CITY OF DULUTH, MINNESOTA
DULUTH CITY PLANNING COMMISSION

FINDINGS OF FACT AND RECORD OF DECISION

Date: **October 8, 2024**

RE: **Decision on the Need for an Environmental Impact Statement**

Project: **Sofidel America – Duluth Facility Expansion Project**

BACKGROUND

The Sofidel America - Duluth facility is an existing industrial site. Currently, the Site manufactures parent rolls of tissue paper from recycled and virgin pulp materials, which is trucked to the Site. Minor Site improvements occurred during the 1980's, and currently the Site includes a 363,144-square-foot tissue mill building, a 26,320-square-foot debarking building, a 1,715-square-foot bark bin, a 600-square-foot scale building, a sub-grade hazardous waste containment facility/vault, a stormwater pond, a former log yard, rail lines, and paved and gravel-covered parking and driving areas. Landscaping and greenspace areas are located at the Site to the west and around some buildings. Keene Creek, flowing northwest to southeast, with wooded vegetation bordering the Site along the southwestern boundary.

Construction and expansion of the Site would include a total of 588,759 square feet of addition, net 517,978 square feet of new light industrial, warehousing, and manufacturing buildings on existing industrial, and lawn and landscaping areas. The new construction includes a 297,778.6 square foot conversion building with 42,422.4 square feet of conjoining annex, lockers, and offices and one 17,743.2 square foot corridor, 76,775.1 square feet of auxiliary material storage, 5,104.8 square feet of waste disposal, 108,038.6 square feet of warehousing, 29,932.0 square feet of shipping area with one 4,839.4 square foot office space, a new 3,613.3 square foot gatehouse and new relocated truck scale, a relocated 8,003.1 square foot oil storage area, and one 1,388.6 square foot conveyor bridge linking the conversion space to the shipping and warehouse area. Other features include several stormwater filtration basins, modification to railroad crossings, installation of new gas and electrical service lines, employee and truck parking, exterior lighting, and pavement.

BRIEF PROJECT DESCRIPTION

Sofidel America Corporation's Duluth facility (Site) is intending to expand their existing facility operations to include a new process for conversion of parent tissue rolls and materials into various commercial products. Four building additions are proposed to support expanded manufacturing, packaging, warehousing, and shipping capabilities. This redevelopment project will result in approximately 588,759 square feet.

COMMENTS RECEIVED, RESPONSES, AND OTHER DOCUMENTS REVIEWED

During the 30-day comment period from August 27, 2024 to September 26, 2024, one written comment was received from the public (via email) and two agency/organization letters were received:

1. David Schimpf (September 10, 2024, amended September 16, 2024)
2. Chris Green, Project Manager, Minnesota Pollution Control Agency (MPCA) (September 19, 2024)
3. Jessica Parson, Northeast Regional Environmental Assessment Ecologist, Minnesota Department of Natural Resources (MN DNR)(September 24, 2024)

The RGU held a public hearing on Tuesday, September 10, 2024, 5:00 p.m. where Mr. Schimpf provided his initial comment regarding the EAW document, no other comments were made at the meeting.

Table 1 provides the EAW comments and responses to each.

TABLE 1. Environmental Assessment Worksheet Record of Decision for the Sofidel America – Duluth Facility Expansion Project

Response to Public Comments

October 1, 2024

Comment Number	EAW Content/ Item Number	Comment	Response
Email Submission Comments- David Schimpf			
1.	Greenhouse Gas (GHG) Emissions/ Carbon Footprint (Item 18)	a. On page 50 of the EAW, Table 18-2 states an estimate of offsite greenhouse gas (GHG) emissions from grid-purchased electricity (Scope 2) of 6600 tons/year. The reader is directed to consult Appendix G for how this was calculated. However, in Appendix G the value arrived at is 5661 tons/year, 14% less, a substantial disparity. Table 18-2 and Appendix G need to be brought into agreement. b. The EAW is internally inconsistent in one of its procedures, claiming on page 54 that almost all truck transits will be on Monday through Friday, but in Appendix G it claims that daily truck averages are based on 7 days a week. This unacceptable confusion needs to be straightened out.	a. The lower value in Appendix G is correct, and the value Table 18-2 appears to be a carryover from a previous version of the calculations that used an older version of EPA's "GHG Emissions Factors HUB". The current calculations use the 2024 version of EPA's "GHG Emissions Factors HUB". Note that emissions are expected to decrease over time as more of the grid is transitioned to renewables. b. The calculations in Appendix G use 7 days a week to provide a conservative estimate of emissions given uncertainty in calculation variables. Most trucks will occur Monday through Friday.
2.	General - Floodplain impacts	The topographic map, Figure 3 in Appendix A, shows the elevation of the lower St. Louis River as 602 feet. Although the use of this map is mandated by the EAW guidelines, that elevation can't be less than the mean annual elevation of Lake Superior at Duluth, into which the River discharges. The mean annual Lake Superior elevation of Lake Superior has fluctuated across decades, being as high as more than 603 feet in the past decade. The gravel track that parallels the fence just to the east of the Site is currently dry (I walked it this month) but was flooded in places when the Lake was higher. Be aware that the chart datum will soon be replaced by one updated to reflect, among other things, the ongoing rise of the northside of the Lake Superior basin by ≈ 0.25 inches per year relative to Duluth. The elevation of the lowest reach of Keene Creek during its base flow is the same as that for the River. On top of that, within each day the River elevation can fluctuate by as much as 1 foot, even in the absence of storm runoff. Such elevations are measured within a stilling well, whereas strong winds from the northeast can add further height in the form of wave crest on the lower River. The River also floods to higher levels, even when Keene Creek is at base flow. River floods can happen during the part of the year when the Lake is at its seasonal highest. With a potential for decades of service, the project should be planned with a worst-case scenario for River water levels. Depth to groundwater can also be affected.	The elevation data used in the EAW was the most recent, publicly available data. Updates to elevation data after the publication of the EAW are out of the scope of the review. As stated in EAW Section 10 a. iii, the Federal Emergency Management Agency (FEMA) published a preliminary flood insurance map for St. Louis County in October 2022, that was utilized for analysis in this EAW. FEMA mapped portions of the Site within flood fringe. The regulatory flood protection elevation for the portion of the facility in the flood fringe is616.10-feet. Areas of the structure below the regulatory flood protection elevation will be floodproofed. The Project was designed with consideration that the Site is located with the 100-year and 500-year floodplain of the St. Louis River and Keene Creek. The Project will require a Special Use Permit for fill within the flood fringe.
3.	Transportation (Item 20)	On page 54 of the EAW, Table 20-5 has a substantial (73%) projected increase in heavy-duty and medium-duty truck traffic, which is stated to continue to use Waseca Industrial Road access of the current facility operations. However, Waseca Industrial Road does not connect directly to major transportation routes, thus other thoroughfares will be involved. What city streets and MNDOT ramps will these trucks roll over? A map of routes actually used by trucks currently serving Sofidel is desirable. One would imagine that the truck-friendly facilities at the corner of Raleigh Street and Minnesota Highway 23 (Grand Avenue) may see some of this traffic once the rebuild of Raleigh Street is complete, so the current routes may not tell the future story by the time expansion is operating. Trucks may be parked overnight off the Site before morning pick-up or delivery. Less frequently, trucks may need service in the Truck Center Drive area. How many additional trucks will be carrying loads, versus deadheading? Will the facility be receiving additional shipments of pulp to support expanded manufacturing? Will this increase in traffic be expected to hasten the time when routes will need repair or	Waseca Industrial Road intersects Central Avenue which connects to Interstate 35 (I-35). It is anticipated that the majority of trucks traveling to/from the Site would utilize I-35 to Waseca Industrial Road. Overnight truck parking is provided onsite north of Waseca Industrial Road. As stated in Item 6.b of the EAW, virgin and recycled pulp will be trucked to the Site. Truck traffic is expected to increase from a daily peak of 30 trucks under existing conditions to a daily peak of 71 under 2028 post-construction conditions, as described in Item 20 of the EAW. Potential future repair and rehabilitation needs of the local road network are not known at this time and would not be solely attributable to the Project.

Comment Number	EAW Content/ Item Number	Comment	Response
		replacement? During such repair or replacement alternative routes would need to be used to maintain facility operations. The cost for such accelerated depreciation can be viewed as a public subsidy for the project.	
4.	Transportation (Item 20)	On page 54 it is asserted that the projected increase in traffic will not exceed the MNDOT thresholds that trigger a traffic impact study (TIS). However, MNDOT Access Management Manual, Chapter 5, part 5.4 TIS Needed/Recommended, states that the threshold number for vehicle trips may be reduced if the vehicle composition consists of a high percent of heavy vehicles. The figures of the EAW project an increase of 465 trucks per month by 2028, or 21 additional trucks per day if the month has 22 work days (on page 54 it is stated that the truck transits will occur only Monday through Friday, my basis for the 22-day assumption). MNDOT should be asked to rule as to whether this truck increase is enough to reduce the threshold number. The EAW does not project truck traffic figures beyond 2028. Are we supposed to assume that truck traffic will not increase after 2028?	Central Avenue and Waseca Industrial Road are 40-foot wide local roads with the capacity to convey approximately 10,000 trips a day. Existing Annual Average Daily Traffic (AADT) is 4,249 for Central and 1,064 for Waseca, leaving adequate capacity for the proposed traffic volumes. Additionally, the connecting local road network has experienced a reduction in traffic over the past few years. AADT volumes for Central Avenue and Waseca Industrial Road declined between 2022 and 2018 by approximately 1,551 vehicles per day and 386 vehicles per day, respectively, as shown in Tables 20-1 and 20-2 of the EAW. This decrease in AADT coincides with a period in which the paper mill facility was operating at a reduced operational capacity. While a number of factors may have contributed to this decrease in AADT, it can be reasonably presumed that a portion of the reduction correlates with the reduced paper mill operation that occurred in 2020. Consequently, it is anticipated that the local road network has adequate capacity to accommodate the increase in trucks associated with the Project. Furthermore, traffic patterns at the I-35 access along Central Avenue will be studied by the City of Duluth as a part of a Reconnecting Communities Grant the City was recently awarded in partnership with MnDOT. Traffic volumes were estimated through the anticipated completion date of this project in 2028.No further expansions are currently planned beyond 2028.
Email submission Comments- Chris Green, MPCA			
5.	Noise (Item 19)	The current description of noise effects, in Section 19, does not provide enough information to determine whether the project will conform with state noise standards. The proposer indicates that post-construction noise would be generally unchanged after the facility expansion but has not indicated whether existing noise levels in nearby residential areas exceed the state noise standards.	The Site has historically consisted of industrial uses and the proposed Project would not substantially change existing noise conditions associated with the Site. The Site was originally developed as a foundry in 1892 and was converted to a paper mill facility in 1989. The Project proposes to construct 588,759 sq. ft. of light industrial, warehousing, and manufacturing buildings. The addition of these buildings would not substantially change the existing and historic noise conditions at the Site. The Project would decrease the distance of Site building operations to sensitive receptors including residential areas and Irving Park, west of the Site. Operational noise generated by the facility would occur during daytime and nighttime hours within enclosed buildings and structures. Occasional outdoor activities will continue to generate noise from the start up and shut down of trucks, back-up alarms, general Site maintenance activities (snow removal and lawn/landscaping) and building or equipment maintenance. Given the existing noise sources adjacent to the site, including highway traffic associated with I-35, rail activity, and existing industrial uses; changes in operational noise associated with the Project is anticipated to be negligible. The number of trucks entering and exiting the Facility is expected to increase as a result of the Project compared to existing conditions. However, as described in response to Comment No. 4, traffic volumes on the connecting local roadways declined between 2018 and 2022, coinciding with reduced

Comment Number	EAW Content/ Item Number	Comment	Response
			operations at the paper mill facility. Thus, the expected increase in truck traffic resulting from the Project is anticipated to be similar to historic traffic operations at the Site. Trucks would primarily be accessing the Site Monday through Friday, during daytime hours with limited activity during nighttime hours.
6.	Noise (Item 19)	Minn. R. 7030.0030 reads "[…] Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use." MPCA believes additional information is needed to determine if this requirement has been met.	Given that the Site has historically functioned as an industrial use and that the proposed Project is anticipated to result in negligible noise changes compared to the existing condition, the City of Duluth is not requesting additional information or analysis related to noise at this time.
Email submission Comments- Jessica Parson, MDNR			
7.	Water Resources (Item 12)	A water appropriation General Permit (GP) for temporary projects must have a minimal potential for causing adverse environmental impacts, cannot exceed 50 million gallons per year, and must be completed within one year from the start of pumping. Extensions are only granted on a case-by-case basis. Permit applications are evaluated by MN DNR hydrologists to evaluate if the project will require an Individual Permit. An Individual Water Appropriation permit might be needed if a General Permit authorization is not applicable at this site due to the proximity to Keene Creek, the contamination areas at the sites, or other factors. More information is needed to inform potential permitting requirements; including estimated quantities of water, timing and duration of water appropriation, pumping rates, means and methods of appropriation, depth of dewatering activities, area and depth of influence, etc. Please coordinate with MN DNR Water Appropriation Hydrologist, Heidi Lindgren (heidi.lindgren@state.mn.us) and Area Hydrologist, Bri Speldrich (brianna.speldrich@state.mn.us) regarding permit requirements for this project. More information is available at the MN DNR's Water Use webpage. Additionally, please address the potential environmental effects from construction dewatering/water appropriation activities. These effects might include impacts to Keene Creek, changes to contaminated areas, and wetland impacts due to proximity of the water appropriation sites.	The need for a water appropriation permit is identified in Section 12(b)(iii) stating a permit may be required. If a permit is required, Sofidel America – Duluth would apply for the appropriate permit at that time. It is noted that an Individual Water Appropriation permit may be needed. The Proposer will be required to coordinate with the DNR Water Appropriation Hydrologist on permit requirements, if needed. From the RAP/CCP plan, Section E.5, an approved-MPCA plan, states the following: Based on the groundwater quality data from the temporary wells, groundwater generated during temporary dewatering will be discharged to the Western Lake Superior Sanitary District (WLSSD) sanitary sewer system under a temporary discharge permit. Discharge approval will also be obtained from the City of Duluth because some sanitary sewer manholes connected to the WLSSD system are city-owned. Any of the water that would be potentially contaminated on Site would be taken directly to WLSSD. If temporary dewatering during construction is required, the Proposer will provide additional information as required as part of the Water Appropriation Permit process in coordination with the DNR Water Appropriation Hydrologist.

Comment Number	EAW Content/ Item Number	Comment	Response
8.	Fish, wildlife, plant communities, and sensitive ecological resources (Item 14)	The existing bituminous trail directly adjacent to Keene already limits the lateral connectivity of the stream to its floodplain. This project expansion into the set-back zone would severely restrict future restoration options in the floodplain corridor. For example, under current conditions, a project to move the (elevated) trail further away from the stream and improve lateral connectivity of the stream to its floodplain is feasible. The proposed expansion would severely restrict restoration options for this stretch of stream. Resource managers and our stakeholders are making significant investments in the Keene Creek watershed upstream of this location, including building green infrastructure projects and removing connectivity barriers to native Brook Trout movement through the stream corridor. Development in the riparian corridor proposed by this project is not in alignment with efforts to improve stream habitat and the impacts of development through this area. If the project is approved as is, consideration for alternative mitigation to help fund habitat improvements to the stream is warranted for the loss. One nearby example of the significant interest in this watershed and efforts to restore this area is the Grassy Point Habitat Restoration project is a project that occurred at the mouth of Keene Creek along the St. Louis River Estuary; extra precautions should be taken to reduce potential for sedimentation impacts, which would be detrimental to the significant investments made for habitat restoration work in this location. Since Keene Creek is a designated trout stream it is important to note that construction activities at certain times of the year can be more impactful than others, particularly during spawning and migration. For example, no work can occur within the trout stream during the trout stream exclusion window (September 15th-June 30) without a waiver from MN DNR Division of Fish and Wildlife. Timing of project activities that have potential to impact trout streams (such as construction dewatering) will be important to consider during project planning and implementation. MN DNR also encourages revegetation plans to include a diverse mix of native tree species at a similar or increased density to existing conditions to provide some structural and forage diversity for local wildlife and provide soil stabilization. Post construction, we encourage native vegetation (grass, brush, trees) to persist where possible to provide some habitat, especially in transition areas between the developed sites and riparian habitat buffer.	Future restoration project scope and limits are unknown at this time. While development within riparian areas is inconsistent with stream restoration efforts, the riparian corridor along this stretch of Keene Creek is currently zoned as general industrial (I-G) and is expected to remain developed for industrial into the future according to the Imagine Duluth 2035 Comprehensive Land Use Plan Update. Additionally, the riparian area for this stretch of Keene Creek is entirely in private ownership and future potential proposed stream restoration projects would require landowner(s) approval. As stated in Section 12 (b)(iv.)(A) of the EAW impacts to wetlands will be minimized to the greatest extent possible during project design and construction. Unavoidable permanent and temporary impacts to riparian wetlands from the project are being permitted through the Minnesota Wetland Conservation Act (WCA) and Section 404 of the Federal Clean Water Act. As stated in the EAW, no project work is proposed to occur directly within Keene Creek. Construction dewatering activities will avoid the trout stream work exclusion dates (September 15th-June 30). Proposed conservation measures for the Project may include planting native vegetation in landscaped areas and removal/control of invasive species that establish post-construction. The Project proposes to plant substantial trees within the Site. The City of Duluth will highly encourage consideration of native plant species into proposed landscape plans as part of the local permitting process.
9.	Fish, wildlife, plant communities, and sensitive ecological resources (Item 14)	MN DNR's Natural Heritage (NH) Review staff have completed review and issued an NH letter on September 12th, 2024. Please follow the guidance in the NH letter to effectively avoid and minimize impacts to rare features. A copy of the NH letter is attached for your convenience.	Erosion prevention and sediment control measures are incorporated into the project's stormwater management plan and SWPPP as required by NPDES construction stormwater permit requirements. These will be followed and maintained in accordance with the applicable NPDES permit conditions. No project activities are proposed to occur within either of the nearest MBS Site of Biodiversity Significance (Riverside to Grassy Point & the St. Louis River Estuary). Tree removal is proposed to begin in late fall 2024 and be completed prior to June 1, 2025 to minimize potential impacts to bats.

ENVIRONMENTAL ISSUES SUMMARY

Based upon the information contained in the EAW and provided in written comments received and in response to those comments, the City of Duluth has considered the following the most significant environmental issues identified for the Sofidel America – Duluth Facility Expansion Project:

1. Project Impacts on Water Resources

The facility expansion project would have temporary and permanent impacts on water resources. The Project would not result in direct permanent impacts to Keene Creek or the St. Louis River.

Wetland delineation identified four wetlands along the southeastern and southwestern portion of the Site along with several potentially non-regulated wetlands created from stormwater ditches and swales. Up to 0.73 acres of one regulated wetland (Wetland D) will be permanently filled as a result of the project. All permanent wetland impacts will be mitigated off-site through the purchase of wetland mitigation credits at a one to one replacement ratio per the requirements of the Minnesota Wetland Conservation Act (Minnesota Rules 8420) and Section 404 of the Federal Clean Water Act. A Joint WCA/Section 404 Permit application and wetland replacement plan is under review by City of Duluth and U.S. Army Corps of Engineers for consideration of approval.

No listed MPCA 303d Impaired Waters or MN DNR Public Waters are located within the Site. Two surface waters listed as MN DNR public waters and MPCA impaired waters are located adjacent to the Site; Keene Creek (a designated trout stream) to the southwest of the Site and the St. Louis River east of the Site. Keene Creek (Assessment Unit ID MN04010201-627) is listed as an impaired water for aquatic life and aquatic recreation designated uses, for the impairment parameters chloride and Escherichia Coli (E. coli). The St. Louis River (St. Louis Bay) (Assessment Unit ID 69-1291-00) is listed as an impaired water for fish and aquatic consumption designated uses for the impairment parameters Polychlorinated biphenyls (PCBs), Toxaphene, Dioxin (including 2,3,7,8-TCDD), DDT (Dichlorodiphenyltrichloroethane), Dieldrin, PCBs in fish tissue, and Mercury in fish tissue and in water column. The Project's permanent stormwater management plan will not contribute to current impairments or cause nuisance conditions to these surface waters.

The Site is located within the City of Duluth's Shoreland Management Zones. The eastern edge of the Site is mapped within the general development shoreland management zone and the majority of the southern half the of the Site is included within the cold water shoreland management zone. The Project requires a Shoreland Variance for a proposed fence.

Additionally, portions of the Site are mapped within floodplain zones (FEMA Flood Map number 2704210040D, effective on 11/4/1992). The entirety of the southern half of the Site is located within the 500-year floodplain and a portion of the south-central portion of the Site is within the regulated 100-year floodplain. The Project will require a Special Use Permit for fill within the flood fringe.

2. Project Impacts on Soil and Groundwater Contamination

During construction related activities such as excavation, contaminated and debris-laden soil may be encountered. The contamination and/or debris-laden soil, when encountered, would need to be managed and hauled offsite to a permitted landfill. This fill soil is impacted with varying concentrations of hazardous substances including metals, Polychlorinated Biphenyl's (PCB's), Volatile Organic Compounds (VOC's), and Polycyclic Aromatic Compounds (PAH's). Some soil is considered hazardous due to the leachable lead concentration that exceeds the waste disposal criterion of 5.0 milligrams per liter. A Response Action Plan/Construction Contingency Plan (RAP/CCP) has been approved by the MPCA and would be utilized during construction-related activities at the Site.

It is anticipated that an Individual Water Appropriation Permit from the MN DNR may be required due to temporary dewatering activities during construction. Groundwater generated during temporary dewatering would be discharged to the Western Lake Superior Sanitary District (WLSSD) in accordance with the MPCA-approved RAP/CCP plan. Given that contaminated groundwater is present within the Site, potentially contaminated water generated through dewatering activities would be mitigated and discharged to the WLSSD through an approved process and coordination.

3. Project Potential Impacts on Noise

Current noise varies from multiple sources and several land uses surrounding the Site, including but not limited to rail operations, industrial and commercial activities, electrical generation power plant, commercial and personal watercraft on the St. Louis River, non-motorized public trail users, residential, and vehicle traffic on Central Avenue, Waseca Industrial Road, and Interstate 35.

Due to the distance from the Site to the nearest receptors, noise from construction activities and operations need to be accounted for and reduced where practical and feasible. Onsite sound levels will differentiate due to the source, movement, proximity to the Site boundary, barriers, wind, vegetation, proximity from the source to the receptor, and receptor noise level in decibel readings. The nearest receptors are identified as the traveling public along Central Avenue, Waseca Industrial Road, Cross City Trail, Irving Park, and the residential neighborhoods west of Central Avenue, and North of Interstate 35.

Post-construction noise generated from facility operations would primarily occur inside facility buildings and structures during daytime and nighttime hours. Noise sources and levels are expected to be unchanged and negligible compared to the ambient noise from surrounding roadways and rail operations. Occasional outdoor activities will continue to generate noises from the start up and shut down of trucks, back-up alarms, and general Site maintenance activities (snow removal and lawn/landscaping) and building or equipment maintenance. There may be occasional infrequent high frequency, short duration noise levels (nuisance noise) expected during short term non-routine operational activities. Reoccurring outdoor site, building, and equipment maintenance activities will be scheduled during daytime hours. Loading docks and truck traffic would be limited to the southern end of the Site, away from sensitive noise receptors.

The number of trucks entering and exiting the Facility is expected to increase as a result of the Project compared to existing conditions. However, traffic volumes on the connecting local roadways declined between 2018 and 2022, coinciding with reduced operations at the paper mill facility. Thus, the

projected increase in truck traffic resulting from the Project is anticipated to be similar to historic traffic operations at the Site. Trucks would primarily be accessing the Site Monday through Friday, during daytime hours with limited activity during nighttime hours. The Project would decrease the distance of Site building operations to residential areas and Irving Park, west of the Site. Operational noise generated by the facility would occur during daytime and nighttime hours within enclosed buildings and structures. Occasional outdoor activities will continue to generate noises from the start up and shut down of trucks, back-up alarms, general Site maintenance activities (snow removal and lawn/landscaping), and building or equipment maintenance.

Noise generated from the Site for the proposed land use would be consistent with the historic use of the property.

4. Project Potential Impacts on Transportation

The Project would increase traffic volumes associated with the Site through construction completion anticipated in 2028. Traffic routes are expected to access the Site from Interstate 35 through Central Avenue and Waseca Industrial Road. Truck traffic will continue to utilize the existing Waseca Industrial Road entrance to the facility docks/shipping area for loading and scale. Employee and contractor traffic is anticipated to access the Site from Central Avenue. Alternative non-motorized modes of transportation to the Site may utilize Cross City Trail to access Central Avenue. Additionally, the Duluth Transit Authority currently provides public transit services in the vicinity of the Site with a stop along Central Avenue.

Based on traffic estimates provided by Sofidel America – Duluth, it is anticipated that truck and employee trips to and from the Site would increase as a result of the Project. Traffic generated by the Project would primarily occur during operational days (two shifts per day, Monday through Friday with limited traffic during the weekends and holidays).

Central Avenue and Waseca Industrial Road are 40-footwide local roads with the capacity to convey approximately 10,000 trips a day. Existing Annual Average Daily Traffic (AADT) is 4,249 for Central and 1,064 for Waseca, leaving adequate capacity for the proposed traffic volumes.

Additionally, the connecting local road network has experienced a reduction in traffic over the past few years. AADT volumes for Central Avenue and Waseca Industrial Road declined between 2022 and 2018 by approximately 1,551 vehicles per day and 386 vehicles per day, respectively. This decrease in AADT coincides with a period in which the paper mill facility was operating at a reduced operational capacity. While a number of factors may have contributed to this decrease in AADT, it can be reasonably presumed that a portion of the reduction correlates with the reduced paper mill operation that occurred in 2020. Consequently, it is anticipated that the local road network has adequate capacity to accommodate the increase in trucks associated with the Project.

COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA UNDER MN RULES:

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the RGU (in this case, the Duluth City Planning Commission) must compare the impacts that may be reasonably expected to occur from the project with the four criteria by which potential impacts must be evaluated (Minn. Rules, Part 4410.1700, Subp. 7.A through 7.D)

A. *Type, extent, and reversibility of environmental impacts:*

Based upon information provided in the EAW and the Responses to Comments, including the comments and responses received by David Schmipf, MPCA, and MN DNR, the City of Duluth concludes that the potential environmental effects of the Project will be limited in extent and can be properly mitigated through the permitting process.

B. *Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project:*

The cumulative impacts of the Project are considered acceptable and consistent with the existing and historic land use of the Site. Cumulative potential effects of the Project and other reasonably foreseeable projects in the surrounding area can be avoided, minimized, or mitigated in compliance with applicable regulations and design standards.

C. *The extent to which environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project:*

Mitigation of any adverse environmental impacts from the Project will be achieved through design and inclusion of best management practices (BMPs) and through regulations currently in place, including permit approvals, enforcement of regulations or other programs as listed in response to Minnesota Rules, Chapter 4410.1700, Subpart 7.D.

D. *The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer including other EIS's:*

The EAW, related studies referenced in the EAW, and project design plans provide information and guidance on the permits and approvals required for the Project. Environmental effects from the Project can be anticipated and controlled through the required permit application and review processes of Federal, State, and Local regulatory authorities.

The following table identifies permits and approvals identified through the EAW process that have been applied for, considered, or are under evaluation.

Permits and Approvals

Unit of Government	Type of Application
Federal	
Environmental Protection Agency (EPA)	Spill Prevention Control and Countermeasure Plan
U.S. Army Corps of Engineers (USACE)	Clean Water Act Section 404 Permit
	Clean Water Act Section 404 – Approved Jurisdictional Determination
State	
Minnesota Pollution Control Agency (MPCA)	NPDES/SDS Construction Stormwater General Permit (NPDES CSW)
	NPDES/SDS Industrial Stormwater General Permit (NPDES ISW)
	Minor Amendment to Part 70 Air Emissions Permit
	Aboveground Storage Tank Registration
	Hazardous Waste Quantity Generator Licensing
	Deconstruction, Renovation, or Demolition Notification Form
MN Department of Natural Resources (MN DNR)	Water Appropriations Permit – Temporary Construction Dewatering
MN Department of Labor and Industry	Electrical Permit
Minnesota Department of Health	Water Main Extension Permit
Minnesota Department of Public Safety	Fire Sprinkler Permit
Minnesota Department of Labor and Industry	Plumbing Inspection Permit
Local	
City of Duluth	Shoreland Permit
	Shoreland Variance (Fence Encroachment)
	Special Use Permit for Fill in a Flood Fringe
	Wetland Conservation Act – Wetland Boundary & Type
	Wetland Conservation Act – No-Loss
	Wetland Conservation Act – Wetland Replacement Plan
	Wrecking (Demolition) Permit
	Site Variance Permit (Building Height)
	Fence Permit
	Sign Permit

Unit of Government	Type of Application
	Fill (Grading) Permit
	Excavation and Utility Connection Permit
	Erosion and Sediment Control Permit
	MS4 Stormwater Discharge
	Water and Sewer Main Extension Permits
	Utility Service Cut-Off/Abandonments Permit
	Blasting Permit/Blasting Plan
	Fire Sprinkler and Alarm Permits
	Operational Permit
	ADA Compliance for New Parking Lot
	Building Permit for New Structure(s)
Western Lake Superior Sanitary District	Industrial Wastewater Discharge Permit

DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Minnesota Rules 4410.0300 Subp. 3. Purpose states (in part)

> *Environmental documents shall not be used to justify a decision, nor shall indications of adverse environmental effects necessarily require that a project be disapproved. Environmental documents shall be used as guides in issuing, amending, and denying permits and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality.*

Minnesota Rules 4410.0300 Subp. 4. Objectives further sets forth:

> *The process created by parts 4410.0200 to 4410.6500 is designed to:*
>
> *A. provide usable information to the project proposer, governmental decision makers and the public concerning the primary environmental effects of a proposed project;*
>
> *B. provide the public with systematic access to decision makers, which will help to maintain public awareness of environmental concerns and encourage accountability in public and private decision making;*
>
> *C. delegate authority and responsibility for environmental review to the governmental unit most closely involved in the project;*
>
> *D. reduce delay and uncertainty in the environmental review process; and*
>
> *E. eliminate duplication.*

Based on the Environmental Assessment Worksheet, the "Findings of Fact and Record of Decision", and related documentation for this Project, the Duluth City Planning Commission, as the Responsible Governmental Unit (RGU) for this environmental review, makes the following conclusions:

1. The Environmental Assessment Worksheet, the Findings of Fact and Record of Decision, and related documentation for the Sofidel America – Duluth Facility Expansion Project were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700.

2. The record demonstrates that , based on a comparison of the impacts that are reasonably expected to occur from the Project with the criteria established in Minn. R. 4410.1700, Subp. 7, implementation of this Project does not have the potential for significant environmental effects. Therefore, the Duluth City Planning Commission makes a Negative Declaration and does not require the preparation of an environmental impact statement (EIS) for this Project.

Recommended Motion: Motion to adopt the Record of Decision regarding the Environmental Assessment Worksheet for the Sofidel America – Duluth Facility Expansion Project, making a finding of no potential for significant environmental effects; a Negative Declaration on the need for an Environmental Impacts Statement; and adopting and incorporating the entirety of the City of Duluth Planning File PLEAW-2408-0001 as findings supporting the determination.

Signature/Date: Gary Eckenberg 10-8-2024

Title: President, Planning Commission

Attached Exhibits:

A. Project Overview Map, Concept Plan
B. Agency and Public Comments

F:\2024\B2402210_02\GIS\B2402210.02_EAW.aprx

Approximate Site Boundary

Image Source: Google Earth

N

0 500 1,000 Feet

Scale 1" = 1,000'

BRAUN INTERTEC
The Science You Build On.
11001 Hampshire Avenue S
Minneapolis, MN 55438
952.995.2000
braunintertec.com

Project No: B2402210.02_EAW

Drawing No: Fig1_ProjectLoc_EAW

Drawn By:	SL
Date Drawn:	3/15/2024
Checked By:	MUB
Last Modified:	6/5/2024

Sofidel America - Duluth Facility Expansion

100 North Central Avenue

Duluth, Minnesota

Project Location Map

Figure 1

EXISTING BUILDINGS

A1,1 EXISTING DEINKING + FIBER PLANT	
B2.1 FUTURE BALE HANDLING (REBUILD)	
B2.2 FUTURE CHEMICAL AREA	
C1,1 PM1 AREA AND ROLL HANDLING AREA	
C1,2 WORK SHOP	
C1,3 ELECTRICAL ROOMS	
C1,4 BOILER HOUSE	
C1,5 CHEMICAL STORAGE	
D1,1 JUMBO REEL STORAGE	
H1,1 WWTP	
J1,1 POWER SUBSTATION AREA	
K1,1 JUMBO REEL STORAGE / LOCKERS / OFFICES PM / ADMINISTRATION / MEETING R.	
L1,1 SPRINKLER	
REMAINING BUILDINGS	
TOTAL	476,989,0 ft²

EXTERIOR AREAS

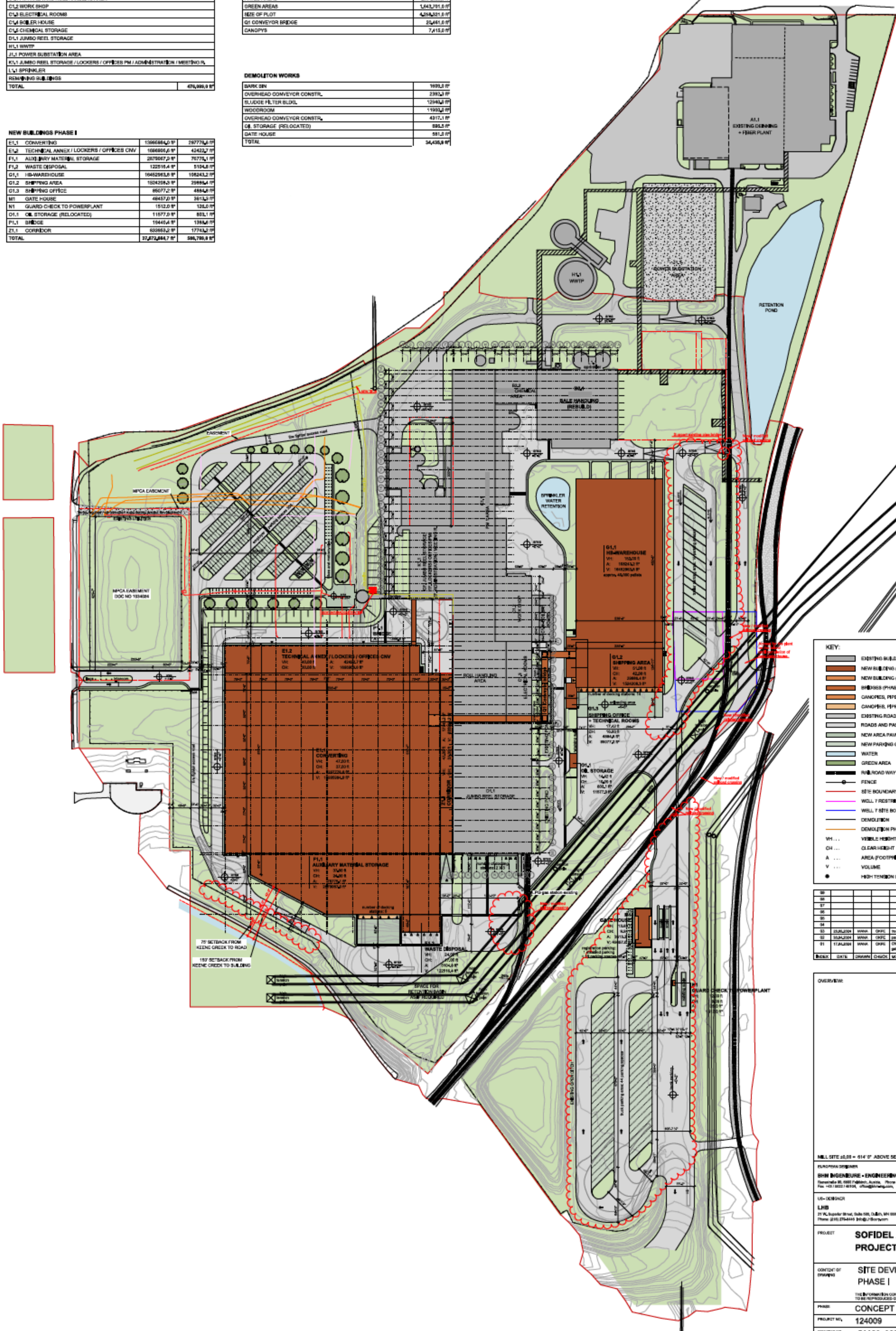
EXISTING BUILDINGS	476,989,0 ft²
NEW BUILDINGS	656.791,8 ft²
RETENTION PONDS AND CREEK	151,000,0 ft²
PAVED AREAS	1,364,020,0 ft²
GREEN AREAS	1,643,701,0 ft²
SIZE OF PLOT	4,258,321,0 ft²
Q1 CONVEYOR BRIDGE	20,461,0 ft²
CANOPYS	7,415,0 ft²

DEMOLITON WORKS

BARK BIN	1609,0 ft²
OVERHEAD CONVEYOR CONSTR.	2393,3 ft²
SLUDGE FILTER BLDG.	12940,0 ft²
WOODROOM	11900,0 ft²
OVERHEAD CONVEYOR CONSTR.	4317,1 ft²
OIL STORAGE (RELOCATED)	895,5 ft²
GATE HOUSE	581,0 ft²
TOTAL	34,435,9 ft²

NEW BUILDINGS PHASE I

E1,1	CONVERTING	13996984,0 ft³	297778,6 ft²
E1,2	TECHNICAL ANNEX / LOCKERS / OFFICES CNV	1696906,6 ft³	42422,7 ft²
F1,1	AUXILIARY MATERIAL STORAGE	2079067,0 ft³	75775,1 ft²
F1,2	WASTE DISPOSAL	122516,4 ft³	5104,8 ft²
G1,1	HB-WAREHOUSE	16452963,8 ft³	108243,2 ft²
G1.2	SHIPPING AREA	1524258,3 ft³	29885,4 ft²
G1.3	SHIPPING OFFICE	85077,2 ft³	4884,8 ft²
M1	GATE HOUSE	49457,0 ft³	3613,3 ft²
N1	GUARD CHECK TO POWERPLANT	1512,0 ft³	126,0 ft²
O1.1	OIL STORAGE (RELOCATED)	11577,0 ft³	803,1 ft²
P1,1	BRIDGE	19440,4 ft³	1388,6 ft²
Z1.1	CORRIDOR	633953,2 ft³	17743,2 ft²
TOTAL		37,872,664,7 ft³	586,769,8 ft²



KEY:

	EXISTING BUILDING
	NEW BUILDING (PHASE I)
	NEW BUILDING (PHASE II)
	BRIDGES (PHASE I)
	CANOPIES, PIPE BRIDGE (PHASE I)
	CANOPIES, PIPE BRIDGE (PHASE II)
	EXISTING ROADS
	ROADS AND PASSAGES WITH ASPHALT PAVEMENT
	NEW AREA PAVED WITH CONCRETE
	NEW PARKING CARS AND TRUCKS
	WATER
	GREEN AREA
	RAILROAD WAY
	FENCE
	SITE BOUNDARY
	WELL 7 RESTRICTED AREA
	WELL 7 SITE BOUNDARY
	DEMOLITION
	DEMOLITION PHASE II
VH . . .	VISIBLE HEIGHT
CH . . .	CLEAR HEIGHT
A . . .	AREA (FOOTPRINT OF BUILDING)
V . . .	VOLUME
●	HIGH TENSION LINE POLE
	GAS LINE
	ELECTRICAL LINE
	TELEPHONE AND FIBER OPTIC LINE
	PIPES GENERAL

INDEX	DATE	DRAWN	CHECK	MODIFICATION
09				
08				
07				
06				
05				
04				
03	23,05,2024	MANA	OKRE	truck parking space; road course south area; trailer parking space; existing gas station
02	10,04,2024	MANA	OKRE	parking space and street; CNV area; embankment;
01	17,04,2024	MANA	OKRE	CNV area; embankment; parking space and street; HBW area, trailer parking space; gate house with parking space

OVERVIEW:

MILL SITE ±0,00 = 614' 0" ABOVE SEA LEVEL

EUROPEAN DESIGNER
BHM INGENIEURE • ENGINEERING & CONSULTING GMBH
Runastraße 90, 6800 Feldkirch, Austria, Phone +43 / 5522 / 46101
Fax +43 / 5522 / 46104, office@bhm-ing.com, www.bhm-ing.com

US- DESIGNER
LHB
21 W. Superior Street, Suite 500, Duluth, MN 55802
Phone: (218) 279-2445 info@LHBcorp.com

PROJECT: **SOFIDEL AMERICA PROJECT NORTH**

CONTENT OF DRAWING: SITE DEVELOPMENT PLAN PHASE I

PHASE: CONCEPT / DRAFT

PROJECT NO.	124009	SCALE 1:1000	DRAWN MANA	CHECKED OKRE
DRAWING NO.	51160_00002	STATUS PR	REVISION 03	DATE 29,11,2023
DRAWING NAME	51160_ALL_DWG_SDP_SDP Phase 1_00002_PR_03			

MINNESOTA POLLUTION CONTROL AGENCY

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

September 19, 2024

Jason Mozol
Planner
411 West First Street
Duluth, MN 55802
jmozol@duluthmn.gov

RE: Sofidel America Duluth Facility Expansion - Environmental Assessment Worksheet

Dear Jason Mozol,

Thank you for the opportunity to review and comment on the Environmental Assessment (EA) Worksheet (EAW) for the Sofidel America Duluth Facility Expansion project (Project) located in Duluth, Saint Louis County, Minnesota. The Project consists of Sofidel America Corporation's Duluth facility expanding their existing facility operations to include a new process for conversion of parent tissue rolls and materials into various commercial products. Four building additions are proposed to support expanded manufacturing, packaging, warehousing, and shipping capabilities. This redevelopment project will result in approximately 588,759 square feet. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Noise:

- The current description of noise effects, in Section 19, does not provide enough information to determine whether the project will conform with state noise standards. The proposer indicates that post-construction noise would be generally unchanged after the facility expansion but has not indicated whether existing noise levels in nearby residential areas exceed the state noise standards.

- Minn. R. 7030.0030 reads "[…] Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use." MPCA believes additional information is needed to determine if this requirement has been met.

We appreciate the opportunity to review this Project. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit actions by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at Chris.Green@state.mn.us or by telephone at 507-476-4258.

Sincerely,

Chris Green

This document has been electronically signed.

Chris Green
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

CG:mb

cc: Dan Card, MPCA
Tom Estabrooks, MPCA
Miranda Nichols, MPCA
Jeffery Hedman, MPCA
Colin Boysen, MPCA
Lauren Dickerson, MPCA
Innocent Eyoh, MPCA
Deepa deAlwis, MPCA
Jason Hawksford, MPCA
MPCA Regional Manager

Minnesota Department of Natural Resources
Northeast Regional Headquarters
1201 East Highway 2, Grand Rapids, MN 55744

September 24, 2024

Jason Mozol
City of Duluth
411 W. First Street, Room 160
Duluth MN, 55802
jmozol@duluthmn.gov
218-730-5331

RE: Sofidel America Duluth Facility Expansion Environmental Assessment Worksheet (EAW)

Dear Mr. Mozol,

The Minnesota Department of Natural Resources (MN DNR) has conducted a review of the **Sofidel America Duluth Facility Expansion EAW.** We appreciate the opportunity to review this project and encourage project proposers to continue their coordination with MN DNR and other agencies to protect natural resources and recreational opportunities.

Water Appropriation Permitting

A water appropriation **General Permit (GP)** for temporary projects must have a minimal potential for causing adverse environmental impacts, cannot exceed 50 million gallons per year, and must be completed within one year from the start of pumping. Extensions are only granted on a case-by-case basis. Permit applications are evaluated by MN DNR hydrologists to evaluate if the project will require an **Individual Permit.**

An Individual Water Appropriation permit might be needed if a General Permit authorization is not applicable at this site due to the proximity to Keene Creek, the contamination areas at the sites, or other factors.

More information is needed to inform potential permitting requirements; including estimated quantities of water, timing and duration of water appropriation, pumping rates, means and methods of appropriation, depth

of dewatering activities, area and depth of influence, etc. Please coordinate with MN DNR Water Appropriation Hydrologist, Heidi Lindgren (heidi.lindgren@state.mn.us) and Area Hydrologist, Bri Speldrich (brianna.speldrich@state.mn.us) regarding permit requirements for this project. More information is available at the MN DNR's Water Use webpage.

Additionally, please address the potential environmental effects from construction dewatering/water appropriation activities. These effects might include impacts to Keene Creek, changes to contaminated areas, and wetland impacts due to proximity of the water appropriation sites.

Habitat Restoration Considerations

The existing bituminous trail directly adjacent to Keene already limits the lateral connectivity of the stream to its floodplain. This project expansion into the set-back zone would severely restrict future restoration options in the floodplain corridor. For example, under current conditions, a project to move the (elevated) trail further away from the stream and improve lateral connectivity of the stream to its floodplain is feasible. The proposed expansion would severely restrict restoration options for this stretch of stream. Resource managers and our stakeholders are making significant investments in the Keene Creek watershed upstream of this location, including building green infrastructure projects and removing connectivity barriers to native Brook Trout movement through the stream corridor. Development in the riparian corridor proposed by this project is not in alignment with efforts to improve stream habitat and the impacts of development through this area. If the project is approved as is, consideration for alternative mitigation to help fund habitat improvements to the stream is warranted for the loss.

One nearby example of the significant interest in this watershed and efforts to restore this area is the Grassy Point Habitat Restoration project is a project that occurred at the mouth of Keene Creek along the St. Louis River Estuary; extra precautions should be taken to reduce potential for sedimentation impacts, which would be detrimental to the significant investments made for habitat restoration work in this location.

Since Keene Creek is a designated trout stream it is important to note that construction activities at certain times of the year can be more impactful than others, particularly during spawning and migration. For example, no work can occur within the trout stream during the trout stream exclusion window (September 15th-June 30) without a waiver from MN DNR Division of Fish and Wildlife. Timing of project activities that have potential to

impact trout streams (such as construction dewatering) will be important to consider during project planning and implementation.

MN DNR also encourages revegetation plans to include a diverse mix of native tree species at a similar or increased density to existing conditions to provide some structural and forage diversity for local wildlife and provide soil stabilization. Post construction, we encourage native vegetation (grass, brush, trees) to persist where possible to provide some habitat, especially in transition areas between the developed sites and riparian habitat buffer.

Rare Features

MN DNR's Natural Heritage (NH) Review staff have completed review and issued an NH letter on September 12th, 2024. Please follow the guidance in the NH letter to effectively avoid and minimize impacts to rare features. A copy of the NH letter is attached for your convenience.

Thank you for the opportunity to review the **Sofidel America Duluth Facility Expansion EAW.** Please contact our MN DNR Northeast Regional Environmental Assessment Ecologist, Jessica Parson, with any additional questions. Jessica can be reached at (218) 328-8826 or via email at: jessica.parson@state.mn.us .

Sincerely,

Jessica Parson

Jessica Parson

Northeast Regional Environmental Assessment Ecologist

CC:
Jill Townley
Lisa Joyal
Darrell Schindler
Greg Root
Shelly Patten

Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

September 12, 2024

Ben Ruhme
Braun Intertec Corporation

RE: Natural Heritage Review of the proposed **Sofidel America- Duluth Facility Expansion,**
T49N R14W Sections 7 & 18; St. Louis County

Dear Ben Ruhme,

For all correspondence regarding the Natural Heritage Review of this project please include the project ID **MCE-2024-00654** in the email subject line.

As requested, the Minnesota Natural Heritage Information System has been reviewed to determine if the proposed project has the potential to impact any rare species or other significant natural features. Based on the project details provided with the request, the following rare features may be impacted by the proposed project:

Ecologically Significant Areas

- The Minnesota Biological Survey (MBS) has identified **Riverside to Grassy Point** as a Site of *Moderate* Biodiversity Significance in the vicinity of the proposed project. Sites of Biodiversity Significance have varying levels of native biodiversity and are ranked based on the relative significance of this biodiversity at a statewide level. Sites ranked as *Moderate* contain occurrences of rare species and/or moderately disturbed native plant communities, and/or landscapes that have a strong potential for recovery.

  St. Louis River Estuary has been identified as a Lake of *Outstanding* Biological Significance. Lakes of Biological Significance were ranked as *Outstanding, High, or Moderate* based on unique plant and animal presence. The proposed project has the potential to adversely affect the St. Louis River Estuary. **Given the ecological significance of these areas, disturbance should be minimized to the extent feasible during construction, operation, and maintenance of activities.** Actions to minimize disturbance include, but are not limited to, the following measures:
  - As much as possible, operate within already-disturbed areas.
  - Retain a buffer between proposed activities and the MBS Site.

- Do not place spoil in the MBS Site or other sensitive areas.
- If possible, conduct the work under frozen ground conditions.
- Inspect and clean equipment prior to operating and follow recommendations to prevent the spread of invasive species.
- Implement stringent/redundant erosion prevention and sediment control practices.
- Use sediment control barriers per MnDOT Best Management Practices.
- Use only herbicides approved for application within shoreline/riparian areas.
- Revegetate disturbed soil with native species suitable to the local habitat as soon after construction as possible.
- Establish permanent vegetation in the right-of-way.
- Use only weed-free mulches, topsoils, and seed mixes. Of particular concern are birdsfoot trefoil (*Lotus corniculatus*) and crown vetch (*Coronilla varia*), two invasive species that are sold commercially and are problematic in prairies and disturbed open areas.
    - Avoid bringing in topsoil to this site, as this introduces invasive species.

MBS Sites of Biodiversity Significance and DNR Native Plant Communities can be viewed using the Explore page in Minnesota Conservation Explorer or their GIS shapefiles can be downloaded from the MN Geospatial Commons. Please contact the NH Review Team if you need assistance accessing the data. Reference the MBS Site Biodiversity Significance and Native Plant Community websites for information on interpreting the data. To receive a list of MBS Sites of Biodiversity Significance and DNR Native Plant Communities in the vicinity of your project, create a Conservation Planning Report using the Explore Tab in Minnesota Conservation Explorer.

State-listed Species

- Many state-listed aquatic species have been documented in the St. Louis River Estuary in the vicinity of the proposed project. These species are particularly vulnerable to deterioration in water quality, especially increased siltation. As such, **it is important that effective erosion prevention and sediment control practices be implemented and maintained throughout the duration of the project and incorporated into stormwater management plans.**

- The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed nearby, all of Minnesota's bats, including the federally endangered northern long-eared bat (*Myotis septentrionalis*), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, **the DNR recommends that tree removal be avoided from June 1 through August 15.**

- Please visit the DNR Rare Species Guide for more information on the habitat use of these species and recommended measures to avoid or minimize impacts.

Federally Protected Species

- To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online Information for Planning and Consultation (IPaC) tool.

Environmental Review and Permitting

- Please include a copy of this letter and the MCE-generated Final Project Report in any state or local license or permit application. Please note that additional measures to avoid or minimize disturbance to the above rare features may be included as restrictions or conditions in any required permits or licenses.

- The Environmental Assessment Worksheet should address whether the proposed project has the potential to adversely affect the above rare features and, if so, it should identify specific measures that will be taken to avoid or minimize disturbance. Sufficient information should be provided so the DNR can determine whether a permit to take will be needed for any of the above protected species.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and project description provided with the request. **If project details change or the project has not occurred within one year, please resubmit the project for review within one year of initiating project activities.**

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential impacts to these rare features. Visit the Natural Heritage Review website for additional information regarding this process, survey guidance, and other related information. For information on the environmental review process or other natural resource concerns, you may contact your DNR Regional Environmental Assessment Ecologist.

Thank you for consulting us on this matter and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

Molly Barrett

Natural Heritage Review Specialist
Molly.Barrett@state.mn.us

Cc: Jessica Parson, Regional Environmental Assessment Ecologist, Northeast (Region 2)

David J. Schimpf

Comments on Sofidel America Duluth Facility Expansion Environmental Assessment Worksheet (EAW), page 1 of 1

Duluth Planning Commission agenda item PLEAW-2408-0001, 10 September 2024

by David Schimpf, 1125 Brainerd Avenue, Duluth, MN 55811

On page 50 of the EAW, Table 18-2 states an estimate of offsite greenhouse gas (GHG) emissions from grid-purchased electricity (Scope 2) of 6600 tons/year. The reader is directed to consult Appendix G for how this was calculated. However, in Appendix G the value arrived at is 5661 tons/year, 14% less, a substantial disparity. Table 18-2 and Appendix G need to be brought into agreement.

On page 54 of the EAW, Table 20-5 has a substantial (73%) projected increase in heavy-duty and medium-duty truck traffic, which is stated to continue to use the Waseca Industrial Road access of the current facility operations. However, Waseca Industrial Road does not directly connect to major transportation routes, thus other thoroughfares will be involved. What city streets and MNDOT ramps will these trucks travel, and will this increase be expected to hasten the time when those routes will need repair or replacement? During such repair or replacement alternative routes would need to be used to maintain facility operations; a trucking map would be good. The costs for such accelerated depreciation would constitute a public subsidy for the project. How many of the additional trucks will be carrying loads, versus dead-heading? Will the facility be receiving additional shipments of pulp to support expanded manufacturing?

On page 54 it is asserted that the projected increase in traffic will not exceed the MNDOT thresholds that trigger a traffic impact study (TIS). However, the MNDOT Access Management Manual, Chapter 5, part 5.4, TIS Needed/Recommended, states that the threshold number for vehicle trips may be reduced if the vehicle composition consists of a high percent of heavy vehicles. The figures in the EAW project an increase of 465 trucks per month by 2028, or 21 additional trucks per day if the month has 22 work days. On page 54 it is stated that the truck transits will occur only Monday through Friday, my basis for the 22-day assumption. MNDOT should be consulted as to whether this truck increase is enough to reduce the threshold number. I did not find a statement that the truck traffic figures for 2028 are not projected to be exceeded subsequently.

The EAW is internally inconsistent in one of its procedures, claiming on page 54 that almost all truck transits will be on Monday through Friday, but in Appendix G it claims that daily truck averages are based on 7 days per week. This unacceptable confusion needs to be straightened out.

Comments on Sofidel America Duluth Facility Expansion Environmental Assessment Worksheet (EAW), page 1 of 2, September 19, 2024

by David Schimpf, 1125 Brainerd Avenue, Duluth, MN 55811 [redacted]

A potential positive effect:

It appears that the project would build on some ground that has been kept as maintained turf. If that maintenance includes pesticide application, fertilizer application, supplemental watering, or motorized mowing, then the conversion of that land to a structure would reduce the bad environmental effects of such maintenance.

Mistakes:

On page 50 of the EAW, Table 18-2 states an estimate of offsite greenhouse gas (GHG) emissions from grid-purchased electricity (Scope 2) of 6600 tons/year. The reader is directed to consult Appendix G for how this was calculated. However, in Appendix G the value arrived at is 5661 tons/year, 14% less, a substantial disparity. Table 18-2 and Appendix G need to be brought into agreement.

The EAW is internally inconsistent in one of its procedures, claiming on page 54 that almost all truck transits will be on Monday through Friday, but in Appendix G it claims that daily truck averages are based on 7 days per week. This unacceptable confusion needs to be straightened out.

On page 55, fourth paragraph, the locations of two current development projects in the area are wrong (transposed). Wadena West is north of the Site, Fairmount Cottage Homes is west of the Site.

Appendix B, Figure 5 incorrectly labels part of Waseca Industrial Road as Raleigh Street.

Appendix D, Figure 2 incorrectly labels Waseca Industrial Road as Lesure Street.

Issues:

The topographic map, Figure 3 in Appendix A, shows the elevation of the lower St. Louis River as 602 feet. Although the use of this map is mandated by the EAW guidelines, that elevation can't be less than the mean annual elevation of Lake Superior at Duluth, into which the River discharges. The mean annual Lake Superior elevation has fluctuated across decades, being as high as more than 603 feet in the past decade[1]. The gravel track that parallels the fence just to the east of the Site is currently dry (I walked it this month), but was flooded in places when the Lake was higher. Be aware that the chart datum will soon be replaced by one updated to reflect, among other things, the ongoing rise of the north side of the Lake Superior basin by ≈ 0.25 inches per year relative to Duluth[2]. The elevation of the lowest reach of Keene Creek during its base flow is the same as that for the River. On top of that, within each day the River elevation

can fluctuate by as much as 1 foot, even in the absence of storm runoff[3]. Such elevations are measured within a stilling well, whereas strong winds from the northeast can add further height in the form of wave crests on the lower River. The River also floods to higher levels, even when Keene Creek is at base flow. River floods can happen during the part of the year when the Lake is at its seasonal highest. With a potential for decades of service, the project should be planned with a worst-case scenario for River water levels. Depth to groundwater can also be affected.

On page 54, Table 20-5 has a substantial (73%) projected increase in heavy-duty and medium-duty truck traffic, which is stated to continue to use the Waseca Industrial Road access of the current facility operations. However, Waseca Industrial Road does not connect directly to major transportation routes, thus other thoroughfares will be involved. What city streets and MNDOT ramps will these trucks roll over? A map of routes actually used by trucks currently serving Sofidel is desirable. One would imagine that the truck-friendly facilities at the corner of Raleigh Street and Minnesota Highway 23 (Grand Avenue) may see some of this traffic once the rebuild of Raleigh Street is complete, so the current routes may not tell the future story by the time the expansion is operating. Trucks may be parked overnight off the Site before morning pick-up or delivery. Less frequently, trucks may need service in the Truck Center Drive area. How many of the additional trucks will be carrying loads, versus dead-heading? Will the facility be receiving additional shipments of pulp to support expanded manufacturing? Will this increase in traffic be expected to hasten the time when routes will need repair or replacement? During such repair or replacement alternative routes would need to be used to maintain facility operations. The costs for such accelerated depreciation can be viewed as a public subsidy for the project.

On page 54 it is asserted that the projected increase in traffic will not exceed the MNDOT thresholds that trigger a traffic impact study (TIS). However, the MNDOT Access Management Manual, Chapter 5, part 5.4, TIS Needed/Recommended, states that the threshold number for vehicle trips may be reduced if the vehicle composition consists of a high percent of heavy vehicles. The figures in the EAW project an increase of 465 trucks per month by 2028, or 21 additional trucks per day if the month has 22 work days (on page 54 it is stated that the truck transits will occur only Monday through Friday, my basis for the 22-day assumption). MNDOT should be asked to rule as to whether this truck increase is enough to reduce the threshold number. The EAW does not project truck traffic figures beyond 2028. Are we supposed to assume that truck traffic will not increase after 2028?

[1]https://glisa.umich.edu/lake-superior-retrospective/

[2]https://tidesand currents.noaa.gov/datum-updates/igld

[3]Trebitz, A. S. 2006. Characterizing seiche and tide-driven daily water level fluctuations affecting coastal ecosystems of the Great Lakes. Journal of Great Lakes Research 32: 102–116.

by David Schimpf, 1125 Brainerd Avenue, Duluth, MN 55811