

FINDINGS OF FACT AND CONCLUSIONS

I-35W and Lake Street Improvement Project

City of Minneapolis,
Hennepin County,
Minnesota
August 2016



Table of Contents

	Page
1.0 STATEMENT OF ISSUE/ADMINISTRATIVE BACKGROUND	1
2.0 FINDINGS OF FACT	2
2.1 Project Description	2
2.2 Corrections, Changes, or New Information Since the EA was Prepared.....	2
3.0 AGENCY AND PUBLIC COMMENTS ON THE EA/EAW	3
3.1 Summary of Comments from Agencies	3
3.2 Summary of Comments from the Public	3
4.0 FINDINGS REGARDING CRITERIA FOR DETERMINING THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS	4
4.1 Type, Extent, and Reversibility of Impacts.....	4
Stormwater Quality and Quantity.....	5
Traffic Noise	6
Potentially Contaminated Sites.....	7
Environmental Justice	7
Air Quality	9
Visual Quality	9
Right-of-Way and Relocation.....	9
4.2 Cumulative Potential Effects of Related or Anticipated Future Projects .	10
4.3 Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority.....	10
4.4 Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Environmental Studies.....	11
5.0 CONCLUSIONS	12

List of Tables

Table 1 – Noise Barrier Voting Results: One Barrier Proposed	6
Table 2 – Permits and Approvals Required	11

List of Appendices

Appendix A	EA/EAW Figure 1: Project Location Map
	EA/EAW Figure 2A: Preferred Alternative Layout – Sheet 1
	EA/EAW Figure 2B: Preferred Alternative Layout – Sheet 2
	EA/EAW Figure 2C: Preferred Alternative Layout – Sheet 3

Appendix B	Agency Comments Received and Responses
Appendix C	Public Comments Received and Responses
Appendix D	EQB Notice of Availability Public Hearing Certificate of Compliance Legal Notice and Affidavit of Publication
Appendix E	MnDOT CRU Letter to SHPO (dated March 31, 2016) Final Section 106 Memorandum of Agreement
Appendix F	FHWA Intent to Make a Section 4(f) De Minimis Determination for the Reverend Dr. Martin Luther King Jr. Memorial Park
Appendix G	Final Noise Memorandum

1.0 STATEMENT OF ISSUE/ADMINISTRATIVE BACKGROUND

Hennepin County and the Minnesota Department of Transportation (MnDOT) are proposing a project in the City of Minneapolis to reconstruct I-35W from 42nd Street into downtown Minneapolis (see Appendix A). The scope includes: construction of a Lake Street multimodal transit station; a pedestrian/bicycle connection between the Midtown Greenway and the transit station; replacement of existing roadway pavement and numerous bridges; completion of MnPASS lanes; a new southbound exit to Lake Street, a new northbound exit to 28th Street; stormwater treatment areas; and construction/replacement of noise walls.

The Federal Highway Administration (FHWA) is the lead federal agency for addressing National Environmental Policy Act (NEPA) requirements on this project; the Federal Transit Administration (FTA) serves as a cooperating federal agency. MnDOT is the Responsible Governmental Unit (RGU) for the state environmental review of this project. An Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) has been prepared for this project in accordance with Minnesota Rules Chapter 4410 and NEPA [42 USC 4321 et. seq.]. The EA/EAW was developed to assess the impacts of the project and other circumstances in order to determine whether an Environmental Impact Statement (EIS) is needed.

The EA/EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comment to the required EQB distribution list. A "Notice of Availability" was published in the *EQB Monitor* on March 28, 2016, and a paid notice (legal advertisement) was placed in the *Star Tribune* on March 28, 2016. A press release was provided to media outlets in the metropolitan area. These notices and press release provided a brief description of the project including the de minimis Section 4(f) impact proposed for the Reverend Dr. Martin Luther King Jr. Memorial Park and information on where copies of the EA/EAW were available, announced the dates and locations of the public hearing/open house meetings, and invited the public to provide comments that would be used in determining the need for an EIS on the proposed project.

The EA/EAW was made available for public review at the following locations:

- Franklin Library, 1314 E. Franklin Avenue, Minneapolis, MN 55404;
- Walker Library, 2880 Hennepin Avenue, Minneapolis, MN 55408;
- Hosmer Library, 347 E. 36th Street, Minneapolis, MN 55408;
- Minneapolis Central Library, Technical & Science Division, Government Docs., 2nd Floor, 300 Nicollet Mall, Minneapolis, MN 55401;
- Hennepin County Law Library, 300 South 6th Street (C-tower), Minneapolis, MN 55487;
- MnDOT Library, 395 John Ireland Boulevard, St. Paul, MN 55155;
- MnDOT Metro District Water's Edge Building Lobby, 1500 W. County Rd B2, Roseville, MN 55113;
- Minneapolis Public Works, 350 South 5th Street, RM 203 City Hall, Minneapolis, MN 55415; and
- The EA/EAW was also placed on the MnDOT project website at www.dot.state.mn.us/metro/projects/i35wminneapolis and the County project website at www.35lake.com/ea.

Two identical public hearing/open house meetings for the proposed project were held on April 5, 2016 and April 19, 2016 at the Colin Powell Center, 2924 4th Avenue South, Minneapolis, MN 55408, from 6:00 to 8:00 p.m. Each open house presented the Preferred Alternative concept and

provided an opportunity for the public to discuss potential environmental impacts with MnDOT, Hennepin County, Metro Transit and City of Minneapolis staff. Meeting attendees were invited to submit written comments or to provide oral comments to a court reporter.

Comments were received from March 28 through April 27, 2016. All comments received during the EA/EAW comment period, including those received from the two open house/public hearing meetings, were considered in determining the potential for significant environmental impacts. Comments received during the comment period, and responses to the comments, are provided in this document in Appendix B (agency comments) and Appendix C (public comments). Additional information pertaining to the publication of the EA/EAW and the public hearing/open house meetings are located in Appendix D.

2.0 FINDINGS OF FACT

2.1 PROJECT DESCRIPTION

This project generally extends from 42nd Street to I-94 along I-35W in Minneapolis. Refer to Figure 1 in Appendix A for the project location map. The scope includes construction of a Lake Street multimodal transit station; a pedestrian/bicycle connection between the Midtown Greenway and the transit station; replacement of existing roadway pavement and numerous bridges; completion of MnPASS lanes; a new exit to Lake Street, a new exit to 28th Street; stormwater treatment areas, and construction/replacement of noise walls. The Preferred Alternative geometric layout (EA/EAW Figures 2A-C – Preferred Alternative Layout) is provided in this document in Appendix A. For more detailed information on the Preferred Alternative, see the Preferred Alternative Memorandum in Appendix C of the EA/EAW.

2.2 CORRECTIONS, CHANGES, OR NEW INFORMATION SINCE THE EA WAS PREPARED

Since the EA/EAW was published, the following project items have been changed or updated:

- On behalf of FHWA, MnDOT Cultural Resources Unit (CRU) has determined, with Minnesota Historic Preservation Office (MnHPO) concurrence, that the undertaking will have an adverse effect on the National Register of Historic Places (NRHP)-listed Chicago, Milwaukee and St. Paul Railroad Grade Separation District (CM&StP Grade Separation District). See the MnDOT CRU correspondence letter dated March 31, 2016 in Appendix E. The Section 106 Memorandum of Agreement between the MnDOT CRU, FHWA, and MnHPO has been executed and is included in Appendix E. The Memorandum of Agreement defines impacts and mitigation for the CM&StP Grade Separation District as well as the process for review, assessment of potential additional historic property effects and, if appropriate, mitigation that will be carried out as part of final design for the project.
- The MnDOT CRU determined the replacement of the I-35W bridges over Lake Street, the Midtown Greenway, and the new southbound I-35W Lake Street exit ramp will result in an adverse effect to the CM&StP Grade Separation Historic District and its contributing elements. Although there is an adverse effect, the FHWA has determined these impacts and the proposed mitigation in the Section 106 Memorandum of Agreement will not result in substantial impairment to the property or a Section 4(f) use.
- The EA/EAW described the project impacts to the Reverend Dr. Martin Luther King Jr. Memorial Park, proposed mitigation, and FHWA's proposed de minimis finding regarding

the overall Section 4(f) use of the Park, pending public input and concurrence of the Minneapolis Parks and Recreation Board (MPRB). Since publication of the EA/EAW, the MPRB concurred with this determination (see letter and resolution in Appendix F). No comments regarding the proposed de minimis undertaking were received from the public during the EA/EAW comment period. Based on MPRB concurrence, MnDOT anticipates that FHWA will finalize its de minimis determination as part of its EIS need determination.

3.0 AGENCY AND PUBLIC COMMENTS ON THE EA/EAW

In response to the publication of the EA/EAW, MnDOT received three agency comment letters, five citizen comment emails, one comment email and resolution from the Midtown Greenway Coalition, nine citizen comment cards (written and submitted at the two public hearing/open house meetings), and numerous citizen recorded comment transcripts from the two public hearing/open house meetings. Consistent with state and federal environmental review rules, responses have been prepared for all substantive comments submitted during the EA/EAW 30-day comment period, which ended on April 27, 2016. Written responses have been provided for substantive comments pertaining to analysis conducted for and documented in the EA/EAW (see Appendix B and Appendix C in this document). Responses were not provided for comments of general opinion or statements of preference, or issues outside of the project.

3.1 SUMMARY OF COMMENTS FROM AGENCIES

Comment letters were received from the following agencies:

- U.S. Environmental Protection Agency
- Minnesota Pollution Control Agency (MPCA)
- Metropolitan Council

The following topics summarize the issues identified in the comment letters.

- Air Quality
- Environmental Justice and Relocations
- Highway Noise
- Sewer Interceptors
- Stormwater
- Maintenance of Traffic During Construction
- Utilities
- Controlled Access Approval from Metropolitan Council

3.2 SUMMARY OF COMMENTS FROM THE PUBLIC

There were numerous public comments, five received as citizen comment emails, one received as a comment email/resolution from the Midtown Greenway Coalition, nine received as citizen comment cards (written and submitted at the two public hearing/open house meetings), and several citizen recorded comment transcripts from the two public hearing/open house meetings. The comments were in regards to the following areas:

- Northbound I-35W Entrance Ramp
- Visual Quality Aesthetic Treatments
- Highway Noise
- Landscaping

- Safety and Security
- Maintenance of Traffic During Construction
- Freeway Typical Section
- Lighting
- Environmental Justice
- Right-of-Way and Relocation
- 2nd Avenue Design
- Traffic Modeling
- Land Use Cover Types
- Excess Materials
- Erosion/Sedimentation Control
- Air Quality
- Use/Effects of Deicers
- Urban Heat Island Effect
- Cumulative Impacts

4.0 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:

4.1 TYPE, EXTENT, AND REVERSIBILITY OF IMPACTS

MnDOT finds that the analysis completed for the EA/EAW and the additional analysis and coordination that has occurred since publication of the EA/EAW is adequate to determine whether the project has the potential for significant environmental effects. This document provides clarifications and additional information since the EA/EAW was published. The

information in the EA/EAW and the public/agency comments received during the public comment period (see Appendix B and C) were taken into account in considering the type, extent and reversibility of project impacts.

Stormwater Quality and Quantity

All surface runoff from the I-35W project area discharges into the Mississippi River through a system of near surface storm sewer pipes and inlets, drop shafts and a relatively deep tunnel, which is located considerably above the river's water level (e.g., over 50 feet).

There are two distinct aspects associated with the stormwater quantity. One aspect is related to the measures needed to offset the potential increase in runoff rates due to the proposed roadway improvements, specifically the increase in impervious surface. A second aspect relates to the potential for flooding along the corridor, a potential that is already present under existing, pre-construction conditions.

The proposed project adds 9.1 acres of new impervious surface area. The project is under the jurisdiction of the Mississippi Watershed Management Organization (MWMO), the MPCA, and the City of Minneapolis. Each entity has adopted stormwater requirements, requiring the treatment and control of stormwater runoff. Stormwater Best Management Practices (BMPs) have been integrated into the project area based on the most stringent standards from these agencies.

This project will require a National Pollutant Discharge Elimination System – State Disposal System (NPDES-SDS) Construction Stormwater Permit from the MPCA. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared for the project that will document the proposed stormwater treatment and the soil and erosion control measures to be used during and after construction.

In order to offset the increase in runoff rates due to the increase in impervious fraction within the highway corridor, two filtration basins are being proposed to meet the requirements of the MPCA Construction Stormwater Permit. The 24th Street Basin is located on the west side of I-35W, between East 22nd Street and East 24th Street. The 33rd Street North and 33rd Street South basins are located on the west side of I-35W, between East 32nd Street and East 34th Street. Stormwater from the 33rd Street North Basin is piped to the 33rd Street South Basin. Both basins were designed to maximize the footprints between the project right-of-way and the proposed roadway profile. Typically, filtration basins do not provide substantial runoff volume reduction. However, in this case, the soils investigation work completed within the vicinity of the 33rd Street found the soils to be predominantly sandy, with infiltration potential.

The two filtration basins provide a storage volume of about 65,000 cubic feet, almost double the amount required by MPCA water quality volume target. The NPDES-SDS Construction Stormwater Permit requires the retention of one inch of stormwater runoff over net new impervious surface, which in this case translates into approximately 34,900 cubic feet. Whenever possible, the NPDES-SDS Construction Stormwater Permit indicates that infiltration as the preferred treatment method. However, due to concerns regarding the structural integrity of the roadbed, it was determined that filtration would be used as an alternative. During project construction stages, the two basins could function as sedimentation ponds to help retaining the sediment particles and improve runoff control.

The project's stormwater features also include a series of structural pollution control devices (SPCDs) placed throughout the entire study area. Fourteen recommended SPCDs are proposed to meet the water quality goals.

The project will also implement detention storage within the corridor's right-of-way to temporarily hold stormwater underground when the levels within the tunnel and the pipes discharging to the tunnel approach the ground level. The analysis for the management of water and runoff is ongoing. At this point, MnDOT is studying underground tanks to detain water prior to discharge into the existing drainage tunnel. The proposal is to provide a system that will detain up to 14.4 acre-feet of water prior to discharge into the existing tunnel. Based upon preliminary analysis, MnDOT anticipates that this storage will detain the water provided for a 6-year storm. However, MnDOT also anticipates that the provision of this storage will decrease the probability of a flooding event on I-35W. MnDOT will develop an incident management plan to address a procedure of managing traffic during a flooding event.

Traffic Noise

EA/EAW Item 17 – Odors, noise and dust, discussed traffic noise impacts and proposed locations for noise barriers to mitigate traffic noise. Seven noise barriers 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 barrier; and meeting MnDOT's cost-effectiveness criteria of \$43,500/benefited receptor. Noise barrier cost-effectiveness results are described in the traffic noise analysis report in the EA/EAW, Appendix G. The benefited receptor voting process is described in EA/EAW Item 17. As summarized in Table 1, the results of the voting process concluded with Barriers eG, wB, sE, sJ, nD, and nJ being voted down, and Barrier eI being voted to be part of the project as originally proposed in the EA.

Table 1 – Noise Barrier Voting Results: One Barrier Proposed

Barrier (Location)	Total # of Benefited Receptors	Total Possible Points ⁽¹⁾	Points For (Percent)	Points Against (Percent)	Points Votes Not Returned (Percent)	50% of Total Possible Points	Was Barrier Supported (Yes/No)?
Northbound I-35W Noise Wall Locations							
Barrier eG (31 st St. Exit Ramp to 31 st St. Bridge, includes 10' high noise barrier on the 31 st St. Bridge structure; approx. 719')	8	27	6 (22%)	18 (67%)	3 (11%)	14	No
Barrier eI (Lake St. Bridge to Greenway Bridge, includes 10' high barrier on the Greenway Bridge structure; approx. 590')	8	45	24 (53%)	0 (0%)	21 (47%)	23	Yes
Southbound I-35W Noise Wall Location							
Barrier wB (36 th St. Bridge to 38 th St. Bridge; approx. 1,367')	21	78	14 (18%)	45 (58%)	19 (24%)	39	No
Eastbound I-94 Noise Wall Locations							
Barrier sE (1 st Ave. Bridge to 3 rd Ave. Bridge; approx. 903')	6	19	0 (0%)	17 (89%)	2 (11%)	10	No
Barrier sJ (Chicago Ave. Bridge to 11 th Ave. Bridge; approx. 1,092')	10	116	6 (5%)	90 (78%)	20 (17%)	58	No
Westbound I-94 Noise Wall Locations							
Barrier nD (1 st Ave. Bridge to Nicollet Ave. Bridge; approx. 302')	2	10	0 (0%)	8 (80%)	2 (20%)	5	No
Barrier nJ (11 th Ave. Bridge to Chicago Ave. Bridge; approx. 1,065')	9	34	0 (0%)	29 (85%)	5 (15%)	17	No

⁽¹⁾ Total possible points based on number of benefited receptors (property owners, residents, and owner/residents) adjacent to the proposed noise barrier (noise reduction at or above MnDOT's minimum threshold of 5 dBA).

The summary voting results for each of the proposed barriers are also tabulated in Appendix G of this Findings of Fact and Conclusions document.

Statement of Likelihood

The preliminary indications of likely abatement measures described above are based upon preliminary design. Final mitigation decisions will be subject to final design considerations. If it subsequently develops during final design that conditions have substantially changed, noise abatement measures may not be provided. Decisions to eliminate or substantially modify a noise abatement measure must be approved by MnDOT and the FHWA Minnesota Division Office. Affected benefited receptors and local officials will be notified of plans to eliminate or substantially modify a noise abatement measure prior to the completion of the final design process. This notification will explain changes in site conditions (if any), additional site information, any design changes implemented during the final design process, and an explanation of noise barrier feasibility and reasonableness.

Potentially Contaminated Sites

Two Phase I Environmental Site Assessment (ESA) reports were completed in 2014 to cover the entire project corridor. The Modified Phase I ESA reports identified a total of 98 sites of environmental concern located within or adjacent to the project area. Of these, 25 were ranked as high risk and 55 were ranked as medium risk. High- and medium-risk sites with documented and suspected releases have the potential to adversely affect groundwater and soil within reconstruction areas.

A Phase II ESA has been conducted in reconstruction areas adjacent to sites identified as medium- to high-risk, specifically focusing on the areas listed in Table 7 of the EA/EAW. Impacts from contaminated properties will be mitigated by: 1) modifying the project design where warranted, 2) avoiding purchase of a contaminated property, and/or 3) avoiding encountering contaminated materials during construction. If contaminated materials cannot be avoided, a plan will be developed to properly handle and treat any contaminated materials encountered during project construction in accordance with applicable state and federal regulations.

In addition, coordination and consultation with the MPCA's Brownfield Programs will take place, as appropriate, to obtain written assurances that acquisition of contaminated properties, if applicable, and construction and cleanup activities in contaminated areas, will not result in long-term environmental liability regarding the contamination.

Environmental Justice

Outreach efforts were made during the preparation of the EA/EAW to contact and engage the public, including minority and low-income populations (see Section 6.0 of the EA/EAW for a full description of the project's outreach efforts). Based on available data, minority and low-income populations are present within the project area. Additional efforts were also made to supplement the census findings since the project will cause the displacement of one business (Krav Maga Minneapolis) and one non-profit, member operated grocery store (Good Grocer). As discussed in the Environmental Justice Memorandum in Appendix G of the EA/EAW, these relocations would constitute adverse impacts to environmental justice and non-environmental justice populations.

Job loss impacts could be avoided or minimized by the project partners working with the business and non-profit organization to find a suitable location in which to continue operations. The acquisition and relocation program would be conducted in accordance with the Uniform

Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Relocation resources would be available to the relocated business and the non-profit organization without discrimination.

Impacts on employees of each business and non-profit organization displaced by the project would be avoided and mitigated if the business or non-profit organization were to be relocated so that no loss of jobs would occur. To accomplish this, the project partners would work with the affected business or non-profit organization to find a suitable location in which to continue operations. The new location would need to be nearby the current location so that employee commutes would not be substantially affected. Also, any new structures or building/site improvements for the displaced business and non-profit organization would need to be completed prior to relocation so that disruption of business operations would be minimized and no loss of jobs would occur.

The potential disruption of private facilities and services in the community accrue to the population in general and do not disproportionately affect low-income or minority populations. The impact of displacing the business and non-profit organization will not be a disproportionately high and adverse effect because (1) there are close-by alternatives and (2) mitigation will include a strong effort to relocate the business and non-profit organization in the community.

For relocation impacts, the relocation analysis in the EA/EAW states that a recent market search conducted in the Lake Street area reveals adequate available replacement resources to accommodate relocation of the displaced business and non-profit organization. Relocating the business and non-profit organization within their existing general vicinity would substantially reduce the impacts of these displacements to environmental justice populations.

Overall, minority and low-income workers at a displaced business/non-profit organization would not experience adverse impacts that would be appreciably more severe or greater in magnitude than non-minority and non-low-income workers at the same business/non-profit organization.

To date, no unique relocation situations are known or anticipated for Krav Maga Minneapolis. Special relocation considerations for Good Grocer include the fact it is a grocery store and it is located on a transit line that provides access to those who may not have automobiles. As the acquisition/relocation process begins, a relocation agent will meet with the business and non-profit organization to identify any such situations. All acquisitions and relocations will be made in compliance with the Uniform Act and special advisory services will be made available.

For the proposed right-of-way impacts, the project partners will continue to convey and explain property rights and potential relocation benefits to the soon-to-be displaced business and non-profit organization.

The environmental justice analysis indicates the project impacts are distributed evenly throughout the project corridor and the proposed improvements will provide benefits for all who utilize the I-35W project corridor. Therefore, the proposed action will not have disproportionately high or adverse human health or environmental effects on any minority population or low-income population.

Furthermore, it should be noted that all populations receive equal protection from noise impacts, following MnDOT Noise Policy.

Air Quality

The project area is designated by the U.S. Environmental Protection Agency (EPA) as being in attainment (or complying) with the National Ambient Air Quality Standards (NAAQS) for all air pollutants. However, while the project area is in attainment with the carbon monoxide (CO) NAAQS, the project area was formerly a nonattainment area for CO and is currently a “maintenance” area for this pollutant. Therefore, Transportation Conformity rules apply only to vehicle emissions of CO in the project area. Transportation Conformity rules require that a project be in conformance with the regional emissions budget for CO. When a project has been included in the analysis prepared for the area’s Long Range Transportation Policy Plan (LRTPP) and is listed in the Transportation Improvement Program (TIP) list of planned projects, it is presumed to conform with the regional CO emissions budget. The proposed project was addressed in the latest approved LRTPP and is listed in the latest TIP, and therefore conforms to the regional emissions budget for CO.

For existing conditions and for both the No Build and Preferred Alternative, the maximum annual average daily traffic (AADT) levels at signalized intersections will be less than the MnDOT CO hot-spot screening threshold of 79,400 entering vehicles per day (vpd) for signalized intersections. Therefore, signalized intersections affected by the project are not required to conduct a hot-spot analysis. Furthermore, the limited maintenance plan for the Twin Cities adopted by the EPA in 2010 determines that the level of CO emissions and resulting ambient concentrations will continue to demonstrate attainment of the CO NAAQS.

A quantitative evaluation of Mobile Source Air Toxic (MSAT) has been performed for this project. Results of the air toxics analysis show a reduction in long-term emissions for air toxics related to the project in the traffic study area, the full report is provided in Appendix G of the EA/EAW. Table 1 in the report presents the emissions for each MSAT included in this analysis (acrolein, benzene, 1,3-butadiene, diesel particulate, matter plus diesel exhaust organic gases, formaldehyde, naphthalene, and polycyclic organic matter) for the three scenarios: Base Year (2011), 2038 Build Alternative, and 2038 No Build Alternative. Table 2 in the report shows that the emissions from the Preferred Alternative scenario are slightly higher than for the No Build scenario (2 percent increase between Build and No Build). As shown in Table 3 of the report, the difference is diminished when normalized to a total MSAT per million vehicle miles traveled basis (the Build and No Build scenarios are equal).

Visual Quality

EA/EAW Item 15 – Visual, discussed the proposed project area changes. A Visual Quality Manual has been developed in cooperation with project partners to ensure that the visual environment of the proposed project integrates with the surrounding neighborhoods, both natural and cultural on I-35W (see Appendix G of the EA/EAW). The visual quality process for this project also included development of a Public Art Framework, which was published in a separate but related document to the Visual Quality Manual (see Appendix G of the EA/EAW). The Public Art Framework is intended to guide public officials, architects, landscape architects, artists, engineers, and the public in creating a high-quality, socially relevant, and meaningfully inclusive artistic environment.

Right-of-Way and Relocation

Within the project area, the proposed improvements will require acquisition of permanent right-of-way from 3 privately owned parcels. It will also require partial acquisitions affecting 16 properties. This represents areas that are currently outside of publicly-owned right-of-way. A

temporary easement will be required from one privately owned parcel during construction. There will be no residential relocations; however, the project will remove the small residential garage that is adjacent to the alley at 2827 Stevens Avenue South in order to construct the southbound exit ramp from I-35W to Lake Street. The project will cause the displacement of one business (Krav Maga Minneapolis) and one non-profit, member operated grocery store (Good Grocer). As discussed in the Right-of-Way and Relocation Section of the EA/EAW (see page 74), an access modification will be required at Wells Fargo (2840 4th Avenue South), access changes will be required at Nico Plating (2929 1st Avenue South), and an existing billboard (2835 Stevens Avenue South) will be displaced.

All right-of-way acquisition and relocation will be in accordance with the Uniform Relocation and Real Property Acquisition Act of 1970 (Uniform Act), as amended by the Surface Transportation Uniform Relocation Assistance Act of 1987 and 49 Code of Federal Regulations, Part 24, and effective April 1989 (revised January 2005). Relocation resources are available to all residential and business relocatees without discrimination.

4.2 CUMULATIVE POTENTIAL EFFECTS OF RELATED OR ANTICIPATED FUTURE PROJECTS

As discussed in Item 19 of the EA/EAW, the cumulative potential effect of related or anticipated future transportation and development projects has been considered, and the proposed project has low potential for cumulative impacts to the resources directly or indirectly affected by the project. Given laws, rules, and regulations in place, as well as local regulatory requirements and comprehensive planning and zoning laws, substantial adverse cumulative impacts to these resources are not anticipated.

4.3 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 and will be subject to the plan approval and permitting process. Permits and approvals that have been obtained or may be required prior to project construction include those listed below in Table 2.

Table 2 – Permits and Approvals Required

Unit of Government	Type of Approval or Permit	Status
Federal FHWA MnDOT CRU on behalf of FHWA MnDOT OES on behalf of FHWA	EA Approval EIS Need Decision Interstate Access Request Section 4(f) De Minimis Determination Section 106 Preliminary Determination ESA Section 7 Determination	Completed To Be Requested To Be Requested Completed Completed Completed
State MnDOT MPCA MDH SHPO	Interchange Planning-Level Review EA Approval EAW Approval EIS Need Decision Geometric Layout Approval Construction Plan Approval National Pollutant Discharge Elimination System – Construction Stormwater Phase II Permit Sanitary Sewer Extension and/or Change Water Main Plan Review (if needed) Section 106 Consultation	Completed Completed Completed To Be Requested To Be Requested To Be Requested To Be Requested To Be Obtained To Be Requested Completed
Regional Metropolitan Council	Controlled Access Request ¹	To Be Requested
Local Hennepin County City of Minneapolis MPRB Mississippi Watershed Organization	Layout Review Municipal Consent Section 4(f) De Minimis Concurrence Plan Review	Completed Completed Completed To Be Requested

¹ Minnesota state law (MS. 473.166) requires that the Metropolitan Council approve any controlled access highway in the metropolitan area before construction or right-of-way acquisition begins. This is to ensure that proposed highway projects are consistent with regional policies and plans.

4.4 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 metropolitan area. No problem is anticipated which MnDOT Metro District has 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 assessment of potential issues during environmental review, and experience in addressing similar issues on previous projects.

5.0 CONCLUSIONS

1. MnDOT 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 related to the project have generated information that 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 are incorporated into project design, and have been or will be coordinated with state and federal agencies during the permitting process.
5. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.
6. An Environmental Impact Statement is not required for the proposed I-35W and Lake Street Improvement Project.

For the Minnesota Department of Transportation,



Lynn P. Clarkowski, P.E.
Chief Environmental Officer
Director, Office of Environmental Stewardship
Minnesota Department of Transportation

8/10/2016
Date