (site 24FH0350) has been determined to be eligible for listing on the National Register. In a phone conversation on July 9, 2015 with Jessica Bush, Compliance officer with the Montana SHPO, The State Historic Preservation Officer considers this rail line as historically significant. This site begins at the north entrance to the Rail Road Bridge extending over US Highway 2 and running easterly to the intersection with Meridian Road a distance of slightly less than 2 miles. The bridge will be maintained as a pedestrian facility however, the track will be removed the entire length. The project will require further consultation with the SHPO office and will include contracting with a Section 106 certified consulting firm to prepare an analysis of impacts to the portions of the rail line that are considered historical and addressing any required mitigation. As part of the project, the city has committed to providing historical signage, photographs and interpretive information along the trail documenting the role that the Great Northern Rail Road and rail line have had on the city of Kalispell.

*Describe any resource(s) identified in the project area and then describe any potential effect of the Project on the resource(s).*

The approximate 2 miles of BNSF Rail line that is proposed to be abandoned and converted into a pedestrian trail system does have historical significance. In a letter dated May 19, 2015 from the Montana State Historic Preservation Office, Damon Murdo indicated that the historic Great Northern Railroad (site 24FH0350) has been determined to be eligible for listing on the National Register. In a phone conversation on July 9, 2015 with Jessica Bush, Compliance officer with the Montana SHPO, The State Historic Preservation Officer considers this rail line as historically significant. This site begins at the north entrance to the Rail Road Bridge extending over US Highway 2 and running easterly to the intersection with Meridian Road a distance of slightly less than 2 miles. The bridge will be maintained as a pedestrian facility however, the track will

be removed the entire length. The project will require further consultation with the SHPO office and will include contracting with a Section 106 certified consulting firm to prepare an analysis of impacts to the portions of the rail line that are considered historical and addressing any required mitigation. As part of the project, the city has committed to providing historical signage, photographs and interpretive information along the trail documenting the role that the Great Northern Rail Road and rail line have had on the city of Kalispell.

*Has consultation with the State Historic Preservation Office occurred?*

No, contact FRA

Yes, describe and attach relevant correspondence

Unofficial consultation/communication has occurred between the applicant (City of Kalispell) and MTSHPPO and between KLJ Engineering and MTSHPPO. The applicant requested general comments from the MTSHPPO in December of 2011, and received a letter response dated December 5, 2011. A request for updated comments and a file search was made by the applicant on May 25, 2013 and on May 8, 2015. A response from the MTSHPPO, including file search results, was made on May 29, 2013 and May 19, 2015. KLJ Engineering requested GIS shapefiles from the MTSHPPO on January 29, 2014, for all cultural resources that were returned in the file search.

Formal consultation will be necessary between the lead agency and the MTSHPPO if this project is defined as an undertaking and Section 106 is enacted.

*What resources of interest to Federally-recognized Native American Tribes are known to be present in the Project area?*

None identified. At this time, we are not aware of any traditional cultural resources or resources of religious significance present in the project area. However, consultation with the appropriate tribes and/or Tribal Historic Preservation Offices (THPO) has not been initiated..

**D. Parks and Recreational Facilities:** *Are there any publicly owned park, wildlife and waterfowl refuge, or recreational area of national, state, or local significance within or directly adjacent to the Project area?*

No, include a short statement describe efforts to identify parks and recreational facilities in the Project area.

The Glacier Rail Industrial Park Site lies approximately 1000 feet southeast of Lawrence Park, a city owned and maintained facility. Because of topography, there is no immediate access to this park from the project site nor is there a clear line of site. There is also a county maintained ballfield complex called the Conrad Complex approximately 1000 feet to the southeast of the site. Between the site and these ballfields lies BNSF railroad R/W, US Highway 2 (a 4-lane major arterial) and a significant established commercial district. Finally, the site borders a small stretch of the Stillwater River. There are no developed recreational facilities nor is there public access to this river in this area. There are no

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other parks or recreational facilities within one mile of the site. This has been verified by Kalispell Parks Director Chad Fincher (406-758-7716) and Montana Fish, Wildlife and Parks biologist Mark Deleray(406-752-5501) per personal communication on May 30, 2013 relative to follow-up letters for comment sent to each of them on May 23, 2013 and this has been re-verified in followup letters sent out on May 8, 2015 and personal communication on June 11, 2015.

Yes, include a detailed description of the property, including map or drawing, describe the recreational uses of the property, any unique characteristics of the property, any consultations with the entity with legal jurisdiction over the property, and the potential impact on the property.

The Core Area Development and Trail component of the project involves replacing an active rail road line from the proposed Glacier Rail Park westerly for 2 miles with a pedestrian trail that extends through the center of Kalispell. Currently the active rail line abutts the northern boundary of Woodland Park, a regional park, for approximately 1,300 feet. The rail line also severs the Kalispell Depot Park in downtown Kalispell east to west a distance of approximately 350 feet. (personal communication with Chad Fincher, Kalispell Parks Director on June 11, 2015). Mr. Fincher sees this project as a tremendous asset to the Kalispell Park system as the city would be removing an active rail line which travels immediately adjacent to a very popular city park and through the middle of an equally popular park and replacing this impediment with a pedestrian trail that will greatly improve access to the park system and dramatically improve safety for all park users.

**E. Transportation:** *Would the Project have any effect (beneficial or adverse) on transportation including but not limited to other railway operations, road traffic, or increase the demand for parking?*

No, explain why the Project would have no effect (beneficial or adverse) on transportation

Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad and highway operations. Also, summarize any consultation that has occurred with other railroads or highway authorities whose operations this Project will impact.

The Glacier Rail Park and Core Area Trail project would provide an overall benefit to transportation and public safety within the area. Currently, the existing rail line bisects the city and terminates approximately one mile west of the city center. The proposed project would relocate rail business to an industrial use area outside the core area of Kalispell.

(Attachment 4 - Transportation Plan).

In 2011, a vehicle/train collision occurred on the BNSF rail line at an at-grade railroad crossing in Flathead County. This project will eliminate 6 at-grade railroad crossings therefore lessening the vehicle/train and pedestrian/train conflict points in Kalispell.

A traffic impact study for the proposed Glacier Rail Park was conducted by KLJ in 2013 and updated in 2015 to identify potential traffic impacts associated with the rail park. The original study was completed in coordination with the Montana Department of

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Transportation (MDT) Kalispell District Engineer. Several recommendations were made to increase public safety and to alleviate potential impacts to existing railroad and highway operations. Recommendations included installing additional actuated traffic signals at intersections, widening of an existing crossing, additional vehicle turn lanes and a new railroad crossing. A new traffic signal will be installed at the interseion of Flathead Drive and US Highway 2 which will serve to be the primary vehicle access to the Glacier Rail Park as part of the poject.

**F. Noise and Vibration: Are there any sensitive receptors in the Project area?**

No, describe why there are no sensitive receptors (residences, parks, schools, hospitals, public gathering spaces) in or near the Project area. (Continue to G)

A noise assessment was conducted in 2014 by KLJ Engineering. They qualitatively evaluated the Glacier Rail Park site by reviewing aerial photography and identifying the types of land-use developments (i.e., residential, commercial, community facilities, industrial, etc.) surrounding the project area. The potential effects of the Glacier Rail Park on noise levels were analyzed by evaluating the number of receptors (i.e., residences, businesses, schools, parks, etc.) within 1,000 feet from the project (See Noise Assessment Map.)

Due to the nature of the proposed project, a conservative radius of 1,000 feet was incorporated to ensure an adequate distance from the proposed Glacier Rail Park to any noise sensitive receptors was properly assessed. The operations held within the proposed Glacier Rail Park are not anticipated to substantially increase the existing noise levels that are found in the surrounding area. By locating these operation to an area outside the city center, the magnitude of noise and vibration impacts with the City and the number of affected noise sensitive receptors will likely be reduced when compare to the existing BNSF rail line.

The surrounding area of the Glacier Rail Park consists of residential, commercial and industrial zoning. Residential noise sensitive areas are located north and south of the study area with recreational activities found south of US Highway 2. Industrial use is located on the east and west side of the existing rail line. The extension/construction of railroad tracks will occur within the area zoned for industrial. Commercial noise sensitive areas comprised of retail stores, hotels and other businesses are sited along US Highway 2, south and east of the project.

Residential use within the 1,000 foot evaluation radius is comprised of single-family, multi-family and a small RV/mobile home park. There are a total of 172 single family units and four multi-family units totaling 16 units within the 1,000 foot evaluation radius. Of the 172 single-family units, 53 residences reside within the mobile home park located south of the project area. Note that this site also contained a 47 unit senior living center; however, the owner has closed the facility and said it would not re-open. There are three churches/spiritual centers and two recreational facilities located within the 1,000 foot evaluation area radius.

The conversion of approximately 2 miles of BNSF active rail line to a pedestrian trail will dramatically reduce noise and vibrartion impacts along the entire abandoned rail line as it traverses through the center of Kalispell's commercial core and passes older residential neighborhoods.

Yes, will the Project change the noise and/or vibration exposure of the sensitive receptors when applying the screening distances for noise and vibration assessment found in FRA and Federal Transit Administration's noise impacts assessment guidance manuals? Such changes in exposure might include changes in noise emissions and/or events, or changes in vibration emissions and/or events.

**G. Air Quality:** *Is the Project located in a Non-Attainment or Maintenance area?*

No, identify any air emissions increases or benefits that the project will create.  
(Continue to H)

Yes, for which of the following pollutants:

- Carbon Monoxide (CO)     Ozone (O<sub>3</sub>), volatile organic compounds or Nitrous Oxides (NO<sub>x</sub>)  
 Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>)

*Will the Project, both during construction and operation, result in new emissions of criteria pollutants including Carbon Monoxide (CO), Ozone (O<sub>3</sub>), volatile organic compounds, or Nitrous Oxides NO<sub>x</sub>, Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>)?*

No     Yes, Attach an emissions analysis for General Conformity regarding CO, O<sub>3</sub>, PM<sub>10</sub>, and NO<sub>x</sub>.

*Based on the emissions analysis, will the Project increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?*

No     Yes, Describe any substantial impacts from the Project.

In 1989, EPA designated Kalispell a nonattainment area for PM-10 emissions. Kalispell, MT Particulate Matter (PM-10) Attainment Plan Approval Dates and Citations: 3/19/96 (61 FR 11153) and 4/14/94(59 FR 17700). The Clean Air Act required the development of a state implementation plan (SIP) to address PM-10 issues, Kalispell operates under SIP-2 (second revision) to satisfy requirements for an approvable moderate nonattainment area for PM-10 emissions. The project site is located in the Kalispell City-County Air Pollution Control District, authorized under regulations contained in MCA, Section 75-2-301. Five sources were identified as contributing to the PM-10 problem in Kalispell include motor vehicle exhaust, re-entrained road dust, prescribed burning, residential wood burning and industry. Measures were developed to address each source. Since then, Kalispell has shown a continued reduction in annual tons of PM-10 emissions as well as a decline in measured 24-hour ambient air concentrations of PM-10. The project will relocate two emission sources currently located in Kalispell to the proposed site zoned for industrial use with lower population densities. In a phone conversation on May 31, 2013 with Eric Merchant, Air Resources Management Division Section Supervisor, Montana Department of Environmental Quality, Helena, MT (406-444-1457)- The project site is within a DEQ listed non-attainment area for PM 10 emissions. The existing permit for this area does not restrict or control development of the industrial park including street, water or sewer line, cable, gas or rail extensions. It only applies to future users. All future users of the park (tenants) will have to comply with the emission standards of the DEQ-Kalispell Non-attainment Area permit in the design and construction of their facilities. This will occur at the time of actual construction of each tenant space, be it CENEX, or some other future user. It will not impact the design and construction of the rail park. This information has been re-verified per letter dated May 21, 2015 from Joseph Russell, Health Officer with the Flathead City-County Health Department. (attached) In the letter he affirms that the projects as proposed

**H. Hazardous Materials:** *Does the Project involve the use or handling of hazardous materials?*

No (continue to I)

Yes, describe the use and measures that will mitigate any potential for release and contamination.

**I. Hazardous Waste:** *Is the Project site in a developed area or was previously developed or used for industrial or agricultural production,*

No, describe the steps taken to determine that hazardous materials are not present on the Project site. (Continue to J)

Yes. *If yes, is it likely that hazardous materials will be encountered by undertaking the Project? (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)*

Yes, complete a Phase I site assessment and attach.

See attached Environmental Site Assessments (ESA):

Phase I Knife River ESA, March, 2011 (Attachment 6)

Phase II ESA, November 2011 (Attachment 7)

Phase I ESA Update January 2012 (Attachment 8)

Phase II ESA Update, January 2012 (Attachment 9)

A search was conducted to determine the presence of hazardous substances or petroleum products within the study area. The report included GIS data for underground storage tanks (UST), and leaking underground storage tanks (LUST), provided through the Montana Natural Resource Information System. Currently there are no permitted USTs or LUSTs in the proposed project area. A Class II municipal solid waste landfill is located approximately seven miles northwest of the project area. No other records exist to indicate there are any old or abandoned landfills within the project area.

A search of the US EPA Envirofacts database for Resource Conservation and Recovery Act (RCRA) facilities within a one mile radius of the project area was conducted. This search revealed three facilities within or near the proposed project area. These areas have been consolidated and are collectively known as the KRY Site (identified below). Phase 1 Site Assessment was completed on January 1, 2011 and attached for the Glacier Rail Park.

A Phase 1 Site Assessment will be required for the 2 mile long BNSF Rail Line proposed to be converted to a pedestrian trail

No, explain why it is unlikely that hazardous materials will be encountered.

*If a Phase I survey was completed, is a Phase II site assessment recommended?*

No, explain why a Phase II site assessment is not recommended.

Yes, describe the mitigation and clean-up measures that will be taken to remediate any

hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the Project.

A Phase I Environmental Site Assessment (ESA) was completed on the Glacier Rail Park on January 1, 2011 by Knife River (attached), the owner at that time. Subsequent to that a Phase 2 environmental assessment was completed for the site on November 3, 2011 (attached). This phase 2 was updated in January, 2012. The assessments identified approximately \$28,000 worth of restoration activities that needed to be addressed. Identified issues included:

- Petroleum hydrocarbons originating near the on-site truck repair facilities on the west side of the site.
- Sump sediments at the truck repair shop.
- Asbestos and lead based paint associated with on-site buildings remaining of the site after the cessation of gravel processing and extraction.
- Potential groundwater contaminants from the adjacent KRY State CECRA (super fund) facility have migrated onto the northeastern corner of the site based on adjacent monitoring well data.

The first three activities were completed prior to FCEDA taking ownership in 2012. Issue 4 is being resolved through remediation action set forth in the June 2008, MT DEQ, KRY Site Record of Decision (ROD) and the State of Montana Superfund facilities Comprehensive Environmental Cleanup and Responsibility Act (CECRA) priorities list. The 2009 remedial action work plan describes how the ROD will be implemented. MT DEQ requested that an existing water well at the rail park site be abandoned as use may attract or alter the flow of subgrade pollutants in the groundwater. The well has been satisfactorily reclaimed.

The June 2013 Explanation of Significant Differences issued by the MT DEQ for the KRY site addresses past and current reclamation efforts. The lead-contaminated soil excavation and offsite disposal portion of the ROD remedy was completed in November of 2010. In 2011, implementation of the chemical oxidant treatment of the pentachlorophenol and dioxins/furans-contaminated groundwater around the former wood treating area was initiated. Throughout 2011 and into early 2012, engineering design documents were prepared to identify plans for excavation, handling, and treatment of contaminated soils, as well as the recovery of more viscous free product from the water table. Documents can be found at:  
<http://www.deq.mt.gov/StateSuperfund/kpt.mcp>

All clean up measures necessary to develop the proposed KRP have been completed. The proposed project would not interfere with clean-up and remediation of the adjacent KRY site to the north. Furthermore, steps would be taken to ensure the local community is protected from any potential contamination during construction and operation of the proposed rail park project. The Glacier Rail Park team continues to coordinate with DEQ's State Superfund (CECRA) program on work within the KRY Site boundary to ensure compliance with 75-10-711(9), MCA and ARM 17.55.110 (letter dated May 29, 2015 from Bonnie Lovelace, Regulatory Affairs Manager, Montana

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Department of Environmental Quality). All clean up measures necessary to fully develop this rail industrial park have been completed.

A Phase 2 will be required for the 2 miles of rail line to be acquired and ultimately converted to pedestrian trail. DEQ letter dated May 29, 2015 suggests that typical rail lines may contain soil contamination from poly-aromatic hydrocarbons (PAHs), petroleum and metals, particularly arsenic.

**J. Property Acquisition: Is property acquisition needed for the Project?**

No (continue to K)

Yes, indicate how much property and whether the acquisition will result in relocation of businesses or individuals. **Note:** *acquiring property prior to completing the NEPA process and receiving written FRA concurrence in the NEPA recommendation may jeopardize Federal financial participation in the Project.*

BNSF proposes to abandon the existing railroad line extending westerly of the proposed Glacier Rail Park. The project will involve acquiring slightly less than 2 miles of the abandoned rail line. The R/W will vary from 25 feet wide between 4<sup>th</sup> Ave. East and 5<sup>th</sup> Ave. West to 100 feet wide at either end. The acquired property will be vacant, BNSF will remove all existing rail and railroad associated features prior to acquisition.

**K. Community Impacts and Environmental Justice: Is the Project likely to result in impacts to adjacent communities? Impacts might be both beneficial (e.g. economic benefits) or adverse (e.g. reduction in community cohesion).**

No, describe the steps taken to determine whether the Project might result in impacts to adjacent communities. (Continue to L)

Yes, characterize the socio-economic profile of the affected community, including the presence of minority or low-income populations.

According to the US Census Bureau, American Community Survey (ACS), the project site is located within the Evergreen census-designated place (CDP) in Flathead County. As of the 2010 census, there were 7,616 people and 2,999 total households residing within the Evergreen CDP. Of the 2,999 total households, 2,018 were a family household type. The median household income is \$33,269 and the per capita income is \$18,311. Of the total 7,616 population for the Evergreen CDP, 11.3 percent of individuals were living below the poverty level. The 2010 US Census shows the total population of Flathead County to be 90,928. The median household income for Flathead County in 2010 was \$45,545 with the per capita income of \$25,616. Of the total 90,928 population for Flathead County, 12.5 percent of individuals were living below the poverty level.

The 2010 US Census population for the state of Montana was 989,415. The median household income was \$45,456 with the per capita income of \$25,002. The median household income of \$45,456 for the state of Montana is slightly below the \$45,545 for Flathead County and \$12,187 above the median household income for the Evergreen CDP at \$33,269. The state has a per capita income of \$25,148 and 14.8

percent of individuals living below the poverty level.

The proposed rail park is not anticipated to substantially impact the socioeconomic conditions in the project area, but it does have the potential to yield beneficial impacts through the creation of jobs associated with the construction of the park. Employment will be gained through the additional businesses operating inside the rail park site. Overall, the project would provide long-term benefits to the community by creating additional jobs.

Location of the rail industrial park will serve to greatly enhance Evergreen, an unincorporated community adjacent to Kalispell as the Glacier Rail Park geographically lies immediately in between these two communities. Evergreen is typically characterized as an area of lower incomes and higher unemployment than the rest of Flathead County. The Evergreen Census Designated Place 2010 US Census American Community Survey shows that the average household income is \$31,696 in Evergreen compared to all of Flathead County which sits at \$45,588. Additionally, Flathead County according to 2013 census data was at 10.4% unemployment thus ranking 50th of 56 counties in the state. Employment opportunities associated with both the construction of the rail industrial park and employment associated with the firms occupying the rail industrial park will serve to provide a significant stimulus to this community both in reducing unemployment and by increasing income levels.

Neither Flathead County, Evergreen nor Kalispell have concentrations of minorities. The county minority population was 4.5% in 2010, The Evergreen CDP had 5.5% and Kalispell was slightly higher at 5.8% minority. This compares to 10.6% for all of Montana.

Finally the rail industrial park is being located in an area largely removed from residential neighborhoods in an area characterized as a former gravel pit adjacent to the existing BNSF rail line.

The core area trail component of the project, however, will take 2 miles of existing rail that has severed the community by forming a community barrier and replace it with a 2 mile long pedestrian trail which will serve to connect existing lower income residential neighborhoods adjacent to the downtown with retail services and employment.

Above comments were concurred with by Flathead County Planning Director BJ Grieve (406-751-8201) in an email dated May 31, 2013 and re-affirmed in an email dated May 19, 2015.

**Describe any potential adverse effects to communities, including noise, visual and barrier effects. Indicate whether the Project will have a disproportionately high and adverse effect on minority or low-income populations. Describe outreach efforts targeted specifically at minority or low-income populations.**

The rail park component only has residential neighbors on the south side of the proposed site. This area is generally buffered by a 40 foot tall berm left over from the gravel extraction days. This berm buffers the vast majority of the neighborhood both visually and from a noise standpoint. This hillside has acted as a buffering screen during the entire almost 100 years of gravel resource development that has occurred on site. This berm has also allowed the residential neighborhood to creep up to the edge of the gravel/industrial area and not experience any negative impacts. The railroad and gravel extraction area have co-existed with the existing neighborhood since the beginning of the residential

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neighborhood. The city does not have any records of complaints from this neighborhood historically on file concerning the operation of this stie as a gravel pit and concrete batch plant which literally operated year around, sunrise to sunset or from the rail road whose presence has been here since 1892.

However, to verify and quantify the issue, a noise study was completed by KLJ Engineering in 2014. They reviewed all potential noise receptors within 1,000 feet of the rail site. The conclusion of the study was that there would be no greater impacts to the surrounding neighborhoods than what already exists today.

The proposed rail park would not require relocation of homes or businesses, cause community disruptions, or cause disproportionately adverse impacts to minority or low-income populations, or cause a reduction in community cohesion.

The core Area Trail component, will greatly reduce noise, vibrations and visual effects by removing almost 2 miles of active railroad line and replacing this facitlity with a pedestrian trail facility. This trail facility will remove a barrier to pedestrain transportation, eliminate heavy truck and rail traffic from adjacent neighborhoods and serve to be a neighborhood enhancement. This fact is verified by Police Chief Roge Nasset in a letter dated June 22,2015 in which he affirmed the positive nature of the new trail and the fact that the existing rail line served as a corridor for crime, graffiti and congestion.

**L. Impacts On Wetlands: Does the Project temporarily or permanently impact wetlands or require alterations to streams or waterways?**

No, describe the steps taken to determine that the Project is not likely to temporarily or permanently impact wetlands or require alterations to streams or waterways.

Wetlands within the study area were identified using United States Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI)maps, United States Geological Survey topographical maps, Flathead County Natural Resources Conservation Service (NRCS) soil survey data and aerial photography. A wetland was identified adjacent to the Glacier Rail Park site. This feature is associated with the Stillwater River, which lies adjacent to the property along the northwestern corner. Fringe wetlands lie adjacent to the Stillwater River and are classified as riverine, lower perennial, unconsolidated bottom, permanently flooded (R2UBF). The proposed project would avoid the wetland area.(Attachments 10 and 11 - Wetlands and Watershed).

Neither the Glacier Rail Park nor the Core Area Trail Development components of the project will impact, touch or displace any wetlands or alter streams or waterways. This was affirmed by PJ Sorensen, Kalispell Flood Plain Administrator on May 11, 2015; in corresponsence from Jodi Bush, Field Supervisor, Fish and Wildlife Service, US Dept. of the Interior on May 29, 2015; and personal communication with Mark Deleray, Biologist with the Kalispell Office of the Montana Department of Fish, Wildlife and Parks on May 9,2014.

Yes, show wetlands and waters on the site map and classification. Describe the Project's potential impact to on-site and adjacent wetlands and waters and attach any correspondence with the US Army Corps of Engineers.

*Is a Section 404 Permit necessary?*

Yes, attach all permit related documentation

No

**M. Floodplain Impacts:** *Is the Project located within the 100-year floodplain or are regulated floodways affected?*

No (continue to N)

Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any and how the Project will comply with Executive Order 11988. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

**N. Water Quality:** *Are protected waters of special quality or concern, or protected drinking water resources present at or directly adjacent to the Project site?*

No, describe the steps taken to identify *protected waters of special quality or concern, or protected drinking water resources present at or directly adjacent to the Project site.*

The project area lies within the Stillwater River Watershed. The Stillwater River is located northeast of the proposed Glacier Rail Park property and is a tributary to the Flathead River. There are no perennial streams and no protected waters of special quality or concern, essential fish habitats, or protected drinking water resources located within, or adjacent to, the project area. This is also the case for the Core Area Trail component. This was affirmed personal communication with Mark Deleray, Biologist with the Kalispell Office of the Montana Department of Fish, Wildlife and Parks on May 9, 2014 and with Susie Turner, PE, Kalispell Public Works Director on June 15, 2015.

Yes, describe water resource and the potential for impact from the Project, and any coordination with regulatory entities.

**O. Navigable Waterways:** *Does the Project cross or have effect on a navigable waterway?*

No (continue to P)

Yes, describe potential for impact and any coordination with US Coast Guard.

**P. Coastal Zones:** *Is the Project in a designated coastal zone?*

No (continue to Q)

Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

**Q. Prime and Unique Farmlands:** *Does the Project impact any prime or unique farmlands?*

No, describe the steps taken to identify *impacts to prime or unique farmlands*.

The site consists entirely of BNSF rail line and a reclaimed gravel pit which operated for 80 years as an extraction site. There is no history of agriculture ever being conducted on the rail park site or along the rail line to be converted to a trail. The rail road has operated on this line for 123 years. The total project site is presently surrounded by a minimum of two miles of urban development on all sides. The Flathead Conservation District was contacted by mail on May 23, 2013 and re-contacted on May 8, 2015 to verify this. In addition the Upper Flathead County Soil Survey completed by the Soil Conservation Service, US Dept. of Ag. lists this site as Kalispell Gravely Loam which describes this soil type as unsuitable for agriculture because of gravel and stone content. It also lists a small portion of the north end of the proposed park as Birch Loam which is described as having limited value for agriculture as cultivation brings gravel to the surface.

Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.

**R. Critical Habitat and Endangered Species:** *Are there any designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered species) within or directly adjacent to the Project site?*

No, describe the steps taken to identify critical habitat within or directly adjacent to the Project site.

Under the March, 2014 Endangered, Threatened, Proposed and Candidate Speices for Montana Counties, the US Fish and Wildlife Service(USFWS) lists two species in Flathead County with designated critical habitat, the bull trout (*Salvelinus confluentus*) and the Canada lynx (*Lynx canadensis*). The USFWS Critical Habitat for Bull Trout Unit 31, Sub-unit Flathead Lake, Middle Fork Flathead River map was reviewed. There is no critical habitat for bull trout in the adjacent Stillwater River. The map indicates Flathead River as the nearest critical habitat for the bull trout, over a mile to the east of the project site. The USFWS Critical Habitat for Canada lynx, Unit 3 - Northern Rockies map was reviewed. There is no critical habitat for the Canada lynx within the proposed project area. This information was affirmed in correspondence dated May 29, 2015 from Jodi Bush,Field Supervisor, Fish and Wildlife Services, Montana Field Office of the US Department of Interior and personal communication with Mark Deleray, biologist,Kalispell Regional Office, Montana Fish, Wildlife and Parks on May 9, 2014.

Yes, describe them and the potential for impact.

*Are any Threatened or endangered species located in or adjacent to the site?*

No, describe the steps taken to identify the presence of endangered species directly adjacent to the Project site.

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The USFWS March 2014 County Occurrence of Endangered, Threatened and Candidate Species and Designated Critical Habitat in Montana indicated that seven species occur in Flathead County. These include the threatened grizzly bear (*Ursus arctus horribilis*), Spalding's scampion (*Silene spaldingii*), Canada lynx, bull trout, and the candidate species meltwater lednian stonefly (*Lednia tumana*) and whitebark pine (*Pinus albicaulis*). The wolverine (*Gulo gulo luscus*) is proposed for federal listing. The Montana Natural Heritage Program plant and animal species of concern database was utilized to identify general vegetation and wildlife resources that may occur at the project site. Habitat requirements for each species were compared with habitat occurring in the project area. The Stillwater River corridor, located along the west and northwest edge of the proposed site does provide important fish and wildlife habitat, as well as a migration corridor for fish and wildlife species. While this is an important corridor, it is unlikely that any listed species would occur within this area due to the development of the surrounding urban and industrialized area. This information was affirmed in correspondence dated May 29, 2015 from Jodi Bush, Field Supervisor, Fish and Wildlife Services, Montana Field Office of the US Department of Interior and personal communication with Mark Deleray, biologist, Montana Fish, Wildlife and Parks, Kalispell Regional Office on May 9, 2014.

Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. If required prepare a biological assessment and attach it and any applicable agency correspondence.

**S. Public Safety:** *Will the Project result in any public safety impacts?*

No, describe method used to determine whether the Project results in any safety or security impacts

The potential for public safety impacts during the construction and operation of the Glacier Rail Park and Core Area Trail would be minimal. Public access to the 40-acre rail park project site would be limited and standard safety features are to be implemented. Additional trail work and utility infrastructure would be installed including lighting, fire hydrants and modern safety equipment associated with rail operations. The project would benefit public safety by removing 6 at-grade existing rail crossings in Kalispell as the rail traverses through the downtown.

Correspondence from Kalispell Fire Chief Dave Dedman dated May 14, 2015 affirms the need to remove rail traffic from downtown Kalispell for vehicle and pedestrian safety and for potential emergency service delays at the 6 crossings. In addition he stated the need to put new industrial uses in areas designed for industrial development, not into the historical Kalispell Downtown. Kalispell Police Chief Roger Nasset in a letter dated June 22, 2015 states that removing the rail road tracks from the Core Area of Kalispell and replacing it with a pedestrian trail will help to reduce crime in the core area, improve safety for pedestrians, eliminate train-vehicle/pedestrian conflicts, remove blight and clean up an area stricken by graffiti.

Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the Project during and after its construction.

**T. Cumulative Impacts:** A “cumulative impact” is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or resulting from smaller actions that individually have no significant impact. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.

Are cumulative impacts likely?  No  Yes, describe the impacts:

The Glacier Rail Park project site has historically been used as a gravel pit, extraction plant and most recently, a concrete batch plant operation. The site is disturbed throughout, providing no quality habitat for plant or wildlife species and is located in an area zoned for industrial use. The project is limited to impacts within the 40-acre site and within existing BNSF ROW. The rail park is not anticipated to contribute to any cumulative impacts on the natural, cultural or socioeconomic resources in the area. It will however, provide stability to an area that has been in flux as a formerly unre-claimed gravel extraction site and it will provide an employment base in an area in need of jobs.

The Core Area Trail component will also serve to stabilize and give new life to a rail bed that has been used for various industrial purposes for the past 123 years and provide a needed pedestrian route which will give people in the Core Area of Kalispell and adjacent neighborhoods a welcome opportunity for access.

**U. Indirect Impacts:** “Indirect impacts” are those that are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Are Indirect impacts likely?  No  Yes, describe the impacts:

The KRP would have an overall beneficial, indirect action to the City of Kalispell through the creation of jobs, support of sustained growth and improvement in public safety. The project would remove an existing rail line traversing through the City's core area and improve public safety by eliminating vehicle/train conflicts. Northwest Montana would be provided a centralized location to efficiently transport large quantities of materials, goods and services throughout the region in order to facilitate local and regional commerce and economic growth. Economic development in Flathead County would occur as private businesses operate services within the project site.

**V. Commitments:** List all measures, procedures and practices that have been incorporated into the Project avoid and minimize impacts, if any, as identified in the above sections of this worksheet.

Air Quality: Construction dust associated with exposed soils, if necessary, would be controlled with the application of water and other approved dust palliatives. During construction, equipment

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idling and engine activity would be kept to a minimum to reduce emissions per unit of operating time. Construction equipment will be kept clean and in good operating condition. The proposed park falls within the PM-10 nonattainment area boundary. Any industrial source of air pollution subject to permitting would be located within the industrial park and required to demonstrate the proposed source will not cause or further contribute to, violations of the PM-10 National Ambient Air Quality Standards (NAAQS). Any tenant of the proposed park would be subject to more stringent regulatory requirements in the area to ensure ongoing compliance with PM-10 NAAQS.

Water Quality: To mitigate the increase in impervious surface area resulting from construction, a National Pollution Discharge Elimination System and Montana Pollutant Discharge Elimination System permit may be required. Both of the aforementioned permits fall under the MT DEQ's general permit for stormwater discharges associated with construction activity. Construction activities would require best management practices (BMPs) such as silt fences, check dams and appropriately sized sediment basins. Spill mitigation BMPs would be in place to ensure groundwater contamination does not impact Stillwater River.

The short and long-term environmental impacts of development and other activities would be minimized through resource conservation, recycling, waste minimization, and the use of energy-efficient and ecologically responsible materials, systems and techniques.

If any contamination is encountered during construction, contaminants would be removed and disposed of in accordance with the Hazardous Waste Program of the Permitting and Compliance Division of MT DEQ.

**W. Public Notification:** *Briefly describe any public outreach efforts undertaken on behalf of the Project, if any. Indicate opportunities the public has had to comment on the Project (e.g., Board meetings, open houses, special hearings).*

This project is the result of a major community planning effort, the Kalispell Core Area Plan, funded by a Brownfields Area Wide Planning Pilot Program Planning Grant. The plan development and community outreach has extended for 2 1/2 years. The Core Area Plan incorporated an area of 450 property owners. 140 property owners were interviewed one-on-one representing 60% of the plan area land ownership. Six newsletters were mailed out to all 450 property owners, the elected officials and the media during the 2 1/2 year planning process. Open houses were held in March, 2011; December, 2011 and August, 2012. Public Core Area Steering Committee meetings were held on 3-12-12, 4-10-12, 4-25-12, 5-23-12 and 6-26-12. A booth at the county fair was staffed for 5 days in August, 2012. The Kalispell Chamber of Commerce Luncheon featured this plan with 214 attending on 8-28-12. Public access TV ran the chamber presentation for one month after the luncheon. Televised Planning Board hearings were held in September and October 2012 and were repeated on the public access channel for one month. Televised City Council hearings were held in November and December 2012 and were repeated on public access television for one month. Media coverage was constant throughout.

Since adoption in December 2012, this project has been the focus of 12 public presentations by staff to such organizations as the Chamber of Commerce, Rotary, Leadership Flathead, Kalispell Business Improvement District, Kalispell Development Association, Brown Bags at the Community College, Kalispell School District 5, and the

Kalispell Urban Renewal Association. The Kalispell City Council has traveled to Washington DC in 2014 and 2015 to solicit support for this project. Each trip was preceded and followed up by a series of televised public meetings and council presentations. The latest full feature newspaper article appeared in the local Flathead Beacon newspaper dated June 4, 2015 (attached).

*Has the Project generated any public discussion or concern, even though it may be limited to a relatively small subset of the community? Indicate any concerns expressed by agencies or the public regarding the Project.*

This Project is extremely well received by the City Council which has voted for and re-affirmed support by unanimous vote several times in the past 3 years. There is also overwhelming support among area elected officials and the general public.

- X. Related Federal, State, or Local Actions:** *Does the Project require any additional actions (e.g., permits) by other Agencies? Attach copies of relevant correspondence. It is not necessary to attach voluminous permit applications if a single cover Agency transmittal will indicate that a permit has been granted. Permitting issues should be described in the relevant resource discussion above.*

- Section 106** *Historic Properties*
- Section 401/404 of the Clean Water Act;** *Wetlands and Water Quality*
- Section 402 of the Clean Water Act**
- USCG 404** *Navigable Waterways*
- Migratory Bird Treaty Act**
- Endangered Species Act** *Threatened and Endangered Biological Resources*
- Magnuson-Stevens Fishery Conservation and Management Act** *Essential Fish Habitat*
- Safe Drinking Water Act**
- Section 6(f) Land and Conservation Act**
- Other State or Local Requirements** (Describe)

Further Section 106 consultation will be required with SHPO concerning mitigation measures to be addressed when the BNSF rail line (formerly Great Northern Rail line) is abandoned.

Local Kalispell Storm Water Construction Permit (SWPP) issued at time of actual construction of the rail park and trail system.

Storm Water Pollution Prevention Plan Permit issued by State DEQ at the time of actual rail park and trail system construction.

Montana Pollutant Discharge Elimination System (MPDES) General Permit for Stormwater Discharge. Montana DEQ.

Utility Occupancy and Encroachment Montana Department of Transportation (MDT).

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Flathead County Application for an Encroachment or Approach Permit.

