

**FINDINGS OF FACT
and
CONCLUSIONS**

I-35W North Corridor Preliminary Design Project

State Project No. 6284-172

**Prepared by:
Minnesota Department of Transportation**



September 2017

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FINDINGS OF FACT AND CONCLUSIONS
I-35W NORTH CORRIDOR PRELIMINARY DESIGN
PROJECT

State Project (SP) No. 6284-172

Located in:
Anoka and Ramsey Counties, Minnesota

1 STATEMENT OF ISSUE

The Minnesota Department of Transportation (MnDOT) proposes construction of MnPASS lanes on Interstate 35W (I-35W) from County Road (CR) C in Roseville to Lexington Avenue in Blaine. The project also includes pavement rehabilitation on I-35W from CR C to Sunset Avenue in Lino Lakes, construction of auxiliary lanes on I-35W through the Interstate 694 (I-694) interchange area, construction of auxiliary lanes in the I-35W/Trunk Highway (TH) 10 commons area, and construction of a westbound auxiliary lane on TH 10 from I-35W to 93rd Lane. Figure 1, Appendix C and Figure 2, Appendix C of this Findings document illustrate the project location. Additional information regarding the proposed project is provided in Section 3.1 of this Findings document (Project Description).

Preparation of an Environmental Assessment Worksheet (EAW) is required for this project under Minnesota Rules 4410.4300, Subpart 22.A, for construction of a road on a new location over one mile in length. MnDOT is the project proposer. MnDOT is also the Responsible Governmental Unit (RGU) for review of this project, as per Minnesota Rules 4410.4300, Subpart 22.A.

MnDOT's decision in this matter shall be either a negative or a positive declaration of the need for an environmental impact statement. MnDOT must order an Environmental Impact Statement (EIS) for the project if it determines the project has the potential for significant environmental effects.

Based upon the information in the record, which comprises the Environmental Assessment (EA) and the Minnesota Environmental Assessment Worksheet (EAW) form for the project (hereafter referred to as the EA/EAW), related studies referenced in the EA/EAW, written comments received, responses to the comments, and other supporting documents included in this Findings of Fact and Conclusions document, MnDOT makes the following Findings of Fact and Conclusions:

2 ADMINISTRATIVE BACKGROUND

- 2.1 The MnDOT is the RGU and project proposer for the I-35W North Corridor Preliminary Design Project. A combined Federal EA and State EAW has been prepared for this project in accordance with Minnesota Rules Chapter 4410 and the

National Environmental Policy Act (NEPA) (42 USC 4321 et. seq.). The combined EA/EAW was developed to assess the impacts of the project and other circumstances to determine if an Environmental Impact Statement (EIS) is indicated.

- 2.2 The EA/EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comments to the required EAW distribution list. A “Notice of Availability” was published in the EQB Monitor on August 29, 2016. A press release was distributed to local media outlets and legal notices were published in the *Star Tribune* on August 29, 2016 and the *Mounds View/New Brighton Sun Focus* on September 2, 2016. Appendix A of this Findings document contains copies of the affidavits of publication for the legal notices. A notice was published on the project web page at <http://www.dot.state.mn.us/metro/news/16/08/31-i35w.html>. An update with information about the availability of the EA/EAW and public hearing meetings was also sent out via email and/or text message to any who had subscribed for project updates. These notices provided a brief description of the project, information on where copies of the EA/EAW were available, and invited the public to provide comments that would be used in determining the need for an EIS on the proposed project.
- 2.3 A public hearing/open house meeting was held on September 13, 2016 from 5:30 p.m. to 6:30 p.m. at Eagle Brook Church (3603 95th Avenue, Blaine) and on September 14, 2016 from 5:30 p.m. to 6:30 p.m. at New Brighton City Hall (803 Old Highway 8, New Brighton). Additional information pertaining to the publication of the EA/EAW and the public hearing/open house meeting is in Appendix B of this Findings document.
- 2.4 Table 1 lists the locations where the EA/EAW was made available for public review. The EA/EAW was also made available on the project web page at <http://www.dot.state.mn.us/metro/projects/i35wroseville/index.html>. Comments were received through September 28, 2016.

Table 1 – EA/EAW Public Review Locations

Ramsey County	Anoka County
MnDOT Metro District (Water’s Edge) 1500 West County Road B2 Roseville, MN 55113	Blaine City Hall 10801 Town Square Drive NE Blaine, MN 55449
MnDOT Library 395 John Ireland Boulevard St. Paul, MN 55155	Anoka County Library - Northtown 711 County Road 10 NE Blaine, MN 55434
Roseville City Hall 2660 Civic Center Drive Roseville, MN 55113	Lexington City Hall 9180 Lexington Avenue Lexington, MN 55014
Ramsey County Library – Roseville 2180 North Hamline Avenue Roseville, MN 55113	Circle Pines City Hall 200 Civic Heights Circle Pines, MN 55014

Ramsey County	Anoka County
New Brighton City Hall 803 Old Highway 8 New Brighton, MN 55112	Anoka County Library – Centennial 100 Civic Heights Circle Circle Pines, MN 55014
Ramsey County Library – New Brighton 400 10th Street NW New Brighton, MN 55112	Lino Lakes City Hall 600 Town Center Parkway Lino Lakes, MN 55014
Arden Hills City Hall 1245 West Highway 96 Arden Hills, MN 55112	--
Mounds View City Hall 2401 County Road 10 Mounds View, MN 55112	--
Ramsey County Library – Mounds View 2576 County Road 10 Mounds View, MN 55112	--
Shoreview City Hall 4600 Victoria Street N Shoreview, MN 55126	--
Ramsey County Library – Shoreview 4570 North Victoria Street Shoreview, MN 55126	--

- 2.5 Six agency and public citizen comments were received during the EA/EAW comment period. All comments received during the EA/EAW comment period were considered in determining the potential for significant environmental impacts. Comments received during the comment period and responses to substantive comments are provided in Appendix B of this Findings document.

3 FINDINGS OF FACT

3.1 Project Description

3.1.1 Existing Conditions:

The I-35W North Corridor is a major freeway that connects the growing north suburban area of the Twin Cities to greater Minnesota, downtown Minneapolis, and beyond. The I-35W North Corridor Preliminary Design Project extends from south of CR C at the south end of the project corridor to north of the Sunset Avenue (CR 53) overpass at the north end of the corridor. The I-35W project corridor passes through eight developed and developing communities, including: Roseville, New Brighton, Arden Hills, Mounds View, Shoreview, Lexington, Blaine, and Lino Lakes.

The existing number of lanes on I-35W varies from TH 36 in Roseville to County State Aid Highway (CSAH) 23 in Lino Lakes. The portion of the corridor from TH 36 to the TH 10 east ramps is a six-lane roadway (three lanes for northbound I-35W and three lanes for southbound I-35W) with a center median ditch separating the northbound and southbound travel lanes. The I-35W/TH 10 commons area in Arden Hills and Mounds View is an eight-lane roadway; however, there is no center median ditch separating the northbound and southbound lanes. The northbound and southbound lanes in the I-35W/TH 10 commons area are separated by a concrete median barrier. North of the TH 10 west ramps, I-35W transitions back to a six-lane roadway with a center median ditch separating the northbound and southbound lanes. North of the CR J/Lake Drive interchange in Blaine, I-35W transitions to a four-lane roadway with a center median ditch separating the northbound and southbound lanes.

There are 13 interchanges located along the project segment of I-35W. Interchanges are located at CR C in Roseville; CR D in Roseville and New Brighton; CR 88 in New Brighton; CR E2, I-694, and CR 96 in New Brighton and Arden Hills; CSAH 10/TH 10 East and CR H in Arden Hills and Mounds View; CR I in Arden Hills, Mounds View, and Shoreview; TH 10 West in Mounds View and Shoreview; CR J/Lake Drive in Shoreview and Blaine; and 95th Avenue and Lexington Avenue in Blaine.

3.1.2 Proposed Project:

The proposed project includes the following roadway design features. Changes in the project design since completion of the EA/EAW are described in Section 3.2 of this Findings document. Figure 3 through Figure 15 in Appendix C of this Findings document illustrate the preliminary design layout.

3.1.2.1 Pavement Repairs

An unbonded concrete overlay will be constructed on all existing lanes of northbound and southbound I-35W from the north side of the CR C bridges in Roseville to north of the Sunset Avenue overpass in Lino Lakes. An unbonded concrete overlay will also be constructed on the I-35W interchange ramps at: CR C, CR D, CR 88, CR E2, I-694, County State Aid Highway (CSAH) 96, CR 10, TH 10 (east), CR H, CR I, TH 10 (west), CR J/Lake Drive, 95th Avenue, and Lexington Avenue.

3.1.2.2 MnPASS Lanes

New MnPASS lanes will be constructed along northbound and southbound I-35W from north of CR C in Roseville to Lexington Avenue in Blaine. Use of the MnPASS lanes will be restricted to carpools (i.e., vehicles with two or more occupants), transit vehicles, motorcycles, and fee paying single-occupancy vehicles during morning and afternoon peak periods.¹ Carpools, transit vehicles, and motorcycles use the MnPASS lane for free. The

¹ The morning peak period for operation of the southbound I-35W MnPASS lanes is 6:00 a.m. to 10:00 a.m. The afternoon peak period for operation of the northbound I-35W MnPASS lanes is 3:00 p.m. to 7:00 p.m.

proposed I-35W North MnPASS lanes would operate like the existing MnPASS lanes on I-394 west of Minneapolis, on I-35W south of Minneapolis, and I-35E east of St. Paul. During off-peak hours, the MnPASS lanes will have no restriction on use, and operate as general purpose lanes.

From CR C to the I-35W/TH 10 commons area, the MnPASS lanes will be constructed within the I-35W center median. In the I-35W/TH 10 commons area, a new general purpose lane will be constructed along the outside shoulder and the existing inside lanes will be restriped as MnPASS lanes. North of the I-35W/TH 10 commons area to Lexington Avenue, the MnPASS lanes will be constructed within the I-35W center median.

3.1.2.3 Bridge Replacement

Five bridges will be replaced along the I-35W project corridor. Bridge replacements are summarized below.

- Replace the southbound I-35W bridge over Rosegate and the BNSF Railway (MnDOT Bridge No. 9351);
- Replace the southbound I-35W bridge over CR C (MnDOT Bridge No. 9353);
- Replace the northbound I-35W bridge over Rosegate and the BNSF Railway (MnDOT Bridge No. 9352);
- Replace the northbound I-35W bridge over CR C (MnDOT Bridge No. 9354); and
- Replace the I-35W bridge over CR I (MnDOT Bridge No. 9603).²

3.1.2.4 Auxiliary Lanes and Buffer Lanes

The project includes construction of auxiliary lanes along I-35W and TH 10 and a buffer lane on northbound I-35W at the I-694 interchange. The locations for proposed auxiliary lanes and buffer lane are summarized below and illustrated on the project layout figures in Appendix C of this Findings document.

- Construct a new northbound I-35W auxiliary lane from the CR E2 entrance ramp to the CR 96 exit ramp;
- Construct a buffer lane on northbound I-35W between the entrance loop from eastbound I-694 and the exit loop to westbound I-694;
- Construct a new southbound I-35W auxiliary lane between the CR 96 entrance ramp and the exit ramp to westbound I-694;

² The I-35W bridge over CR I (MnDOT Bridge No. 9603) is one structure that includes both the northbound and southbound I-35W travel lanes.

- Construct a new southbound I-35W auxiliary lane between the eastbound I-694 entrance ramp and the CR E2 exit ramp;
- Reconstruct the entrance ramp from westbound TH 10 to northbound I-35W as a two-lane ramp. Construct a new northbound I-35W auxiliary lane between the westbound TH 10 entrance ramp and the westbound TH 10 exit ramp;
- Construct a new southbound I-35W auxiliary lane between the eastbound TH 10 entrance ramp and the eastbound TH 10 exit ramp; and
- Construct a new westbound TH 10 auxiliary lane between I-35W and the 93rd Lane exit ramp.

3.1.2.5 Preliminary Drainage Design

Best management practices (BMPs) to store, treat, and provide rate control for stormwater runoff will be constructed along the I-35W project corridor. Proposed stormwater features will be constructed within existing highway right of way. Changes in the preliminary drainage design since completion of the EA/EAW are summarized in Section 3.2.6 of this Findings document. Figure 3 through Figure 15, Appendix C of this Findings document illustrate the proposed stormwater BMPs. The locations of proposed stormwater BMPs are summarized below.

- Construct a filtration basin and wet pond at the I-35W/CR D interchange;
- Construct a wet pond along the east side of I-35W, south of the CR F overpass;
- Construct a dry basin at the I-35W/TH 10 South interchange;
- Construct a dry basin at the I-35W/CR H interchange;
- Construct an infiltration basin and wet pond at the I-35W/TH 10 North interchange;
- Construct two wet ponds at the I-35W/Lake Drive interchange; and
- Construct a filtration area at the I-35W/95th Avenue interchange.

Other drainage maintenance work along the project corridor includes culvert and drainage structure replacement, repairs, lining, and/or cleaning.

The project segment north of Lexington Avenue to Sunset Avenue includes an unbonded concrete overlay and does not increase the amount of impervious surface; therefore, no new stormwater BMPs are proposed north of Lexington Avenue. Existing drainage patterns, conveyance, and features along I-35W north of Lexington Avenue will be maintained.

3.1.2.6 Noise Walls

Seven new noise walls will be constructed along the I-35W project corridor. Five existing noise walls will remain in-place. Figure 16, Appendix C of this Findings document illustrates the location of proposed and existing noise walls. The locations of the seven proposed noise walls are summarized below.

- Noise Wall NB1, an approximately 14-foot high noise wall located along east side of I-35W from north of CR C to south of CR D in Roseville;
- Noise Wall NC1, an approximately 20-foot high noise wall located along the east side of I-35W from CR D to approximately ½-mile south of CR E2 in New Brighton;
- Noise Wall SE1, an approximately 20-foot high noise wall located along the west side of I-35W from CR E2 to CR F in New Brighton;
- Noise Wall SI1, an approximately 20-foot high noise wall located along the west side of I-35W from CR I to Squire Lane in Mounds View;
- Noise Wall SJ1, an approximately 20-foot high noise wall along the south side of TH 10 from Edgewood Drive to Jackson Drive in Mounds View;
- Noise Wall NL1, an approximately 20-foot high noise wall along the east side of I-35W from north of 95th Avenue to south of Lexington Avenue in Blaine; and
- Noise Wall NN1, an approximately 20-foot high noise wall along the east side of I-35W from Sunset Avenue to Rice Lake Drive in Lino Lakes.

3.2 Additional Information Regarding Items Discussed in the EA/EAW Since It Was Published

Since the EA/EAW was published, the following information pertaining to the project has been added or updated:

3.2.1 Project Funding

The project is listed in MnDOT's 2017-2020 *State Transportation Improvement Program* (STIP).³ \$63 million is programmed for fiscal year 2019, and \$66.76 million is programmed for fiscal year 2020. Project funding will include a combination of federal-aid, state and local sources.

3.2.2 Permits and Approvals

An Interstate Access Request (IAR), controlled access approval, and rights of entry for work within county right of way have been added to the Agency Approvals and Permits table. See Table 6 of this Findings document.

³ Minnesota Department of Transportation. September 2016. *2017-2020 State Transportation Improvement Program (STIP)*. Approved by FHWA/FTA October 20, 2016. Available at <http://www.dot.state.mn.us/planning/program/stip.html>. Accessed April 4, 2017.

3.2.3 CR C Sanitary Sewer Improvements

An existing sanitary sewer line runs east-west under I-35W north of CR C in Roseville. This sanitary sewer line follows a berm in the northeast quadrant of the I-35W/CR C interchange, separating the adjacent wetland into two cells. An 18-inch culvert runs through a sanitary sewer manhole located in the middle of the berm. This culvert functions as an equalizer, balancing the water levels between the two wetland cells north and south of the berm.

This sanitary sewer manhole/culvert crossing has a history of maintenance problems. The culvert will clog and leak into the manhole. In addition, the size of the culvert is not adequate to maintain the water balance between the two wetlands. During large storm events, water will also overtop the berm, resulting in erosion of the berm.

As part of the proposed project, MnDOT will partner with Metropolitan Council Environmental Services (MCES) and the City of Roseville to address this utility conflict. A range of potential solutions were presented to regulatory agencies in September 2016, including the US Army Corps of Engineers (USACE), Department of Natural Resources (DNR), and Rice Creek Watershed District (RCWD). It was determined that the preferred solution for resolving the sanitary sewer/culvert conflict was an open channel design. The open channel design was identified because it would not result in permanent impacts to the sanitary sewer line. The open channel design would also mitigate the water flow over the top of the berm during large storm events. Water levels in the two adjacent wetlands would bounce together because of the high capacity of the open channel.

Under the open channel design, a channel will be cut through the berm between the adjacent wetlands. This cut will be stabilized on each side with sheet pile and the bottom lined with rip rap material. The rip rap material allows for vegetation to establish in the channel. The sanitary sewer will span the open channel and be protected with a steel casing. Figure 17 in Appendix C of this Findings document illustrates the open channel design.

The sanitary sewer improvements will result in approximately 0.04 acres of permanent wetland impact and approximately 0.33 acres of new temporary wetland impact. The new permanent impacts are due to the channel cut and corresponding riprap fill for the proposed channel. The new temporary impacts are due to the estimated area needed to access the work site.

3.2.4 I-35W/I-694 Interchange Drainage Improvements

3.2.4.1 Roadway Flooding

Hydraulic modeling of the I-35W/I-694 interchange indicates existing flooding conditions along I-35W and the interchange ramps north of I-694. Based on hydraulic modeling, the low point on the interchange ramps experience flooding for storm events greater than a 10-year storm event. For more severe storm events (50-year storm events and greater), hydraulic modeling indicates that the I-35W mainline travel lanes are flooded. Based on hydraulic modeling, a 100-year recurrence interval storm event results in flooding greater than a one-foot depth over the I-35W mainline.

MnDOT maintenance staff confirmed that flooding events have been observed at the I-35W/I-694 interchange on multiple occasions in the past 10 years. One flood event was observed on the I-35W mainline (two inches of flooding for approximately six hours), and several flood events have been observed on the northeast loop (northbound I-35W to westbound I-694).

The preliminary drainage design described in the EA/EAW included construction of a stormwater pond in the northeast quadrant of the I-35W/I-694 interchange, and excavation in the southwest and southeast quadrants of the I-35W/I-694 interchange. These features were identified to provide additional storage volume and reduce peak water surface elevations below the shoulder elevation of the I-35W mainline and I-35W/I-694 ramps north of the interchange.

3.2.4.2 Groundwater Contamination

Initial soil and groundwater sampling completed for the project indicated widespread groundwater contamination in the area of the I-35W/I-694 interchange. Three different organic and inorganic compounds exceeding state and federal regulatory action levels were identified in three of the four quadrants of the I-35W/I-694 interchange. A fourth compound was present in groundwater below regulatory action levels in two of the four quadrants of the interchange.

Additional groundwater sampling was completed in summer 2016. This second investigation involved targeted sampling and a hydrogeologic assessment directly within the I-35W/I-694 interchange. Groundwater monitoring completed during the second investigation phase confirmed the findings of the initial assessment. The groundwater quality data for the project suggests that a dissolved contaminant plume is located beneath much of the I-35W/I-694 interchange.

MnDOT Contaminated Materials Management Team (CMMT) subsequently determined that construction of stormwater ponds below the groundwater level should be avoided to prevent any acceleration in the flow of contaminants. Groundwater levels in the I-35W/I-694 interchange are very shallow. Construction of stormwater ponds below the groundwater level could introduce contaminants into the surface water, which could then be transported as stormwater discharges from the interchange area to nearby receiving water bodies.

3.2.4.3 I-35W/I-694 Interchange Drainage Design

The flooding and groundwater contamination described above required the evaluation of an alternative design strategy for stormwater management at the I-35W/I-694 interchange. Two goals were identified for the roadway and drainage design at this location:

- Maintain all travel lanes in a passable condition for the entirety of a 50-year storm event; and
- Allow as much of the interchange as possible to remain passable during a 100-year storm, while limiting the duration of any flooding that does occur.

A combination of roadway alterations, grading, and drainage modifications in the I-35W/I-694 interchange area were identified to address the goals listed above and mitigate roadway

flooding risks. The proposed roadway and drainage design at the I-35W/I-694 interchange is described below.

- Most of the flooding on I-35W occurs at a low-point just north of I-694 and the adjacent loop ramps. Instead of an unbonded concrete overlay, a full reconstruction is proposed for I-35W from the south side of I-694 to approximately ¼-mile north of I-694. A full reconstruction is also proposed for segments of adjacent interchange ramps and loops. The I-35W roadway would be raised by approximately three feet at the existing low point north of I-694. This increase maximizes the roadway elevation above flood levels, while also maintaining the required minimum vertical clearance on I-35W under the I-694 bridges;
- The I-35W/I-694 interchange was constructed more than 50 years ago in the 1960's. Since that time, the roadway ditches and interchange infield areas have filled with sediment or otherwise been altered. Ditch bottoms and infield area elevations are now higher compared to when they were originally constructed, resulting in reduced flood storage. The proposed project includes re-grading the ditches and interchange infield areas to the contours identified in the original construction plans. This would result in a small reduction in the overall flood elevation in this area;
- Drainage from the I-35W/I-694 interchange discharges to a ditch near the southwest quadrant of the interchange through two separate outlets. One outlet drains the south side of the interchange, and a second outlet drains the north side of the interchange. The outlet size for the south side of the I-35W/I-694 interchange would be reduced with the project, restricting discharge rates. The I-35W roadway south of I-694 has adequate freeboard above high water levels such that the increase in water levels during storm events would not result in flooding in this area.

The restriction in discharge rates for the south side of the interchange allows for an increase in discharge rates for the north side of the interchange while maintaining overall discharge rates at or below existing conditions. The proposed project would increase the size of the outlet for the north side of the interchange. This results in lower water levels during storm events and reduced flooding north of I-694. Overall discharge rates from the I-35W/I-694 interchange would match existing conditions, consistent with RCWD requirements; and

- Culverts would be replaced within the I-35W/I-694 interchange area with larger sized culverts. This increase in capacity would allow for flooding within the interchange to equalize more quickly, reducing the magnitude of flooding in the northeast quadrant of the interchange.

Hydraulic modeling of the proposed improvements shows that this design would meet the identified goals for the I-35W/I-694 interchange:

- The I-35W travel lanes and I-35W/I-694 interchange ramps and loops would not experience flooding in a 50-year storm event. Flooding would reach the edge of the

outside shoulders, but would not encroach into the travel lanes or interchange ramps/loops;

- The duration of flooding during a 100-year storm event would be limited to approximately eight hours; and
- Nearly all traffic movements at I-35W and I-694 would be maintained at the peak of a 100-year storm event. All interchange ramps would and the loops in the southeast and southwest quadrants of the interchange would remain passable. Flooding would extend onto I-35W on the north side of I-694. The loops in the northwest and northeast quadrants of the interchange would be inundated with water and would not be passable. One lane of traffic on northbound and southbound I-35W would remain above the high-water level, allowing I-35W to continue to function with limited capacity. I-694 would not be affected by peak water elevations in a 100-year storm event.

The RCWD requires treatment of stormwater runoff based on amounts of increased impervious surface area. Construction of the proposed MnPASS lanes would increase the amount of impervious surface within the I-35W/I-694 interchange area. As described above, groundwater contamination in the I-35W/I-694 interchange area prevents construction of stormwater basins to meet this requirement. Other portions of the project provide excess water quality treatment to help compensate for the additional runoff from the I-35W/I-694 interchange area. Discharge of total suspended solids (TSS) would be reduced due to flow through vegetated swales and the construction of ditch checks or filter berms within the I-35W/I-694 interchange area.

The proposed roadway modifications, grading in the interchange area, and drainage modifications described above would result in a change in aquatic resource impacts associated with the project. This change is described in Section 3.2.7 of this Findings document.

The proposed drainage design and hydraulic modeling is described in detail in the *I-35W North Corridor Preliminary Design (I-35W/I-694 Interchange), Existing Interchange Flooding and Proposed Improvements Memorandum* dated May 26, 2017. This memorandum is available for review by contacting the MnDOT Project Manager (Jerome Adams, jerome.adams@state.mn.us or 651-234- 7611).

3.2.5 I-35W Drainage Improvements, Lake Drive to 95th Avenue

Stormwater runoff drains from offsite areas along the east side of I-35W between Lake Drive and 95th Avenue into MnDOT right of way. This stormwater runoff sheet flows from Leyete Street into the I-35W east ditch. A portion of the runoff is conveyed through the I-35W east ditch to the south to Anoka-Ramsey Judicial Ditch 1 (ARJD1) at the Lake Drive interchange. The remaining portion is conveyed through the I-35W east ditch to the north to the 95th Avenue interchange.

MnDOT has discovered drainage issues at I-35W adjacent to Leyete Street. Sediment has built up along the MnDOT right of way limits and in the I-35W east ditch and woody vegetation has grown in along the MnDOT right of way fence. This blocks the historic

overland sheet flow of water from private property onto MnDOT right of way. During storm events, localized flooding occurs along Leyete Street because runoff is not able to sheet flow from east to west into MnDOT right of way and the I-35W east ditch.

As part of the I-35W North Corridor Project, MnDOT will clean and re-grade the I-35W east ditch adjacent to Leyete Street (see Figure 10 and Figure 11, Appendix C of this Findings document). The existing MnDOT right of way fence will be removed during construction, and all trees and shrubs within MnDOT right of way will be cleared and grubbed. The I-35W east ditch will be cleaned out to remove built-up sediment and re-graded. A new right of way fence will be installed following construction. The right of way fence will be located 10 feet west of the MnDOT right of way limits.

The activities described above will be completed within MnDOT right of way. Grading and tree removal will not occur on privately-owned property outside of MnDOT right of way. The land between the I-35W right of way limits and Leyete Street will not be altered in any way. MnDOT will grade the I-35W east ditch to perpetuate the existing overland sheet flow drainage pattern at Leyete Street. Any drainage problems that exist in this area outside of MnDOT right of way will be the responsibility of the property owner.

3.2.6 Preliminary Drainage Design, Rice Creek Watershed District Requirements

The project is located entirely within the Rice Creek Watershed District boundaries. In December 2016, Rice Creek Watershed District adopted a revised set of rules regarding stormwater management; erosion and sediment control; floodplains; wetlands; and other activities. The Rice Creek Watershed District rule revisions went into effect on January 1, 2017. For Public Linear Projects, the required water quality treatment volume is equal to 0.75 inches over the area of new roadway surface. The previous rules required water quality treatment for 0.75 inches over the area of new and reconstructed impervious surfaces.

The preliminary drainage design for the project has been revised to reflect the December 2016 Rice Creek Watershed District rule revisions. Changes in the preliminary drainage design since the EA/EAW are listed below:

- See Section 3.2.4 for a discussion of the proposed I-35W/I-694 interchange drainage improvements;
- An existing BMP (wet pond) is along the west side of the I-35W/TH 10 South interchange. Stormwater runoff from the I-35W corridor will still be conveyed to this pond; however, the project will not account for any treatment at this location;
- Conversion of one wet pond at the I-35W/CR H interchange to a dry basin;
- Elimination of one wet pond at the I-35W/CR I interchange;
- Elimination of one wet pond in the southeast quadrant of the I-35W/TH 10 North interchange. Construction of one infiltration basin and one wet pond in the northwest quadrant of the I-35W/TH 10 North interchange;

- Elimination of ditch treatment along the east side of I-35W, south of the I-35W/Lexington Avenue interchange; and
- Elimination of one wet pond at the I-35W/95th Avenue interchange. Construction of a filtration area in the northeast quadrant of the I-35W/95th Avenue interchange.

The proposed drainage design will meet National Pollutant Discharge Elimination System (NPDES) and Rice Creek Watershed District rules for water quality treatment. Figure 3 through Figure 15, Appendix C of this Findings document illustrate the locations of proposed BMPs along the I-35W project corridor.

3.2.7 Aquatic Resource Impacts

On-going design activities have resulted in changes to the estimated aquatic resource impacts of the project. The following changes were provided to the USACE as part of the Section 404 permit update:

- CR C sanitary sewer improvements will result in approximately 0.3 acres of permanent and temporary impacts to wetlands in the northeast quadrant of the I-35W/CR C interchange;
- Rice Creek culvert extension riprap design correction, resulting in an additional 0.01 acres of permanent fill impacts to Rice Creek;
- Temporary impacts during construction. Construction staging will account for approximately 1.9 acres of temporary fill impacts to aquatic resources;
- Adjustments to wetland impacts, subtracting impacts accounted for by other actions near the project area. Aquatic resource impacts for the I-35W North Corridor Preliminary Design Project will be reduced by approximately 0.3 acres;
- Reclassifying approximately 0.3 acres of impacts to wetland W-197, located along the east side of I-35W south of the Sunset Avenue overpass, from temporary cut impacts to permanent cut impacts;
- I-35W/I-694 interchange drainage design revisions (see Section 3.2.4 of this Findings document), resulting in an additional 3.3 acres of permanent aquatic resource impacts; and
- Preliminary drainage design revisions, subtracting impacts accounted for with the drainage design described in the EA/EAW. See Section 3.2.6 of this Findings document for a description of drainage design changes. Aquatic resource impacts for the I-35W North Corridor Preliminary Design Project will be reduced by approximately 1.1 acres.

Approximately 22.6 acres of aquatic resource impacts were identified and described in the EA/EAW. Table 2 tabulates the updated aquatic resource impacts by resource type. The project will result in approximately 26.17 acres of aquatic resource impacts (permanent and temporary impacts). Final compensatory mitigation requirements will be determined as part of the Section 404 permitting process (see MnDOT OES correspondence in Appendix D).

Table 2 – Aquatic Resource Impacts By Type

Resource Type	Total Impact (acres)	Compensatory Mitigation Requirements
Wetland	1.68	Minimum 2:1 replacement ratio
Roadside Wetland Ditch (Within Median)	5.36	None (assumed per preliminary coordination with USACE)
Roadside Wetland Ditch (Not Within Median)	8.72	None (assumed per preliminary coordination with USACE)
MnDOT Managed Stormwater Feature	1.20	To be determined
Stormwater Conveyance System	9.17	Potential for compensatory mitigation
Tributary, Channel, or Stream	0.04	To be determined
Total	26.17	

3.2.8 Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)

MnDOT completed a rare plant survey in and around the Blaine Preserve Scientific and Natural Area (SNA). The Blaine Preserve SNA is located adjacent to the I-35W/95th Avenue interchange. The first plant survey was completed in June 2016. A second survey for late-flowering plant species was completed in September 2016. No threatened or endangered plant species were identified. The rare plant survey report was submitted to the DNR for review in December 2016.⁴ The DNR determined that additional surveys were not required, and that impacts to state-listed plant species are not anticipated. See correspondence from the DNR in Appendix D of this Findings document.

3.2.9 Air Quality Conformity Determination

In 1999, the Environmental Protection Agency (EPA) re-designated all of Hennepin, Ramsey, Anoka, and portions of Carver, Scott, Dakota, Washington, and Wright counties as a maintenance area for CO. This means that area was previously classified as a nonattainment area but has now been found to be in attainment. This area includes the project area, which is in Ramsey and Anoka counties.

⁴ The rare plant species report is available for review by contacting the MnDOT Project Manager (Jerome Adams, jerome.adams@state.mn.us or 651-234- 7611).

The EPA issued final rules on transportation conformity (40 CFR 93, Subpart A) which describe the methods required to demonstrate State Implementation Plan (SIP) compliance for transportation projects. This project is currently included in the Metropolitan Council 2017-2020 Transportation Improvement Program (TIP) and in the transportation conformity section of the Long-Range Transportation Policy Plan (LRTPP) and/or TIP. On November 8, 2010, the EPA approved a limited maintenance plan request for the Twin Cities maintenance area. Under a limited maintenance plan, the EPA has determined that there is no requirement to project emissions over the maintenance period and that

...an emission budget may be treated as essentially not constraining for the length of the maintenance period. The reason is that it is unreasonable to expect that our maintenance area will experience so much growth within this period that a violation of CO National Ambient Air Quality Standard (NAAQS) would result.

Therefore, no regional modeling analysis for the LRTPP and TIP is required; however federally funded and state funded projects are still subject to “hot-spot” analysis requirements.⁵ The limited maintenance plan adopted in 2010 determines that the level of CO emissions and resulting ambient concentrations will continue to demonstrate attainment of the CO NAAQS.

This project does not interfere with implementation of any transportation control measure included in the SIP. The TIP was determined to conform to the requirements of the 1990 Clean Air Act Amendments (CAAA) by the Minnesota Pollution Control Agency (MPCA) on May 26, 2016. The project's design concept and scope are not significantly different from that used in the TIP conformity analyses. As demonstrated by the above information, this project conforms to the requirements of the CAAA and to the Conformity Rules, 40 CFR 93.

3.2.10 Traffic Noise Analysis

Eight noise walls were determined feasible and reasonable (i.e., met MnDOT's noise reduction design goal of at least 7 dBA⁶ at one benefited receptor behind each noise wall and met MnDOT's cost effectiveness criteria of \$43,500 per benefited receptor) based on preliminary design studies. Section 3.3.1.6 of this Findings document summarizes the benefited receptor solicitation process which finalizes the noise walls to be part of the final design of the project.

Noise Wall NB1 is located along the east side of I-35W in Roseville, from approximately 1,500 feet north of CR C to CR D. Noise Wall NB1 was originally proposed as 4,182 feet long. Because of the benefited receptor solicitation process, Noise Wall NB1 was reduced in length by approximately 757 feet at the north end of the wall near CR D (see Figure 18,

⁵ The hot spot analysis is addressed in the I-35W North Corridor Preliminary Design Project Air Quality Analysis Memorandum (April 26, 2016). See Appendix H of the EA/EAW.

⁶ dBA = A-weighted decibels, an adjustment of the high- and low-pitched sound that reflects the way that the average person hears sound.

Appendix C of this Findings document). The new proposed length of Noise Wall NB1 is 3,425 feet. There were no benefited receptors that voted for Noise Wall NB1 that were affected by the shortening of the noise wall.

An approximately 3,425-foot long, 14-foot high noise wall provided a reduction in daytime traffic noise levels of 0. dBA to 13.1 dBA. The cost effectiveness of the approximately 3,425-foot long, 14-foot high noise wall is \$43,358 per benefited receptor (see Table 3, Daytime and Table 4, Nighttime of this Findings document). The approximately 3,425-foot long, 14-foot high noise wall is below MnDOT's cost effectiveness criteria of \$43,500 per benefited receptor. Noise Wall NB1 is proposed for construction.

3.2.11 Social Impacts

3.2.11.1 Travel Patterns and Access

The CR I interchange is in the I-35W/TH 10 commons area in Arden Hills, Mounds View, and Shoreview. The I-35W/CR I interchange is a folded diamond interchange, with ramps to and from the north folded to the south of CR I. The loop ramp from CR I to northbound I-35W will be removed. The safety and mobility reasons for closing this loop ramp are described in the CR I Entrance Loop Addendum Memorandum (January 24, 2017) (see Appendix E of this Findings document). The year 2040 p.m. peak hour traffic volume for the CR I entrance loop ramp is projected to be approximately 400 vehicles. Approximately fifty percent (50%) of the vehicles are destined for locations along I-35W north of Lake Drive, whereas approximately thirty percent (30%) of the vehicles are destined for westbound TH 10. These vehicles will be distributed over several different routes within the project area, and are not expected to result in a substantial impact on any one roadway.

The CR I entrance ramp to northbound I-35W will be physically closed by Ramsey County as part of the CR I/Rice Creek Parkway Roundabout Project. Construction of the CR I/Rice Creek Parkway roundabout is anticipated to begin in 2017.

An IAR has been prepared and submitted to the Federal Highway Administration (FHWA). Approval of the IAR is anticipated following the completion of the NEPA process.⁷

3.2.11.2 Right of Way

Preliminary construction limits extend outside of MnDOT's right of way at six locations along the I-35W project corridor. Five locations are described in Section 6.2.2 of the EA/EAW. The sixth location is in the northwest quadrant of the I-35W/CR I interchange in Mounds View. Rights of entry will be obtained along Pinewood Drive and the west frontage road for construction of proposed Noise Wall SJ1.

⁷ The I-35W North Corridor Preliminary Design Project Interstate Access Modification report is available for review by contacting the MnDOT Project Manager (Jerome Adams, jerome.adams@state.mn.us or 651-234-7611).

**Table 3 – Noise Wall NB1 in Area NB, East of I-35W Between CR C and CR D
14-Foot Noise Wall Cost Effectiveness Results (Daytime)**

Receptor	Land Use	L ₁₀ Noise Level ⁽¹⁾		Noise Reduction (dBA) ⁽²⁾	Total Benefited Receptors	Acoustically Effective	Design Goal Reduction (≥ 7 dBA)	Height of Noise Wall (ft)	Length of Noise Wall (ft)	Noise Wall Area (sq ft) ⁽³⁾	Total Cost of Noise Wall (\$20/sf)	Noise Wall Results
		No Noise Wall	With Noise Wall									
NB_1	Trail	74.0	66.5	7.5	22	Yes	Yes	14	3,425	47,694	\$43,358	Proposed for construction
NB_2	Trail	68.8	65.5	3.3								
NB_3	Trail	66.5	64.9	1.6								
NB_4	Trail	77.3	65.8	11.5								
NB_5	Trail	73.6	66.0	7.6								
NB_6	Office	77.5	66.4	11.1								
NB_7	Trail	77.6	66.3	11.3								
NB_8	Trail	77.4	65.1	12.3								
NB_9	Trail	76.9	66.3	10.6								
NB_10	Trail	68.9	63.8	5.1								
NB_11	Trail	77.1	66.0	11.1								
NB_12	Hotel	75.0	65.3	9.7								
NB_13	Trail	77.4	65.6	11.8								
NB_14	Medical	64.4	61.4	3.0								
NB_15	Trail	77.3	65.5	11.8								
NB_16	Trail	77.6	65.8	11.8								
NB_17	Office	74.5	66.2	8.3								
NB_18	Trail	76.7	66.6	10.1								
NB_19	Hotel	76.6	67.4	9.2								
NB_20	Trail	77.3	67.2	10.1								
NB_21	Trail	78.3	66.4	11.9								
NB_22	Trail	78.3	65.4	12.9								
NB_23	Medical	66.0	62.7	3.3								
NB_24	Trail	78.2	65.1	13.1								
NB_25	Hotel	77.0	65.8	11.2								
NB_26	Trail	77.6	64.8	12.8								

(1) **Bold** numbers exceed State daytime standards. Underlined numbers approach or exceed Federal noise abatement criteria.

(2) **Bold** numbers indicate noise reduction greater than 5.0 dBA (benefited receptors).

(3) Noise wall area incorporates wall tapers at both ends.

**Table 3 – Noise Wall NB1 in Area NB, East of I-35W Between CR C and CR D
14-Foot Noise Wall Cost Effectiveness Results (Daytime)**

Receptor	Land Use	L ₁₀ Noise Level ⁽¹⁾		Noise Reduction (dBA) ⁽²⁾	Total Benefited Receptors	Acoustically Effective	Design Goal Reduction (≥ 7 dBA)	Height of Noise Wall (ft.)	Length of Noise Wall (ft.)	Noise Wall Area (sf) ⁽³⁾	Total Cost of Noise Wall (\$20/sf)	Noise Wall Results
		No Noise Wall	With Noise Wall									
NB_27	Retail	71.3	70.1	1.2	22	Yes	Yes	14	3,425	47,694	\$43,358	Proposed for construction
NB_28	Trail	74.8	74.6	0.2								
NB_29	Trail	72.4	72.2	0.2								
NB_30	Office	70.5	70.4	0.1								
NB_31	Trail	<u>70.0</u>	<u>70.0</u>	0.0								
NB_32	Trail	70.5	70.4	0.1								
NB_33	Trail	72.0	71.9	0.1								
NB_34	Trail	<u>67.1</u>	<u>67.1</u>	0.0								

(1) **Bold** numbers exceed State daytime standards. Underlined numbers approach or exceed Federal noise abatement criteria.

(2) **Bold** numbers indicate noise reduction greater than 5.0 dBA (benefited receptors).

(3) Noise wall area incorporates wall tapers at both ends.

**Table 4 – Noise Wall NB1 in Area NB, East of I-35W Between CR C and CR D
14-Foot Noise Wall Cost Effectiveness Results (Nighttime)**

Receptor	Land Use	L ₁₀ Noise Level ⁽¹⁾		Noise Reduction (dBA) ⁽²⁾	Total Benefited Receptors	Acoustically Effective	Design Goal Reduction (≥ 7 dBA)	Height of Noise Wall (ft)	Length of Noise Wall (ft)	Noise Wall Area (sq ft) ⁽³⁾	Total Cost of Noise Wall (\$20/sf)	Noise Wall Results
		No Noise Wall	With Noise Wall									
NB_1	Trail	73.6	65.9	7.7	22	Yes	Yes	14	3,425	47,694	\$43,358	Proposed for construction
NB_2	Trail	68.2	64.7	3.5								
NB_3	Trail	65.6	63.5	2.1								
NB_4	Trail	76.9	65.3	11.6								
NB_5	Trail	73.2	65.4	7.8								
NB_6	Office	77.2	65.9	11.3								
NB_7	Trail	77.2	65.8	11.4								
NB_8	Trail	77.0	64.5	12.5								
NB_9	Trail	76.5	65.8	10.7								
NB_10	Trail	68.4	63.0	5.4								
NB_11	Trail	76.7	65.6	11.1								
NB_12	Hotel	74.6	64.7	9.9								
NB_13	Trail	77.0	65.2	11.8								
NB_14	Medical	63.7	60.0	3.7								
NB_15	Trail	76.9	65.0	11.9								
NB_16	Trail	77.2	65.3	11.9								
NB_17	Office	74.1	65.5	8.6								
NB_18	Trail	76.3	60.0	10.3								
NB_19	Hotel	76.2	66.8	9.4								
NB_20	Trail	76.9	66.6	10.3								
NB_21	Trail	77.9	65.9	12.0								
NB_22	Trail	77.9	64.9	13.0								
NB_23	Medical	65.3	61.5	3.8								
NB_24	Trail	77.8	64.6	13.2								
NB_25	Hotel	76.6	65.2	11.4								
NB_26	Trail	77.1	64.3	12.8								

(1) **Bold** numbers exceed State nighttime standards.

(2) **Bold** numbers indicate noise reduction greater than 5.0 dBA (benefited receptors).

(3) Noise wall area incorporates wall tapers at both ends.

**Table 4 – Noise Wall NB1 in Area NB, East of I-35W Between CR C and CR D
14-Foot Noise Wall Cost Effectiveness Results (Nighttime)**

Receptor	Land Use	L ₁₀ Noise Level ⁽¹⁾		Noise Reduction (dBA) ⁽²⁾	Total Benefited Receptors	Acoustically Effective	Design Goal Reduction (≥ 7 dBA)	Height of Noise Wall (ft.)	Length of Noise Wall (ft.)	Noise Wall Area (sf) ⁽³⁾	Total Cost of Noise Wall (\$20/sf)	Noise Wall Results
		No Noise Wall	With Noise Wall									
NB_27	Retail	70.7	69.5	1.2	22	Yes	Yes	14	3,425	47,694	\$43,358	Proposed for construction
NB_28	Trail	74.3	74.1	0.2								
NB_29	Trail	71.6	71.5	0.1								
NB_30	Office	69.8	69.7	0.1								
NB_31	Trail	69.2	69.1	0.1								
NB_32	Trail	69.6	69.5	0.1								
NB_33	Trail	71.1	71.1	0.0								
NB_34	Trail	65.2	65.2	0.0								

(1) **Bold** numbers exceed State nighttime standards.

(2) **Bold** numbers indicate noise reduction greater than 5.0 dBA (benefited receptors).

(3) Noise wall area incorporates wall tapers at both ends.

3.2.12 Section 7 – Endangered Species Act

A no effect determination for the rusty patched bumble bee (*Bombus affinis*) was issued by the MnDOT Office of Environmental Stewardship (OES). See correspondence from MnDOT OES in Appendix D of this Findings document.

3.2.13 Section 404 – Clean Water Act

The Section 404 permit request was submitted to the U.S. Army Corps of Engineers (USACE) in June 2016 (MVP-2015-00265-BGO). The public notice was released by the USACE in October 2016. An update to the Section 404 permit request was provided to the USACE in February 2017. A second update to the Section 404 permit request will be provided to the USACE to address changes in the stormwater management design and related aquatic resource impacts. Refer to Section 3.2.7 of this Findings document for a summary of aquatic resource impacts and anticipated compensatory mitigation requirements.

3.3 Findings Regarding Criteria for Determining the Potential for Significant Environmental Effects

Minnesota Rules 4410.1700 provides that an environmental impact statement shall be ordered for projects that have the potential for significant environmental effects. In deciding whether a project has the potential for significant environmental effects, the following four factors described in Minnesota Rules 4410.1700, Subp.7 shall be considered:

- A. Type, extent, and reversibility of environmental effects;
- 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;
- C. The extent to which the 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; and
- 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 EISs.

MnDOT's key findings with respect to each of these criteria are set forth below:

3.3.1 Type, Extent, and Reversibility of Impacts

MnDOT finds that the analysis completed during the EA/EAW process is adequate to determine whether the project has the potential for significant environmental effects. The EA/EAW describes the type and extent of impacts anticipated to result from the proposed

project. In addition to the information in the EA/EAW, the additional information described in Section 3.2 of this Findings document, as well as the public/agency comments received during the public comment period (see Appendix B of this Findings document) were taken into account in considering the type, extent and reversibility of project impacts. Following are the key findings regarding potential environmental impacts of the proposed project and the design features included to avoid, minimize, and mitigate these impacts:

3.3.1.1 Water Resources

Stormwater Management

The project will increase the amount of impervious surface within the project corridor by approximately 33 acres.

The project will require a NPDES construction stormwater permit and a permit from Rice Creek Watershed District. The project includes vegetated roadside ditches, wet ponds, filtration basins, and infiltration basins to convey, store, and treat runoff, consistent with the NPDES and Rice Creek Watershed District permitting processes. Locations of proposed BMPs are summarized in Section 3.1.2.5 and illustrated in the project layout figures in Appendix C of this Findings document. Changes in the preliminary drainage design since completion of the EA/EAW are described in Section 3.2.6 of this Findings document. Plans for stormwater management will continue to be refined through the design process, and needed to meet NPDES and Rice Creek Watershed District requirements.

Groundwater

Infiltration basins are proposed in the southeast quadrant of the I-35W/CR D interchange and along the east side of I-35W, south of the CR F overpass. The proposed infiltration basins are located either outside of a drinking water supply management area (DWSMA) boundary or in a DWSMA with low vulnerability.

The Minnesota Department of Health County Well Index identifies 10 wells within the project limits. Impacted wells will be sealed by a licensed well contractor according to Minnesota Rules, Chapter 4725. If any unused or unsealed water wells are discovered in the project area during construction, they will also be addressed in accordance with Minnesota Rules, Chapter 4725.

Surface Water Bodies

Rice Creek begins at Peltier Lake in the City of Lino Lakes and flows southwest through the project limits to the Mississippi River. Rice Creek currently passes under I-35W through a box culvert near the I-35W/CR H interchange. The existing Rice Creek culvert will remain in-place and will be widened to the west of I-35W by approximately 20 feet.

Hydraulic modeling of the proposed culvert extension indicates that there will be no impact on upstream water surface elevations. The proposed culvert extension is consistent with Rice Creek Watershed District criteria for no-rise, which states that the maximum change in peak water surface elevation must not exceed a change of greater/less than 0.01 feet.

A Public Waters Permit will be required from the DNR, and the permit conditions will be incorporated into the project.

3.3.1.2 Erosion Control

Erosion and sedimentation of all exposed soils within the project construction limits will be minimized by implementing best management practices (BMPs) during construction. Some of the typical temporary erosion control measures include ditches, dikes, silt fences, bale checks, and temporary seeding/mulching. Temporary and permanent erosion control plans will be identified in the final construction plans, as required by the NPDES construction stormwater permit and the Storm Water Pollution Prevention Plan (SWPPP). Erosion control measures will be in place and maintained throughout the entire construction period. Removal of erosion control measures will not occur until all disturbed areas have been stabilized.

All disturbed areas will be re-vegetated in accordance with the SWPPP and related permitting requirements. Disturbed soils in areas that are not proposed for mowed turf grass will be re-vegetated using native seed mixes.

3.3.1.3 Aquatic Resource Impacts

Aquatic Resource Impacts

The project will result in approximately 26.17 acres of aquatic resource impacts. See Section 3.2.7 of this Findings document for a listing of anticipated aquatic resource impacts sorted by resource type. The Section 404 permit has been prepared and submitted to the USACE.

Sequencing (Avoidance, Minimization, Mitigation)

Section 5.11.2 of the EA (EAW Item 11.b.iv – Surface Waters) describes avoidance measures and minimization efforts. The following includes additional details regarding minimization measures identified in the EA:

- Efforts to minimize the project footprint include reducing lane widths from 12 feet to 11.5 feet. The 11.5-foot lane width begins at the south end of project corridor at CR C in Roseville and extends north to 95th Avenue in Blaine. The roadway design transitions from 11.5 foot lanes to 12 foot lanes through the curve north of the I-35W/95th Avenue interchange.
- Efforts to minimize the project footprint include reducing the inside shoulder width from a standard 10-foot width in either direction to alternating 4 foot and 11 foot widths. The alternating 4-foot and 11-foot inside shoulders are located between CR C and CR H, and between TH 10 and 95th Avenue. The inside shoulder width in the I-35W/TH 10 commons area between CR H and TH 10 West is 10 feet wide in either direction.
- Efforts to minimize the project footprint also include reducing the ditch in-slopes throughout the project corridor, from a standard 1:6 slope to a steeper 1:4 slope.
- Berms are located along the east side of I-35W, north and south of the I-35W/95th Avenue interchange in Blaine. These berms are designed to help convey stormwater runoff to downstream wetlands. The top of each berm was reduced in width and

backslopes were reduced from a standard 1:4 slope to a steeper 1:3 slope. These measures reduced the footprint of the berms by approximately 10 to 15 feet.

Wetland impacts will be mitigated by purchasing USACE approved bank credits. The minimum replacement ratio for impacts in Anoka and Ramsey counties (Bank Service Area 7) under the Minnesota Wetland Conservation Act (WCA) is 2:1. Credits are currently not available in Bank Service Area 7; however, MnDOT anticipates purchasing credits from the Board of Soil and Water Resources (BWSR) in 2017. If credits are not available in Bank Service Area 7, then credits from another Bank Service Area will be used. See correspondence from MnDOT OES in Appendix D.

3.3.1.4 Contamination/Hazardous Materials/Wastes

Potentially Contaminated Sites

MnDOT's CMMT determined that the project has a high risk of impacting potentially contaminated sites. A Phase I Environmental Site Assessment (ESA) was completed for the project corridor in 2014. Information from the Phase I ESA along with the preliminary design was used to develop work plans for Phase II drilling investigations to confirm the presence or absence of chemical impacts from potentially affected sites. The Phase II investigation for the I-35W project corridor was completed in summer 2016. The Phase II investigation for the portion of the project along TH 10 west of I-35W was completed in spring 2017. Copies of the Phase II investigation reports are available from the MnDOT OES at 395 John Ireland Boulevard in St. Paul, Minnesota.

Impacts from contaminated properties established during the Phase II investigations will be mitigated by modifying the project design where warranted, avoiding purchasing a contaminated property if possible, and/or avoiding encountering contaminated materials during construction. If contaminated materials cannot be avoided, plans and special provisions will be developed to properly handle and treat any contaminated materials encountered during project construction in accordance with applicable state and federal regulations.

Project Related Use/Storage of Hazardous Material

No above- or below-ground storage tanks are planned for permanent use in conjunction with this project. Temporary storage tanks for petroleum products may be in the project area for refueling construction equipment during roadway construction. Any contaminated spills or leaks that occur during construction are the responsibility of the contractor, who will notify and work with the MPCA to contain and remediate contaminated soil/materials in accordance with state and federal standards.

Regulated Materials

Five bridges will be replaced as part of the project. These bridges have been examined by MnDOT for regulated wastes. The existing glue laminate noise wall along the west side of I-35W between CR I and TH 10 will be replaced with a new noise wall. Wood guardrail posts will be removed and replaced throughout the project corridor.

All regulated material and/or waste will be managed on this project in accordance with MnDOT special provisions. The MPCA regulates asbestos management activities and disposal activities. The disposal of asbestos regulated waste will be in accordance with MPCA rules. Toxic or hazardous materials will not be present at the site, except for fuel and oil necessary for maintaining and running heavy construction equipment or chemical products (pavement sealants, etc.) routinely used in roads.

3.3.1.5 Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)

Design elements and construction best management practices will be incorporated into the project to avoid, minimize, and mitigate potential impacts to fish, wildlife, and ecologically sensitive resources present in the study area.

Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been reported in the project vicinity, and may be encountered during construction. MnDOT will provide the DNR's *Blanding's Turtle Fact Sheet* to all contractors working on site so that the appropriate measures can be followed if turtles are encountered during construction. Any existing right of way fence that is removed and replaced near CR H and CR I will be installed to prevent turtles from passing under the fence, either through installing the fence flush to the ground surface or by mounding up dirt at the bottom of the fence. Fencing will be installed as soon as construction activities have been completed in these areas.

The MPCA NPDES general permit for authorization to discharge stormwater associated with construction activities (permit MN R10001) recognizes the DNR "work in water restrictions" during specified fish migration and spawning timeframes for areas adjacent to water. MnDOT will incorporate the applicable spawning restriction timeframes into the construction schedule for work in Rice Creek (i.e., no in-water work from March 15 to June 15). All exposed soil areas that are within 200 feet of the water's edge and drain to these waters will have erosion prevention and stabilization activities initiated immediately after construction activity has ceased (and be completed within 24 hours).

Any in-water work in Rice Creek for extension of the existing culvert under I-35W will also follow the provisions outlined by the DNR in their guidance document *Best Practices for Preventing the Spread of Aquatic Invasive Species*.

Any soil moved during construction that contains noxious weeds or weed parts will be kept within the I-35W right of way, on the same side of the highway, and buried under the final roadway grade where possible. If MnDOT's contractors choose to move soil from the project area that contains noxious weed parts, permits to transport this soil will be obtained from the appropriate County Agricultural Inspectors.

Bio-netting or natural net erosion control blanket (Type 3N or Type 4N) will be used for erosion control. The use of welded, plastic mesh erosion control netting will be prohibited.

3.3.1.6 Traffic Noise Analysis

The project will result in changes in traffic noise levels. Traffic noise levels were modeled at 2,195 receptor locations representing residential, commercial, and industrial land uses as well

as park/trail uses along the I-35W project corridor. The traffic noise analysis results are summarized below:

- Future year 2040 daytime L₁₀ noise levels were predicted to range between 53.0 dBA and 78.3 dBA, exceeding Minnesota state noise standards at 827 receptor locations;
- Future year 2040 nighttime L₁₀ levels were predicted to range between 52.5 dBA and 77.9 dBA, exceeding Minnesota state noise standards at 2,031 receptor locations;
- Future year 2040 daytime L₁₀ noise levels were predicted to approach or exceed Federal Noise Abatement Criteria (NAC) at 353 receptor locations; and
- Modeled traffic noise levels with the project were predicted to vary by -1.2 dBA to 1.5 dBA (L₁₀) compared to existing conditions.

Eight noise walls were determined to be feasible based on preliminary design studies, meeting MnDOT's design reduction goal of at least 7 dBA at one benefited receptor behind each noise wall; and meeting MnDOT's cost-effectiveness criteria of \$43,500 per benefited receptor. The traffic noise analysis results and noise wall cost-effectiveness results are described in the traffic noise analysis report in Appendix I of the EA/EAW.

The results of the noise wall solicitation process concluded with Noise Wall NK1 being voted down; Noise Wall NB1 shorted in length by approximately 1,000 feet; and Noise Walls NC1, SE1, SI1, SJ1, NL1, and NN1 being voted to be part of the project as originally proposed in the EA/EAW. Noise walls are illustrated in the project layout figures in Appendix C of this Findings document, as well as the noise wall overview map (see Figure 16, Appendix C of this Findings document).

The following summarizes the results of the noise wall solicitation process. Copies of the noise wall solicitation ballot and noise wall brochures are included in Appendix E of this Findings document. Table 5 of this Findings document summarizes the voting point results for the noise walls.

Noise Wall NB1

Noise Wall NB1 is located along the west side of I-35W, from approximately 1,500-feet north of CR C to CR D in Roseville. Noise Wall NB1 was originally proposed as 4,182 feet long and 14 feet high. Because of the voting process, Noise Wall NB1 was shortened by 1,000 feet on the north end at CR D. There were no receptors that voted for Noise Wall NB1 that were affected by the shortening of this noise wall. Twenty-seven (27) benefited receptors were identified adjacent to Noise Wall NB1. The total number of possible voting points for Noise Wall NB1 is 147. Fifty percent (50%) of all possible voting points for Noise Wall NB1 is 74. Solicitation forms were received from all 27 of the benefited receptors. A total of 78 voting points was in favor of the proposed noise wall. A total of 69 voting points was against construction of the noise wall.

Table 5 – Noise Wall Voting Point Results

Noise Wall	Noise Wall Location	Total Number of Benefited Receptors	Total Possible Voting Points	Points For (Percent of Voting Points Received)	Points Against (Percent of Voting Points Received)	50 Percent of All Possible Voting Points	Is Noise Wall Constructed (Yes or No)
Noise Wall NB1	East side of I-35W from north of CR C to south of CR D	27	147	78 (53%)	69 (47%)	74 Voting Points	Yes
Noise Wall NC1	East side of I-35W from CR D to Canadian Pacific Railway (south of CR E2)	100	407	324 (99%)	4 (1%)	204 Voting Points	Yes
Noise Wall SE1	West side of I-35W from CR E2 to CR F	34	154	107 (100%)	0 (0%)	77 Voting Points	Yes
Noise Wall SI1	West side of I-35W and south side of TH 10 from CR I to west of Quincy Street	107	420	277 (98%)	7 (2%)	210 Voting Points	Yes
Noise Wall SJ1	South side of TH 10 from east of Edgewood Drive to west of Jackson Drive	16	60	48 (100%)	0 (0%)	30 Voting Points	Yes
Noise Wall NK1	East side of I-35W from Lake Drive to south of 95 th Avenue	159	647	86 (16%)	463 (84%)	324 Voting Points	No
Noise Wall NL1	East side of I-35W from north of 95 th Avenue to south of Lexington Avenue	57	210	99 (92%)	9 (8%)	105 Voting Points	Yes
Noise Wall NN1	East side of I-35W from Sunset Avenue to Willow Pond Trail	30	108	105 (100%)	0 (0%)	54 Voting Points	Yes

A majority (53%) of voting points received from benefited properties adjacent to Noise Wall NB1 indicated a preference of “Yes” to construction of a noise barrier along the east side of I-35W from approximately 1,500-feet north of CR C to approximately 1,000 feet south of CR D. Noise Wall NB1 is proposed for construction.

Noise Wall NC1

Noise Wall NC1 is located along the east side of I-35W from CR D to the Canadian Pacific Railway bridge over I-35W in Mounds View. Noise Wall NC1 is 5,409 feet long and 20 feet high. One hundred (100) benefited receptors were identified adjacent to Noise Wall NC1. The total number of possible voting points for Noise Wall NC1 is 407. Fifty percent (50%) of all possible voting points for Noise Wall NC1 is 204. Solicitation forms were received from 99 of the 100 benefited receptors. A total of 324 voting points was in favor of the proposed Noise Wall NC1. A total of 4 voting points was against construction of the proposed Noise Wall NC1.

A majority (99%) of voting points received from benefited properties adjacent to Noise Wall NC1 indicated a preference of “Yes” to construction of a noise barrier along the east side of I-35W from CR D to the Canadian Pacific Railway bridge. Noise Wall NC1 is proposed for construction.

Noise Wall SE1

Noise Wall SE1 is located along the west side of I-35W from CR E2 to CR F in New Brighton. Noise Wall SE1 is 2,577 feet long and 20 feet high. Thirty-four (34) benefited receptors were identified adjacent to Noise Wall SE1. The total number of possible voting points for Noise Wall SE1 is 154. Fifty percent (50%) of all possible voting points for Noise Wall SE1 is 77. Solicitation forms were received from 32 of the 34 benefited receptors. A total of 107 voting points was in favor of the proposed Noise Wall SE1. No voting points were against construction of the proposed Noise Wall SE1.

A majority (100%) of voting points received from benefited properties adjacent to Noise Wall SE1 indicated a preference of “Yes” to construction of a noise wall along the west side of I-35W from CR E2 to CR F. Noise Wall SE1 is proposed for construction.

Noise Wall SI1

Noise Wall SI1 is located along the west side of I-35W and south side of TH 10 in Mounds View. Noise Wall SI1 begins in the northeast quadrant of the I-35W/CR I interchange at Pinewood Drive and continues north to TH 10. Noise Wall SI1 then follows along the south side of TH 10 west of I-35W and ends approximately 370 feet west of Quincy Street. Noise Wall SI1 is 3,927 feet long and 20 feet high. One hundred seven (107) benefited receptors were identified adjacent to Noise Wall SI1. The total number of possible voting points for Noise Wall SI1 is 420. Fifty percent (50%) of all possible voting points for Noise Wall SI1 is 210. Solicitation forms were received from 79 of the 107 benefited receptors. A total of 277 voting points was in favor of the proposed Noise Wall SI1. A total of 7 voting points was against construction of the proposed Noise Wall SI1.

A majority (98%) of voting points received from benefited properties adjacent to Noise Wall SI1 indicated a preference of “Yes” to construction of a noise wall along the west side of I-35W from CR I to TH 10, and along the south side of TH 10 from I-35W to west of Quincy Street. Noise Wall SI1 is proposed for construction.

Noise Wall SJ1

Noise Wall SJ1 is located along the south side of TH 10 from approximately 150 feet east of Jackson Drive to approximately 250 feet west of Edgewood Drive. Noise Wall SJ1 is 1,411 feet long and 20 feet high. Sixteen (16) benefited receptors were identified adjacent to Noise Wall SJ1. The total number of possible voting points for Noise Wall SJ1 is 60. Fifty percent (50%) of all possible voting points for Noise Wall SI1 is 30. Solicitation forms were received from 13 of the 16 benefited receptors. A total of 48 voting points was in favor of the proposed Noise Wall SJ1. No voting points were against construction of the proposed Noise Wall SJ1.

A majority (100%) of voting points received from benefited properties adjacent to Noise Wall SJ1 indicated a preference of “Yes” to construction of a noise wall along the south side of TH 10 from east of Edgewood Drive to west of Jackson Street. Noise Wall SJ1 is proposed for construction.

Noise Wall NK1

Noise Wall NK1 is located along the east side of I-35W from Lake Drive to approximately 800 feet south of 95th Avenue. Noise Wall NK1 is 5,050 feet long and 20 feet high. One hundred fifty-nine (159) benefited receptors were identified adjacent to Noise Wall NK1. The total number of possible voting points for Noise Wall NK1 is 647. Fifty percent (50%) of all possible voting points for Noise Wall NK1 is 324. Solicitation forms were received from all the 159 benefited receptors. A total of 86 voting points was in favor of the proposed Noise Wall NK1. A total of 463 voting points was against construction of the proposed Noise Wall NK1.

A majority (84%) of voting points received for benefited properties adjacent to Noise Wall NK1 indicated a preference of "No" to construction of a noise wall along the east side of I-35W from Lake Drive to south of 95th Avenue.

Based on the outcome of the vote for Noise Wall NK1, MnDOT worked with FHWA, the City of Blaine, residents of Centennial Square Manufactured Home Community, and the owners of Centennial Square Manufactured Home Community to discuss whether an alternative design for Noise Wall NK1 could be considered. Several different configurations for Noise Wall NK1 were analyzed to determine if it was possible to meet MnDOT’s feasibility and reasonableness criteria and commercial visibility needs of the property owner. A second noise wall voting ballot was sent to residents of Centennial Square who did not vote during the initial 30-day solicitation period. Two meetings were also held with the Centennial Square property owner.

None of the alternative design scenarios were agreed to by the Centennial Square property owner; therefore, the outcome of the initial noise wall vote will stand. Noise Wall NK1 will not be constructed and is removed from the project.

Noise Wall NL1

Noise Wall NL1 is located along the east side of I-35W from approximately 1,600 feet north of 95th Avenue to approximately 2,200 feet south of Lexington Avenue in Lexington and Blaine. Noise Wall NL1 is 4,185 feet long and 20 feet high. Fifty-seven (57) benefited receptors were identified adjacent to Noise Wall NL1. The total number of possible voting points for Noise Wall NL1 is 210. Fifty percent (50%) of all possible voting points for Noise Wall NL1 is 105. Solicitation forms were received from 31 of the 54 benefited receptors. A total of 99 voting points was in favor of the proposed Noise Wall NL1. A total of 9 voting points was against construction of the proposed Noise Wall NL1.

A majority (92%) of voting points received from benefited properties adjacent to Noise Wall NL1 indicated a preference of “Yes” to construction of a noise barrier along the east side of I-35W from north of 95th Avenue to south of Lexington Avenue. Noise Wall NL1 is proposed for construction.

Commercial/industrial land uses are in the northeast quadrant of the I-35W/95th Avenue interchange. Noise Wall NL1 begins north of this commercial/industrial area. Rasmussen Business College occupies the property south of Noise Wall NL1. Since completion of the EA/EAW, MnDOT assisted Rasmussen Business College with potential sign dimensions (i.e., height above ground level) that would address their concerns regarding visibility from the highway. Rasmussen Business College will request a variance from the City of Blaine to install a new sign on their property.

Noise Wall NN1

Noise Wall NN1 is located along the east side of I-35W from the Sunset Avenue overpass to Willow Pond Trail in Lino Lakes. Noise Wall NN1 is 1,681 feet long and 20 feet high. Thirty (30) benefited receptors were identified adjacent to Noise Wall NN1. The total number of possible voting points for Noise Wall NN1 is 108. Fifty percent (50%) of all possible voting points for Noise Wall NN1 is 54. Solicitation forms were received from 29 of the 30 benefited receptors. A total of 105 voting points was in favor of the proposed Noise Wall NN1. No voting points were against construction of the proposed Noise Wall NN1.

A majority (100%) of voting points received for benefited properties adjacent to Noise Wall NN1 indicated a preference of “Yes” to construction of a noise barrier along the east side of I-35W from Sunset Avenue to Willow Pond Trail. Noise Wall NN1 is proposed for construction.

Statement of Likelihood

The traffic noise analysis for the proposed noise walls described above is based upon preliminary design studies completed to-date. Final mitigation decisions will be subject to final design considerations. If it subsequently develops during the final design stage that conditions have substantially changed, noise abatement measures may not be provided. Affected benefited receptors and local officials will be notified of plans to eliminate or substantially modify a noise abatement measure prior to the final design process. This notification will explain any changes in site conditions, additional site information, any design changes implemented during the final design process, and noise barrier feasibility and

reasonableness. A final decision regarding barrier installation will be made upon completion of the project's final design and the public involvement process.

3.3.1.7 Relocation and Right of Way

An approximately 0.05-acre permanent easement will be acquired across from the southbound I-35W entrance and exit ramps at Long Lake Road. An approximately 0.9-acre temporary easement will be acquired from two parcels along the east side of I-35W between TH 10 and CR J. Rights of entry through Commissioner's Orders or through Ramsey County will be obtained for work outside of MnDOT right of way at four other locations along the project corridor:

- Northeast quadrant of the I-35W/I-694 interchange along Round Lake Road;
- Northwest quadrant of the I-35W/CR H interchange along Program Avenue;
- East side of I-35W and north of CR I between the freeway and Rice Creek Parkway; and
- Northwest quadrant of the I-35W/CR I interchange along Pinewood Drive and the west frontage road (not described in the EA/EAW).

No commercial or residential relocations will be required. Acquisitions will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

3.3.1.8 Environmental Justice

Low-Income and Minority Populations

Data from the 2010 U.S. Census, the 2010-2014 American Community Survey 5-Year Estimates, and input from local governments were used to identify low-income and minority populations within the study area. Figure G.1 and Figure G.2 in Appendix G of the EA/EAW illustrate the locations of low-income and/or minority populations identified along the project corridor.

Public Engagement Activities

In fall 2015, MnDOT hosted a round of public engagement activities intended to involve underrepresented minority and low-income populations in the study area. Community socials were held at apartment complexes and manufactured home communities along the project corridor. A total of 10 outreach meetings were held between September 10, 2015 and October 22, 2015. Door-to-door knocking campaigns were completed at two manufactured home communities in November 2015. Approximately 1,900 households were contacted directly and more than 225 adults participated in the community socials. Detailed information regarding the public engagement activities is described in the *I-35W North Corridor Preliminary Design Project Public Engagement Report* in Appendix J of the EA/EAW.

Potential effects of the project were evaluated to identify any disproportionately high and adverse effects to low-income and/or minority communities. The results of this evaluation

are described in Section 6.3.5 of the EA/EAW. Issues considered included social impacts, traffic noise impacts, visual impacts, air quality impacts, and right of way impacts. Additional discussion of traffic impacts, benefits, and low-income populations is presented below.

Traffic Impacts

Section 5.18.2 of the EA/EAW describes the traffic analysis results for the 2040 No Build Alternative and 2040 Preferred Alternative. CORSIM model results for southbound I-35W during the morning peak hour are tabulated in Table 5.14 of the EA/EAW. CORSIM model results for northbound I-35W during the afternoon peak hour are tabulated in Table 5.15 of the EA/EAW. Table 5.18 of the EA/EAW tabulates the morning and afternoon peak hour travel times along the I-35W project corridor between TH 36 in Roseville and CSAH 23 in Lino Lakes.

The project does not make conditions on I-35W worse for drivers using the general purpose lanes, including low-income users. The 2040 Preferred Alternative will provide the same or better level of service (LOS) conditions in the general purpose lanes compared to 2040 No Build Alternative conditions. General purpose lane travel times are also projected to improve by approximately 20 minutes in the a.m. peak hour and approximately 15 minutes in the p.m. peak hour compared to the 2040 No Build Alternative.

MnPASS lanes are operated to provide a congestion-free, reliable option for users on I-35W. The LOS conditions in the MnPASS lanes are projected to be better than the general purpose lanes under the 2040 Preferred Alternative. In general, the southbound and northbound I-35W MnPASS lanes are projected to operate at LOS B or LOS C during the peak hours, whereas the general purpose lanes are projected to operate at LOS C to LOS F. MnPASS lane travel times are projected to be approximately two minutes faster than the general purpose lanes under the 2040 Preferred Alternative.

The travel time and reliability benefits of the MnPASS lanes are available during peak periods to carpools, transit vehicles, motorcycles, and fee-paying single occupancy vehicles. Carpools, transit vehicles, and motorcycles use the MnPASS lanes for free. The benefits of the MnPASS lanes are accessible to all populations, including low-income populations, that use carpools, transit, or choose to pay the MnPASS fee. However, it is likely that there is still a relatively small, low-income user group that travels on the I-35W project corridor during peak periods; does not carpool or use transit; does not have access to a bank debit account or credit card account to enroll in the MnPASS program; and cannot afford to pay MnPASS lane fees.

Benefits and Remediation Measures

The proposed project will benefit all users of I-35W by reducing congestion and improving safety. The MnPASS lane will operate as a general purpose lane about 90 percent of the time, meaning it is open and free for use by all vehicles. The additional lane will function as a MnPASS lane only during weekday peak periods. Transit users and carpools, including low-income travelers that travel by bus or carpool, will benefit by having a faster, more reliable trip in the MnPASS lane at no additional cost. Transit vehicles and carpools use the MnPASS lanes for free.

The Preferred Alternative design includes 10-foot wide outside shoulders with full depth pavement. The outside shoulders will be available for use as bus-only shoulders during peak periods with the project. Local transit routes that use I-35W but do not use the MnPASS lanes will be able to use the bus only shoulder to bypass congestion in the general purpose lanes. This will further benefit all transit users, including low-income populations, by reducing travel times for transit routes that do not use the MnPASS lanes.

Based on past experience with other MnPASS corridors in the Twin Cities, it is likely that transit service will increase on the project segment of I-35W with implementation of the proposed MnPASS lanes. An increase in transit service will benefit all populations that use and rely on transit for access to work, shopping, etc.

Chapter 6 of FHWA's *Guidebook for State, Regional, and Local Governments on Addressing Potential Equity Impacts of Road Pricing*⁸ identifies several strategies to mitigate the potential equity effects of road pricing on low-income populations. MnDOT and the Metropolitan Council have implemented many of the remediation strategies identified in the FHWA Guidebook to reduce barriers for low-income populations to access the MnPASS program. Strategies implemented for the MnPASS system are described below:

- After paying for implementation and operating costs, all revenue generated from the MnPASS lanes must be used in the corridor from which it was generated. Revenue is split equally between MnDOT and Metro Transit to assist with future highway and transit improvements in the corridor, benefiting drivers and transit users;
- There are five park and ride lots along the I-35W project corridor that provide access to bus services (e.g., 95th Avenue Park and Ride in Blaine) as well as parking for car pool use;
- MnDOT has transitioned from a transponder system to sticker tag system, reducing the cost to enroll into the MnPASS program. The MnPASS program previously required an initial enrollment fee for the transponder as well as a monthly fee to lease the transponder. A non-transferrable MnPASS sticker tag is now available for free. A switchable tag is available for a one-time purchase with no monthly lease fee. The one-time purchase cost of the MnPASS sticker tag is less than the previous enrollment for a transponder; and
- MnDOT has expanded access to enroll into the MnPASS program and obtain a MnPASS sticker tag. MnPASS program enrollment and sticker tag distribution is available at five locations in the Twin Cities, including Metro Transit Service Centers in downtown Minneapolis and downtown St. Paul. Individuals may also enroll in the MnPASS program online at <http://www.dot.state.mn.us/mnpass/>.

⁸ U.S. Department of Transportation. Federal Highway Administration. April 2013. *Guidebook for State, Regional, and Local Governments on Addressing Potential Equity Impacts of Road Pricing*. FHWA-HOP-13-033. Available at <https://ops.fhwa.dot.gov/publications/fhwahop13033/>. Accessed April 04, 2017.

MnDOT is currently exploring options for a MnPASS system discount program. This is a collaborative planning effort with Metro Transit and the Metropolitan Council. Under a discount program, low-income users would receive credits that could be used against MnPASS fees. The discount program would be implemented for the entire MnPASS system throughout the Twin Cities metropolitan area. Current planning efforts include identifying potential eligibility requirements for a MnPASS discount program. One initial idea is to connect a MnPASS discount program to other existing Metro Transit and Metropolitan Council programs (e.g., Metro Transit low-income subsidies/vouchers, qualifications for Metropolitan Council housing vouchers, etc.). There is no identified timeframe for implementation of a MnPASS discount program.

3.3.1.9 Section 7, Endangered Species Act

The project was reviewed by MnDOT OES staff for compliance with Section 7 of the Endangered Species Act. MnDOT OES, acting as the non-federal representative for FHWA, determined that the project would have no effect on the Higgins eye pearlymussel (*Lampsilis higginsii*), the Snuffbox mussel (*Epioblasma triquetra*), the Winged mapleleaf mussel (*Quadrula fragosa*), and the Rusty patched bumble bee (*Bombus affinis*). MnDOT OES determined that the project may affect, but will not cause a prohibited incidental take of the Northern long eared bat (*Myotis septentrionalis*). Under the 4(d) Rule for Northern long eared bat, a notice of this determination was provided to the U.S. Fish and Wildlife Service (USFWS) on February 5, 2016 for opportunity to comment. No response was received within the 30-day comment period.

3.3.1.10 Vegetation

No adverse impacts to natural/native plant communities, landscape and ornamental plantings, or vegetation of exceptional visual quality is anticipated. The project will result in approximately two to three acres of tree clearing within MnDOT highway right of way.

This project will install non-native seed mix on the inslopes, medians, and boulevards. Native seed mixes will be planted on the ditch bottoms and backslopes. There may be unique sites that require unique seed mixes, such as infiltration basins, frequently mowed sites, etc. Roadside vegetation serves many functions that are critical to operating highway infrastructure, such as safety, drainage, erosion control, and stormwater treatment. Native vegetation provides additional benefits such as protecting and enhancing natural resources, support pollinator habitat, providing a sense of place, and enhancing visual quality.

3.3.1.11 Section 4(f) Involvement

The project includes extension of the Rice Creek box culvert west of I-35W. The Rice Creek Water Trail will be temporarily closed for the duration of the culvert work. MnDOT will perform the work at the Rice Creek culvert when water levels are reduced (i.e., low-flow, cold-weather periods). MnDOT and its construction contractor will coordinate with Ramsey County Parks & Recreation Department if the culvert construction cannot be completed during the low-flow, cold-weather period. MnDOT will coordinate with Ramsey County Parks & Recreation Department and Rice Creek Watershed District prior to the closure of the water trail. Information regarding the closure will be provided to Ramsey County Parks & Recreation Department and Rice Creek Watershed District for posting to their websites.

Signs will also be posted along Rice Creek at the CR I trailhead and at a location further downstream, notifying water trail users of the closure at I-35W. The location for the downstream sign will be determined in consultation with Ramsey County Parks & Recreation Department.

3.3.1.12 Section 106, Historic and Archaeological Resources

The project was reviewed by MnDOT Cultural Resources Unit (CRU) staff for compliance with Section 106 of the National Historic Preservation Act. MnDOT CRU determined that there will be no historic properties affected by the project.

3.3.1.13 Floodplains

Several floodplains are located through the project area. These floodplains are described in Section 6.14 of the EA/EAW and illustrated in the drainage maps in Appendix A of the EA/EAW. The project will result in longitudinal and transverse floodplain encroachments. Table 6.4 of the EA/EAW lists floodplain encroachments associated with the project. No significant floodplain impacts are expected because of the project. Compensatory storage will be provided through the construction of stormwater ponds or additional excavation along the I-35W corridor within the affected floodplain.

3.3.1.14 Summary Finding with Respect to this Criteria

MnDOT finds that the Project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts to the resources evaluated in the EA/EAW and in the Findings summary above. Project impacts will be mitigated as described in the EA/EAW and in the Findings above. Project commitments are identified in Appendix F of this Findings document.

3.3.2 Cumulative Potential Effects of Related or Reasonably Foreseeable Future Projects

Section 5.19 of the EA/EAW described the present and reasonably foreseeable future projects within the study area and environmental effects resulting from the proposed I-35W North Corridor Project. Other present and reasonably foreseeable future projects listed in Table 5.23 of the EA/EAW may also impact the same resources that will be affected by the project.

The cumulative potential effect of present and reasonably foreseeable future projects has been considered. The proposed project has a low potential for cumulative impacts to the resources directly or indirectly affected by the project. Impacts from other reasonably foreseeable future projects will be addressed via regulatory permitting and approval processes; therefore, substantial impacts are not anticipated.

3.3.3 Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies (including the coordination and approvals described in Section 3.3.1 above) and will be subject to the plan approval and permitting processes. Table 6 lists

permits and approvals that have been obtained or may be required prior to project construction.

The permits listed in Table 6 include general and specific requirements for mitigation of environmental effects of the project. Therefore, MnDOT finds that the environmental effects of the project are subject to mitigation by ongoing regulatory authority.

Table 6 – Agency Approvals and Permits

Unit of Government	Type of Application/Permit	Status
Federal		
Federal Highway Administration (FHWA)	Environmental Assessment Approval	Complete
	EIS Need Decision	Pending
	Interstate Access Request	Pending
	Section 4(f) Determination (Temporary Occupancy Exception)	Pending
	Section 106 Determination	Complete
U.S. Army Corps of Engineers (USACE)	Section 404 Permit (Individual Permit)	Pending
U.S. Fish and Wildlife Service (USFWS)	Endangered Species Act Section 7 Determination	Complete
State		
Minnesota Department of Transportation (MnDOT)	Environmental Assessment Worksheet Approval	Complete
	EIS Need Decision	Pending
	Minnesota Wetland Conservation Act (WCA)	Pending
Minnesota Department of Natural Resources (DNR)	State Endangered Species Review	Complete
	Public Waters Work Permit	Pending
	Water Appropriations Permit (if necessary)	Pending
Minnesota Pollution Control Agency (MPCA)	Section 401 Certification	Pending
	National Pollutant Discharge Elimination System Permit	Pending

Unit of Government	Type of Application/Permit	Status
Local		
Metropolitan Council	Controlled Access Approval	Pending
City(s) of: Roseville, Mounds View, Arden Hills, Shoreview, Blaine, Lexington, and Lino Lakes	Municipal Consent	Complete
Watershed District of: Rice Creek	Watershed District Permit	Pending
County(s) of: Anoka and Ramsey	Right of Way Permit (if necessary)	Pending
Other		
BNSF Railway	Railroad Permit	Pending
Canadian Pacific Railway	Railroad Agreement (if necessary)	Pending

3.3.4 Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Environmental Studies

MnDOT has extensive experience in roadway construction. Many similar projects have been designed and constructed throughout the area encompassed by this governmental agency. All design and construction staff are very familiar with the project area.

No problems are anticipated which the MnDOT staff have not encountered and successfully solved many times in similar projects in or near the project area. MnDOT finds that the environmental effects of the project can be anticipated and controlled as a result of the assessment of potential issues during the environmental review process and MnDOT's experience in addressing similar issues on previous projects.

4 CONCLUSIONS

1. The Minnesota Department of Transportation has jurisdiction in determining the need for an environmental impact statement on this project.
2. All requirements for environmental review of the proposed project have been met.
3. The EA/EAW and the permit development processes to date related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
4. Areas where potential environmental effects have been identified will be addressed during the final design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigative measures will be incorporated into project design, and have been or will be coordinated with state and federal agencies during the permit processes.
5. Based on the criteria in Minnesota Rules part 4410.1700, subp. 7, the project does not have the potential for significant environmental effects.
6. An Environmental Impact Statement is not required for the I-35W North Corridor Preliminary Design Project.
7. Any findings that might properly be termed conclusions and any conclusions that might properly be called findings are hereby adopted as such.

Based on the Findings of Fact and Conclusions contained herein and on the entire record:
The Minnesota Department of Transportation hereby determines that the I-35W North Corridor Preliminary Design Project will not result in significant environmental impacts, and that the project does not require the preparation of an environmental impact statement.
For Minnesota Department of Transportation



Signature and Date
MnDOT Chief Environmental Officer