

FINDINGS OF FACT and CONCLUSIONS

Anoka Highway 10/169 Improvement Project

State Project No. S.P. No. 0202-108

**Prepared by:
Minnesota Department of Transportation**



December 2019

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FINDINGS OF FACT AND CONCLUSIONS

Anoka Highway 10/169 Improvement Project

Located in:

Anoka County, Minnesota

1.0 STATEMENT OF ISSUE

The proposed project includes:

- Replacing the traffic signal at Highway 10/169/Thurston Avenue with an interchange
- Replacing the traffic signal at Highway 10/169/Fairoak Avenue with an underpass
- Reconstructing the interchange at Highway 10/169/Main Street
- Eliminating at-grade highway access points
- Improving local connections for motorized and non-motorized travelers

Preparation of an Environmental Assessment Worksheet (EAW) is required for this project under Minnesota Rules 4410.4300, Subpart 22.B. The City of Anoka is the project proposer. MnDOT is 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 The City of Anoka is the project proposer for the Anoka Highway 10/169 Improvement Project. 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 September 2, 2019. A press release was distributed to local media outlets and a legal notice was published in the Anoka County Union Herald. **Appendix A** contains copies of the affidavit of publication for the legal notice. A notice was also published on the project web page (<https://clients.bolton-menk.com/hwy10/>). These notices provided a brief description of the project and information on where copies of the EA/EAW were available. They also invited the public to provide comments that would be used in determining the need for an EIS on the proposed project.
- 2.3 An Anoka Highway 10/169 Improvement Project open house/public hearing was held on September 18, 2019 at the Greenhaven Golf Course and Banquet Center. This meeting was held in conjunction with an open house covering other projects in the broader vicinity which are scheduled to be constructed within approximately the same timeframe as the Anoka Highway 10/169 Improvement Project. The other projects included:
- Highway 10 Rum River Bridge Replacement & Corridor Improvements
 - Highway 47/169 Resurfacing
 - Highway 47 & County Rd 116/Bunker Lake Boulevard Intersection Improvements
 - 7th Avenue Reconstruction
 - Highway 47 BNSF Railroad Grade Separation

The overall open house was held in a large banquet/meeting area, and each of the individual projects had its own separate area with dedicated project staff and project information. Additional information pertaining to the publication of the EA/EAW and the open house/public hearing is provided in **Appendix A**.

- 2.4 Prior to the EQB Monitor notification for the Anoka Highway 10/169 Improvement Project EA/EAW on September 2, 2019, the document was made available for public review at the MnDOT Metro District Office, Anoka City Hall, and the Anoka County Library – Rum River Branch. The EA/EAW was also placed on the City of Anoka project website at <https://clients.bolton-menk.com/hwy10/>. These documents were available for review through the end of the comment period which concluded on October 2, 2019.
- 2.5 Three agency comment letters and eight 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 project is located in Anoka, Minnesota, a northwest suburb of the Twin Cities Metro Area. The project includes Highway 10/169 from the westerly City limit (the border with City of Ramsey) to approximately 0.25 mile east of Main Street/Greenhaven Road, a distance of approximately 1.5 miles. Highway 10/169 is a principal arterial which currently carries approximately 60,600 vehicles per day in the project area, of which approximately 3,600 are heavy commercial vehicles (2017 data). This portion of the highway is now a 4-lane expressway that includes one grade separated interchange (Main Street), two signalized intersections (Thurston Avenue and Fairoak Avenue), three unsignalized local street connections, and six private driveways. Directly to the east of the project area, Highway 10/169 is a limited access freeway that abruptly transitions to an expressway at the signalized Fairoak Avenue intersection. The project location currently has excessive delay and queueing, particularly during peak travel times. In addition, the critical crash index for the segment from the west City limit to Main Street/Greenhaven Road is 1.4, showing that the segment is operating outside the normal range when compared to similar roadway segments statewide.

3.1.2 Proposed Project: The proposed project will include the following elements:

- *Mainline improvements* – convert from rural section to urban section (70% of project length), remove center grassed median, correct an existing compound curve east of and through the Main Street/Greenhaven Road interchange area, and other components
- *Thurston Avenue/Cutters Grove Avenue intersection* – replace at-grade intersection a full-access, grade-separated roundabout interchange (highway bridged over local roads)

- *Fairoak Avenue intersection* – replace at-grade intersection at Fairoak Avenue with an underpass (highway bridged over local road)
- *Main Street/Greenhaven Road interchange*
 - Replace Highway 10/169 bridge over Main Street/Greenhaven Rd, correcting an existing compound curve and improving shoulder design
 - Construct a new roundabout at the Highway 10/169 westbound ramp terminal
 - Construct a new roundabout at the Highway 10/169 eastbound ramp terminal, which will accommodate the extended service road (see below)
- *Access removal* – remove all direct public and private access to Highway 10/169 other than the Main Street/Greenhaven Road interchange and the future Thurston Avenue interchange
- *Improved local connections*
 - Greenhaven Parkway on north side of highway
 - Main Street extension/improvement on south side of highway
- *Improved non-motorized connections*
 - Grade-separated trail and sidewalk crossing at Fairoak Avenue
 - Grade-separated trail crossing at Thurston Avenue
 - New sidewalk and boulevard along full length of Main Street extension
 - Improved or extended local non-motorized connections throughout project area
- *Improved drainage control* – construct ponds complying with applicable Lower Rum River Watershed Management Organization (LRRWMO) and National Pollution Discharge Elimination System (NPDES) standards

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 Floodplain: Drainage design calls for an existing outlet pipe with discharge to a Mississippi River oxbow channel to be replaced in the same location with a larger capacity pipe. This pipe is approximately 400 feet west-southwest of the existing Highway 10/169/Thurston Avenue/Cutters Grove Avenue intersection; approximately 8.3' of the pipe is within floodplain (**Figure 1** and **Figure 2** in **Appendix C**). Because of this floodplain encroachment, a Floodplain Assessment has been prepared subsequent to publication of the EA/EAW. The Floodplain Assessment is provided as **Appendix D**. It concludes that no significant floodplain impacts are expected due to:

- No significant interruption or termination of a transportation facility which is needed for emergency vehicles or provides the community's only evacuation route.
- No significant adverse impact on natural and beneficial floodplain values should result from the project.
- No increased risk of flooding will result.
- The project will not result in any incompatible floodplain development.

3.2.2 Surface Waters: As identified under the Floodplains heading, above, an existing storm sewer pipe which outlets to an oxbow channel of the Mississippi River will need to be replaced with a larger capacity pipe as part of the project. Once the replacement pipe has been installed, surface contours will match existing contours. In addition, consistent with Lower Rum River Watershed Management Organization (LRRWMO) requirements, discharge rates will match existing conditions by attenuating runoff using stormwater management basins.

As identified in **Figure 2** in **Appendix C**, a portion of the pipe replacement work described above will be in an area which has not yet been delineated for wetland resources. The pipe replacement work will require approximately 0.1 acre to be delineated. If wetlands are identified that would be impacted by this work, these impacts likely would not require mitigation because: a) the impacts would be temporary, and b) utility exemptions would apply. However, all applicable federal, state, and local wetland permitting requirements will be met for the overall Anoka Highway 10/169 Improvement Project.

A pond location has been changed relative to Figure 3-1 in the published EA/EAW. A pond had initially been proposed at the Wright Tire site in the southeast quadrant of the Highway 10/169/Fairoak Avenue intersection. This pond has been moved to the other side of the highway, approximately 400 feet northwest of the existing Highway 10/169/Fairoak Avenue intersection (see **Figure 3** in **Appendix C**). The pond will be directly south of the Oak Street extension identified in the published EA/EAW. The new pond location is entirely within a parcel owned by the City, and is within the overall project review area

identified in the Early Notification Memo. Based on a previous wetland delineation in the vicinity and on desktop review of the future pond area, it is not anticipated that the pond will impact wetland resources. However, this will be confirmed with a field review during fall of 2019. The Wright Tire site will still need to be a full acquisition to accommodate roadway design considerations.

During the 30-day EA/EAW comment period, the Minnesota Pollution Control Agency (MPCA) commented that the project is subject to Item 3.4 of the National Pollution Discharge Elimination System (NPDES) Construction Permit Authorization dated August 1, 2018. This is due to the proximity of Scenic or Recreational river segments as defined in Item 23.4 of the NPDES Construction Permit Authorization. Information to address the MPCA comments is provided in Section 3.3.1.3 of this FOFC.

- 3.2.3 Environmental Commitments: The List of Commitments Table, Appendix N of the published EA/EAW, has been updated to include requirements associated with Item 3.4 of MPCA's Construction Permit Authorization per Scenic or Recreational River Segments. The updated table is provided as **Appendix E** to this FOFC.

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 existing land uses along Highway 10/169 project area consist of residential, retail, commercial, office, industrial, educational, churches, and parks. The 2040 Anoka Comprehensive Plan does not identify substantial changes regarding planned land use along the corridor. The proposed project is compatible with surrounding land uses and will benefit them by improving mobility and safety conditions for motorized and non-motorized travelers. The proposed project will not result in changes to current or planned land uses.

A portion of the project lies within both the Mississippi River Corridor Critical Area (MRCCA) and the Mississippi National River and Recreation Area (MNRRA). The project will comply with applicable provisions of the MRCCA and the MNRRA, respectively, including providing a vegetated buffer to both physically and visually separate the Mississippi River from the highway.

- 3.3.1.2 Geology, Soils, and Topography/Land Forms: The City of Anoka is situated along the northern bank of the Mississippi River on the eastern edge of an area known as the Anoka Sand Plain. Accordingly, the soils in the project area are highly permeable. While the nature of the soils elevates the potential for erosion losses during and after construction activities, the project area does not have steep slopes or other surficial features which would cause erosion concerns.

The project will require a National Pollution Discharge Elimination System (NPDES) construction permit as administered by the Minnesota Pollution Control Agency. This permit will identify best management practices (BMPs) that will be used during construction activities to limit the potential for erosion and sedimentation losses. The permanent stormwater control measures will comply with NPDES standards as well as Lower Rum River Watershed Management Organization (LRRWMO) standards as adopted and administered by the City of Anoka.

3.3.1.3 Water Resources:

Stormwater - The proposed project is located entirely within the boundaries of the LRRWMO. The project will increase impervious surfaces by 3.46 acres, or 7.0 percent, within the project area. It will comply with LRRWMO drainage control requirements as well as NPDES permanent control requirements primarily through the use of enhanced ponding capacity. Existing drainage patterns will be maintained.

As defined in Item 23.4 of MPCA's NPDES Construction Permit Authorization, there are two Scenic or Recreational River Segments within a mile of the proposed project: a) the Mississippi River from St. Cloud to the border between the City of Ramsey and the City of Anoka, and b) the Rum River from Onamia to approximately 1/3 mile north of its confluence with the Mississippi River. While the project does not discharge to a Scenic or Recreational portion of the Mississippi River, it is within a mile of the Scenic or Recreational portion of the Rum River referenced above **and** it discharges to it. Because of the Rum River considerations, requirements associated with Item 23.4 of the NPDES Construction Permit Authorization apply. While the entire project does not discharge to the Rum River, as a practical matter the entire project will comply with the Best Management Practice (BMP) requirements identified in Items 23.9, 23.10, and 23.11 of the MPCA's NPDES Construction Permit Authorization.

NPDES requirements for SWPPPs are identified in Item 5.1 of the MPCA's NPDES Construction Permit Authorization. In general, SWPPPs identify and describe the Best Management Practices (BMPs) that will be used for a given project to comply with stormwater control requirements associated with the NPDES program. Because of the scale of the proposed project along with the Scenic or Recreational River Segment considerations referenced previously, the SWPPP for this project must be submitted to MPCA at minimum 30 days in advance of construction activities. Permit coverage will not commence until MPCA has completed its review of the submitted SWPPP.

Drainage for the overall project is currently in preliminary design, so the details of the proposed control program have not been finalized. However, the control program shall be consistent with standard engineering practices for NPDES compliance for this type of project and will also comply with additional requirements associated identified Items 23.9, 23.10, and 23.11 of MPCA's NPDES Construction Permit Authorization.

Floodplain – As identified in Section 3.2.1 of this FOFC, limited floodplain encroachment is anticipated due to the need to upsize an existing stormwater outlet pipe which discharges to an oxbow channel of the Mississippi River. Floodplain impacts are not anticipated based on the Floodplain Assessment found as **Appendix D**. All applicable floodplain permitting requirements will be met. A Public Waters Work permit will be required.

Wetlands – Almost all the project area has been delineated for wetlands and no wetland impacts requiring mitigation have been identified. As identified in Section 3.2.2 of this FOFC, limited additional delineation work has been identified to address upsizing a stormwater outlet pipe which discharges to an oxbow channel of the Mississippi River. The project will comply with all applicable federal, state, and local wetland delineation and permitting requirements.

- 3.3.1.4 Contamination/Hazardous Materials/Wastes: A limited Phase I Environmental Site Assessment (ESA) was performed for the project area. A search area of 500 feet beyond construction limits was reviewed. Using criteria established by MnDOT, the ESA classified all properties within the search corridor as having High, Medium, Low, or de minimis potential for contamination. The ESA identified five High Potential Risk Sites and 17 medium Potential Risk Sites. Prior to construction, a Phase II ESA will be performed including field sampling focused on the High and Medium Risk sites. If contaminated materials are encountered during construction, materials will be managed in accordance with all applicable local, state, and federal regulatory requirements. State law requires that persons properly manage contaminated soil and water they uncover or disturb – even if they are not the party responsible for the contamination.
- 3.3.1.5 Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features): The project area is largely composed of developed land uses and roadways. A National Historic Information System (NHIS) review for the project was performed. This review identified the presence of Blanding's Turtles and a Regionally Significant Ecological Area (RSEA) within one mile of the project area. In addition, native mussels are present within the

Mississippi River. Construction workers will be notified that they may encounter Blanding's turtles, and will be instructed regarding appropriate handling procedures in this circumstance. Care will be taken to protect native plant communities that may exist outside of the construction limits, such as the use of temporary fences for tree removal. Because of drainage control measures defined in Section 3.3.1.3, impacts to the Mississippi River are not anticipated; therefore, adverse impacts to native mussels are not anticipated.

MnDOT's Office of Environmental Stewardship (OES) identified the northern long-eared bat, a federally listed Threatened Species, as being present within Anoka County and potentially within the project area. The OES federal species specialist determined that the project "may affect but is not likely to adversely affect northern long-eared bats." Applicable mitigation measures will be deployed, most notably restricting tree clearing to the winter months, defined as November 1 through March 31.

- 3.3.1.6 Historic Properties: The proposed project was reviewed by MnDOT's Cultural Resource Unit (CRU) for compliance with Section 106 of the National Historic Preservation Act. The CRU found that no significant or potentially significant historic structures are within the Area of Potential Effect (APE). In addition, no archaeological sites are known or suspected within the APE.

Three cemeteries are adjacent to the construction limits as depicted in Figure 3-1 of the EA/EAW. Based on a ground-penetrating radar (GPR) survey, no burials are suspected in areas proposed for grading. However earthmoving activities will be monitored as a precaution by a professional archaeologist at the in-kind replacement of a culvert within Forest Hill Cemetery and at selected areas near Calvary Cemetery.

- 3.3.1.7 Air: The proposed project is included in the Metropolitan Council's 2019-2022 Transportation Improvement Program for the Twin Cities Metropolitan Area. It is therefore compliant with the State Implementation Plan (SIP) for transportation projects and air quality per Environmental Protection Agency (EPA) rules. No intersections in the project area meet the threshold for requiring detailed carbon monoxide (CO) hot spot analysis per the EPA-approved screening method. Regarding Mobile Source Air Toxic (MSAC) levels, the vehicle miles traveled (VMT) estimate for the Build Alternative is slightly higher than the No Build alternative because of increases in the efficiency of the roadway and re-routed trips from elsewhere on the transportation network. However, regardless of the alternative chosen, emissions will likely be lower than present levels in the design year as a result of EPA's national control programs that are

projected to reduce MSAT emissions by over 80 percent between 2010 and 2050.

- 3.3.1.8 Noise: A detailed noise analysis was performed for the project in accordance with MnDOT's procedures as approved by the Federal Highway Administration and the Minnesota Pollution Control Agency (*Noise Requirements for MnDOT and other Type I Federal Aid Projects*, July 10, 2017). Based on federal Noise Abatement Criteria (NAC) being approached or exceeded, noise walls were evaluated at four locations. All of these locations were determined to be acoustically effective. However, none of them met the established cost effectiveness criteria; therefore, no noise walls are proposed for this project.
- 3.3.1.9 Transportation: The primary purpose of the project is to improve, for motorized and non-motorized travelers, the mobility and safety characteristics of Highway 10/169 and connecting local roadways within the City of Anoka. The primary benefits will result from the removal of traffic signals at Fair Oak Avenue and Thurston Avenue and replacing them with grade-separated designs. For vehicles, detailed traffic engineering analysis established the need for the project (Sections 2.1 and 2.2 of the EA/EAW) and documented the anticipated benefits of the proposed project (Section 4.18 of the EA/EAW). Non-motorized needs and benefits were also documented in these sections, respectively. It is anticipated that traffic and transit operations will be maintained on Highway 10/169 throughout construction activities per a Transportation Management Plan that will be developed during the final design stage for the project.
- 3.3.1.10 Social Impacts: The project will not cause any residential relocations. The project will improve the local road network for motorists, bicyclists, and pedestrians, supporting community connectivity and cohesion. This includes improved multimodal access to Anoka Technical College, Secondary Technical Education Program (STEP) and John Ward Park – community facilities located partially within the project area. Approximately 5.88 acres of private property will need to be acquired for the project; most of these acquisitions will not impact structures, pavement, or access to effected properties.
- 3.3.1.11 Environmental Justice: Environmental Justice is addressed in Section 5.3 of the EA/EAW. The analysis identified that low-income and/or minority populations are located within the study area. However, based on an analysis of the impact categories listed below, a finding was made that the proposed project will not result in disproportionately high or adverse effects to low-income or minority populations.

Environmental Justice analysis categories:

- Access
- Social impacts
- Traffic patterns
- Pedestrian impacts
- Air quality impacts
- Noise impacts
- Right-of-way

3.3.1.12 Section 4(f): The project will include the following improvements within Ward Park:

- Conversion of approximately 20 parking spaces to green space
- Construction of a 10' multi-use path from a proposed parking lot outside park limits to existing ballfield bleachers
- Paving an existing gravel parking lot

These improvements were determined to be temporary easement/occupancy based on the following considerations:

- Duration is temporary (less than needed for project construction)
- No change in ownership of the land
- Scope of work is minor (i.e., the nature and magnitude of the changes to the park during construction are minimal)
- No anticipated permanent adverse physical impacts
- No interference with the activities or purpose of the resource (either temporary or permanent)
- The land used will be fully restored (to a condition at least as good as before the project)

The City of Anoka, the agency with jurisdiction over the resource, concurred with the determination.

3.3.1.13 Indirect Effects: The proposed project is compatible with future land use plans and has low potential for indirect effects to the project area's resources.

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
Federal		
Federal Highway Administration	Environmental Assessment Approval	Complete pending FONSI
Federal Highway Administration	EIS Need Decision	Complete pending FONSI
MnDOT on behalf of Federal Highway Administration per agreement	Section 4(f) determination	Complete
MnDOT OES/CRU on behalf of Federal Highway	Section 106 determination	Complete

Unit of Government	Type of Application/Permit	Status
Administration per agreement		
U.S. Army Corps of Engineers	Section 404 Clean Waters Act permit, Section 401 Rivers and Harbors Act permit	To be requested
MnDOT OES on behalf of Federal Highway Administration per agreement	Endangered Species Act Section 7 Determination	Complete
Tribal		
Tribal Historic Preservation Officer (THPO)	Section 106 (Historic/Archaeological) Consultation	Complete per programmatic agreements with relevant tribal groups
State		
MnDOT	Environmental Assessment Approval	Complete
MnDOT	EIS Need Decision	Complete
MnDOT	Minnesota Wetland Conservation Act	To be requested as needed
Minnesota Department of Natural Resources	State Endangered Species Review	Complete
Minnesota Department of Natural Resources	Public Waters Work Permit	To be requested
Minnesota Pollution Control Agency	Section 401 Certification	To be requested
Minnesota Pollution Control Agency	National Pollutant Discharge Elimination System Permit	To be requested
Minnesota State Historic Preservation Officer (MnSHPO)	Section 106 (Historic / Archeological) Consultation	Complete
Local		
Metropolitan Council	Controlled Access approval	To be requested
City of Anoka	Municipal Consent	To be requested
Anoka/Lower Rum River Watershed Management Organization	Drainage permit	To be requested
Lower Rum River Watershed Management Organization (as Local Government Unit)	Wetland Conservation Act permit	To be requested as needed

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

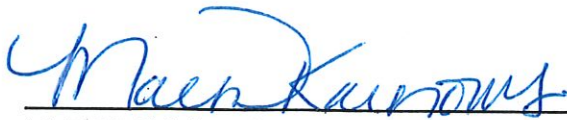
1. The Minnesota Department of Transportation has jurisdiction in determining the need for an environmental impact statement on this project.
2. All requirements for environmental review of the proposed project have been met.
3. The EA/EAW and the permit development processes to date related to the project 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 Anoka Highway 10/169 Improvement 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 Anoka Highway 10/169 Improvement 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



MnDOT Chief Environmental Officer

12-10-19

Date

Appendix A – Public Involvement: EA/EAW Comment Period

Open House and Public Hearing

Newspaper Legal Notice

Public Hearing Certification of Compliance

Open House and Public Hearing

On September 18, 2019, an open house/public hearing for the Anoka Highway 10/169 Improvement Project was held at the Greenhaven Golf Course and Banquet Center between 4 pm and 7 pm. This meeting was held in conjunction with an open house covering other projects in the broader vicinity which are scheduled to be constructed within approximately the same timeframe as the Anoka Highway 10/169 Improvement Project. The other projects included:

- Highway 10 Rum River Bridge Replacement & Corridor Improvements
- Highway 47/169 Resurfacing
- Highway 47 & County Rd 116/Bunker Lake Boulevard Intersection Improvements
- 7th Avenue Reconstruction
- Highway 47 BNSF Railroad Grade Separation

The overall open house was held in a large banquet/meeting area, and each of the individual projects had its own separate area with dedicated project staff and project information. Guidance was provided to attendees at the entrance of the overall public meeting area regarding the location of individual project meetings.

In the Highway 10/169 Improvement Project open house area, staff from the City of Anoka, MnDOT, and their consultants were on hand to discuss the project and to answer questions. Information items regarding the project that were provided included the following:

- Project overview handout
- Comment cards
- Poster boards depicting information including:
 - Project overview
 - Existing conditions and Purpose and Need
 - Non-motorized transportation information
 - Key project elements and anticipated outcomes
 - EA/EAW general process overview
 - Project-specific EA/EAW information
 - Anticipated right-of-way impacts
 - Construction staging information
 - Other project considerations (e.g. streetscaping/aesthetics, business logo sign placement, roundabout information, etc.)
- Large-scale project layout
- Project overview and future visualization video

A licensed court reporter was available to receive comments for those attendees that did not wish to write comments.

Based on sign-in information, a total of 325 individuals attended the overall open house event on September 18th. Project staff estimates that most of these individuals spent at least some time in the Anoka Highway 10/169 Improvement Project area, which was well attended throughout the three-hour open house period.

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF ANOKA

Elise Strecker being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Anoka County Union Herald

with the known office of issue being located in the county of:

ANOKA

with additional circulation in the counties of:
ANOKA

and has full knowledge of the facts stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 08/30/2019 and the last insertion being on 08/30/2019.

MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By:  Designated Agent

Subscribed and sworn to or affirmed before me on 08/30/2019 by Elise Strecker.


Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$20.00 per column inch

Ad ID 971290

PUBLIC NOTICE

The Minnesota Department of Transportation (MnDOT) and the City of Anoka have released an Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) for public review and comment for the Anoka Highway 10/169 Improvement Project. This project extends from the City of Anoka's boundary with the City of Ramsey to approximately 0.25 mile east of the Highway 10/169 interchange at Main Street/Greenhaven Road, a distance of approximately 1.5 miles. The project is being constructed to address safety and congestion concerns, and includes the following primary components: replace the existing traffic signal at Thurston Avenue with a grade-separated interchange; replace the existing traffic signal at Fair Oak Avenue with an underpass; reconstruct the existing interchange at Main Street/Greenhaven Road; improve local road connections including frontage roads; limit direct access to Highway 10/169; improve non-motorized connections and safety throughout the corridor. The project is being led by the City of Anoka in partnership with MnDOT.

The EA/EAW documents the need for the project as well as the purpose it is intended to serve. It also evaluates the potential for social, economic, and environmental impacts resulting from the project and identifies associated mitigation measures. The EA/EAW is available electronically at <https://clients.bolton-menk.com/hwy10/>. Paper copies are available at the following locations:

- Anoka City Hall, 2015 First Avenue North, Anoka, MN 55303
- Anoka County Library - Rum River Branch, 4201 6th Avenue, Anoka, MN 55303
- MnDOT Metro District Office, 1500 West County Road B2, Roseville, MN 55113

The 30-day public comment period formally starts Monday, September 2, 2019, and ends Wednesday, October 2, 2019. An open house/public hearing will be held 4-7 p.m. Wednesday, September 18, 2019 at the Green Haven Golf Course and Banquet Center located at 2800 Greenhaven Road, Anoka, MN 55303. Individuals or representatives of organizations are encouraged to submit written comments before 4:00 p.m. October 2, 2019 to:

Brigid Gombold, Environmental Coordinator

MnDOT Metro District
1500 West County Road B2
Roseville, MN 55113
brigid.gombold@state.mn.us
651-234-7674

Contact Person for Questions about Proposed Project:

Melissa Barnes, Project Manager
Minnesota Department of Transportation, Metro District

1500 W. County Road B2,
Roseville, MN 55113

Phone: (651) 234-7716

Email:

Melissa.barnes@state.mn.us

Published in the
Anoka County UnionHerald
August 30, 2019
971290

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

..... CERTIFICATE OF COMPLIANCE.....

MINNESOTA PROJECT NO. 0202-108 STATE PROJECT NO. 0202-108

TRUNK HIGHWAY NO. 10/169 **OR** LOCAL AGENCY ROUTE NO. _____
(CSAH, MSAS, Other)

Being that section of the highway between the Anoka/Ramsey City Limit to approximately 0.25 miles east of Main Street in the city of Anoka in Anoka County, the State of Minnesota.

In conformance with the requirements of SECTION 128, TITLE 23, UNITED STATES CODE, the undersigned does hereby certify that

_____ the public has been afforded an opportunity for a public hearing, **or**

X a public hearing was held

and that consideration has been given to the social and economic effects of the project, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community.

The public was advised of the

X objectives of such a hearing, the procedures for requesting a hearing, the deadline for the submission of such a request, **or**

X time, place, and objectives of the hearing

by notices published in news media having a general circulation within the area of said project. Affidavit(s) of such publication is (are) enclosed herewith.

_____ The deadline date for the submission of a request for a hearing was _____ 20____,
or

X The hearing was held on September 18, 2019 in Anoka, Minnesota.
(City, Township, Other)

Signed  this 29 day of October 20 19
Mn/DOT District Engineer

OR

Signed _____ this _____ day of _____ 20 ____
Local Agency Title:

Appendix B – EA/EAW Comments and Responses

Agency Comments

- Minnesota Pollution Control Agency
- Metropolitan Council
- Office of the State Archaeologist

Public Comments

- Comment cards from eight attendees of the September 18, 2019 open house/public hearing
- Verbal comments made to the court reporter by one attendee of the September 18, 2019 open house/public hearing (this individual also filled out one of the eight comment cards referenced above)

AGENCY COMMENTS

October 1, 2019

Brigid Gombold
Environmental Coordinator
MnDOT Metro District
1500 West County Road B2
Roseville, MN 55113

Re: Anoka Trunk Highway 10/160 Highway Improvement Project Environmental Assessment/
Environmental Assessment Worksheet

Dear Brigid Gombold:

Thank you for the opportunity to review and comment on the Environmental Assessment/
Environmental Assessment Worksheet (EA/EAW) for the Anoka Trunk Highway 10/169 project (Project)
in the city of Anoka, Anoka County, Minnesota. The Project consists of the construction of two new
highway interchanges and an underpass. Regarding matters for which the Minnesota Pollution Control
Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following
comments for your consideration.

Water Resources (Item 11)

- The EAW states the Project consists of 88 acres and discharges stormwater to the Mississippi and Rum Rivers located within 1 mile of the Project, but does not discuss that both the Mississippi and the Rum River have sections near the Project that are classified as Scenic and Recreational. Projects disturbing 50 or more acres that discharge to these waters require that the Stormwater Pollution Prevention Plan (SWPPP) is submitted to the MPCA, prior to obtaining National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Construction Stormwater Permit coverage (CSW Permit).
- The EAW does not describe the SWPPP or best management practices (BMPs) to be utilized during construction. Due to the proximity of the Scenic and Recreational waters, additional requirements including redundant sediment controls and stabilizing soils within 7 days will apply to the Project. The steep slopes adjacent to the Mississippi River will also need to be addressed to prevent erosion.
- The EAW states that the unnamed basin 108W is a public waters wetland basin located within the Project area. Stormwater from the existing roadway is currently directed via existing storm sewer to this wetland and also to the Kings Island channel at the Mississippi River. The Project proposes construction of several ponds for runoff from the new impervious surfaces created by the Project. Though not required, the MPCA strongly encourages utilizing the redevelopment opportunity to improve existing stormwater runoff from existing impervious surfaces by providing additional treatment opportunities to improve water quality and reduce runoff.
- The CSW Permit requires that a volume reduction method, such as infiltration, is considered first verses use of wet sediment basins. The EAW states the site consists of Group A soils which have the ability to infiltrate stormwater. Soil testing will be required to ensure the existing soils do not exceed the required infiltration rate, whether the soils require amendment, or whether infiltration is prohibited for one of the reasons listed in the CSW Permit.

A

B

C

D

Contamination/Hazardous Materials/Wastes (Item 12)

Please note that state law requires that persons properly manage contaminated soil and water they uncover or disturb - even if they are not the party responsible for the contamination. Parties considering construction on or near contaminated properties should begin working early in their planning process with the MPCA's Brownfields Program to receive necessary technical assistance in managing contamination. For some properties, special construction might be needed to prevent the further spreading of the contamination and/or prevent vapors from entering buildings or utility corridors. Information regarding the Brownfields Program can be found at:

<https://www.pca.state.mn.us/waste/brownfields>. If contamination is found, it must be reported immediately to the state duty officer at 651-649-5451 or 800-422-0798.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EA/EAW, please contact me by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,



Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Roberta Getman, MPCA, Rochester
Suzanne Hanson, MPCA, Duluth

E

October 1, 2019

Brigid Gombold
Environmental Coordinator
1500 W. County Rd B2
Roseville, MN 55113

RE: Anoka Highway 10/169 Improvement Project Environmental Assessment Worksheet (EA/EAW)
Metropolitan Council Review No. 22345-1
Metropolitan Council District 9

Dear Ms. Gombold:

The Metropolitan Council received the Draft EA/EAW for the Highway 10/169 reconstruction project. The proposed project consists of reconstructing approximately a 1.5 mile segment of existing four-lane roadway, replacement of two traffic signals with an interchange and an overpass, and reconstruction of one interchange.

Council staff has conducted a review of this EAW to determine its adequacy and accuracy in addressing regional concerns and the potential for significant environmental impact. Staff have concluded that the EAW is complete and accurate and an EIS is not necessary.

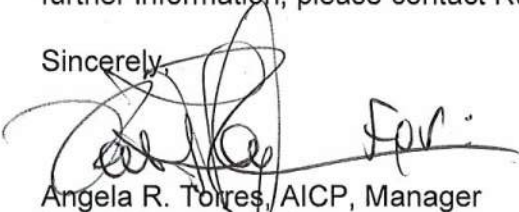
We offer the following comment for your consideration.

Wastewater (Roger Janzig, 651-602-1119)

- Metropolitan Council Interceptor (805020/7707) crosses Highway 10 and is within Fair Oak Avenue right-of way. The interceptor was built in 1983 and is a 48-inch Reinforced Concrete Pipe at a depth of approximately 38 feet. To assess the potential impacts to our interceptor system; prior to initiating this project, contact Tim Wedin, Interceptor Engineering Assistant Manager (651-602-4571) at the Metropolitan Council Environmental Services.

The Council will not take formal action on the EAW at this time. If you have any questions or need further information, please contact Russ Owen, Principal Reviewer, at 651-602-1724.

Sincerely,


Angela R. Torres, AICP, Manager
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Russ Owen, Principal Reviewer, Metropolitan Council
Raya Esmaeili, Reviews Coordinator

N:\CommDev\LPA\Counties\Anoka\Letters\Anoka Co 10-169 EA Review 22345-1.docx

September 23, 2019

Brigid Gombold, Environmental Coordinator
MnDOT Metro District
1500 West County Road B2
Roseville, MN 55113

RE: Anoka TH 10/169 Highway Improvement Project – Environmental Assessment Worksheet

Dear Ms. Gombold:

I appreciate being given the opportunity to comment on the above listed project. Our records indicate there are no previously recorded archaeological sites or site leads within the proposed project area. It should be noted the absence of recorded archaeological sites does not preclude the possibility of previously unrecorded archaeological sites within the proposed project area.

This office concurs with the historic properties commitment outlined in the Environmental Assessment Worksheet to have "a professional archaeologist ... monitor any earthmoving activities done near an in-kind replacement of a culvert within Forest Hills Cemetery and at selected areas near Calvary Cemetery in response to the potential for unmarked burials..."

Please contact me if you have any questions or concerns.

Sincerely,



Jennifer Tworzyanski
Assistant to the State Archaeologist
Kellogg Center
328 West Kellogg Blvd
St Paul, MN 55102
651.201.2265

RESPONSE TO MINNESOTA POLLUTION CONTROL AGENCY (MPCA) COMMENTS

Comment A: The comment is correct that the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit issued August 1, 2018 identifies in Item 23.4 “Scenic or Recreational River” segments that are in general proximity to the proposed project. The Mississippi River is designated as a Scenic or Recreational between St. Cloud and the Ramsey/Anoka city boundary located immediately upstream of the project, though project discharges will be located downstream of this segment. The Rum River has this designation between Onamia and approximately 1/3 mile north of its confluence with the Mississippi River. The proposed project is within one mile of the Rum River Scenic or Recreational segment and will discharge to this segment.

The comment is also correct that a Stormwater Pollution Prevention Plan (SWPPP) will need to be submitted as part of MPCA’s NPDES permitting process. It is anticipated that the SWPPP will be submitted for MPCA review prior to letting the project for bids to ensure that comments are incorporated.

Comment B: Information has been added to the FOFC that a SWPPP will need to be submitted to the MPCA for this project prior to construction. This information also provides a description of what an SWPPP is and addresses the best management practices (BMPs) to be used for the proposed project.

Comment C: Thank you for this information. The City and MnDOT will comply with all applicable regulatory control requirements for stormwater.

Comment D: Thank you for this information. The City and MnDOT will perform appropriate soils testing as part of final design procedures and associated regulatory compliance process.

Comment E: Information has been added to the FOFC identifying that state law requires that persons properly manage contaminated soil and water they uncover or disturb, even if they are not responsible for the contamination.

MnDOT and the City of Anoka have dealt with contaminated properties on numerous previous projects and have technical expertise on staff and/or through consultants to take the appropriate steps to identify contamination and deal with it as appropriate and in compliance with applicable regulatory requirements.

Information has been added to the FOFC identifying that if contamination is found during construction activities, it must be reported immediately to the state duty officer at 651.649.5451 or 800.422.2508.

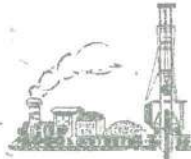
RESPONSE TO METROPOLITAN COUNCIL COMMENT

Thank you for providing this information regarding the MCES Interceptor which is within Fair Oak Avenue right-of-way and crosses Highway 10/169. MnDOT and the City of Anoka are aware of this interceptor and roadway design has been prepared to accommodate its presence. Project design consultants will contact MCES engineering staff to notify them of the project and to coordinate further as needed.

RESPONSE TO STATE ARCHAEOLOGIST LETTER

Thank you for your letter. No response is required.

PUBLIC COMMENTS



649 West Garfield Street
P.O. Box 815
Anoka, MN 55303-0815

L. H. BOLDUC CO., Inc.

Lance+

FOUNDATION CONTRACTORS
SINCE 1879

ROBERT G. WERNES

President
www.LHBolduc.com

O (763) 427-4330

F (763) 427-4012

C (612) 282-8022

Email: Bob@LHBolduc.com

Spoke with Dan Lannes & Eric Johnson



Anoka Highway 10/169 Improvement Project

~~EA/EAW~~

COMMENT FORM

Your information By providing your contact information, project managers can follow up with you if needed.

Name: LANCE / BOB WERNES of LHBOLDUC Co. Inc.

Address: 649 W. GARFIELD ST

Phone: 763 427 4330 Email: lance@lhbalduc.com

Comment: CONCERNED ABOUT TRANSPORTING OUR
EQUIPMENT, PARTICULARLY CRAWLER TYPE
CRANES ON 110' LONG LOW-BOYS. TRUCKS
USUALLY MOVE US: PRESENTLY FROM OUR
YARD ON GARFIELD AND WEST TO THURSTON.
PROJECTED ROUND-ABOUT IS NOT DESIGNED
FOR A TRACTOR / TRAILER OF 110' LONG.

Please continue on back if more space is needed.



Anoka Highway 10/169 Improvement Project EA/EAW

COMMENT FORM

Your information By providing your contact information, project managers can follow up with you if needed.

Name: BOB KLEBBA

Address: 503 BEAN STREET ANOKA

Phone: 763-421-6583 Email: _____

Comment: WE WERE HOPING FOR MORE SOUND BARRIERS
WOULD LIKE TO SEE A NOISE STUDY DONE AFTER
PROCESS IS COMPLETED SINCE CURRENTLY THEY
WILL NOT BE ANY ON THIS INITIAL PROCESS.

Please continue on back if more space is needed.



Anoka Highway 10/169 Improvement Project EA/EAW

COMMENT FORM

Your information By providing your contact information, project managers can follow up with you if needed.

Name: Laura Rath

Address: 3045 Cutters Grove Ave

Phone: 612-710-4082 Email: sen1610@msn.com

Comment: We are very concerned about noise levels around the townhome complex
off of Cutters Grove Ave (Rivers Edge) We would like a noise barrier
to be installed along the edge of Hwy 10 between our homes & the hwy.

Please continue on back if more space is needed.



Anoka Highway 10/169 Improvement Project EA/EAW

COMMENT FORM

Your information By providing your contact information, project managers can follow up with you if needed.

Name: CATHERINE BERKEBEK
Address: 3065 WITTERS GROVE AVE ANOKA, MN 55303
Phone: 763-566-3587 Email: c.bjerke@hotmail.com

Comment: Riverside Townhomes - very concerned with noise
- Road on the S. side of Hwy 10 will be VERY close to our
houses. We are losing the woods -- and lilacs -- &
having a pond that we don't want.
- Need to open up the south end of Cutlers Grove - 3 townhome
association & 3 long apts. between Hwy 10 & the S end of
Cutters Grove - approx. 300 people would not have to
go on Hwy 10 everyday.

Please continue on back if more space is needed.



Anoka Highway 10/169 Improvement Project EA/EAW

COMMENT FORM

Your information By providing your contact information, project managers can follow up with you if needed.

Name: Barb Thurston
Address: 1815 3rd Ave Anoka
Phone: 763-421-1844 Email: _____

Comment: _____

please keep in mind people need
to still live during construction

Also make a taller Jersey curb on
west 10 by McDonald + Culvers - people are
still crawling over median into oncoming traffic

Please continue on back if more space is needed.



Anoka Highway 10/169 Improvement Project EA/EAW

COMMENT FORM

Your information

By providing your contact information, project managers can follow up with you if needed.

Name: Jerri Borgwarth
Address: 17004 Argon St. NW. Andover
Phone: 763. 422. 9911 Email: jeriborg@hotmail.com

Comment: It seems like all projects are happening at once.
No one will be able to get where they're going for years.

I'm also very concerned about traffic heading north on 1th Ave
into Andover. Speed is always an issue, passing lanes on
the right are an issue. Very unsafe at the S curve at
the Turkey farm and now the loss of 2 people @ 165th.

Please continue on back if more space is needed.

And, thank you for your hard work!

I didn't want to be just a complainer!



Anoka Highway 10/169 Improvement Project EA/EAW

COMMENT FORM

Your information By providing your contact information, project managers can follow up with you if needed.

Name: Jayne

Address: Yoho dr.

Phone: 612 940 3883 Email: _____

Comment: I live on Yoho and drive Fair Oak everyday many times.
YOU know the pot holes that you continue to fill year after yr. Why!
You resurfaced Park towards Church St You stopped in the middle of
neighborhood WHY! We know fair oak has needed it close to decade but
Park did not! Somethings wrong here!! You did this purposely.
Now with new construction you stop abruptly in the middle of fair oak??
Don't appreciate the damage it does to my and others cars every winter.

Please continue on back if more space is needed.



Anoka Highway 10/169 Improvement Project EA/EAW

COMMENT FORM

Your information By providing your contact information, project managers can follow up with you if needed.

Name: Debra Musgrave

Address: 15247 FLUORINE ST NW

Phone: 763 208 6729 Email: _____

Comment: _____

Moving vehicles lead to less pollution.

Thank you for moving forward with Hwy 10

Construction.

Please continue on back if more space is needed.

U.S. HIGHWAY 10/169
IMPROVEMENT PROJECT

OPEN HOUSE
September 18, 2019
4:00 p.m. - 7:00 p.m.

GREENHAVEN GOLF COURSE
2800 GREENHAVEN ROAD
ANOKA, MINNESOTA 55303

Reported by: Amy Kristina Lizotte

1
2 Jayne Koberstein, J-A-Y-N-E,
3 K-O-B-E-R-S-T-E-I-N, 105 Yoho Drive Anoka, 55303.

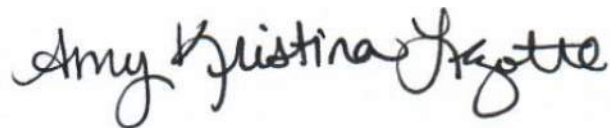
4 Regarding potholes on Fair oak.

5 Why hasn't Fair oak Avenue been resurfaced?
6 It's been filled for close to a decade. You
7 resurfaced Park towards Church Street, then stopped
8 in the middle of the neighborhood. Why? The road
9 on Fair oak consistently gets filled so that in the
10 wintertime the plows come through and tear that
11 resurfacing off, so we're left with potholes through
12 the winter, damaging mine and others' cars. Every
13 year you hold off on resurfacing it. Now with the
14 reconstruction going on, you are resurfacing Fair oak
15 just past McDonald's, and then it stops in the
16 middle of the neighborhood again. That leaves still
17 the road Fair oak to Park. Why? Mark Anderson says
18 it's because of money. Did the neighbors pay just
19 to the middle of Park? Did McDonald's pay only
20 their property? Are the apartment buildings not
21 paying enough for you to resurface the roads in
22 front of their buildings? You have your reasons,
23 but you're not divulging them to those that it
24 concerns.
25

REPORTERS CERTIFICATE

I, Amy Kristina Lizotte, Notary Public of
and for the State of Minnesota, do hereby certify
that the foregoing pages of typewritten material
constitutes an accurate verbatim stenographic record
taken by me of the proceedings aforementioned on the
18th day of September, 2019, at the times and place
specified.

DATED: September 19, 2019

A handwritten signature in cursive script that reads "Amy Kristina Lizotte". The ink is dark and the signature is fluid.

Amy Kristina Lizotte

Notary Public, Hennepin County, Minnesota

My commission expires January 31, 2022

1	close 2:6	j	paying 2:21
10/169 1:8	come 2:10	j 2:2	place 3:9
105 2:3	commission 3:24	january 3:24	plows 2:10
17967 3:21	concerns 2:24	jayne 2:2	potholes 2:4,11
18 1:12	consistently 2:9	k	proceedings 3:8
18th 3:9	constitutes 3:7	k 2:3	project 1:9
19 3:15	county 3:23	koberstein 2:2	property 2:20
2	course 1:16	kristina 1:25 3:4	public 3:4,23
2019 1:12 3:9,15	d	3:22	r
2022 3:24	damaging 2:12	l	r 2:3
2800 1:17	dated 3:15	leaves 2:16	reasons 2:22
3	day 3:9	left 2:11	reconstruction
31 3:24	decade 2:6	lizotte 1:25 3:4,22	2:14
4	divulging 2:23	m	record 3:7
4:00 1:13	drive 2:3	mark 2:17	regarding 2:4
5	e	material 3:6	reported 1:25
55303 1:18 2:3	e 2:2,3,3	mcdonald's 2:15	reporters 3:1
7	expires 3:24	2:19	resurface 2:21
7:00 1:13	f	middle 2:8,16,19	resurfaced 2:5,7
a	fairoak 2:4,5,9,14	mine 2:12	resurfacing 2:11
accurate 3:7	2:17	minnesota 1:18	2:13,14
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3:8	foregoing 3:6	money 2:18	roads 2:21
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anderson 2:17	g	n 2:2,3	s 2:3
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apartment 2:20	golf 1:16	2:16	september 1:12
avenue 2:5	greenhaven 1:16	neighbors 2:18	3:9,15
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			taken 3:8
			tear 2:10

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u
u.s. 1:8
v
verbatim 3:7
w
winter 2:12 wintertime 2:10
y
y 2:2 year 2:13 yoho 2:3

A. WRITTEN COMMENTS

Response to Lance & Bob Werness – LH Bolduc Co., Inc.

Project staff have discussed this concern with representatives of LH Bolduc Co., and the project design has been adjusted accordingly. The identified truck types will be adequately accommodated.

Response to Bob Klebba Comment

This resident lives in Area C of the noise study conducted for the EA/EAW (Appendix K and Figure 4-6 of the EA/EAW). This study followed standard MnDOT procedures which have been approved by the Minnesota Pollution Control Agency and the Federal Highway Administration.¹ The respondent lives just beyond the noise receptors that were analyzed following MnDOT procedures. None of the receptors studied in Area C (all closer to Highway 10/169 than this commenter) had existing or future noise levels which approached, met, or exceeded the federal Noise Abatement Criteria decibel levels. In addition, none of the Area C receptors had increases of 5 decibels or more from existing conditions to the 2041 Build condition. Therefore, a noise wall was not further analyzed for this area per standard MnDOT analysis procedures.

This noise study modeled existing, future (2041) No Build (i.e., the project would not be built), and future (2041) Build (the project is built as described in the EA/EAW) conditions. The modeling analysis was calibrated to actual noise levels measured through field monitoring.

Response to Laura Rath Comment

This resident lives in Area A of the noise study performed for the EA/EAW (Appendix K and Figure 4-6 of the EA/EAW). As referenced previously, this study followed standard MnDOT procedures which have been approved by the Minnesota Pollution Control Agency and the Federal Highway Administration (please see footnote 1 from Bob Klema comment response above). None of the residential receptors in Area A had noise levels which approached, met, or exceeded federal Noise Abatement Criteria decibel levels; this was true for existing conditions, as well as 2041 No Build, and 2041 Build conditions. Also, none of the receptors saw increases of 5 decibels or more from existing conditions to 2041 Build conditions. Because of these results, a noise wall was not analyzed at this location per the MnDOT procedures referenced previously. The 2041 Build scenario assumed construction of the project as described in the EA/EAW.

Response to Caterine Bjerkebek Comment

This resident lives in Area A of the noise study performed for the EA/EAW (Appendix K and Figure 4-6 of the EA/EAW). For the noise portion of this comment, please refer to the Laura Rath comment response provided above.

The pond referenced in this comment will be constructed on land that the City of Anoka either owns or has a drainage and utility easement for. Regarding opening the south end of Cutters Grove Avenue, this is beyond the scope of the proposed project.

¹ *Noise Requirements for MnDOT and other Type I Federal-Aid Projects*, Minnesota Department of Transportation, July 10, 2017.

Response to Barb Thurston Comment

MnDOT and the City of Anoka are mindful of the disruption that the construction of the needed improvements will cause, and will limit these impacts to the greatest degree feasible. A Transportation Management Plan (TMP) will be developed during final design activities. This plan will outline final decisions regarding the construction schedule, traffic impacts, detour routes, and allowable lane closures. The TMP will balance cost, safety, schedule impacts, coordination with other nearby and related projects, and best approach to minimize and mitigate traffic delay.

After completion of the project, the center barrier will be 42 inches tall instead of the current 36 inches. In addition, there will be 42 inch barriers at both of the outside shoulders of Highway 10/169, there will be a 5 foot retaining wall on the south side of the highway at the location identified by the commenter, and there likely will be chain link fencing restricting access to the highway in unauthorized areas. Crossing Highway 10/169 in unauthorized areas will be far more difficult after completion of the project than is the case under current conditions. In addition, the project will provide grade separated crossings so pedestrians will no longer need to wait for lengthy periods of time at traffic signals to cross at authorized locations.

Response to Jeri Borgwarth Comment

The first portion of this comment refers to all of the projects covered at the September 18th open house/public hearing referenced previously. Please see information regarding the Transportation Management Plan in the response to Barb Thurston's comment, above. MnDOT and the City of Anoka are making and will continue to make large coordination and communication efforts to limit impacts to the traveling public during construction to the greatest degree feasible.

Regarding the comments on 7th Avenue, this is beyond the scope of the Anoka Highway 10 Improvement Project.

Thank you for your comment in support of the Highway 10 improvement efforts.

Response to Jayne Comment

This comment is beyond the scope of the proposed project.

Response to Debra Musgrove Comment

Thank you for your comment.

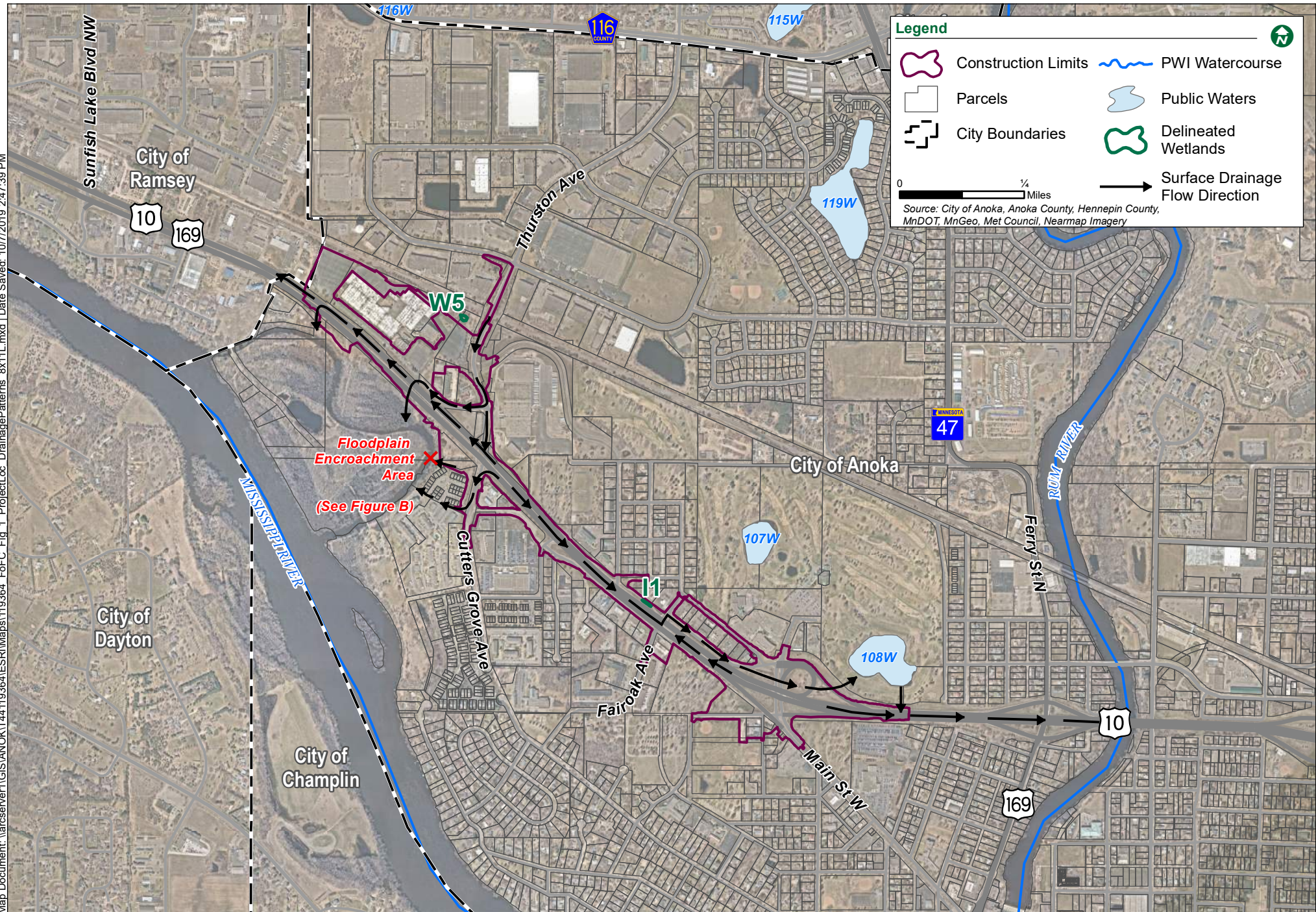
B. ORAL COMMENTS

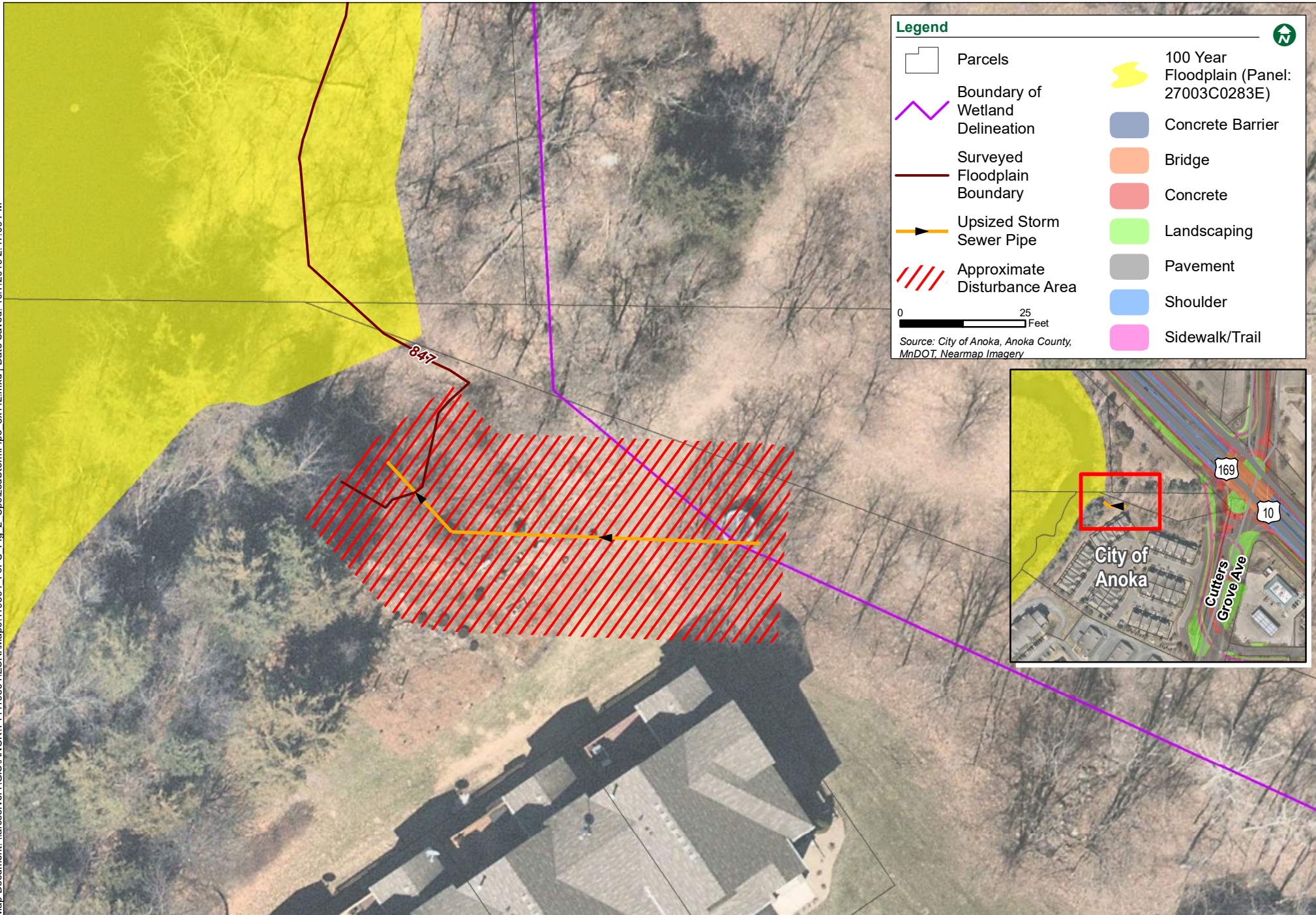
The one oral comment received at the September 18 open house/public hearing was made by Jayne Koberstein, presumably the same individual identified as "Jayne" in the comment card section of the comment responses, above. This comment makes the same basic points as the comment card filled out by Jayne.

The comments raised are outside of the scope of the proposed project.

Attachment C - Figures

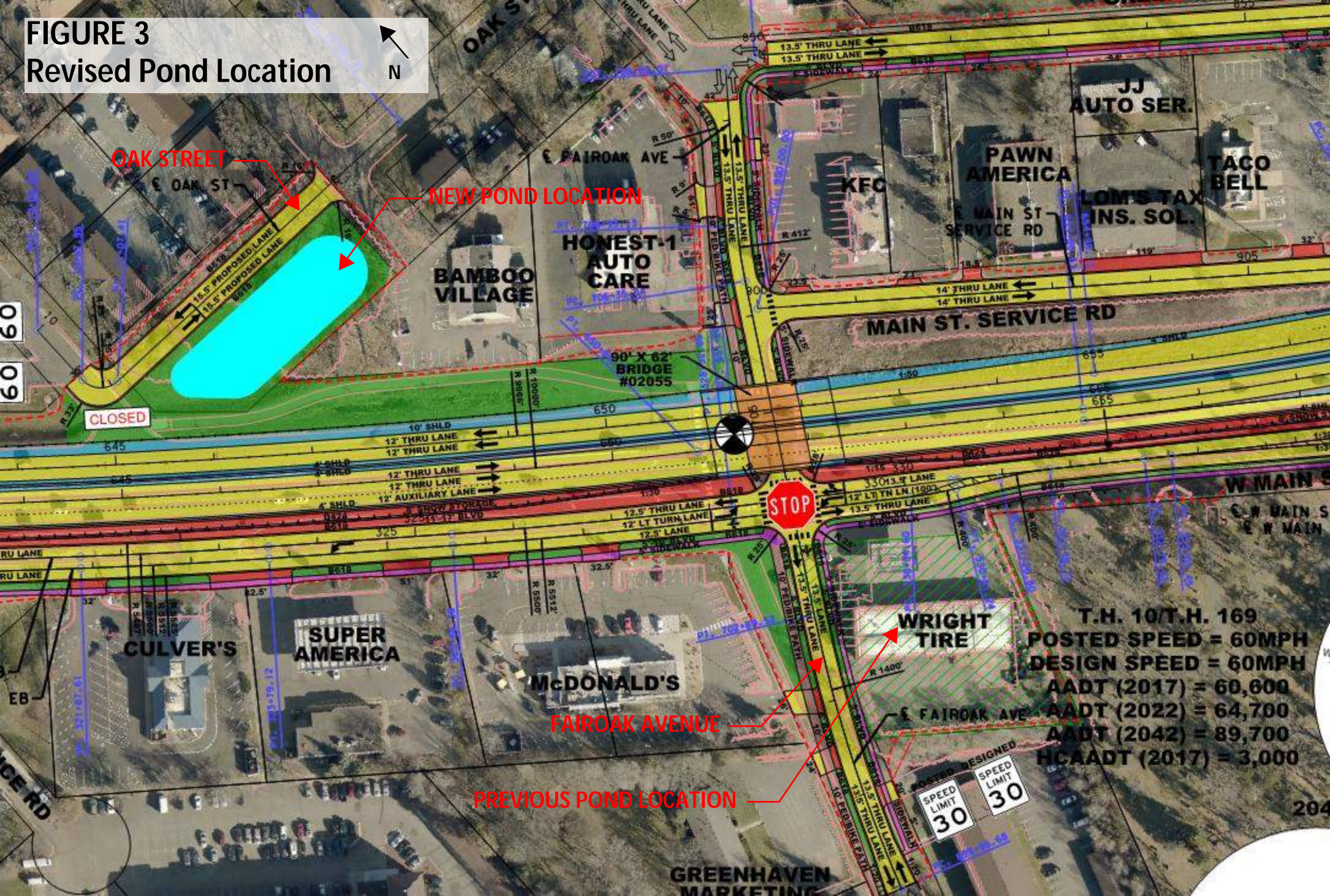
- **Floodplain Encroachment – Location**
- **Floodplain Encroachment – Detail**
- **Revised Pond Location – Fair Oak Avenue Area**







N



Attachment D – Floodplain Assessment



MEMORANDUM

Date: September 30, 2019
To: Brigid Gombold, Metro District Environmental Coordinator
From: Josh Stier, P.E.
Peter Langworthy, AICP
Subject: SP 0202-108 (TH 10/169 Anoka) Anoka Highway 10/169 Improvement Project
Floodplain Assessment
BMI Project No.: T44.119364
CC: Ben Nelson, City of Anoka
Eric Johnson, P.E., Bolton & Menk

Background

The proposed project is to improve Trunk Highway (TH) 10/169 from City of Anoka's boundary with the City of Ramsey to approximately 0.25 mile east of the TH 10/169 interchange at Main Street/Greenhaven Road, a distance of approximately 1.5 miles. **Figure A** depicts the project location and general drainage patterns.

The project includes the following primary components:

- Replace the existing traffic signal at the TH 10/169/Thurston Avenue/Cutters Grove Avenue intersection with a grade-separated interchange (highway bridged over local street)
- Replace the existing traffic signal at TH 10/169/Fairoak Avenue with an underpass (highway bridged over local street)
- Reconstruct the TH 10/169/Main Street/Greenhaven Road interchange
- Improve local road connections including frontage roads
- Improve non-motorized safety and connections throughout the corridor
- Upgrade drainage design including converting approximately 70 percent of the mainline from rural section to urban section design, and construct new stormwater ponding capacity

Major construction for the overall project is scheduled for 2022/2023. Drainage is currently in preliminary design.

It is anticipated that a very small percentage of the project will be constructed within floodplain (see **Figure B**). There currently is a storm sewer pipe approximately 400' west/southwest of the TH 10/169/Thurston Avenue/Cutters Grove Avenue intersection. This pipe is approximately 80 feet in length, 15" in diameter, and drains west to a Mississippi River oxbow channel. The overall Anoka Highway 10/169 Improvement project is proposed to include a stormwater pond southwest of the proposed TH 10/169 interchange. This pond will drain to a storm sewer at the existing pipe location as described above. However, the pipe will need to be upsized to upsized to approximately 48".

Based on official FEMA mapping (panel 27003C0283E), the storm sewer replacement described above will be above the floodplain. However, this mapping is based on Lidar data and is sometimes not accurate at a project detail level. The actual base flood elevation is at 847.0 (NAVD 1988) per Flood Insurance Study 27003CV001A. The 847' contour is identified on **Figure B**.

Once the pipe replacement is completed as described above, surface contours will match existing conditions. In addition, to comply with Lower Rum River Watershed Management Organization (LRRWMO) requirements, flow rates will match existing conditions. Areas which currently drain overland in this portion of the project area will be collected with storm sewer and routed through the proposed pond.

The floodplain encroachment is summarized in **Table 1**, below.

Table 1. Floodplain Encroachment

Floodplain	Type of Encroachment	Length
Mississippi River	Transverse	8.3'

Actual Impact Analysis

I. No significant interruption or termination of a transportation facility which is needed for emergency vehicles or provides a community's only evacuation route. The work in floodplain will be at least 250 feet from the closest roadway.

II. No significant adverse impact on natural and beneficial floodplain values should result from the project.

A. No fisheries impacts are anticipated. Through permitting activities, MnDOT will coordinate as needed with MnDNR regarding construction scheduling which will not interfere with fish spawning and migration. Local flow rates will match existing conditions.

B. Almost all the overall Anoka Highway 10/169 Improvement Project area has been delineated, and no regulated wetlands were discovered. In general, wetlands are uncommon in this portion of the Twin Cities metropolitan area due highly permeable soils. The limit of the previous wetland delineation area relative to the storm sewer upsizing described above is depicted on **Figure B**. Future delineation work will be performed to address the pipe upsizing activities addressed in this memorandum. If wetlands are identified that would be impacted by this work, they likely would not require mitigation because: a) the impacts would be temporary, and b) utility exemptions would likely apply. All applicable federal, state, and local wetland permitting requirements will be met for the overall Anoka Highway 10/169 Improvement Project.

C. The project will not impact canoe or recreational boat traffic.

E. Early Notification Memo coordination with DNR-MnDOT Liaison staff was conducted as part of the Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) documentation process for the full Anoka Highway 10/169 Improvement Project. This coordination identified that there are records of rare native mussels in the Mississippi River. However, per DNR-MnDOT Liaison this would only include a caution about the project not adding adverse conditions during construction or from permanent stormwater treatment facilities. The project will comply with applicable National Pollution Discharge Elimination System (NPDES) and LRRWMO stormwater control requirements, and adverse impacts to rare native mussels are not anticipated. ENM coordination with US Fish and Wildlife did not identify any federally protected species in the floodplain that would potentially be impacted.

F. Appropriate turf establishment and erosion control measures will be deployed as part of the project. These measures will be consistent with NPDES permit requirements, as well as MnDNR Public Waters permit requirements.

III. No increased risk of flooding will result.

A. Given that the drainage portion of the project is in preliminary design, detailed calculations regarding the potential for impacts are not available. However, we can identify that the project will not result in an increased risk of flooding based on the following:

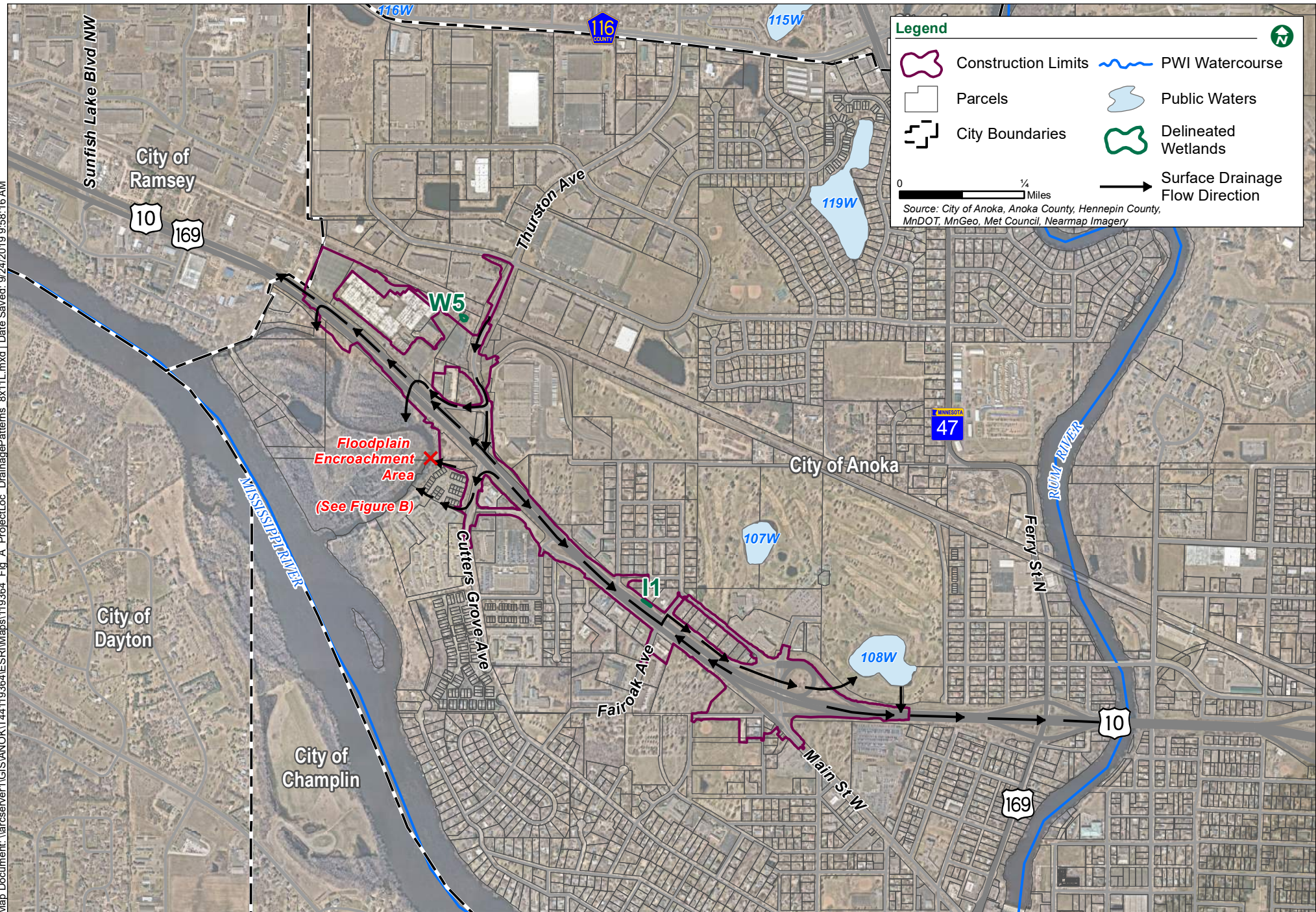
- Once the pipe is replaced, the surface will be reestablished at grades similar to the existing condition.
- Per LRRWMO requirements, post-project flow rates must match existing conditions for the drainage area (more will be coming from the pipe, but less will be draining overland)
- The drainage area and flow rates from the project area are orders of magnitude smaller than that of the Mississippi River. It is expected that the upsized pipe will represent a negligible percentage of the flow rate of the Mississippi River and thus have no impact to the river hydraulics.

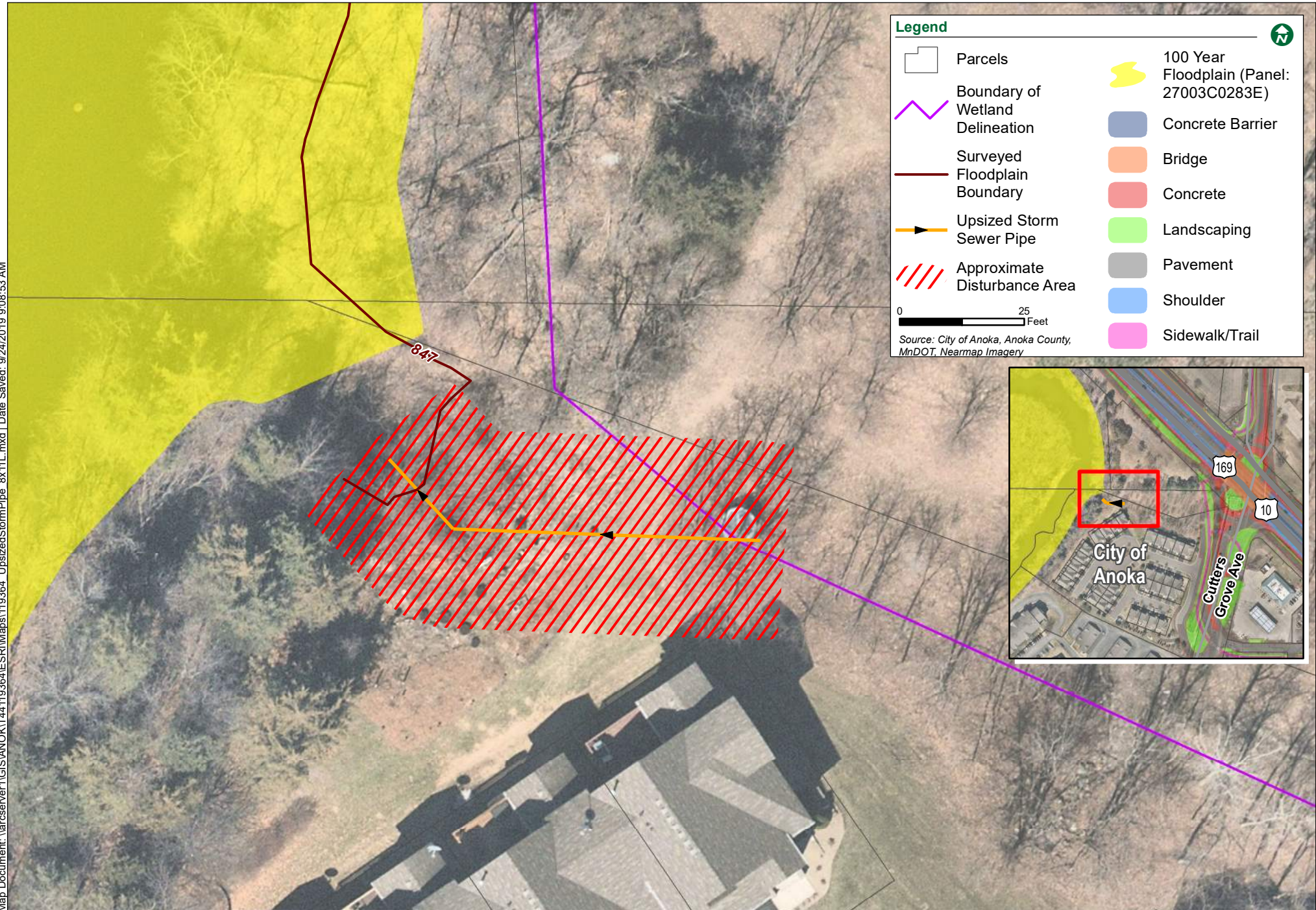
IV. This project will not result in any incompatible floodplain development.

A. The work in floodplain is very limited in scope and the project will not provide new access to floodplain areas.

Concluding Statement

Based on the above assessment, no significant floodplain impacts are expected.





Attachment E – Updated List of Commitments

List of Commitments	
Topic	Commitment
Land Use, Section 4(f)/6(f)	The proposed project will maintain a vegetated buffer to physically and visually separate the Mississippi River from the reconstruction Hwy 10/169 and the exit ramp in the southwest quadrant of the interchange with Thurston Ave/Cutters Grove Ave. During construction, no staging will occur within and no equipment or materials will be placed within the boundary of the Mississippi River and Recreation Area (NRRA).
Land Use, Section 4(f)/6(f)	Measures will be taken to mitigate runoff and erosion within the NRRA boundary both during and after construction.
Vegetation, Erosion Control, Water Quality	The proposed project will install non-native seed mixes on the inslopes, medians, and boulevards. Native seed mixes will be planted on ditch bottoms and backslopes. There may be unique sites that require unique seed mixes, such as infiltration basins, frequently mowed sites, etc.
Conservation Measures	If rolled erosion control products (EG erosion control blanket) are to be utilized, must be limited to 'bio-netting', 'natural-netting' (category 3N or 4N) woven type products, and specifically not allow welded plastic mesh netting. See Best Practices for Meeting GP 2004-0001 (page 25), at http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html and DNR's factsheet at http://files.dnr.state.mn.us/eco/nongame/wildlife-friendly-erosion-control.pdf .
Conservation Measures - Vegetation	Revegetation of disturbed soils should follow Metro Vegetation Establishment Recommendations (http://www.dot.state.mn.us/environment/erosion/pdf/vegetation/Metro_2016.pdf) and use native mixes in areas that are not proposed for mowed turf grass. For additional information, visit: http://www.dot.state.mn.us/environment/erosion/seedmixes.html
Stormwater Control	The project will comply with all Lower Rum River Watershed Management Organization's (LRRWMO) stormwater control requirements which includes volume control (a volume equal to one inch of run-off from impervious surfaces), rate control looking at 2-year, 10-year, and 100-year 24-hour duration events, and water quality (meeting the identified volume and rate control requirements through infiltration measures will provide the required water quality control performance). The project will also meet requirements of the NPDES permit. <u>The project will comply with Item 3.4 of the MPCA National Pollutant Discharge Elimination System Construction Permit Authorization dated August 1, 2018 per Scenic or Recreational River Segments. This includes deploying BMPs defined in Items 23.9, 23.10, and 23.11 in said Permit Authorization.</u>
Contaminated Materials	A Phase II drilling plan will be prepared to describe the soil boring locations within the project's planned excavation areas that should be evaluated for potential of encountering impacted soil and/or groundwater. If contaminated materials are encountered during construction, materials will be managed in accordance with all applicable local, state, and federal regulatory requirements.
Noise, Construction Impacts	It is MnDOT's practice to require contractor(s) to comply with applicable local noise restrictions and ordinances to the extent that is reasonable. The contractor will provide advanced notice to affected communities of any planned

List of Commitments	
Topic	Commitment
	<p>abnormally loud construction activities. Night construction may be required. Noisy work during night time hours will be limited as much as possible, but may be periodically required. Construction or maintenance activities that are generally prohibited during the period from 8:30 p.m. to 7:00 a.m. include pile driving/removal, concrete pavement demolition, pavement sawing, concrete crushing, and jack hammering.</p> <p>Federal NAC would be approached or exceeded at modeled receptor sites, and mitigation measures have been analyzed. None of the potential noise barrier locations meet the MnDOT/FHWA cost-reasonableness requirements for noise barrier construction, and therefore no noise walls are proposed for this project.</p>
Transit	MnDOT will coordinate with the Metropolitan Council Transit Operations to inform them of changes in Highway 10 traffic control as the project proceeds, and of all roadway closures and posted detours.
Historic Properties	A professional archaeologist will monitor any earthmoving activities done near an in-kind replacement of a culvert within Forest Hill Cemetery and at selected areas near Calvary Cemetery in response to the potential for unmarked burials at these locations.
Section 7, Threatened Species: Northern long-eared bat	General AMM 1: Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs. Notify contractor(s) during the pre-construction meeting. Bat sightings (including sick, injured, and/or dead bats) on the project must be reported to OES wildlife ecologist (651-366-3605).
Section 7, Threatened Species: Northern long-eared bat	Lighting AMM 1 & AMM 2: Direct temporary lighting, if used, away from wooded areas during the bat active season (April 1 to Oct 31, inclusive). If installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable. Please contact Susan Zarling (MnDOT Lighting Engineer) at 651-234-7052 with questions about approved products.
Section 7, Threatened Species: Northern long-eared bat	Tree Removal AMM 1: Avoid tree clearing to the extent practicable to complete the proposed work. Tree clearing may occur, but limit tree clearing to the maximum extent practicable.
Section 7, Threatened Species: Northern long-eared bat	Tree Removal AMM 2: Restrict all tree clearing activities to when NLEB are not likely to be present. Winter tree clearing required – tree clearing allowed November 1 to March 31, inclusive.
Section 7, Threatened Species: Northern long-eared bat	Tree Removal AMM 3: Tree removal must be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).
Section 7, Threatened Species: Northern long-eared bat	Tree Removal AMM 4: Tree removal must not remove documented NLEB roosts, or trees within 0.25 miles of roosts; or documented foraging habitat any time of the year.

List of Commitments	
Topic	Commitment
Section 7, Threatened Species: Northern long-eared bat	Misc. AMM 1: Building demolition must be completed during the NLEB inactive season. Winter building demolition required – building demolition allowed November 1 to March 31, inclusive.
Section 4(f), John Ward Park	Temporary Occupancy of Ward Park: duration of the occupancy will be temporary in nature, there will be no change in ownership of the land, the scope of work to be performed will be minor, there are no anticipated permanent adverse physical impacts nor any interference with the activities or purposes of the property, on either a temporary or permanent basis, the land being used will be fully restored to a condition that is at least as good as the condition that exists prior to the project, and there is a documented agreement with the official with jurisdiction over the resource.