

May 9, 2019

To: EQB Distribution List  
Interested Parties

**SUBJECT: Negative Declaration Regarding the Need for an Environmental Impact Statement for the I-94 UBOL Resurfacing and Brockton Interchange Project– FOFC distribution (S.P. 2780-97)**

On behalf of the Minnesota Department of Transportation (MnDOT) Metro District, WSB is transmitting this memorandum regarding the Negative Declaration Order for the I-94 UBOL Resurfacing and Brockton Interchange Project (S.P. 2780-97). The project proposes to resurface 9.6 miles of the existing pavement on I-94 from the I-494/I-694 interchange in Maple Grove to TH 101 in Rogers. Resurfacing will be accomplished by placing an unbonded concrete overlay over the existing concrete traffic lanes and over the existing bituminous shoulders. The project also includes the construction of a new interchange to the east of Brockton Lane in the City of Dayton. The new interchange will be a four-lane diverging diamond interchange and include intersection improvements at Brockton Lane on the west and CSAH 81 on the east. Finally, the project will also involve the addition of a new travel lane in both the westbound and eastbound directions of I-94 from TH 610 to TH 101. To accommodate the addition of the eastbound travel lane near TH 101, an additional lane will be added on eastbound I-94 from the end of the exit ramp to TH 101 to the end of the entrance ramp from TH 101.

Other portions of the project include repaving the parking lot and expanding the truck parking capacity at the Elm Creek Rest Area in Maple Grove; modifying trails and sidewalks within the MnDOT right of way to make them ADA compliant; constructing noise walls; and replacing deficient stormwater management systems.

Under Minnesota Rules, MnDOT is the Responsible Governmental Unit (RGU) for the project. MnDOT described and analyzed the proposed project in a combined Environmental Assessment (EA)/ Environmental Assessment Worksheet (EAW) that was circulated to the Environmental Quality Board (EQB) Distribution List and other interested parties. A Notice of Availability appeared in the EQB Monitor on January 14, 2019. A public hearing meeting was held on February 7, 2019 in Maple Grove. The public hearing meeting was held in an open house format. The comment period closed on February 13, 2019.

MnDOT has undertaken a thorough analysis of the project and its potential impacts. Through its own analysis, coordination with affected agencies, public and community involvement, and comments received, MnDOT has determined that the proposed improvements to I-94 and the Brockton interchange, as described in the EA/EAW and in the Findings of Fact and Conclusions, do not have the potential for significant environmental impacts. MnDOT has concluded that an Environmental Impact Statement (EIS) is not required and has issued a Negative Declaration Order for the project. This decision and determination is supported by the full administrative record of the project, including the Findings of Fact and Conclusions. This concludes the Minnesota state environmental review process for the project.

In addition, the Federal Highway Administration (FHWA) has concluded that the project will not cause significant environmental impacts and issued a Finding of No Significant Impact (FONSI) for the project on April 28, 2019. This concludes the Federal environmental review process for the project.

Mn DOT does not intend to circulate paper copies of the Findings of Fact and Conclusions document or the FONSI. The Findings of Fact and Conclusions document, FONSI, and other project related items are available on the I-94 Maple Grove to Clearwater webpage at:

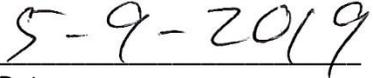
<http://www.dot.state.mn.us/i94-mg-clearwater/documents.html>

Should any readers not have access to the Findings of Fact and Conclusions and FONSI electronic documents, paper copies may be obtained by contacting Rick Dalton, MnDOT Metro District Environmental Coordinator, at 651-234-7677, or via email at richard.dalton@state.mn.us. To request the document in an alternative format, please contact the MnDOT Affirmative Action Office at 651-366-4718 or 1-800-657-3774 (Greater Minnesota); 711 or 1-800-627-3529 (Minnesota Relay). You may also send an e-mail to [adarequest.dot@state.mn.us](mailto:adarequest.dot@state.mn.us).

Thank you.

For the Minnesota Department of Transportation:

  
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Jerome Adams, PE  
Project Manager  
Minnesota Department of Transportation

  
\_\_\_\_\_  
Date

# **FINDINGS OF FACT and CONCLUSIONS**

## **I-94 UBOB Resurfacing Maple Grove to Rogers and Brockton Interchange**

State Project No. S.P. No. 2780-97 (I-94 Resurfacing)  
229-010-001 (Brockton Interchange)

**Prepared by:  
Minnesota Department of Transportation**



**APRIL 2019**

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# FINDINGS OF FACT AND CONCLUSIONS

## I-94 UBOL RESURFACING MAPLE GROVE TO ROGERS AND BROCKTON INTERCHANGE

Located in:  
Hennepin County, Minnesota

### 1.0 STATEMENT OF ISSUE

The proposed project includes resurfacing an existing 9.6 miles of interstate highway between the I-494/I-694 interchange in Maple Grove to TH 101 in Rogers with an unbonded overlay (UBOL); construction of one added travel lane in each direction between TH 610 and TH 101; construction of a new interchange in Dayton; pavement resurfacing and capacity expansion at the Elm Creek Rest Area; and associated road and trail improvements to support the interchange and I-94 ramp resurfacing within the project area.

Preparation of an Environmental Assessment Worksheet (EAW) is required for this project under Minnesota Rules 4410.4300, Subpart 22.B, for construction of additional travel lanes on an existing road for a length of one or more miles and Subpart 22.C, for the addition of one or more new interchanges to a completed limited access highway. The Minnesota Department of Transportation (MnDOT) is the project proposer. MnDOT is also the Responsible Governmental Unit (RGU) for review of this project.

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/Environmental Assessment Worksheet (EA/EAW) for the proposed project, 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 (FOFC):

### 2.0 ADMINISTRATIVE BACKGROUND

- 2.1 The Minnesota Department of Transportation is the Responsible Governmental Unit and project proposer for the I-94 UBOL Resurfacing Maple Grove to Rogers and

Brockton Interchange. A combined Federal Environmental Assessment and State Environmental Assessment Worksheet (EA/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 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 January 14, 2019. A press release was distributed to local media outlets and legal notices were published in the Crow River News and Osseo Maple Grove Press on January 17, 2019. **Appendix A** contains copies of the affidavit of publication for the legal notices. A notice was also published on the project web page <http://www.dot.state.mn.us/i94-mg-clearwater/documents.html>. These notices provided a brief description of the project and 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 February 7, 2019 at the City of Maple Grove Government Center. Additional information pertaining to the publication of the EA/EAW and the public hearing/open house meeting is in **Appendix A**.
- 2.4 The EA/EAW was made available for public review at the MnDOT Metro District Office, Maple Grove City Hall, Dayton City Hall, Rogers City Hall, Maple Grove Library, Rogers Library, Hennepin County Library – Minneapolis, and MnDOT Library. The EA/EAW was also placed on the MnDOT project website at <http://www.dot.state.mn.us/i94-mg-clearwater/documents.html>. Comments were received through February 13, 2019.
- 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**.

### **3.0 FINDINGS OF FACT**

#### **3.1 Project Description**

- 3.1.1 Existing Conditions: The general project area extends along I-94 from the I-494/I-694 interchange in Maple Grove to TH 101 in Rogers, Minnesota. Pavement on this segment of I-94 was constructed in 1973. Since then, several maintenance and rehabilitation projects have been completed to keep the pavement in acceptable condition. The pavement improvements are no longer addressing the overall underlying issue that the pavement is in poor condition and has reached the end of its functional life. In addition to the pavement issues, there are also

congestion and vehicle mobility problems within this segment, particularly between Maple Grove Parkway and TH 101. The Elm Creek Rest Area in Maple Grove also has a lack of truck parking, several pedestrian facilities on crossings of I-94 do not have ADA compliant facilities, and there are stormwater deficiencies throughout the corridor.

3.1.2 Proposed Project: The project will resurface approximately 9.6 miles of the existing pavement on I-94 from the I-494/I-694 interchange to TH 101. The project also includes the construction of a new interchange east of Brockton Lane in the City of Dayton. The project will also address mobility in both the westbound and eastbound direction of I-94 from TH 610 to TH 101. Other portions of the project will address poor pavement and lack of truck parking capacity at the Elm Creek Rest Area in Maple Grove, address ADA compliance within MnDOT right of way, and address deficient stormwater management system.

### 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 Recommended Alternative Layout:

The recommended alternative layout has been updated to reflect design changes based on updated information and continued discussion with partner agencies. The layout modifications are minor and did not result in increased environmental impacts. Figures in **Appendix C** shows the minor changes. The following modifications were made to the layout:

- The EA/EAW described the construction of a commercial vehicle inspection lane along westbound I-94 between 3,300 feet north of CSAH 81 and 6,300 feet south of TH 101 in Rogers. This facility has been removed from the project due to a lack of funding.
- A stormwater BMP had been located near the proposed commercial vehicle inspection lane. Since that area has been removed and there are utility conflicts near that area, the BMP has been moved to the south side of I-94 in this area. This is shown in the revised **Figure 6F** in **Appendix C**.

#### 3.2.2 Air Quality:

The Minnesota Pollution Control Agency (MPCA) sent a letter dated February 1, 2019 to the Metropolitan Council. Based on this letter, the I-94 UBOL Resurfacing project is listed in the Draft 2040 Transportation Policy Plan (TPP) Amendment #2. The analysis in the TPP has resulted in a Conformity

Determination that the project meets all relevant regional emission analysis and budget tests. The TPP also conforms to relevant sections of the Federal Conformity Rule and the applicable sections of the Minnesota State Implementation Plan for air quality. This letter is included in **Appendix D**.

### 3.2.3 Traffic Noise:

Voting on the potential noise walls was held through February 13, 2019. A public meeting to review the potential noise walls was held on February 7, 2019 in conjunction with the Open House and Public Hearing for the project.

Based on the voting tally as of February 13, 2019, two noise walls (NB1 and NB13) received a 50% response rate based on points. The voting for walls NB3 and NB12 did not garner enough votes to reach a majority decision; therefore, the voting for these two walls was extended through March 23, 2019. Notice of the voting extension was posted on the project website and mailings were sent out on February 22, 2019.

Typographical errors were found in the Noise Mitigation Cost Effectiveness Results tables on pages 41 and 64 of the Traffic Noise Study under the “Number of Benefited Receptors” and “Number of Receptors Meeting the Design Goal Reduction”. These errors did not affect barrier results and have been corrected. The updated Noise Report with the corrected tables is included in **Appendix E**.

The following summarizes the results of the noise wall voting process as of March 23, 2019. **Table 1** of this FOFC document summarizes the voting point results of the noise walls.

**Table 1 – Noise Wall Voting Point Results**

Noise Wall	Noise Wall Location	Total Number of Benefited Receptors	Total Possible Voting Points	Yes Points (% of Voting Points Received)	No Points (% of Voting Points Received)	Total % of Voting Points Received <sup>(1)</sup>	Will Noise Wall Be Constructed? <sup>(2)</sup>
NB1	East side of I-94 between Weaver Lake Rd. and Trail Bridge in Maple Grove	21	96	90 (94%)	1 (1%)	95%	Yes
NB3	East side of I-94 between Trail Bridge and 93rd Ave. N. in Maple Grove	53	192	85 (44%)	21 (11%)	55%	Yes
NB12	West side of I-94 between Weaver Lake Rd. and Wedgewood Way N. in Maple Grove	94	351	174 (50%)	39 (11%)	61%	Yes
NB13	West side of I-94 between Wedgewood Way N. and 73rd Ave. N. in Maple Grove	30	156	103 (66%)	0 (0%)	66%	Yes

1. A 25% response rate based on eligible points must be received or the wall will NOT be constructed.
2. A simple majority of points (based on votes received) determines the outcome of the wall.

3.2.4 Maintenance of traffic was discussed in the preferred alternative section of the EA/EAW. Since the publication of the EA/EAW, additional local mitigation for traffic maintenance has been added at the following locations:

- CR 159 at CSAH 101: Compact roundabout

- CR 159 at CSAH 116: Temporary signal
- CSAH 30 at CSAH 101: Add southbound lane with striping only and temporary signal adjustment
- CSAH 30 at CSAH 116: Add northbound and southbound temporary signal adjustment

3.2.5 Stormwater best management practices (BMPs) will be constructed to address infiltration and water quality treatment from runoff from the road right of way. **Figures 19A – 19G** of the EA/EAW identified the locations of BMPs. See updated **Figure 19F: Project BMP Locations** in **Appendix C** of this FOFC document for the revised BMP locations as described below:

- The BMP previously located near the formerly proposed commercial vehicle inspection lane was moved to the south side of I-94 due to the removal of the inspection lane from the project and also due to the proximity of AT&T fiber lines and concerns with constructability in the previous location.

The new location for this pond does not result in additional wetland or floodplain impacts; does not change the overall tree removal anticipated by the project; has received Section 7 clearance since the area was included in the original project area review; and is listed as a de minimis parcel in the Phase I ESA so is not anticipated to contain contaminated areas. As was the case with the original pond location, this new location requires a cultural resource evaluation in the field. Once this review occurs, MnDOT CRU will send an updated letter based on the findings to the MnDOT project manager. The MnDOT CRU requirements in their original letter will apply for the new pond location.

3.2.6 Floodplain:

Based on comments received by the Elm Creek Watershed Management Commission (ECWMC), there are some upland stormwater storage areas in Maple Grove as shown on **Figures 15C and 15D** that are not identified on FEMA maps but are considered by ECWMC as floodplains. These revised figures are in **Appendix C**. ECWMC requires mitigation of floodplain impacts. The estimated floodplain elevations are as follows:

- Unnamed Stream (M-062-008) adjacent to CSAH 30/93<sup>rd</sup> Avenue, elevation 902.6 (NGVD 88)
- Existing depressions in the southeast corner of CSAH 30/93<sup>rd</sup> Avenue and westbound I-94, elevation 903.9 (NGVD 88)

- Unnamed Stream (M-062-008) at Unnamed Lake #27027100, elevation 923.7 (NGVD 88)

There are no impacts expected to the ECWMC regulated floodplains and therefore no mitigation is needed. There are no changes to the impacts to FEMA and ECWMC identified floodplains in the EA/EAW.

The stormwater, erosion control, floodplain and temporary Best Management Practices (BMP) requirements will be incorporated into the project design and submitted to the ECWMC for review.

3.2.7 Impacts to surface waters were outlined in the EA/EAW and have been updated as follows:

<b>Project Element</b>	<b>Wetland Impact (acres)</b>	<b>Tributary Impacts (acres)*</b>	<b>Wet Ditch Impacts (acres)*</b>	<b>Stormwater Pond Impacts (acres)*</b>	<b>Total Impact (acres)*</b>
I-94 Added Lanes	1.9	<0.01	14.03	0.34	16.28
Brockton DDI	1.28	0.13	2.67	0.32	4.4

\*resources do not fall under the jurisdiction of the Wetland Conservation Act

The US Army Corps of Engineers (USACE) Section 404 and Minnesota Wetland Conservation Act (WCA) joint permit applications have been drafted as separate applications for the MnDOT (I-94 added lanes) and City of Dayton (Brockton interchange) portions of the project. These applications will be submitted for review, comment, and approval. Wetland impacts for both portions of the project occur in Bank Service Area (BSA) 7 and Major Watershed 20 (Mississippi River). The proposed method of compensatory mitigation for wetland impacts follows the approach outlined in the St. Paul District Policy for the Wetland Compensatory Mitigation in Minnesota and the Minnesota WCA Rules, which requires 2:1 mitigation ratio for replacement, if in the same BSA. This means that every 1 acre of wetland impact will require 2 acres of replacement. Wetland mitigation for the MnDOT portions of the project is expected to occur through the debit of 3.8 acres of mitigation credit from an existing MnDOT wetland bank. Mitigation for impacts resulting from the Brockton interchange is expected through the purchase of wetland bank credits from USACE-approved banks in BSA 7 and will result in the purchase of 2.56 acres of mitigation credit.

The Wetland Impact and Two-Part Finding document and corresponding impact figures have been updated to reflect changes to wetland impacts and is included in **Appendix E**.

3.2.8 Updated right of way acquisition estimates have been prepared since the EA/EAW was released and these include the new BMP location. The following table provides updated numbers to **Table 22 and 23** in the EA/EAW for both permanent and temporary acquisitions. **Figures 20A – 20F** have been updated to show the property that will be needed to construct the project.

**Table 2: Right of Way Impacts**

<b>Type of Acquisition</b>	<b>Acres</b>	<b>Number of Parcels</b>	<b>Number of Property Owners</b>	<b>Portion of Project</b>
Permanent Right of Way/Permanent Easement	1.56	2	2	I-94
Temporary Easement	0.39	6	6	I-94
Permanent Right of Way	2.39	2	2	Brockton Interchange
Temporary Easement	0.71	3	3	Brockton Interchange
Right of Way Previously Obtained by the City of Dayton	25.9	3	3	Brockton Interchange

**Table 3: Individual Parcel Impacts**

<b>Parcel Number/Name</b>	<b>Permanent Right of Way/Permanent Easement (acres)</b>	<b>Temporary Easement (acres)</b>	<b>Portion of Project</b>
3	0	0.14	I-94
4	1.86	0.15	Brockton Interchange
5	0	0.06	Brockton Interchange
6	0.52	0.50	Brockton Interchange
7	0.61	0.07	I-94
8	0	0.02	I-94
9	0	0.05	I-94
10	0.96	0.10	I-94
10A	0	0.002	I-94
<b>Total</b>	<b>3.95</b>	<b>1.092</b>	

### 3.2.9 Phase II Environmental Site Assessment (ESA)

The Phase II ESA has been completed. The report is available upon request. The information as stated in the EA/EAW remains valid that while some contamination was encountered in the project area, the type and concentration levels can be managed during the construction and do not require clean up or remediation before the project starts. The project will be required to manage these contaminated soil areas in conformance with MnDOT specifications.

### 3.2.10 Environmental Commitments

Since the EA/EAW was completed, the environmental commitments that were in the original EA/EAW have been updated based on comments received. These environmental commitments have been revised accordingly per this FOFC and are included in **Appendix E**.

## 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 of Fact and Conclusions document as well as the public/agency comments received during the public comment period (see **Appendix B**) 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 and environmental commitments as a result of the EA/EAW process are included in **Appendix E**:

- 3.3.1.1 Land Use: The project is consistent with the land uses and zoning guidance within the project area. Approximately 9 acres of the project are currently being farmed. The project will not prohibit the use of non-converted farmland for farming practices. Portions of the project are located within

flood districts. The project will not result in any significant floodplain impacts.

3.3.1.2 Geology, Soils, and Topography/Land Forms: Approximately 229 acres of soil will be graded for the proposed project. The estimated volume of soil excavation is 320,479 cubic yards. During construction, drainage and erosion control measurements will be implemented as part of the project design, contracts, and the NPDES permit for Construction Site Activities. Temporary erosion control best management practices (e.g., silt fence, temporary ponds, etc.) will be necessary for each phase of the project. A Stormwater Pollution Prevention Plan (SWPPP) will be developed for the project.

3.3.1.3 Water Resources: Various water resources were reviewed in the EA/EAW and are summarized below.

*Groundwater*: Two wellhead protection areas are located within the project area. A wellhead protection plan has been created for the wellhead protection areas. Two Drinking Water Supply Management Areas (DWSMAs) are also located within the project area. The feasibility for infiltration practices will be evaluated when planning stormwater BMPs.

Forty wells were identified within 500 feet of the project. Fourteen of these wells were identified as sealed. Twenty-six were noted as active. Any wells that will be impacted by the project will be sealed by a licensed well contractor according to Minnesota Rules, Chapter 4725, or be relocated and coordinated with the MPCA and MDH.

*Stormwater*: The proposed project will increase the impervious surfaces within the project area by approximately 33.7 acres compared to the existing conditions. Existing drainage patterns will be maintained to the extent that is feasible. The existing rural road section for I-94 will be maintained for the proposed conditions for most of the project. There are segments of the I-94 median that will be converted to urban section where there are constrictions due to the bridges that require the new lanes be shifted into the median. There are also a segment of the Brockton interchange that will be urban section.

The project will need to comply with the NPDES Construction Stormwater General Permit. The project will be designed to meet standards of the Cities of Maple Grove, Rogers, and Dayton stormwater; Hennepin County; MnDOT; Shingle Creek Watershed Management Commission (SCWMC) and Elm Creek Watershed Management Commission (ECWMC). The ECWMC

standards for BMPs are the most stringent. The primary stormwater objectives that will apply to the project area as follows:

- Rate Control: Proposed Conditions 2, 10, and 100-year, 24-hour storm events not exceed existing runoff rates.
- Volume Reduction: 1.1-inch runoff generated from new impervious surfaces must be infiltrated/abstracted.
- Water Quality Treatment: No net increase in total phosphorous (TP) or total suspended solids (TSS) from pre-development land cover to post-development land cover.

The proposed stormwater management plan for the project is summarized below:

- Crow River: Stormwater runoff tributary to the Crow River from I-94 west of Cabela's will follow existing drainage patterns. Proposed BMPs within the gore areas of the I-94/TH 101 Interchange are proposed to treat the new impervious from the auxiliary lane. This stormwater runoff is conveyed through the existing I-94 ditch system to the Crow River.
- Grass Lake: Stormwater runoff from I-94 between Cabela's and the CSAH 81 overpass will be conveyed to a proposed filtration system on the northeast side of I-94. Runoff from the BMP will be discharged into the wetlands upstream of Grass Lake.
- French Lake: There is a small portion of the runoff from the proposed improvements on CSAH 81 that is tributary to French Lake. The area generally west of 113th Avenue North to the project limits on CSAH 81 is tributary to French Lake. A portion of CSAH 81 additional impervious surfaces will be routed south into the existing pond in the southwest quadrant of CSAH 81 and Dayton Parkway. This pond is proposed to be expanded.
- Rush Creek: Stormwater runoff from much of Brockton interchange and I-94 from CSAH 81 overpass to TH 610 is tributary to Rush Creek. Multiple BMPs are proposed within and adjacent to the gore areas of the Brockton interchange ramp loops and areas of existing MnDOT right of way through this segment. Much of the increase in impervious surfaces for the project is related to Brockton Interchange. The BMPs within the Brockton interchange are proposed to meet the regulatory requirements for the increase in impervious surfaces in this area.

- Rice Lake: Runoff from I-94 from southeast of TH 610 to roughly Weaver Lake Road interchange is tributary to Rice Lake. There is no net new impervious proposed within this segment of I-94; therefore, no new BMPs are proposed. The new impervious surfaces from the expanded parking at the Elm Creek Rest Area will be treated with proposed BMPs adjacent to the on-ramp from the Rest Area.
- Fish Lake: There are no net new impervious surfaces proposed within the Fish Lake subwatershed. Runoff from I-94 from roughly Weaver Lake Road interchange to just northwest of the I-94/I-494 Interchange is tributary to Fish Lake. No new BMPs are proposed.
- Cedar Island Lake: There are no new impervious surfaces proposed within the Cedar Island Lake subwatershed. Runoff from I-94/I-494 interchange is tributary to Cedar Island Lake located within the SCWMC jurisdictional boundaries. No new BMPs are proposed. Stormwater BMPs will be designed to meet ECWMC requirements, the most stringent of the applicable regulatory requirements.

Additionally, while the advanced temporary widening to accommodate the management of traffic will not be required to provide permanent stormwater BMP's, ditch checks or other similar BMP's may be used within the existing right of way to provide further stormwater management as part of that temporary project.

- The proposed project will not contribute to the impairment of the receiving waters. The proposed stormwater management system will satisfy permit compliance for the proposed roadway improvements by provide water quality treatment, volume control and rate control.
- A SWPPP will be developed for this project as required by the MPCA NPDES Construction General Permit. The SWPPP will include MnDOT best management practices for erosion control, sedimentation, and stabilization measures. Some of these measures will include silt fence, bioroll check dams, erosion control blanket, and temporary basins. The type and extent of erosion control BMPs will be dependent on the impairment of the downstream waterbody.

*Surface Water:* Various water resources existing within the project limits, including lakes, wetlands, streams, and ditches. Impaired waters within 1 mile of the project include: Cedar Island Lake, Fish Lake, Elm Creek, Rice Lake (main lake), Weaver Lake, Rush Creek (south fork), and Rush Creek.

Permanent surface water impacts total 20.68 acres and will occur and are summarized below:

Wetland Impacts:	1.9 acres (I-94) 1.28 acres (Brockton interchange)
Tributary Impacts:	<0.01 acre (I-94) 0.13 acre (Brockton interchange)
Wet Ditch Impacts:	14.03 acres (I-94) 2.67 acre (Brockton interchange)
Stormwater Pond Impacts:	0.34 acre (I-94) 0.32 acre (Brockton interchange)

- Wetland Impacts: The project will require permits from the Wetland Conservation Act, US Army Corps of Engineers, and Department of Natural Resources. All water resources that are anticipated to be impacted by the project will be included in the permit application and an antidegradation plan will be completed if necessary. Section 401 Certification is anticipated via the US Corps of Engineers permitting process. Permits for the MnDOT (I-94) and City of Dayton (Brockton interchange) portions of the project will be drafted, submitted, and reviewed separately.

**Appendix E** includes the Wetland Assessment and Two-Part Finding form, which describes avoidance measures and minimization efforts.

Minimization efforts are summarized below:

- Steeper inslopes (1:4 or steeper)
- Minimum safe sight distances to minimize the need for cut and fill

It is anticipated that wetlands will be replaced at a 2:1 ratio within Bank Service Area (BSA) 7. Wetland mitigation for the MnDOT portions of the project is expected to occur through the debit of 3.8 acres of mitigation credit from an existing MnDOT wetland bank. The specific wetland bank credits will be determined through consultation with the USACE and the MnDOT Office of Environmental Stewardship (OES). Mitigation for impacts resulting from the Brockton interchange is expected through the purchase of wetland bank credits from USACE-approved banks in BSA 7 and will result in the purchase of 2.56 acres of mitigation credit. The specific location of the bank will be determined during permitting.

- Tributary Impacts: Three tributaries will be permanently impacted by the project, totaling 0.14 acre. These tributaries are classified by the Department of Natural Resources as public waters. Impacts to tributaries will result from drainage improvements. Compensatory

mitigation for impacts to tributaries is not anticipated but will be determined through consultation with the USACE and MnDOT OES.

- DNR Public Waters: The following public waters were identified within 1 mile of the project limits: Rice Lake (PI No. 116P), Fish Lake (PWI No. 118P), Elm Creek (No. M-062), Rush Creek (M-062-004), unnamed stream (M-062-008), unnamed wetland No. 114W, unnamed wetland No. 296W, and unnamed wetland No. 307W.

Construction activities within DNR public waters will require a DNR Public Waters Work Permit. Compensatory mitigation for impacts to DNR public waters is not anticipated for the proposed work.

Activities associated with culvert construction/replacement/extension will require a DNR water appropriations permit. Dewatering BMPs will be identified in the SWPPP, and a dewatering plan will be included in the construction documents. If dewatering rates during construction exceed 10,000 gallons per day or a million gallons per year, a DNR water appropriation permit will be required and will be acquired by the contractor.

- Other surface waters: Ten stormwater ponds and numerous wet ditches were identified within the project area. These are areas that were constructed for the management of stormwater from developed areas and have formed wetland characteristics over time due to the topographic position and the frequency of hydrology from runoff. Impacts to these areas total 17.36 acres. While these areas may meet wetland criteria they were not constructed with the purpose of creating a wetland and therefore impacts to these facilities are not anticipated to require mitigation via Section 404 or Section 401 or via the Minnesota Wetland Conservation Act.

3.3.1.4 Contamination/Hazardous Materials/Wastes: A Phase I Environmental Site Assessment (ESA) identified 110 sites within 500 feet of the project. Nine sites ranked as high risk, 60 sites ranked as medium risk, and 41 sites ranked as low risk for contamination. All other sites in the project area were assigned a de minimis ranking. Of the sites identified, 38 are near the project construction and 25 sites were recommended for additional evaluation with a Phase II ESA.

A Phase II ESA has been completed. While some contamination was encountered in the project area, the type and concentration levels can be managed during the construction and do not require clean up or remediation before the project starts. The project will be required to

manage these contaminated soil areas in conformance with MnDOT specifications

It is expected that a structure at the West Wayside (MnDOT right of way) and one house and associated structures within the City of Dayton right of way will be demolished as part of the project. For any buildings that will be removed/demolished as part of the project, MnDOT or the City of Dayton (depending on the location) will contract with experts in regulated waste to inspect the properties for the presence of regulated or contaminated materials. MnDOT or the City of Dayton will implement standard measures to help avoid, control and manage potential effects from contaminated materials, such as preparing and implementing a project-specific scope of work, site-specific health and safety plan and hazardous material management plan. Any regulated or contaminated materials identified will be disposed of in accordance with applicable federal, state, and local regulations in advance of construction of the project.

Solid wastes generated during construction of the project will be disposed of property in a permitting, licensed solid waste facility and potentially recyclable construction materials will be directed to the appropriate storage, crushing or renovation facility.

Toxic or hazardous materials used during construction will be stored in accordance with MPCA guidelines and regulations. Appropriate best management practices will be used during storage and in the event of a spill. Any contamination or spills occur during construction will be the responsibility of the contractor, who will notify the MPCA Duty Officer and work to contain and remediate the contaminated soil/materials.

- 3.3.1.5 Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features): Much of the site has been previously disturbed and used for the existing I-94 roadway, commercial or industrial development, or agriculture. Any wildlife displaced by the project will likely relocate to suitable nearby areas. Vegetation, including herbaceous vegetation and trees, will be removed during construction of the project. Approximately 6.38 acres of tree removal is expected.

Blanding's turtles (*Emydoidea blandingii*) have the potential to be present within the project area. To minimize risk to these turtles, the following best management practices will be used:

- any use of Category 3 or 4 erosion control blanket will be limited to 'bio-netting' or 'natural netting' types (Category 3N or 4N) and plastic mesh netting will not be allowed.

- new curb proposed as part of the project is recommended to be a mountable design (Type D, R, or S).
- culverts between wetlands and on streams should be oversized (minimum 36") to allow turtles to use these structures for passage.

In addition, the DNR provided a fact sheet that outlines measures for avoiding and minimizing impacts to turtles as well as a flyer to distribute to the contractor working in the area. These documents were available in the EA/EAW.

Bald eagles (*Haliaeetus leucocephalus*) have the potential to be present in the project area. Prior to removal, trees will be inspected for bald eagles. If necessary, the US Fish and Wildlife Service (USFWS) issues permits for unintentional disturbance and for the taking of a tree with bald eagle nests present.

The northern long-eared bat (*Myotis septentrionalis*) is listed by the USFWS as threatened in Hennepin County. There are no documented maternity roost trees or hibernacula within the project area. However, the project will still perform tree removal in the winter (November 1 to March 31) to avoid possible impacts to the bat.

Eurasian water milfoil is known to exist in the Rice Lake basins that extend into MnDOT right of way. Any equipment that contacts the Rice Lake basins will be inspected for vegetation, and if present, removed prior to transport.

Noxious weeds have been identified within the project area. It is recommended to aggressively treat giant phragmites before construction begins and that soil from these areas, if moved or excavated, be separated and tracked. If possible, soil will be left in place. Any soil moved during construction that contains noxious weeds or weed parts will be kept within the project right of way, on the same side of the highway, and buried under the final roadway grade where possible. If transported from the project area, permits to transport this soil will be obtained from the appropriate County Agricultural inspectors. Additionally, the following practices will be used to limit the spread of noxious weeds during construction:

- identify where weeds are present during the growing season or when weeds are visible,
- prioritize these areas for weed control before construction begins, and
- post construction monitoring for noxious weeds and control as necessary.

All revegetation of disturbed soil will use a native seed mix in areas that are not proposed for mowed turf grass.

- 3.3.1.6 Historic Properties: The project area (the area of potential effect or APE for purposes of Section 106) has been reviewed for the presence of culturally-significant archeological and/or architecture-history resources by MnDOT's Cultural Resource Unit (CRU). MnDOT's CRU has coordinated with the Minnesota State Historic Preservation Office (MnSHPO). MnDOT's CRU found that the project will have no adverse effect to any historic properties. MnSHPO provided agreement with MnDOT CRU's findings in the EA/EAW.

Additionally, none of the archaeological sites potentially eligible for listing in the National Register of Historic Places will be directly impacted by the proposed construction activities. Protective measures during construction will be used to avoid inadvertent disturbance to previously identified archaeological sites 21HE76, 21HE130, and 21HE187. These protective measures will include the establishment of a buffer in consultation with MnSHPO, Office of State Archaeologist (OSA), and Minnesota Indian Affairs Council (MIAC); the use of visual barriers such as construction fence to demarcate the buffer; and notations on project plans.

MnDOT's CRU has coordinated with the MnSHPO and OSA. MnDOT CRU found that the project will have no adverse effect to any historic properties or cultural resources provided that the following conditions are met:

- Project specific wording will be developed and incorporated into the project construction plans to provide protection to select identified burial and archaeological sites.
- MnDOT CRU's contact information will be included in the construction documents and if anything is altered from the current review, the contractor will notify MnDOT CRU
- Survey of one pond location that could not be reviewed due to landowner permission will be completed prior to construction if disturbance to this area is proposed.

MnSHPO provided agreement with MnDOT CRU's findings as noted in the EA/EAW.

- 3.3.1.7 Air: Air quality impacts will primarily be construction-related due to dust. Dust generated during construction will be minimized through standard dust control measures such as applying water to exposed soils and limiting the extent and duration of exposed soil conditions. Construction contractors will be required to control dust and other airborne particulates

in accordance with MnDOT specifications in place at the time of project construction.

During construction, particulate emissions will temporarily increase due to the generation of fugitive dust associated with activities such as grading and other soil disturbance. The following dust control measures will be undertaken as necessary:

- Minimize the duration and extent of areas being exposed or regraded at any one time.
- Spray construction areas and haul roads with water, especially during periods of high wind or high levels of construction activity.
- Minimize the use of vehicles on unpaved surfaces when feasible.
- Tarp trucks hauling soil, sand, and other loose materials or require trucks to maintain at least two feet of freeboard.
- Pave, apply water as needed, or apply (non-toxic) soil stabilizers on unpaved access roads, parking areas and staging areas at construction sites.
- Use water sweepers to sweep paved access roads, parking areas, and staging areas at construction sites.
- Use water sweepers to sweep streets if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Utilize appropriate erosion control measures to reduce silt runoff to public roadways.
- Replant vegetation as quickly as possible to minimize erosion in disturbed areas.
- Use alternative fuels for construction equipment when feasible.
- Maintain properly tuned equipment.
- After construction is complete, dust levels are anticipated to be minimal because all soil surfaces exposed during construction will be in permanent cover (i.e., tracked, paved, or revegetated areas).

Odors could be generated by exhaust from diesel engines engaged in construction activities and fuel storage areas. All machinery will be properly equipped to control emissions.

3.3.1.8 Noise: Construction activities associated with implementation of the

preferred alternative will result in increased noise levels relative to existing conditions. These impacts will primarily be associated with construction equipment and pile driving.

MnDOT will require that construction equipment be properly muffled and in proper working order. MnDOT will require contractors to comply with applicable local (City of Maple Grove, Dayton, or Rogers) noise restrictions and ordinances to the extent that is reasonable. Advanced notice to the cities will be provided of any abnormally loud construction activities such as use of high-impact equipment, pile driving, pavement sawing, or air hammering. These types of construction activities will also be prohibited between 8:30 pm and 7:00 am.

A traffic noise study was also completed for the project and the results to date are summarized in **Section 3.2.3**.

- 3.3.1.9 Transportation: Various transportation-related impacts will occur and are summarized below:

*Parking Spaces*: The project will construction an additional 12 parking spaces at the Elm Creek Rest Area.

*Traffic Generation*: The project will not generate traffic, but it will result in changes to travel patterns and future traffic volumes because of the new interchange and the additional lane in each direction between TH 610 and TH 101.

*Traffic Operations*: An analysis was completed of traffic impacts during construction to determine both temporary and permanent improvements that should be considered to avoid major delays and backups during construction. I-94 currently has six-lanes (three lanes each direction) for traffic between I-494 and TH 101 and traffic volumes for about 12 hours a day exceed the capacity of a four-lane facility. The Metropolitan Council Regional Travel Model 2015 calibrated model was used to test a four-lane, five-lane and six-lane alternative. The daily vehicle hours of travel for the four-lane alternative was about 10,000 vehicle hours per day more than without construction. The six-lane alternative was about 5000 vehicle hours per day more than without construction, which was primarily because of lower speeds in the construction zone and some reduction in capacity due to narrower lanes and no shoulders. The amount of traffic diverted to the city and county roadways was significantly less with the six-lane option versus the 4-lane option. MnDOT has committed to maintaining six lanes on I-94 during construction and will also monitor the local roadways that could be impacted by traffic diverting from I-94. The

specific intersections MnDOT has committed to monitoring include the following:

- Territorial Road/Main Street
- Territorial Road/CR 116 (Fletcher Lane)
- Territorial Road/Brockton Lane (CR 101)
- CSAH 30 and CR 116
- CSAH 30 and CR 101

Potential improvements at these intersections will include temporary traffic signals and potential restriping of existing lanes. No additional impervious surface will be needed to implement the improvements. An analysis of the intersections with the temporary improvements indicated that they can accommodate up to 20 percent higher volumes than existing and maintain traffic operations at an acceptable level or better than the existing operations. Any improvements implemented at these intersections will be temporary and removed after construction. MnDOT will meet with the cities and county on a weekly basis during construction to understand if there are major impacts on the local system.

*Traffic Maintenance:* Local mitigation for traffic maintenance has been added at the following locations:

- CR 159 at CSAH 101: Compact roundabout
- CR 159 at CSAH 116: Temporary signal
- CSAH 30 at CSAH 101: Add southbound lane with striping only and temporary signal adjustment
- CSAH 30 at CSAH 116: Add northbound and southbound temporary signal adjustment

*Transit:* Because of ramp closures during construction, the project will potentially impact the Maple Grove transit services. During these short-term closures, alternate routes will be identified to get to I-94. In the long term the project will not affect transit services.

3.3.1.10 Social Impacts: The construction of a new interchange east of Brockton Lane would shift travel patterns and access in and near the City of Dayton as well as along the county roads in the area. This will provide for local access for residents and businesses in the area. A new pedestrian access will also be added at the Brockton interchange.

The project is expected to provide positive long-term social impact for residents, businesses, and the surrounding communities. The construction

of additional travel lanes will decrease commute times and increase mobility on I-94 between TH 610 and TH 101. The construction of the Brockton interchange will improve access to I-94 and to surrounding businesses and industrial areas in Dayton.

- 3.3.1.11 Considerations Related to Pedestrians and Bicyclists: The project will briefly interrupt pedestrian and bicycle flow on trails receiving ADA improvements during construction of those improvements. No long-term impacts are expected.
- 3.3.1.12 Environmental Justice: An environmental justice study was completed as part of the EA/EAW. Readily identifiable minority and low-income populations are affected by the project. However, the adverse effects of the project will not be predominately borne by the identified minority or low-income population, nor will they be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority or non-low-income population. Therefore, the proposed action will not have disproportionality high or adverse human health or environmental effects on any minority population or low-income population.
- 3.3.1.13 Economics: This section describes the potential effects of the project on economic activity, including potential impacts to local businesses resulting from changes in roadway access and the effect of the project on economic development within the project cities.

The proposed project will increase mobility and provide local access to I-94 that will continue to support economic growth and development. The proposed new interchange east of Brockton Lane will also provide the infrastructure needed to support the growth and development plans of the City of Dayton. The addition of the new interchange east of Brockton Lane will also reduce additional system-wide vehicle miles of travel, vehicle hours of travel, energy use, and vehicle emissions, thus improving the economics of the region.

- 3.3.1.14 Right of Way and Relocations: Both temporary and permanent right of way acquisition will be required to construct the project. All right of way acquisition will be done in accordance with the Uniform Relocation and Real Property Acquisition Act of 1970, as amended by the Surface Transportation Uniform Relocation Assistance Act of 1987 and 49 CFR, Part 24, and effective April 1989. MnDOT is responsible for all right of way acquisition related to the proposed roadway improvements related to the I-94 improvements. The City of Dayton is responsible for all right of way

acquisition related to the proposed Brockton interchange. The current right of way acquisition needs of the project are summarized in **Section 3.2.8**.

One home exists within property intended for the Brockton interchange, located south of the I-94 and proposed Dayton Parkway intersection. The home is located on property currently owned by the City of Dayton. The home is rented, and the city has an agreement that the tenants must vacate the building within a 60-day notice. Relocation will be in conformance with the Uniform Relocation Act.

3.3.1.15 Noise and Vibration: A traffic noise study was completed for the project and four barriers were found to meet MnDOT's cost effectiveness reasonableness threshold and noise reduction design goal. The results to date are summarized in **Section 3.2.3**.

3.3.1.16 Section 4(f) – Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites: The project proposes to make minor ADA improvements to existing pedestrian pathways located on the Weaver Lake Road, 93rd Avenue, Maple Grove Parkway, and TH 101 overpasses to I-94.

Each resource described above had been issued a Limited Use Permit (LUP) by MnDOT for construction, maintenance, and operation of the trail within MnDOT right of way. The LUPs are subject to cancellation by MnDOT for any other highway or transportation purpose, with short-term (60, 90 days) notice. Based upon this language, it has been determined that the portions of the trails covered by the LUPs do not constitute a long-term public interest. Therefore, portions of the trail covered by these LUPs are not Section 4(f) resources and not subject to Section 4(f) protections.

3.3.1.17 Section 6(f) – Land and Water Conservation Act: The project area was reviewed for properties subject to Section 6(f) requirements. Medicine Lake Regional Trail Corridor was identified as a property subject to these requirements. Medicine Lake Regional Trail is owned by Three Rivers Park District.

The project will not result in acquisition of, or physical alteration to, the Medicine Lake Regional Trail Corridor. Temporary impacts may occur to the section of the trail that passes under I-94 within MnDOT right of way. These impacts consist of limited trail closure for the safety of trail users while unbonded overlay work is occurring on I-94. Temporary closures are expected to last less than six months. Coordination with the DNR occurred and documented the location and duration of temporary impacts.

3.3.1.18 Section 7 – Endangered Species Act: MnDOT’s Office of Environmental Stewardship (OES) reviewed the project area for federally listed species. There were four species identified within Hennepin County: the northern long-eared bat, Higgins eye pearl mussel (*Lampsilis higginsii*), snuffbox (*Epioblasma triquetra*), and rusty-patched bumble bee (*Bombus affinis*).

Staff from OES determined that the project “may affect but is not likely to adversely affect” the northern long-eared bat. OES staff noted that the project will occur within the northern long-eared bat’s range, but there are no documented maternity roosts and/or hibernacula within the project area. Tree removal will occur during the winter during the bat’s inactive season and the loss of habitat will be spread along a long linear corridor that is already subject to disturbance. OES staff shared its determination with representatives from the USFWS and they concurred.

Staff from OES determined that the project will have “no effect” on the Higgins eye pearl mussel snuffbox, and rusty-patched bumble bee as no documented occurrences of these species exist within the project area and no suitable habitat will be impacted by the project.

OES staff did recommend that the project should include minimization measures to prevent effects to the bat.

- The project must perform winter tree removal (November 1 to March 31) to avoid possible impacts to the species during the bat’s active season.
- Disturbed areas must be revegetated using native seed mixes per DNR, MnDOT, and USFWS guidance.
- The project must utilize bio-netting or natural netting for erosion control (if erosion control blanket is used), which will reduce the risk of bat or other wildlife entrapment.

MnDOT has agreed to these requests for construction and these measures will be noted in construction documents and requests for proposals for construction.

3.3.1.19 Section 404 – Clean Water Act: Several water resources were identified within or near the project area, including 22 wetlands, 10 stormwater ponds, two tributaries, two lakes, and numerous wet ditches. Impacts to these waters, and planned mitigation, total 20.68 acres and are summarized in **Section 3.3.1.3**.

MnDOT’s portion of the project (I-94) and the City of Dayton’s portion (Brockton interchange) will be permitted separately through the USACE.

Both projects are expected to qualify for a Transportation Regional General Permit.

- 3.3.1.20 Section 401 – Clean Water Act: Any waters that are determined to be under the jurisdiction of the USACE will also require Section 401 Water Quality Certification. As described in **Section 3.3.1.3** above, this will involve approximately 28.9 acres of USACE-regulated aquatic resources.

The MPCA has provided 401 certifications for projects and activities that qualify for authorization under the Transportation Regional General Permit. MPCA has waived 401 Certification for projects authorized under a Letter or Permission (LOP). Both the MnDOT portion of the project (I-94) and City of Dayton portion of the project (Brockton interchange) are expected to qualify for a Transportation Regional General Permit. An antidegradation plan will be completed if necessary.

- 3.3.1.21 Indirect Effects: The proposed project is consistent with long-term plans for MnDOT, Hennepin County, and the cities of Maple Grove, Dayton, and Rogers.

Environmental effects would likely occur in both the No Build alternative and Preferred alternative. However, the added lanes and new interchange may increase the attractiveness of the city of Dayton to business, leading to a shortened build-out timeframe. For future actions, there would be regulations and permits that would have to be followed and obtained as that development occurs, minimizing the cumulative impacts associated with the project.

- 3.3.2 Summary finding with respect to these 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.
- 3.3.3 Cumulative Potential Effects of Related or Reasonably Foreseeable Future Projects

As discussed in Item 19 of the EA/EAW, the cumulative potential effects have been considered and the proposed project has minimal potential for cumulative impacts to the resources directly or indirectly affected by the project. Given the laws, rules, and regulations in place as well as local regulatory requirements and comprehensive planning and zoning laws, substantive adverse cumulative impacts to resources as not anticipated.

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

3.3.4.1 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. Permits and approvals that have been obtained or may be required prior to project construction include those listed in **Table 4**.

3.3.4.2 The permits listed in **Table 4** 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 4– Agency Approvals and Permits**

Unit of Government	Type of Application/Permit	Status
<b>Federal</b>		
Federal Highway Administration	Environmental Assessment Approval	Complete
Federal Highway Administration	EIS Need Decision	Pending
Federal Highway Administration	Section 4(f) determination	Complete
Federal Highway Administration	Section 106 determination	Complete
U.S. Army Corps of Engineers	Section 404 Permit – Regional General Permit	Pending
U.S. Fish and Wildlife Service	Endangered Species Act Section 7 Determination	Consultation Complete
<b>Tribal</b>		
Tribal Historic Preservation Officer (THPO)	Section 106 (Historic / Archeological) Consultation	Consultation Complete
<b>State</b>		
MnDOT	Environmental Assessment Approval	Complete
MnDOT	EIS Need Decision	Complete
MnDOT	Minnesota Wetland Conservation Act	Pending
Minnesota Department of Natural Resources	State Endangered Species Review	Consultation Complete
Minnesota Department of Natural Resources	Public Waters Work Permit	Pending

<b>Unit of Government</b>	<b>Type of Application/Permit</b>	<b>Status</b>
Minnesota Department of Natural Resources	Water Appropriations Permit	To be obtained by contractor, if necessary
Minnesota Department of Natural Resources	License to Cross Public Lands and Waters	To be obtained by contractor, if necessary
Minnesota Pollution Control Agency	Section 401 Certification	Pending, to be received via Section 404 permit
Minnesota Pollution Control Agency	National Pollutant Discharge Elimination System Permit	Pending
Minnesota State Historic Preservation Officer (MnSHPO)	Section 106 (Historic / Archeological) Consultation	Consultation Complete
<b>Local</b>		
City of Maple Grove	Municipal Consent	Received
City of Dayton	Municipal Consent	Received
City of Rogers	Municipal Consent	Received
City of Dayton	Wetland Conservation Act (Brockton Interchange)	Pending
Elm Creek Watershed Management Commission	Watershed Review (I-94 Resurfacing)	Received
Elm Creek Watershed Management Commission	Watershed Review (Brockton Interchange)	Pending
County of Hennepin	Project Approval	Pending
<b>Private</b>		
BNSF	Railroad Agreement	To be obtained

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

3.3.5.1 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.

3.3.5.2 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.

#### 4.0 CONCLUSION

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-94 UBOL Resurfacing Maple Grove to Rogers and Brockton Interchange 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-94 UBOL Resurfacing Maple Grove to Rogers and Brockton Interchange 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

 4/5/19  
Acting

Signature and Date

MnDOT Chief Environmental Officer