U.S. Department of Transportation
Federal Railroad Administration

FINDING OF NO SIGNIFICANT IMPACT

Port of Northern Montana Multimodal Hub Center
Shelby, Toole County, Montana

May 2013

Introduction: The Northern Express Transportation Authority (NETA) proposes to construct and operate the Port of Northern Montana Multimodal Hub Center (Multimodal Hub Center) near Shelby, Montana. The Multimodal Hub Center will replace the existing Burlington Northern Santa Fe Railway Company's (BNSF) Intermodal Terminal (located in downtown Shelby), which currently serves as a regional rail hub. Once complete, the Multimodal Hub Center will include rail spurs, access roads, street upgrades, utilities, wastewater and stormwater facilities, laydown area, and a bulk material facility. The Multimodal Hub Center will be a fully functional inland port capable of accepting and delivering unit trains, containerized cargo, and large industrial equipment and materials more efficiently than the BNSF Intermodal Terminal and will be instrumental in supporting regional economic growth.

There are four independent phases to implement the Multimodal Hub Center; the Federal Railroad Administration (FRA) is providing partial funding for Phase 4. Phase 4 is the final stage of development for the Multimodal Hub Center, and was selected to receive funding through a U.S. Department of Transportation Investments Generating Economic Recovery (TIGER) Discretionary Grant. The TIGER funds will be used to construct an additional freight rail track (to support the BNSF's intermodal trains), construct an access road to the facility, extend 13th Street South east to Southeast Front Street, deliver utilities to the Multimodal Hub Center, and construct a laydown yard to stage oversized equipment.

Before providing grant funding, FRA must comply with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. § 4321) and FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 6, 1999). NETA prepared an Environmental Assessment (EA) in coordination with FRA to analyze and document whether Phase 4 of the Multimodal Hub Center would have significant effects on the environment. This Finding of No Significant Impact (FONSI) is made based on the information in the EA.

Statement of Purpose and Need: The identification of the purpose and need is significant in determining the reasonable range of alternatives to consider for the Project. The Need defines the key problems to be addressed and explains their underlying causes. The Purpose states clearly why the Project is being proposed and identifies potential anticipated outcomes.

Purpose: Phase 4 will complete the Multimodal Hub Center and thus, facilitate the operation of a fully functional, inland port capable of accepting and delivering unit trains of containers and cargo to support regional development and improve freight transportation. By using rail instead of commercial trucks to transport goods, regional transportation costs will be reduced which, in turn, will improve the economic competitiveness of the region.

Need: The State of Montana currently needs a means to efficiently transport large quantities of materials, goods and other cargo into and out of the region surrounding northwest Montana in order to facilitate local and regional commerce and economic growth. Freight rail transportation is considered more efficient and cost-effective than over-the-road truck hauling, the only other viable means for heavy-haul transport. As the final phase in the development of the Multimodal Hub Center, Phase 4 will help meet this need.

Study Area: The Multimodal Hub Center is to be located on a 226-acre site on the southeast edge of Shelby in Toole County, Montana, about 1.5 miles southeast of the existing BNSF Intermodal Terminal. Specifically, the study area is located in Township 31 North, Range 2 West, Sections 2 and 3 and Township 32 North, Range 2 West, Sections 27, 28, 33, 34, and 35 and includes the combination of two corridors that have been evaluated by NETA in the EA. See Attachment 1: Project Location Map.

The Project area is made up of two transportation corridors. The first extends north and south along the existing BNSF railroad line from U.S. Highway 2 near Shelby to a point approximately 2 miles to the southeast. Rail construction and improvements, an access road, Southeast Front Street improvements, and utility improvements are included inside this corridor. The second corridor consists of the 13th Street South alignment, which extends approximately 1.75 miles from the 1-15 Frontage Road (Marias River Road) east to Southeast Front Street.

Alternatives: The EA considered three Build Alternatives and the No Build Alterative. NETA eliminated two of the three alternatives from further analysis in the EA because these alternatives were

not reasonable options for achieving the purpose and neeed and the third was analyzed as the Build Alternative. The EA analyzed in detail the Build and No Build Alternative.

Alternatives Eliminated from Further Consideration: Two Build Alternatives (Alternative 1 and Alternative 2) were considered and dismissed for the Project. These two alternatives shared many of the same technical features of the Build Alternative described below but resulted in additional community and environmental impacts and were determined not to be reasonable options for addressing the Project purpose and need. For a thorough discussion of the alternatives not carried forward, please see EA Section 2.3.

No Build Alternative: Under the No Build Alternative, the State of Montana would not have the ability to ship or receive containerized cargo via rail due to a lack of an inland port. Shippers would continue to rely on roadway transportation to ship goods as well as the current BNSF Intermodal Terminal, located near downtown Shelby would continue to operate as a regional rail hub.

Build Alternative: The Build Alternative will consist of construction work that will include extending railroad tracks to accommodate additional trains; installing utilities; constructing a laydown area for oversized equipment for incoming and outgoing shipments; developing an access road to the facility; as well as constructing an extension of 13th Street South would follow the existing alignment from I-15 Frontage Road (Marias Valley Road) to 9th Avenue South where it would veer to the northeast, turn east and traverse the south end of Block 115. The alignment would then veer back to the southeast and join the existing undeveloped section line at a point approximately 500 feet east of the 9th Avenue South intersection. The alignment would then continue east to SE Front Street along the section line. The alignment would require no north/south deviation from the 13th Street South corridor except for the short segment near the 9th Avenue South intersection. Other features associated with the alignment would include the following: Roadway construction consisting of two, 14-foot travel lanes and a two foot shoulder on either side of the road; Roadway surfacing with gravel, with a paved section at the intersection of 13th Street South and 9th Avenue South. From 9th Avenue South to SE Front Street, the terrain is hilly with grades up to 30 percent, which would require significant amounts of cut and fill. Contouring of the road would be required to facilitate roadway expansion and construction.

Environmental Consequences: Based on the EA's analysis of the Project's potential impacts and the identification of appropriate mitigation measures and Best Management Practices (BMP) to reduce or avoid potential impacts, FRA concludes that the selected Build Alternative would have no foreseeable significant impact on the quality of the natural and human environments. Under the impact analysis in the

EA, construction impacts are considered to be those attributed to construction activities associated with the Project whereas operational impacts reflect the operation of the Multimodal Hub Center since the Project ultimately facilitates the Multimodal Hub Center's operation. The following is a summary of the potential construction and operational impacts for each resource area.

Air Quality: FRA finds that the Project is not expected to have any significant, long-term impacts on air quality and may actually result in a beneficial effect from removing train and truck traffic from downtown Shelby and reducing over-the-road truck traffic. The State of Montana is designated as an attainment area for all criteria pollutants, and a general conformity determination was not required for the Project.

Construction activities will have a short-term impact on air quality, primarily from dust generated during site preparation. Effective dust control measures (e.g., water spraying) will be implemented as needed. Any burning of cleared materials will be conducted in accordance with applicable state and local laws, regulations, and ordinances.

Water Quality and Water Resources: The Project will include the installation of standard stormwater management measures such that when the Multimodal Hub Center commences operation, surface runoff from the site will follow existing patterns. The Multimodal Hub Center will use the appropriate chemical/oil storage facilities and procedures and spill prevention and cleanup measures to reduce the potential for accidental releases of these materials to surface water and groundwater.

The Project will also include the installation of wastewater facilities which will be sized to handle the anticipated demand at the Multimodal Hub Center. Wastewater from the Multimodal Hub Center will drain into the City of Shelby's existing sewer system which has sufficient capacity. The Multimodal Hub Center will not require dedicated surface water withdrawals or groundwater extraction and will not extend deep enough below the surface to penetrate groundwater aquifers. Therefore, the water use requirements of the Project will not impact surface or groundwater quality or availability.

General construction activities could change stormwater runoff patterns and thus increase the potential for erosion of exposed soil, particularly caused by storm water. Inclusion of Best Management Practices (BMPs) into the Project design will be used to manage stormwater runoff and control water quality impacts. A National Pollution Elimination Discharge Elimination System/Montana Pollutant Discharge Elimination System permit will be required from the Montana Department of Environmental

Quality. This permit requires a temporary and permanent plan for addressing erosion and sediment control.

FRA finds that there will be no significant impacts to water quality or water resources from construction and operation of the Project.

Noise and Vibration: The Project area is zoned industrial. The surrounding area is primarily undeveloped agricultural and industrialized land. Residences, businesses, parks, and other sensitive receptors are located north of the study area. There are no sensitive receptors within the study area itself.

As road and rail traffic and associated activities increase in the study area due to the operation of the Multimodal Hub Center, localized noise and vibration levels are anticipated to increase. However, the design for 13th Street South will have a posted driving speed of 35 mph, resulting in lower traffic-related noise due to the lower driving speed. Also, the distance between the Multimodal Hub Center and surrounding residential and commercial developments will likewise diminish the noise impacts. Consequently, the operation of the Multimodal Hub Center is not expected to create any additional noise or vibration impacts on sensitive receptors beyond what is already experienced. In fact, by locating the operations associated with the Multimodal Hub Center to an area south of the city, the magnitude of noise and vibration impacts within the City and the number of affected sensitive receptors, when compared to the existing BNSF Intermodal Terminal, will likely be reduced.

Construction will result in temporary increases in noise levels generated primarily from construction equipment. Measures will be taken to limit construction noise and appropriate abatement measures will be incorporated into the plans and construction specifications.

FRA finds that the Project will have no noise or vibration effects to those receptors.

Wetlands: Wetlands within the Project area were identified by review of National Wetland Inventory (NWI) maps, United States Geological Survey (USGS) topographical maps, Toole County Soil Survey, and aerial photographs. Wetland delineations were conducted on the 226-acre Project site on March 6, 2012. The wetland delineation identified eight wetlands totaling 5.3 acres within the Project area and information was submitted to the United States Army Corps of Engineers (USACE) along with a request for a Jurisdictional Determination (JD) on July 24, 2012. The USACE responded to NETA with a JD finding for the wetlands on September 12, 2012.

The layout for the Project has been designed to avoid wetland impacts to the extent feasible. Nevertheless, construction will result in permanent impacts to about 1.5 acres of wetlands. These impacts

will require a Section 404 dredge and fill permit as well as wetland mitigation at a 2:1 ratio. A required mitigation site will be developed in consultation with USACE only after the USACE's approval of the mitigation plan and issuance of the 404 permit prior to construction of the Project.

FRA finds that there will be no significant impacts to wetlands that will occur from the Project.

Biological Resources: Construction activities such as site clearing and grading, equipment refueling/maintenance, equipment operation and human activity could directly and indirectly impact local aquatic, wildlife and vegetation resources or threatened or endangered species via noise emissions, stormwater generation, accidental oil/chemical releases, air pollutant emissions, physical injury or mortality, and habitat disturbance.

Since the Project's study area does not support important habitat for aquatic or wildlife communities and any impacts would be temporary, it is not expected that construction or operation of the Project would significantly affect any biological resources.

FRA finds that due to lack of suitable habitat or known presence of the black-footed ferret and Sprague's pipit that there will be no impacts to those, or other sensitive biological resources within the Project area. Therefore, no impacts on other listed or candidate species or their habitats are expected from the Project or its operation, and no further mitigation for indirect impacts is proposed or necessary.

Bald and Golden Eagles: No bald eagles or nests were observed within 0.5 mile (the USFWS-recommended distance between eagle nests and loud noises) of the Project area during the onsite surveys.

However, if bald or golden eagles or their nests are sighted during construction, all work within one mile of the eagle would cease and the U.S. Fish and Wildlife Service (USFWS) would be contacted immediately. In coordination with USFWS, work would resume after the bird(s) leave(s) the area, the nesting season has been completed, or it is otherwise determined by the USFWS that continued work activities would have no significant effect on the eagles.

FRA finds that based on the lack of presence of eagles or their nests in the Project area, this Project or its operation is not anticipated to impact bald or golden eagles.

Migratory Birds and Other Wildlife: The Project area has limited habitat value and does not represent important breeding, feeding or loafing habitat for resident or migratory birds or wildlife. As such, it would be unlikely to attract or hold significant numbers of migratory birds or other wildlife. Also, while human-tolerant migratory bird or wildlife species may use the Project area for breeding and feeding

and continue to thrive, Project-related activities may displace species which are less human-tolerant or possess more restrictive habitat requirements. However, the Project will be designed to reduce potential impacts and with the implementation of BMPs, including silt fencing and reseeding disturbed areas, the FRA finds that considering these factors, it is unlikely that the Multimodal Hub Center will have any significant impacts on migratory birds or wildlife.

Aquatic Resources: The only water bodies in the study area include several small wetlands (eight wetlands totaling 5.3 acres) and a network of existing stormwater ditches. Aquatic communities located in those wetlands could be adversely affected by Project-related activities. Such effects may include stress, injury or death of organisms from dredge and fill or other in-water activities, habitat loss (e.g., filling of wetlands), and disturbances due to noise and human activity. However, water bodies in the Project are relatively small; do not exhibit any unique habitat characteristics, and likely support species common to the region. Therefore, any Project-induced impacts to water bodies and associated aquatic communities will not be significant.

Operational impacts to aquatic populations could result from habitat modification and degradation due to stormwater runoff, sediment deposition, and oil and chemical releases, which can affect aquatic life by blocking light transmission and interfering with biological processes. As mentioned above, however, aquatic communities in the study area are not unique and are probably comprised of species common to the region. Therefore, any impacts from the construction and operation of the Multimodal Hub Center on local aquatic communities will not be significant.

FRA finds that considering these factors, it is unlikely that the Multimodal Hub Center will have any significant impacts on aquatic communities.

Floodplains: Floodplains constitute lands situated along rivers and their tributaries that are subject to periodic flooding with a one percent chance of being flooded in any given year, on the average interval of 100 years or less. The Project is not located within a designated floodplain, and FRA finds that the Multimodal Hub Center will not impact any floodplains.

Energy Use: The Project includes the installation of additional electrical lines. Minor amounts of electrical power will be required for construction and will be provided by portable electrical generators, petroleum and local electrical distribution provided by Marias River Electrical Co-op. The operation of the Multimodal Hub Center will have long-term impacts on local electrical energy supplies. Considering

that Marias River Electrical Co-op has adequate power to supply power to the Multimodal Hub Center, however, such impacts will not be significant.

FRA finds the project would not result in significant impacts in terms of energy use.

Visual Resources: The existing BNSF Intermodal Hub will be closed and will be utilized by BNSF as a storage facility for railroad maintenance equipment and materials following completion of the Multimodal Hub Center. Commercial traffic that is currently servicing the BNSF Intermodal Hub will be diverted around Shelby to the Multimodal Hub Center which is zoned industrial. Truck and commercial traffic ingress and egress for the Multimodal Hub Center will be along 13th Street South, resulting in a minor degradation of the visual quality along the 13th Street corridor. Conversely, truck and commercial traffic within Shelby will be decreased, thus improving the visual setting near downtown Shelby. Another visual impact associated with the Multimodal Hub Center will result from the physical presence of the associated infrastructure and facilities (e.g., the expanded bulk handling facility building) which will represent a visual contrast with the surrounding area. This will be most obvious along the 13th Street South extension where the existing section line will be replaced with roadway. Such impacts are not likely to be significant, however, because of the already industrialized nature of the vicinity of the Multimodal Hub Center.

Construction though a temporary impact, will negatively impact visual quality in the Project area for a limited time due to the presence of construction equipment and stockpiled materials, equipment operation, fugitive dust and exhaust emissions and exposed soils.

FRA finds that there will be no impacts to visual resources because of the industrialized setting of the Project area, and no significant long-term impacts to the visual setting are expected from the Project.

Transportation: Three major Montana transportation corridors are adjacent to Shelby. One is US Highway 2, an arterial road which bisects Shelby to the north of the Project area. US Highway 2 provides access to and from southern Canada, just north of the Michigan peninsula, and extends to the western ports of Washington. Another corridor is the BNSF-owned rail line which parallels U.S. Highway 2, bisecting the city of Shelby. The rail line serves both freight and passenger trains travelling to and from the west coast and Great Lakes. The third corridor is I-15, which is located west of the Project area and serves as a route for North American commerce spanning from California to Canada. Transportation was evaluated by reviewing information for the local transportation corridors and the existing infrastructure in the Project area and the vicinity. The potential effects on transportation use were analyzed based on

current design information as compared to existing conditions. Construction will affect traffic along 13th Street South and SE Front Street. However, no traffic detours to other streets will be needed as traffic will be able to use one lane or temporary lanes along 13th Street South and SE Front Street. During construction, traffic will travel through the area without major delays. Access to adjacent properties will be maintained during construction as well as operation. These impacts are temporary in nature and only present during the construction periods.

After construction of the Project, there could be increased traffic to SE Front Street (due to Project-related improvements) and 13th Street South (due to the extension to SE Front Street). As a result of the improvements, commercial traffic arriving and departing from the Project site will use two access routes. Traffic entering the site from the north, south, and west will be able to access the site from 13th Street South. Traffic from the east will be able to utilize the secondary access road or SE Front Street. Construction-related traffic on these streets will increase during the construction periods and result in minor traffic congestion. Construction traffic will cease following completion of the Multimodal Hub Center.

The Project will complete the Multimodal Hub Center and thus, the final phase of a freight rail transportation link between Montana and all ports served by BNSF on the West Coast and Great Lakes. The operation of the Multimodal Hub Center is not expected to negatively impact traffic infrastructure, patterns or volumes and in fact, will result in significant transportation improvements within Shelby, Toole County, and the region.

The completion of the Multimodal Hub Center will result in a beneficial transportation impact by facilitating the operation of a more efficient, fully functional inland port capable of accepting and delivering unit trains of containers and cargo. Freight trains will facilitate more effective movement of regionally manufactured goods and containerized products (such as agricultural commodities) to other locations in Montana, other states and other countries. Also, the fully functional Multimodal Hub Center will result in reduced or eliminated passenger delays at the Shelby Amtrak station adjacent to the BNSF facility. Another beneficial impact of the operation of the Multimodal Hub Center is the redirection of commercial traffic from Shelby's urban center to the extension of 13th Street South and improvements to SE Front Street. In fact, commercial traffic on in-town city streets will be concurrently decreased, reducing congestion and improving public safety and traffic mobility in downtown areas.

An additional impact expected from the Multimodal Hub Center will be a shift by the oil and gas industry and others from the use of over-the-road hauling of equipment and goods to the use of trains.

This will benefit the overall economy by lowering transportation costs. Finally, the Multimodal Hub Center will lead to decreased truck traffic on Interstate 15 and U.S .Highway 2, which will reduce roadway wear and costs for road maintenance. No traffic detours will be needed for the construction of new roadways. For modifications to the existing roadways, construction will allow the use of one lane or temporary lanes such that traffic will travel through the Project area without major delays. Access to adjacent properties will be maintained during construction. Coordination with local landowners and businesses will occur, as necessary, during construction to reduce construction-related traffic and access disturbances.

FRA finds the construction or operation of the Project will not adversely impact rail or motor vehicle transportation and may result in beneficial effects both to the regional transportation of goods and locally to the City of Shelby.

Land Use, Zoning and Property Acquisitions: The Project is located within a predominately rural area southeast of Shelby. The surrounding land use is dominated by agricultural and cropped land to the west and south, commercial and industrial to the east, and residences, businesses and a recreational park to the north. Agricultural land consists primarily of grasslands utilized as sheep and/or cow pastures throughout the past 60 years. Adjacent to the Project is cropped land, with a lesser extent of cultivated lands, woodlands, and developed lands.

The Project will convert portions of land from agricultural use to transportation use through the acquisition of right-of-way. The acquisition would result in impacts of 24 acres of land considered prime farmland and 65 acres considered farmland of statewide importance. As mentioned above, however, much of this land is already used for transportation purposes. Therefore, the actual "conversion" of farmland to non-farming purposes would be at insignificant levels. Property will be acquired for construction of the Project pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

FRA finds that due to the availability of agricultural land in the Shelby area and the region, that the conversion of agricultural land does not represent a significant impact from the Project.

Socioeconomic Resources: The Project will result in overall beneficial, direct and indirect socioeconomic impacts to the City of Shelby and Toole County. Beneficial direct impacts will include the generation of new, temporary jobs during construction and local and regional expenditures for building materials, services and goods.

The completion and operation of the Multimodal Hub Center will result in additional permanent jobs for operating the Multimodal Hub Center, servicing equipment and serving the expected increases (compared to the existing BNSF Intermodal Hub) in rail and truck traffic that will occur due to the improved rail transport facilities. Beneficial, indirect impacts will include expenditures by new construction and operational workers on food, housing, and various other goods and services. In addition, the Multimodal Hub Center will facilitate the continued growth and start-up of businesses in Shelby, Toole County, and northwest Montana.

FRA finds that the Multimodal Hub Center will not adversely impact community facilities, demographics, economic resources or the infrastructure found within the Project study area, Shelby or Toole County.

Environmental Justice: Consistent with Executive Order 12898, the EA included an analysis to disclose and identify potential disproportionately high or adverse impacts to minority or low-income communities. Since there are no minorities or low-income communities within the Project area, FRA finds the project would not result in any disproportionately high or adverse effect on either minority or low-income populations.

Public Health and Safety: Public access to the Project site will be restricted by fencing around its perimeter, and standard safety features such as site lighting and backup lights and alarms on equipment will be used. Also, the Project site is on the outskirts of the city, away from the population center and most members of the general public. Therefore, the potential for direct safety impacts to the public during construction is low.

FRA finds that the project would not result in significant impacts to public safety and security and might actually benefit public safety by removing heavy truck traffic through downtown Shelby.

Contaminated Sites and Hazardous Wastes: The Project is not anticipated to have an impact on known contaminated sites. In the event that previously unknown contaminants are discovered during construction or a spill would occur during construction, work will cease until after the National Response Center (800-424-8002) has been notified by the NETA contractor. If contamination is encountered, the Montana Department of Environmental Quality will also be notified. Any contaminated soil that is encountered will be temporarily stockpiled and sampled to determine disposal requirements.

Considering the purpose, design and operation activities of the Multimodal Hub Center, however, it is not expected that hazardous materials or hazardous wastes will be present in amounts or locations that

would pose an unacceptable risk to public health or the environment. The appropriate BMPs for storing and handling toxic or hazardous materials and wastes will be implemented. Considering the above, no significant, indirect impacts from environmental contamination, the use, transport or handling of hazardous materials or the production of hazardous wastes are anticipated.

FRA finds the project would not result in significant impacts to public safety from contaminated sites or areas of environmental interest.

Parks and Recreational Areas: There are no parks or recreational areas in the Project area. However, Roosevelt Park is located immediately north of the 13th Street South corridor about midway between 9th Avenue South and SE Front Street. The Park is approximately 5 acres in size and is currently undeveloped. The current usage as pasture land will likely be unaffected by improvements made to 13th Street South. There currently is no identified access point to the Park and the Park would not be substantially impaired by the presence of 13th Street South.

FRA finds that no significant impacts on recreational uses or facilities are expected to occur due to the lack of such resources within the Project area.

Cultural Resources: There are no cultural resources occurring within the Project area. Therefore, FRA submitted to SHPO the documents supporting a finding of *No Historic Properties Affected*. SHPO concurred with this determination. No impacts to cultural resources will occur, and no mitigation is necessary.

Section 4(f): Section 4(f) of the Department of Transportation Act of 1966 protects certain park and recreational lands, refuges, and historic sites from being "used" in transportation projects carried out or funded by modal administrations of the U.S. Department of Transportation. Section 4(f) resources include any publicly owned public park, recreation area, wildlife or waterfowl refuge, or any publicly or privately owned historic site. The only Section 4(f) property with the study area is Roosevelt Park which is located adjacent to 13th Street South. However, since the Project will not use land from the Park nor will features making the Park eligible for protection under Section 4(f) be substantially impaired, no Section 4(f) use will result from the Project.

Indirect Effects: The Council on Environmental Quality (CEQ) regulations define indirect (secondary) impacts as those that are "…caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects 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 system, including ecosystems" (40 CFR § 1508.8b).

Indirect effects that would occur as a result of construction of the Project also may include reduced truck traffic through central Shelby, resulting in less congestion within the city limits. The Project would have the potential to spur growth of development (new or redevelopment), providing greater housing opportunities, and improved access to jobs. This future development may cause indirect impacts associated with natural resources and the existing built environment.

Economically, the Project's indirect effects on commercial, industrial and residential development would result in an increased tax base. An increase in employment opportunities and worker productivity may result due to improved transit and access to a labor pool residing outside of Shelby. Increased pedestrian activity could result in greater patronage of local businesses and the likelihood of visitors accessing local, civic, and recreational resources in Shelby.

FRA finds that the Project would not result in any significant adverse indirect impacts.

Cumulative Effects: Under CEQ regulations, cumulative effects are defined as "…the impact on the environment which 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 nonfederal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time" (40 CFR § 1508.7).

The cumulative effects analysis considers the aggregate effects of direct and indirect impacts from federal, non-federal, public, and private actions on the quality or quantity of a resource. The intent of the cumulative effects analysis is to determine the magnitude and significance of cumulative effects, both beneficial and adverse, and to determine the contribution of the Project to those aggregate effects.

As the Project itself would not significantly affect natural, cultural or socioeconomic resources, there would be little cumulative effect from the Project itself.

Public Comments on the Environmental Assessment: Coordination efforts began in the early stages of the Project and were designed to maintain consistent communication with residents, public officials, businesses, property owners, stakeholders, and regulatory agencies during the environmental process. On April 1, 2013 the EA was released for 30-day public review and comment period. The document was on display at the City Hall and on the FRA website. On April 15, 2013 an open house was held at the Shelby City Hall, where sixteen residents attended the meeting to review the document, provide comment and

ask questions of the Project team. No public or agency comments have been received during the circulation of the EA.

Commitments and Mitigation Measures: NETA will be required to comply with all applicable Federal, state, and local permitting requirements during the implementation of the Project; which will include:

- Clean Water Act of 1977 (33 USC § 1251-1376) Executive Order 11990
- Protection of Wetlands (42 FR 26961)
- Section 404 of the Federal Water Pollution Control Act (33 USC § 1344)
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC §4601 et. seq)
- Americans with Disabilities Act of 1990 (42 USC Chapter 126, and 47 USC Chapter 5)

In addition, the following commitments and mitigation measures have been included to further reduce impacts of the Project. Additional measures may also be implemented as necessary.

- Air Quality: NETA will control construction dust associated with exposed soils, if necessary, with the application of water and other approved dust palliatives. During construction, NETA will reduce construction equipment idling as well as the engine activity or reduce emissions per unit of operating time. Construction equipment will be kept clean and in good operating condition.
- Water Quality: To mitigate the increase in impervious surface area resulting from construction of the Project, NETA will secure and comply with the National Pollution Discharge Elimination System and Montana Pollutant Discharge Elimination System permit. These permits require BMPs such as silt fences, check dams and appropriately sized sediment basins.
- Noise and Vibration: Construction activities will be limited to daytime hours so as to confine the times of noise and vibration impacts to normal waking hours. NETA will ensure that construction equipment is in good repair and fitted with manufacturer recommended mufflers and other measures as necessary.
- Use of Energy Resources: The Project will minimize the short- and long-term environmental impacts of development and other activities through resource conservation, recycling, waste minimization, and the use of energy-efficient and ecologically responsible materials, systems and techniques.

- Public Health and Safety: If any contamination is encountered during construction of the Project, NETA will remove and dispose of contaminants in accordance with the Hazardous Waste Program of the Permitting and Compliance Division at the Montana Department of Environmental Quality.

Conclusion: FRA finds that the Project, as presented and assessed in the attached Environmental Assessment (EA), satisfies the requirements of FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999) and NEPA (42 USC § 4321), and the Project would have no foreseeable significant impact on the quality of the human or natural environment provided it is implemented in accordance with the commitments identified in this Finding of No Significant Impact (FONSI). As the Project sponsor, NETA must implement all environmental commitments identified in this FONSI. The EA provides sufficient evidence and analysis for FRA to determine that an environmental impact statement is not required for the Project as presented.

MAY 2 1 2013

Joseph C. Szabo
Administrator
Federal Railroad Administration

Date

The FRA Office of Railroad Policy and Development prepared this document in accordance with FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999) and NEPA (42 USC § 4321), with advice from FRA's Office of Chief Counsel. For further information regarding this document contact:

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The following organizations assisted the Program Office in the preparation of the attached Environmental Assessment:

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Attachments:

Attachment 1: Project Location Map

Attachment 2: Environmental Assessment

Attachment 1: Project Location Map