Record of Decision

West Broadway Avenue (CSAH 103) Reconstruction

South of Candlewood Drive to North of 93rd Avenue North

In the City of Brooklyn Park

December 21, 2015

I. ADMINISTRATIVE BACKGROUND

Pursuant to Minnesota Rule 4410.4300 Subp. 22. B, Hennepin County prepared a mandatory Environmental Assessment Worksheet (EAW) for the proposed West Broadway Reconstruction Project. The Project required a State Environmental Assessment Worksheet (EAW) be prepared because of the addition of more than one mile of travel lane. The EAW was prepared in accordance with Minnesota Administrative Rules 4410.1000-4410.1700. This Record of Decision addresses State of Minnesota environmental review requirements as established in Minnesota Rule 4410.1700. Hennepin County is the Responsible Governmental Unit (RGU) for this project. The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comment to the required EAW distribution list. A Notice of Availability was published in the EQB Monitor on September 28, 2015, and in the Sun Post newspaper on October 1, 2015. The EAW was also made available for public review at the City of Brooklyn Park, the Hennepin County Library – Brooklyn Park, Hennepin County Public Works, and on the West Broadway project website.

The public comment period ended October 28, 2015. Comments were received from six agencies and there were no comments received from the public. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. Comments received during the comment period and responses to those comments are provided in **Section III**.

II. FINDINGS OF FACT AND CONCLUSION

As to the need for an Environmental Impact Statement (EIS) on this project and based on the record in this matter, including the EAW and comments received, Hennepin County makes the following Findings of Fact and Conclusions:

A. Project Description

The proposed project is located along Hennepin County State Aid Highway (CSAH) 103 (West Broadway Avenue) in the City of Brooklyn Park from south of Candlewood Drive to north of CSAH 30 (93rd Avenue North), for a distance of approximately two miles. The existing roadway is a mixture of four-lanes (two in each direction) and two-lanes (one in each direction). Certain portions of the two-lane section near intersections have been widened with the addition of turn lanes and/or bypass lanes. A Project Location Map is attached in Appendix A.

Proposed Roadway Cross Section

The project includes reconstructing West Broadway Avenue to a continuous four-lane with center median urban roadway. The project's design will also accommodate potential future transit improvements consistent with the Metropolitan Council's 2040 Transportation Policy Plan (TPP). The proposed Blue Line Extension Light Rail Transit (BLRT) is identified as the locally preferred alternative in the TPP to fit within the proposed center median along this segment of West Broadway Avenue. In addition, West Broadway Avenue is designated as a bicycle route in the Hennepin County Bicycle Transportation Plan, and is considered a future route in the Brooklyn Park Trail and Sidewalk Master Plan. The proposed project includes the following design elements:

- 11-foot lanes (two southbound and two northbound)

- 11-foot dedicated left turn lanes at signalized intersections[1]
- 10-foot multi-purpose trail along both sides of West Broadway Avenue
- 35 mph design speed (allows for narrower 11 foot lanes, tighter horizontal curves, reduced buffer widths to objects outside the roadway making the roadway feel narrower, and the addition of curb and gutter versus roadside ditches)
- An approximately 31- to 55-foot center median to accommodate potential future transit
- An approximate 120-foot overall roadway right-of-way width in areas that are between intersections
- An approximate 148-foot overall right-of-way width in areas that are at intersections but do not have proposed stations
- An approximate 154-foot overall right-of-way width in areas that are at intersections and have proposed stations (such as 93rd Avenue North and 85th Avenue North)

Proposed Drainage

An urban storm drainage system will be included in the project to collect and treat stormwater runoff within the project area. The water will be collected using curb and gutter and underground pipes to convey the water. The drainage system will connect into existing and new stormwater treatment ponds and underground storage.

Access Alternatives

The EAW that was published in the EQB Monitor included a discussion of two alternative access configurations on West Broadway Avenue at Maplebrook Parkway/Maplebrook Terrace. The two alternative access configurations on West Broadway Avenue included:

- **Without Maplebrook Signal** – this alternative would limit this intersection to right-in/ right-out at Maplebrook Parkway/Maplebrook Terrace and West Broadway Avenue and would not have a traffic signal.
- **With Maplebrook Signal** – this alternative would allow all movements to occur (i.e., left turns, throughs and right turns) between Maplebrook Parkway/Maplebrook Terrace and West Broadway Avenue and would include a traffic signal to accommodate these movements.

During the EAW public comment period the County evaluated the benefits and potential impacts of both of the alternatives and decided to proceed with the **With Maplebrook Signal** alternative. This alternative will provide acceptable traffic operations and full access to these neighborhoods for pedestrians, bicyclists, emergency vehicles and vehicle traffic. In addition, the residents in this neighborhood considered the **With Maplebrook Signal** alternative more favorable than the **Without Maplebrook Signal** option.

[1] Intersections along West Broadway Avenue will be configured to meet forecast travel demand. This will include construction of turn lanes to manage traffic flow and accommodate interactions of drivers and pedestrians.

Proposed Construction Methods

The construction activities and operation that may cause or involve physical manipulation of the environment are expected to include:

- Excavation and removal of poor soils not suitable for the roadway construction
- Demolition and removal of related sewer and water facilities
- Trench excavation for storm sewer and watermain installation
- Stormwater treatment pond excavation
- Floodplain and wetland mitigation
- Grading of roadway base to prepare for concrete curb construction and bituminous paving
- Grading of trail to prepare for bituminous paving
- Grading of sidewalk to prepare for concrete paving
- Curb and gutter installation
- Bituminous paving of the roadway and multi-use trail
- Concrete paving of the sidewalk
- Temporary and permanent erosion control and turf establishment
- Traffic signal construction and upgrades
- Trench excavation for relocation and burial of private utilities

B. Project History

1. **October 2008:** An Environmental Assessment Worksheet was published documenting the need and impacts of reconstructing West Broadway Avenue from south of Candlewood Drive to north of 93rd Avenue. A Record of Decision was not completed and further progress on the project was delayed since an analysis of transitway alternatives, including studying a route along the corridor, was being developed.

2. **March 2010:** An Alternatives Analysis for the Bottineau Transitway (now identified as BLRT) indicated that one of the alternatives to consider further included this section of West Broadway Avenue.

3. **June 2012:** The Hennepin County Regional Railroad Authority (HCRRA) recommended construction of light rail on the "B-C-D1 Alignment" along West Broadway Avenue in Brooklyn Park, the Burlington Northern Santa Fe Railroad corridor, and Olson Memorial Highway/Trunk Highway 55.

4. **March 2013:** The Metropolitan Council adopted the route and mode recommended by HCRRA as the Locally Preferred Alternative for the Bottineau Transitway in the regional 2030 Transportation Policy Plan.

5. **March 2014:** The Bottineau Transitway Draft EIS was published identifying the locally preferred alternative which includes light rail transit on this section of West Broadway Avenue.

6. **Late 2014-Early 2015:** Hennepin County and Metro Transit determined that the West Broadway Avenue Reconstruction Project had independent utility and it would be appropriate to complete a stand-alone environmental review document for the roadway reconstruction.

7. **September/October 2015:** An Environmental Assessment Worksheet (EAW) was distributed to the Minnesota Environmental Quality Board (EQB) on September 28, 2015 and the EQB mailing list. The comment period ended October 28, 2015. The EAW detailed the proposed project description, anticipated impacts and proposed mitigation for the West Broadway Avenue Reconstruction Project, and includes the elements described in the EAW and in **Section II: Proposed Roadway Cross Section**

8. Hard copies of the EAW were provided for public review at the City of Brooklyn Park, the Hennepin County Library – Brooklyn Park, the Hennepin County Public Works Department in Medina and an electronic copy was published on Hennepin County's website.

9. A public notice containing information about the availability of an EAW for public review was provided to the Brooklyn Park Sun Post newspaper for publication in the October 1, 2015 paper.

C. Need

Reconstructing West Broadway Avenue is primarily needed to address poor pavement conditions, enhance safety, improve traffic delays and capacity, and accommodate potential future transit improvements as noted in the region's long-range Transportation Policy Plan. Secondly, it is also needed to address the lack of bicycle and pedestrian accommodations and the lack of access management along the corridor, which also degrades safety and traffic operations.

D. Project Timing

Construction of the project is expected to begin in 2018. Road closures are anticipated and will be communicated to the public in advance of construction. The appropriate signage will direct drivers, pedestrians, and bicyclists to available detours.

E. Corrections to the EAW or Changes in the Project since the EAW was Published

Decision on Maplebrook Parkway/Terrace Signal

During the public notice period, Hennepin County made a decision on the preferred design solution to address access at the intersection of West Broadway Avenue and Maplebrook Parkway/Maplebrook Terrace. Through public engagement and working with Brooklyn Park Staff the County determined that installing a signal at this intersection would address the neighborhood traffic needs by providing full access for all users including pedestrians, bicyclists, vehicles and emergency vehicles while providing acceptable traffic operations.

EAW Question 18, Table 13

Table 13 in the EAW was missing the following information in the second row and second column. The corrected table is shown on the following page.

Table 13: 2040 Build Alternatives: Intersections and/or PM Peak Period Movements at LOS E / F

West Broadway Avenue Intersection	Alternative / Analysis Period	Intersection LOS	Intersection Approach Leg	Approach LOS
85th Avenue North	Without Maplebrook Signal/PM Peak	D	Eastbound	E
85th Avenue North	With Maplebrook Signal/PM Peak	D	Southbound	E

Water Resources/Wetlands
Wetland impacts as reported in the published EAW were 3.9 acres. Since publication of the EAW, wetland impacts have been re-calculated to be 4.8 acres.

F. Decision Regarding Need for Environmental Impact Statement

Minnesota Rule 4410.1700, subp. 1, states "An EIS 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, Hennepin County must consider the four factors set out in Minnesota Rule 4410.1700, subp. 7. With respect to each of the four factors, Hennepin County finds the following:

1. Type, Extent, and Reversibility of Impacts

Hennepin County finds that the analysis completed for the EAW is adequate to determine whether the project has the potential for significant environmental effects.

The EAW described the type and extent of impacts to the natural and built environment anticipated to result from the proposed West Broadway Avenue Reconstruction Project construction footprint. Following are the findings regarding potential environmental impacts of the proposed project and the design features included to avoid, minimize, and mitigate these impacts:

LAND USE

The West Broadway Avenue Reconstruction Project is consistent with local and regional comprehensive plans. The reconstruction of West Broadway Avenue is included in the Hennepin County Capital Improvement Program. Hennepin County has worked closely with the City of Brooklyn Park on the development of this project and has taken into account the current and future land uses of adjacent properties.

The reconstruction and expansion of this existing roadway is consistent with local and regional plans. New development is already occurring and the roadway improvements are expected to benefit the community with improved mobility and safety. In addition, the reconstruction of West Broadway Avenue would provide capacity for implementation of future transitway improvements. The West Broadway Avenue Reconstruction Project is compatible with existing and planned land uses.

Right-of-way acquisition is required for the project. Permanent and temporary easements will also be necessary. **Table 1**, which was included in the EAW and located on the following page, shows the estimated right-of-way and easement acquisition required. A six unit townhome will need to be acquired and the residents will need to be relocated as well.

Acquisition and relocation will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Table 1: Acreage and Parcels Impacted With a Signal at Maplebrook Parkway

Acquisition type	Acreage	Parcels
Permanent Right-of-way [1]	6.8	87
Permanent Easement [2]	1.1	42
Temporary Easement [3]	32.0	97

1. Permanent Right-of-way is when the public entity acquires full rights to a part of a property (partial taking) or the entire property (total or full taking).

2. Permanent Easement is when the public entity purchases certain rights such as drainage, utility, wall, trail or stormwater ponding and the owner retains remaining property rights.

3. Temporary Easement is when the public entity purchases the right to use the property for construction purposes during a defined period of time and full ownership reverts back to the owner upon expiration.

WATER RESOURCES/FLOODPLAINS

Several areas mapped as 100-Year Floodplain will be impacted within the proposed roadway reconstruction project area. Impacts may be the result of fill required for the project footprint or they may be excavation impacts used for mitigation of floodplain fill impacts or accommodation of stormwater management. The total proposed floodplain fill impacts are 13,500 cubic yards (c.y.). Locations of these areas and proposed impacts and mitigation are described as follows:

- **Setzler Pond - Northwest quadrant of 89th Avenue North and West Broadway Avenue.** The total proposed floodplain fill in Setzler Pond is 500 c.y. Mitigation for the proposed floodplain fill would be at a 1:1 volume ratio within Setzler Pond.
- **South side of 92nd Avenue North (east and west sides of West Broadway Avenue).** The total proposed floodplain fill for this mapped 100-Year Floodplain area is 5,500 c.y. Mitigation for the proposed floodplain fill would be at a 1:1 volume ratio within this basin.
- **Shingle Creek Floodplain (east and west sides of West Broadway Avenue).** The total proposed floodplain fill for the Shingle Creek floodplain (east and west of West Broadway Avenue) is 7,500 c.y. Several areas near Shingle Creek are being studied for the potential to provide viable 1:1 volume mitigation for this floodplain fill.

WATER RESOURCES/STORMWATER

The proposed West Broadway Avenue Reconstruction Project will require stormwater management. Regulatory and permitting authority for stormwater management for the West Broadway Avenue Reconstruction Project is under the jurisdiction of the City of Brooklyn Park, the Minnesota Pollution Control Agency (MPCA), and the Shingle Creek and West Mississippi Watershed Management Commission.

Infiltration or filtration Best Management Practice (BMPs) provide quantity (rate and volume) control and water quality treatment, and can be constructed as surface or underground BMPs. Much of Brooklyn Park has soil that may be suitable for infiltration BMPs. The soils have textures that allow water to flow vertically through them relatively easily. However, most of the West Broadway Avenue corridor is also in a highly vulnerable portion of the Brooklyn Park Central Drinking Water Supply Management Area (DWSMA). Further coordination with city representatives will occur to determine where infiltration is acceptable and if protective measures must be taken to ensure well safety.

Filtration BMPs can be utilized in locations where inclusion in the DWSMA, proximity to groundwater, or proximity to soil or groundwater contamination precludes the use of infiltration BMPs. They can also be used at treatment pond locations, by using a 10-foot bench of engineered soil above the normal water level as a filtration bench. This would allow a certain volume of water in the pond to filtrate through engineered soil and be collected in drain tile that would flow to the pond outfall. Soil borings should be taken during preliminary and final design to determine where infiltration or filtration BMPs may be appropriate.

WATER RESOURCES/WETLANDS

As described above in item E, the wetland impacts were re-calculated and the impact area changed from the 3.9 acres which appeared in the EAW to 4.8 acres.. Several construction techniques and BMPs will be used to minimize impacts to project area wetlands. The proposed sideslopes of the proposed roadway reconstruction will be 3 (horizontal):1 (vertical) in the vicinity of wetlands and 4:1 in areas not adjacent to wetlands. Sideslopes steeper than 3:1 would typically require guard rail which introduces additional safety concerns and issues with snow removal.

During construction, silt fences will be properly installed in the vicinity of wetlands to minimize potential siltation into wetlands and receiving water bodies. Bare soils will be stabilized with erosion control measures and re-vegetated immediately after construction.

Impacted wetlands in the project area that are within the jurisdiction of state and federal law and local rules will be mitigated per relevant permit conditions. Mitigation is typically accomplished with an acre ratio of 2 (mitigated):1 (impacted). Sometimes circumstances dictate that the mitigation ratio is 2.5:1. Typically, roadway reconstruction-related wetland impacts that demonstrate safety improvements will be mitigated through the Board of Water and Soil Resources (BWSR) Road Replacement Program. Road reconstruction impacts that are associated with trail construction or are not safety-related do not qualify for the BWSR Road Replacement Program; therefore, such impacts would be mitigated through construction of on-site wetland mitigation areas or the purchase of suitable banked private wetland mitigation credits.

WATER RESOURCES/SURFACE WATER

Construction may cause impacts to Shingle Creek. This segment of the project may require a combination of temporary sedimentation basins, creek diversion, silt fences and silt curtains, and erosion control to minimize potential sedimentation to Shingle Creek and receiving water bodies downstream. Shingle Creek is listed as an impaired water body per the USEPA 303 (d) list. Water quality in the creek is not anticipated to be significantly impacted by the project. The area disturbed during construction will be re-vegetated after construction.

The proposed roadway reconstruction will impact a culvert just north of 89th Avenue North. The culvert conveys what was once called Mattson Brook. The culvert now flows beneath a fully built-out residential neighborhood and daylights approximately 800 feet to the east of the project area. Temporary sedimentation basins and other BMPs will be necessary to minimize the potential for sedimentation to enter this conveyance and receiving water bodies downstream. Portions of this culvert will be replaced. The area disturbed during construction will be re-vegetated after construction.

POTENTIAL ENVIRONMENTAL HAZARDS

The Minnesota Pollution Control Agency (MPCA) online database was reviewed to identify known contaminated sites within 750 feet of the project area. The databases searched included potentially contaminated sites based on some of the following activities: hazardous waste facilities, leaking underground storage tank sites, voluntary investigation and cleanup (VIC) sites, and Superfund sites. This online database search represents only a portion of databases typically reviewed in a Phase I Environmental Site Assessment (Phase I ESA). A Phase I ESA is a customary review of properties to identify areas of potential contamination and also includes interviews, historical review, and site reconnaissance. A Phase I ESA (under the previous standard) of the Project Area was prepared for Hennepin County in 2008. Another Phase I ESA is being conducted in support of the FEIS for the BLRT (estimated completion in Fall 2015). As part of agency coordination activities between Hennepin County and the Metropolitan Council (the local sponsor of the BLRT project), the West Broadway Avenue Reconstruction Project area was included in the Phase I ESA completed for the BLRT project.

Based on the initial review of the 2008 Phase I ESA and MPCA online database search, 40 sites were identified within the search radius. The sites were categorized based on MnDOT's risk potential and further broken down into 29 Low and 11 Medium Environmental Risk sites. No areas of known releases/contamination were identified within the construction footprint, but three parcels (9400 Winnetka Ave North, 9430 Winnetka Ave North, and 8479 West Broadway Ave) with documented releases to both soil and groundwater were identified within approximately 500 feet of the construction area. These releases could potentially impact the construction footprint based on the estimated groundwater flow direction (easterly). Impacts from these releases are only likely in the immediate vicinity of the identified parcels. A Construction Contingency Plan will be developed to address encountering contaminated soils during construction. In addition, future Phase II ESA activity undertaken for the West Broadway Avenue Reconstruction Project could also identify areas of soil and/or groundwater contamination that may require special handling and/or disposal during construction.

FISH AND WILDLIFE

A letter was sent to the MnDNR natural heritage endangered species coordinator on May 7, 2015 to obtain data on threatened and endangered species in the project area. The MnDNR determined that there were no known occurrences of rare species or other significant natural features within a mile of the project area.

The northern-long eared bat (NLEB) and the Blanding's turtle may occur in the project area. The NLEB is federally listed as a threatened species and is considered a forest dwelling species. The forested woodlands associated with Shingle Creek could provide potential summer roosting habitat

for the bat. The Interim 4(d) Rule for the NLEB indicates that expansion of a corridor or right of way by up to 100 feet from the edge of an existing, cleared corridor would not be considered an incidental take. Consultation with the USFWS would be needed to gain concurrence that clearing and grubbing within the right of way and 100-foot buffer could proceed with no imposed seasonal restrictions. However, clearing and grubbing within the 100-foot buffer zone would occur between October 1 and April 1 (a period when the NLEB would not be present in forested habitat) where practicable. Any tree clearing in areas greater than 100 feet from the existing West Broadway Avenue right of way would occur only between October 1 and April 1. As such, clearing and grubbing outside of the 100-foot buffer would occur when the NLEB is not present there, and with USFWS consultation, would lead to a conclusion of "May Affect, Not likely to Adversely Affect".

The Blanding's turtle is a state threatened species and its habitat typically consists of wetland complexes with calm, shallow waters and rich aquatic vegetation. To avoid impacts to the Blanding's turtle and the habitat adjacent to the project, perimeter controls will be established to control stormwater runoff, and prevent erosion and sedimentation. In addition, Contractors will be provided with a flyer notifying them this species may be present. Trenches will be checked for turtles prior to being backfilled. Perimeter controls will be removed when the project is complete and the area has become re-vegetated.

HISTORIC PROPERTIES

A letter dated June 11, 2015 from SHPO stated that there are no known records of properties listed in the National or State Registers of Historic Places, and no known or suspected archeological properties in the project area.

VISUAL

The project is not located near any scenic views or vistas. The project is a reconstruction of an existing transportation corridor in an already developed area. The visual elements in the project area are not expected to change significantly. There are no anticipated visual impacts anticipated on the surrounding community and the visual quality will not be altered.

AIR EMISSIONS

The project is not anticipated to have significant impacts or cause any significant decrease in air quality. Traffic congestion is not expected to increase to levels that will cause air quality concerns. The forecast traffic volumes will increase for the new roadway; however, the volumes are lower than the benchmark volume of 79,400 vehicles per day (per MnDOT hot-spot screening guidance), below which carbon monoxide (CO) concentrations are not expected to approach state air quality standards. Additionally, the project does not impact any of the top ten intersections in the Twin Cities CO maintenance area.

Dust will be generated during construction. Construction activities will disturb existing vegetative ground cover and allow soil material to become airborne. The impacts will be temporary and associated with grading activities. To minimize dust generation construction operations will be scheduled so that the smallest area is disturbed at one time, the subgrade will be watered as needed to control dust, and temporary or permanent surface-stabilization measures will be installed immediately after grading is completed.

NOISE

A traffic noise prediction computer analysis of the existing and post-construction noise levels was conducted. The analysis used MnDOT's MINNOISE computer model (a version of the Federal Highway Administration's Stamina/Optima model modified by MnDOT) and traffic predictions to predict noise levels.

The noise modeling, using adjusted sound levels stated in units of "A-weighted decibles" (dBA), for the project area was validated by comparison to sound level measurements conducted at five sites throughout the project area. Computed sound levels at the five measurement sites ranged from 0 dBA to 3 dBA higher than the measured sound levels, with an average overprediction of 1.7 dBA. This slight overprediction indicates that the noise modeling is appropriately conservative and is within the standards required by MnDOT for traffic noise studies.

In almost all locations, the noise levels for the Build scenario will be lower than for the No Build scenario. At a few locations, there will be noise level increases of 1 dB or less, which are undetectable in the environment. Therefore, the West Broadway Avenue Reconstruction Project does not require any mitigation.

TRANSPORTATION

Traffic is projected to increase in the area as a result of adjacent development, regional growth, and the diversion of some trips from parallel congested corridors due to additional capacity on West Broadway Avenue. The project is intended to address increased traffic and to make improvements that make travel more efficient and safer for all modes of travel, including automobiles, transit users, pedestrians and bicyclists. The project improvements will provide mobility, access management, safety, space for future transit and other improvements needed to meet the existing and future traffic demands in the travel corridor.

2. Cumulative Potential Effects of Related or Anticipated Future Projects

As identified in Question 19 of the EAW, the cumulative potential effect of related or anticipated future projects has been considered and the proposed project has low potential for cumulative impacts to the resources directly affected by the project. The most apparent effects from BLRT Extension were considered as well as other present and future projects identified in Question 19. Cumulative potential effects considered a number of resource areas. Key environmental resources were specified in greater detail including land use, water resources/wetlands, noise, and transportation.

Given laws, rules, and regulations in place, as well as local regulatory requirements and comprehensive planning and zoning laws, substantial adverse cumulative impacts to these resources are not anticipated.

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

The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies and will be subject to the plan approval and permitting process. Permits and approvals that may be required prior to project construction are listed below.

Unit of Government	Type of Application	Status
Federal		
U.S. Army Corps of Engineers	Section 404 Permit	To be submitted
State		
Minnesota Pollution Control Agency (MPCA)	NPDES General Stormwater Permit for Construction Activity	To be submitted
Minnesota Department of Natural Resources	Work in Public Waters	To be submitted
Minnesota Department of Natural Resources	Floodplain permit	To be submitted
Local		
City of Brooklyn Park	Preliminary Layout Approval	To be submitted
City of Brooklyn Park	Final Plan Approval	To be submitted
Shingle Creek/West Mississippi Watershed Management Commission (WMC)	Project Review Application	To be submitted
Shingle Creek/West Mississippi Watershed Management Commission (WMC)	Wetland Conservation Act Joint Application for Activities Affecting Water Resources in Minnesota	To be submitted

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

The West Broadway Reconstruction Project and the BLRT are considered separate projects and therefore are under two individual environmental reviews. The West Broadway Reconstruction Project will be constructed concurrently with the BLRT which is in the process of completing a Final Environmental Impact Statement. Building these two projects concurrently will minimize the frequency of road and access closures, road detours, and impacts associated with construction noise and dust to the local community.

Hennepin County has dedicated and experienced staff who will be overseeing this project. No problem is anticipated that the staff have not encountered and successfully managed in similar projects. Hennepin County finds that the environmental effects of the project can be anticipated and controlled as a result of assessment of potential issues during environmental review and through complying with applicable permit conditions. The County will draw upon their expertise in addressing similar issues experienced on previous projects.

G. Conclusions

All requirements for environmental review of the proposed project have been met.

The EAW developed for the project has generated information that is adequate to determine whether the project has the potential for significant environmental effects.

Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance based on requirements in place at that time. Mitigative measures will be incorporated into project design and will be coordinated with city, state and federal agencies during the permit process.

Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.

An Environmental Impact Statement is not required for the Hennepin County West Broadway Avenue (CSAH 103) Reconstruction Project.

James N. Grube — 12/10/15

County Highway Engineer — Date

III. AGENCY COMMENTS AND HENNEPIN COUNTY RESPONSES

The 30-day comment period for the above referenced EAW ended on October 28, 2015. Comments were received from the City of Brooklyn Park, Minnesota Department of Health (MDH), Minnesota Department of Transportation (MnDOT), Minnesota Pollution Control Agency (MPCA), Shingle Creek Watershed Management Commission, the West Mississippi River Management Commission, and the Metropolitan Council. There were no comments received from the general public. Comment letters are included in Appendix B. On behalf of Hennepin County as the Responsible Governmental Unit (RGU), responses to comments received are provided below.

Agency comments and responses are summarized as follows:

A. Comments from City of Brooklyn Park

Comment 1: The city has concerns about the lack of right turn lanes along West Broadway, including 85th and 93rd Avenues turning eastbound. As final designs are being developed, the City wants additional study on the topic. The city also wants to be sure bus operations are accommodated in the final design.

Response 1: Hennepin County will continue to work with the city regarding the potential for additional turn lanes during the final design phase of the project.

B. Comments from MDH

Comment 1: As noted in the EAW, the entire area of the West Broadway reconstruction project is fully within the wellhead protection area of Brooklyn Park and one of the city wells is located adjacent to a section of the project. Most of the area is classified as Highly to Very Highly sensitive to groundwater pollution (sandy soils). The construction activities are not likely to impact drinking water quality. However, the storm water holding or infiltration areas could become a significant source of contamination in the event of accidents involving trucks carrying hazardous liquids. The locations of storm water holding or infiltration areas should be reported to the Wellhead Protection Manager for the City of Brooklyn Park so that they can be included in their inventory of potential contaminant sources. In addition, storm water systems should have the capacity to hold small quantities of liquid prior to infiltration so that spills can be collected.

Response 1: Construction and operations of the West Broadway Avenue Reconstruction Project would not likely impact drinking water quality. A potential hazardous spill in the project area could concentrate contaminants in stormwater BMPs. The locations of these BMPs will be reported to the Wellhead Protection manager at the City of Brooklyn Park. Stormwater BMPs will be designed such that hazardous spills could be contained efficiently.

Comment 2: The EAW recognizes that the project corridor is within a highly vulnerable portion of a drinking water supply management area and mentions coordination with city representatives when determining where infiltration practices will be acceptable. MDH would like to reiterate that this important safety step happen prior to construction in order to avoid unnecessary contamination of the drinking water supplies. Because infiltration of stormwater in vulnerable settings has the potential

to affect drinking water quality, please consider MDH's "Source Water Protection Issues Related to Stormwater" brochure as you finalize your plans.

Response 2: Designers will coordinate with the City of Brooklyn Park with respect to location and design of stormwater BMPs and proposed infiltration. Surface water management in vulnerable settings (soils with high infiltration rates) requires special attention. Designs of stormwater BMPs will consider concepts described in MDH literature.

Comment 3: While construction activities are not likely to impact drinking water, this section of the EAW points out that "high and medium environmental risk sites were identified within and adjacent to the project area." In order to best prepare for construction activities in the project area and to avoid unnecessary contamination, MDH agrees with the recommendation found in the EAW to have an updated Phase I ESA performed prior to construction.

Response 3: As final design progresses, the Phase I ESA will be updated to include current information.

C. Comments from MnDOT:

Comment 1: MnDOT reviewed the EAW and had no formal comments.

Response 1: Comment noted.

D. Comments from MPCA:

Comment 1: MPCA reviewed the EAW and had no comments at this time.

Response 1: Comment noted.

E. Comments from the Shingle Creek and West Mississippi Watershed Management Commissions

Comment 1: Section 11.a.i. notes that Eagle Lake and Magda Lake are Impaired Waters within one mile of the project area, but does not identify Shingle Creek itself as impaired for chloride, dissolved oxygen, macroinvertebrate biotic integrity, and *E. coli* as listed on the draft 2014 303(d) List. The Shingle Creek Chloride TMDL and the Bass and Shingle Creeks Biota and Dissolved Oxygen TMDLs assign categorical waste load chloride and nutrient reductions to Hennepin County as a permitted MS4.

Response 1: The EAW text describes that Shingle Creek as well as Eagle Lake and Magda Lake are Impaired Waters within one mile of the CSAH 103 (West Broadway Avenue) Reconstruction Project area. Table 6 in the EAW describes Shingle Creek east and west of CSAH 103 as being an Impaired Water and describes the specific impairments. As level of design of the CSAH 103 project advances, BMPs will be defined to treat or reduce chloride input to Shingle Creek and improve water quality in this Impaired Water. BMPs may include pre-treatment of stormwater runoff from proposed additional impervious surfaces, implementation of brining technologies to reduce the quantity of applied deicing salt, and the use of non-chloride alternative deicing compounds

Comment 2: Section 12.a.i. describes Shingle Creek in the project area as County Ditch #13 under the administration of Hennepin County, which is incorrect. The County Ditch #13 designation only applies between Xerxes and 44th Avenues N, and does not apply to the Creek in the project area.

Response 2: The description of Shingle Creek was incorrectly described in the EAW and that the portion of the creek in the project area is under the jurisdiction of the MnDNR as a Public Waters.

Comment 3: Section 12.a.ii identifies Shingle Creek as a Public Waters Watercourse in the project area. While shown on Figure 4-2 and briefly noted in Table 6, the text does not call out Century Channel, which is also a Public Waters Watercourse. Figure 4-2 and elsewhere in the EAW refers to that stream as Mattson Brook, which is incorrect. Century Channel is tributary to Edinbrook Channel, which is tributary to Mattson Brook at Dupont Avenue N.

Response 3: The EAW text should have described Century Channel as a Public Waters. The figures have been revised to reflect this and are located in Appendix A. This oversight does not change the conclusions documented in the EAW.

Comment 4: Section 12.b.ii and Appendix 4 describe the proposed drainage system and potential BMPs that could be incorporated into the project. Appendix 4 accurately describes the Commissions' current regulatory requirements for stormwater, wetland impacts, floodplain impacts, crossing modifications, and erosion control. This project will require Commission review and will be subject to meeting the Rules and Standards in place at the time of application.

Response 4: Comment noted.

Comment 5: Section 12.b.iv estimates there will be 3.9 acres of unavoidable wetland fill on this project. The Commissions act as LGU for WCA administration in Brooklyn Park. The EAW notes that Setzler Pond, identified as Wetland 21, was constructed in 1997 for stormwater management and thus impacts to it will not be considered as wetland impacts. The West Mississippi Commission disagrees with this assessment. Historic aerial photos show that Setzler Pond was excavated partially in the footprint of Century Channel, which appears to be a channel with fringing wetland. At least some part of this pond was historically wetland, and the Commission acting as LGU will consider this when evaluating the extent of wetland impacts. The County is advised to work closely with the Commissions early in the project design to minimize unavoidable impacts and to mitigate as much as possible on site.

Response 5: The 3.9 acres of wetland impact as reported in the published EAW have been re-calculated and are now 4.8 acres of wetland impact. Jurisdiction of portions of Setzler Pond (Wetland #21 in the EAW) per the Minnesota Wetland Conservation Act (WCA) will be a topic of discussion during the pre-permitting period of this project. Wetlands were present historically along the palustrine fringe of the conveyance now called "Century Channel". Hydric soils were mapped and roughly coincide with the conveyance swale. The 1955 topographic map (Osseo, MN 7.5-minute quadrangle) shows an elevation of 880 feet and roughly coincides with the "bankfull" elevation of the unculverted stream. Modern LiDAR shows the water surface elevation of Setzler Pond, a regional storm pond, to be approximately 866 feet. The bottom elevation of the modern Pond is lower than 866 feet. More than 14 feet of soil has been removed to create Setzler Pond. Wetlands may have

been impacted in the course of this excavation. It is possible that construction of this regional storm pond (Setzler Pond) may have gone through a previous permitting process such as a Public Water Work Permit or a WCA/ Corps Joint Permit Application. The County will continue to investigate whether previous permitting actions have occurred and will work with the TEP, Corps, DNR, and Commission to minimize unavoidable wetland impacts and will provide mitigation consistent with Commission rules, WCA, and the Clean Water Act.

Comment 6: Section 19.c. Water Resources/Wetlands describes the potential cumulative effects of the project and others slated for the general project area. However, it does not address a cumulative impact of great importance to Shingle Creek: chloride impairment. The project will add new impervious surface, will in some places increase the cross section from two to four lanes, and will add turn lanes. The additional impervious area will require application of additional road salt for ice control. Hennepin County is one of 11 MS4s assigned a 71 percent categorical chloride waste load reduction in the approved Shingle Creek chloride TMDL. The application of additional road salt on the new impervious surface will exacerbate the already deleterious effects of road salt applied to increased imperviousness in the drainage area to Shingle Creek. The County should identify policies and practices it will use to mitigate this potential additional chloride load.

Response 6: Shingle Creek is on the 303D list of Impaired Waters for chlorides. The project will increase the impervious surface as a result of constructing additional vehicular traffic lanes, trails, and the Blue Line LRT within the CSAH 103 median. Impervious surface associated with the Blue Line LRT (CSAH 103 median) would not have additional chlorides applied for deicing purposes. Some trail segments may require deicing (typically applied in small amounts manually) if they are used in the winter. BMPs will be developed as the project moves forward to final design. BMPs may include pre-treatment of stormwater runoff from proposed additional impervious surfaces or implementation of brining technologies to reduce quantity of applied deicing salt. The County will work with the Commission to implement a strategy to reduce chloride inputs to Shingle Creek in compliance with Commission rules, MS4s, and the Clean Water Act.

F. Comments from the Metropolitan Council

Comment 1: Item 11.a.i. – Water Resources – Surface Water **–** The text on the top of page 17 discusses the presence of Shingle Creek within the proposed project area but neglects to specifically state that it (in addition to Eagle and Magda Lakes which are indicated to be a mile away from the project area) is also on the 303(d) Impaired Waters List, and is unable to meet water quality standards for chloride, dissolved, oxygen, and biotic impairment. Later text on page 23 does indicate the Creek is impaired, but the specific impairments are not discussed.

As roadway runoff is the major contributor of chlorides which has resulted in project area waterbodies and specifically Shingle Creek to be water-quality-impaired, every effort should be made to minimize the concentration of chlorides in the runoff to the Creek and those waterbodies from this expanded roadway project and its stormwater management system. As indicated in the Appendix 4 Stormwater and Floodplain Technical Memorandum, the chloride TMDL calls for “a reduction in the use of sodium chloride for ice control in the watershed.” Council staff requests the County discuss in this document how and to what extent it specifically plans to reduce sodium chloride application and the resultant chloride loading in its direct runoff flows to Shingle Creek in

compliance with the TMDL directive, following expansion of this roadway corridor that will result in an increase of pavement surface area in excess of 6 acres.

Response 1: The EAW text describes that Shingle Creek as well as Eagle Lake and Magda Lake are Impaired Waters within one mile of the CSAH 103 (West Broadway Avenue) Reconstruction Project area. Table 6 in the EAW does describe Shingle Creek east and west of CSAH 103 as being an Impaired Water and describes the specific impairments. As level of design of the CSAH 103 project advances, BMPs will be defined to treat or reduce chloride input to Shingle Creek and improve water quality in this Impaired Water. BMPs may include pre-treatment of stormwater runoff from proposed additional impervious surfaces, implementation of brining technologies to reduce the quantity of applied deicing salt and the use of non-chloride alternative deicing compounds.

Comment 2: Item 13.d. – Fish, Wildlife, Plant Communities, Sensitive Ecological Resources – the EAW states that Blanding's turtles have been documented along Shingle Creek. By expanding the roadway corridor further in the natural wetland/Shingle Creek corridor and updating its stormwater management design, the project may have the unintended result of increasing the risks to area wildlife attempting to cross the roadway, due to the increase in roadway width and placement of curbing where none may currently exist. Council staff recommends that sloping, surmountable "S" curbing be incorporated into the project in the vicinity of Shingle Creek, in lieu of the currently specified "B612" and "B618" curbing.

Response 2: Surmountable curb and other technologies will be investigated in consultation with the DNR pertaining to effective measures to avoid and minimize potential impacts to the Blanding's turtle along West Broadway Avenue where it crosses Shingle Creek. Surmountable curbing may allow passage across CSAH 103 though it would not allow safe crossing of the BLRT in the median. Alternatively, modifications to the Shingle Creek culvert beneath CSAH 103 and the BLRT may serve to provide safe crossing of Blanding's turtle.

Appendix A

Project Location Map and Revised Figures

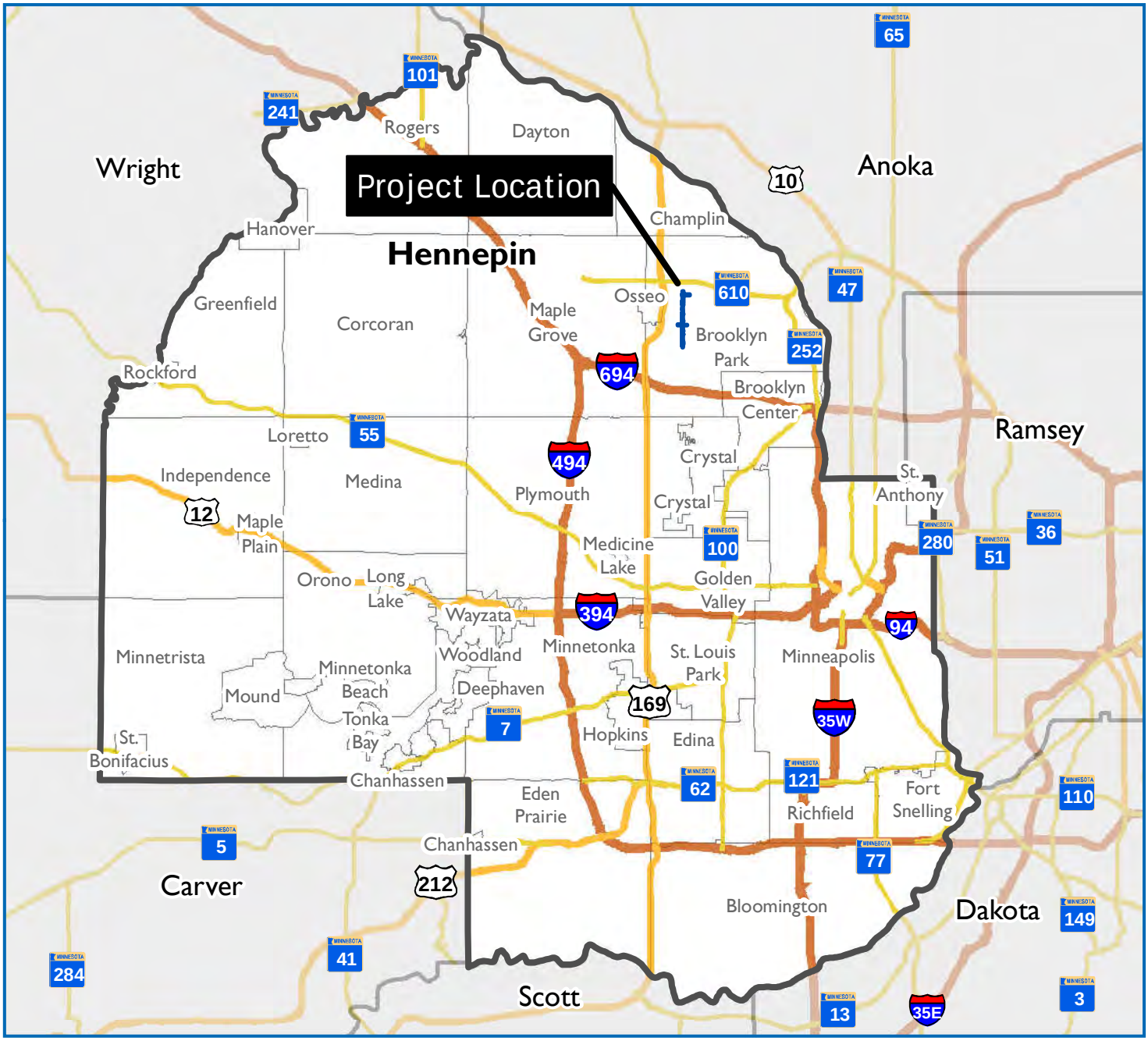
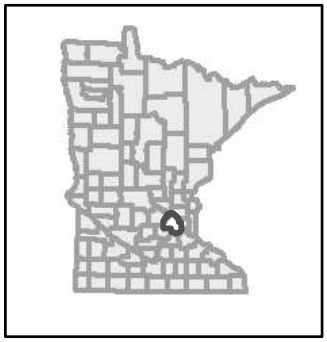


Figure 1
Project Location - County Level



Project Footprint
Interstate
US Highway
State Highway

N
0 10 Miles

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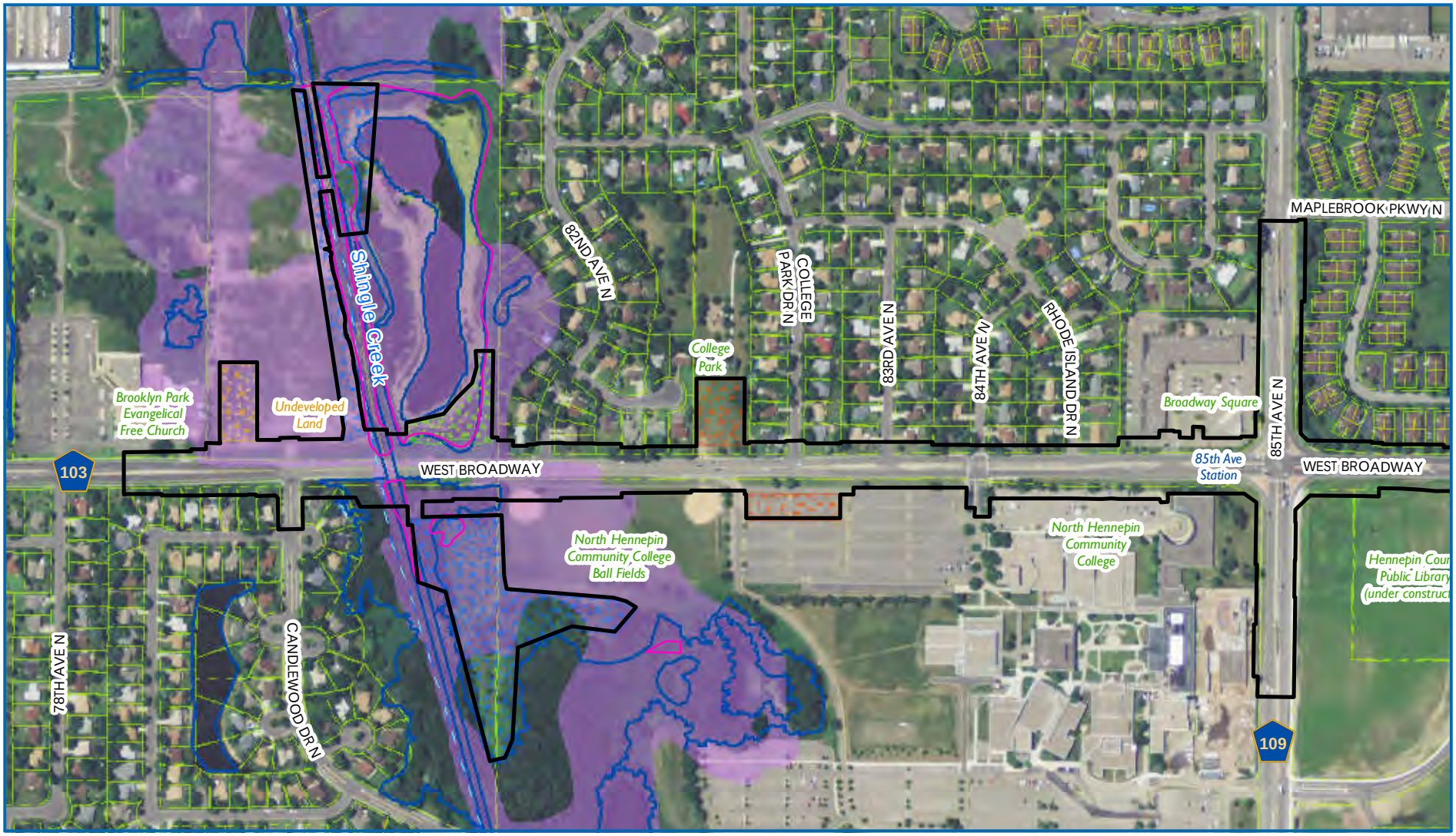
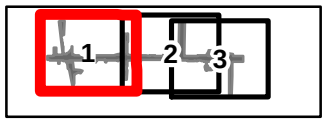
West Broadway Avenue (CSAH 103) Reconstruction

Figure 4 - 1
Project and Natural Features Overview





0 400 Feet

N

Project Footprint
Existing Transmission Line
Existing right-of-way / parcel lines

Delineated Wetland
NWI Updated (2015)
Floodplain
Unnumbered Public Watercourse
Public Water or Public Water Wetland

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes

Potential Floodplain Mitigation
Potential Stormwater & Floodplain Mitigation
Potential Surface Stormwater Treatment
Potential Underground Stormwater

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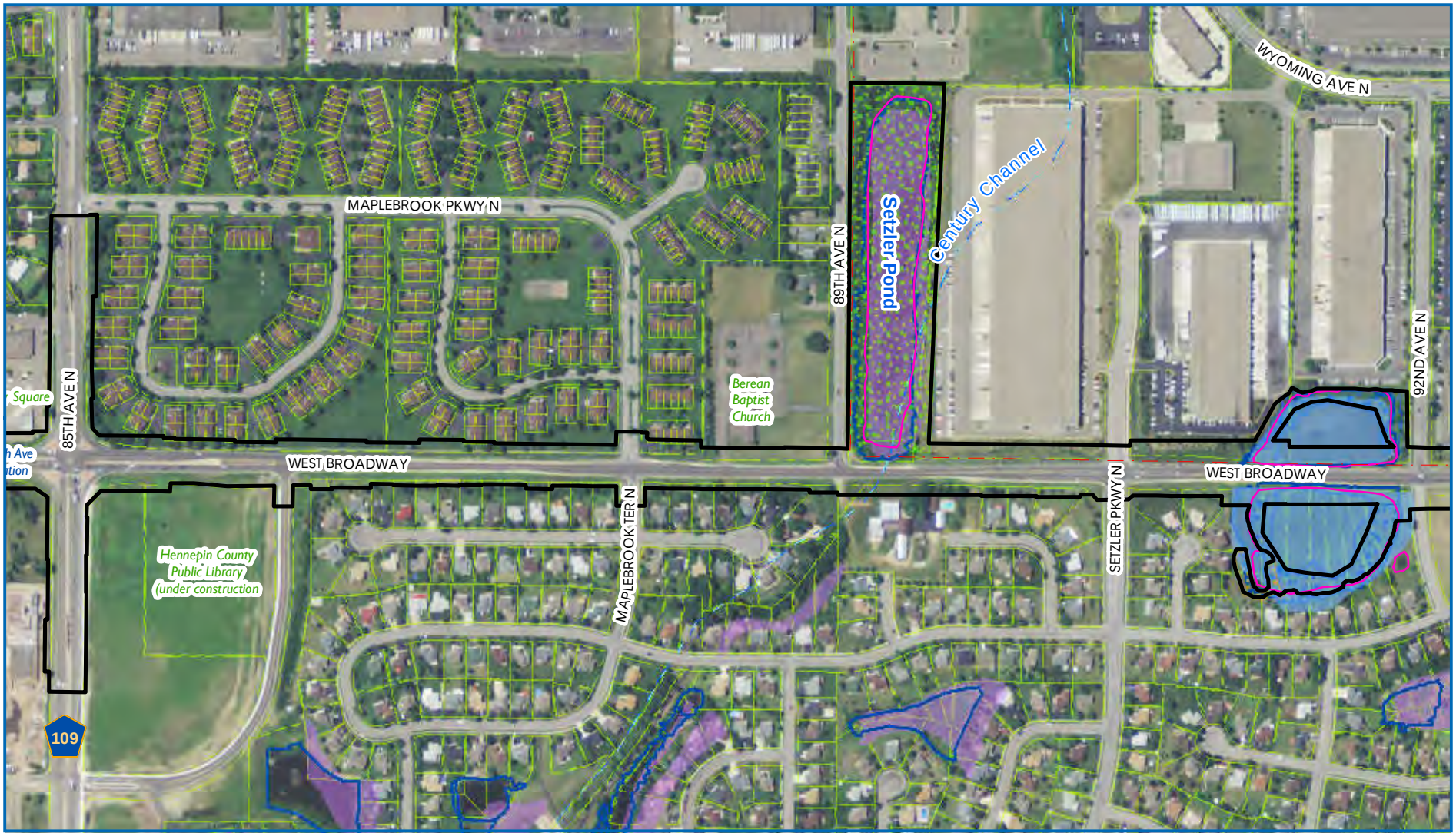
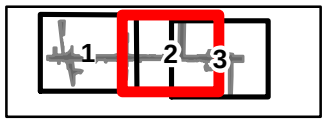
West Broadway Avenue (CSAH 103) Reconstruction

Figure 4 - 2
Project and Natural Features Overview





0 400 Feet N

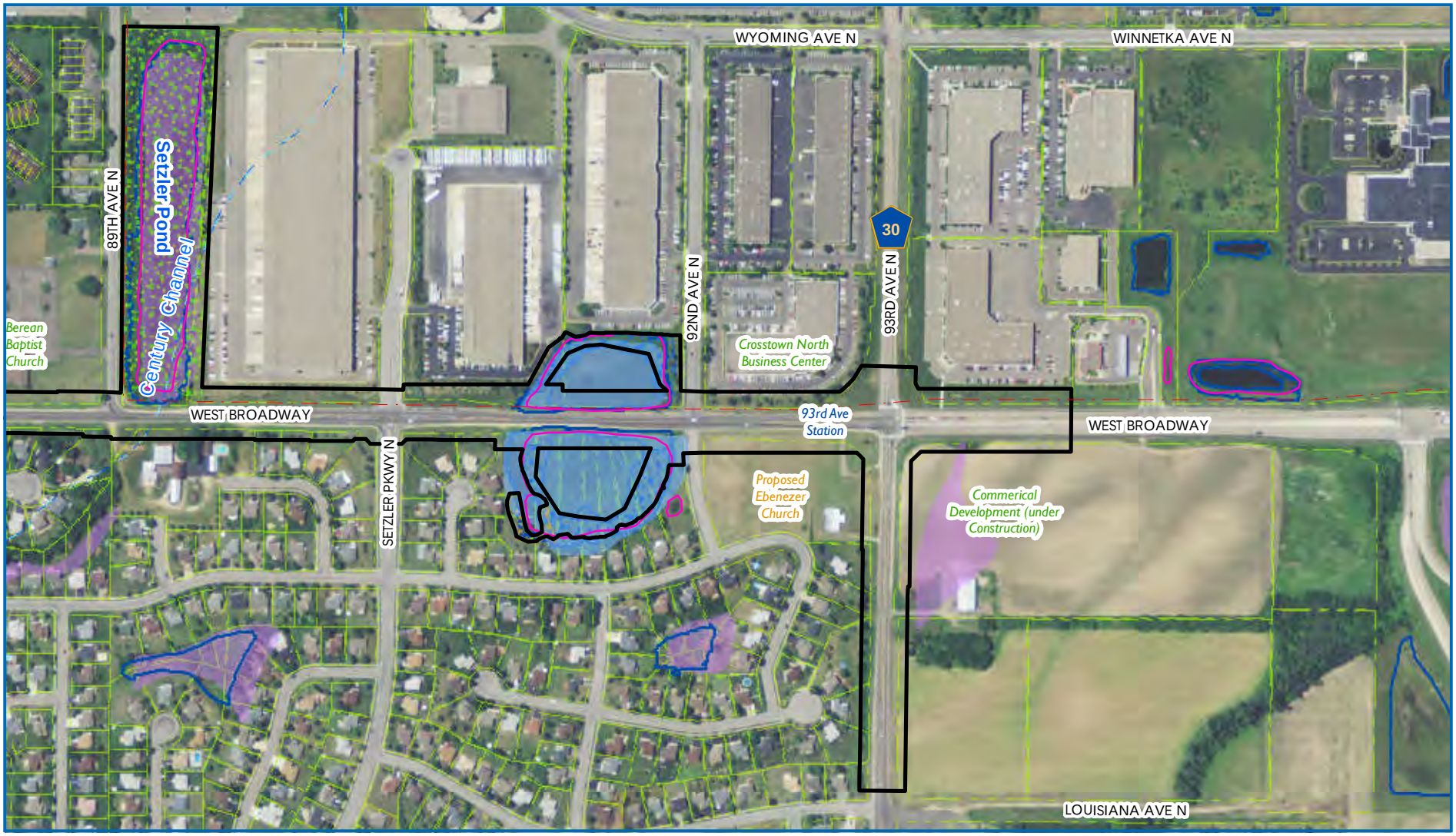
- Project Footprint
- Existing Transmission Line
- Existing right-of-way / parcel lines
- Delineated Wetland
- NWI Updated (2015)
- Floodplain
- Unnumbered Public Watercourse
- Public Water or Public Water Wetland

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes

- Potential Floodplain Mitigation
- Potential Stormwater & Floodplain Mitigation
- Potential Surface Stormwater Treatment
- Potential Underground Stormwater

West Broadway Avenue (CSAH 103) Reconstruction

Figure 4 - 3
Project and Natural Features Overview



1 2 3

0 400 Feet

N

- Project Footprint
- Existing Transmission Line
- Existing right-of-way / parcel lines
- Delineated Wetland
- NWI Updated (2015)
- Floodplain
- Unnumbered Public Watercourse
- Public Water or Public Water Wetland

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes

- Potential Floodplain Mitigation
- Potential Stormwater & Floodplain Mitigation
- Potential Surface Stormwater Treatment
- Potential Underground Stormwater

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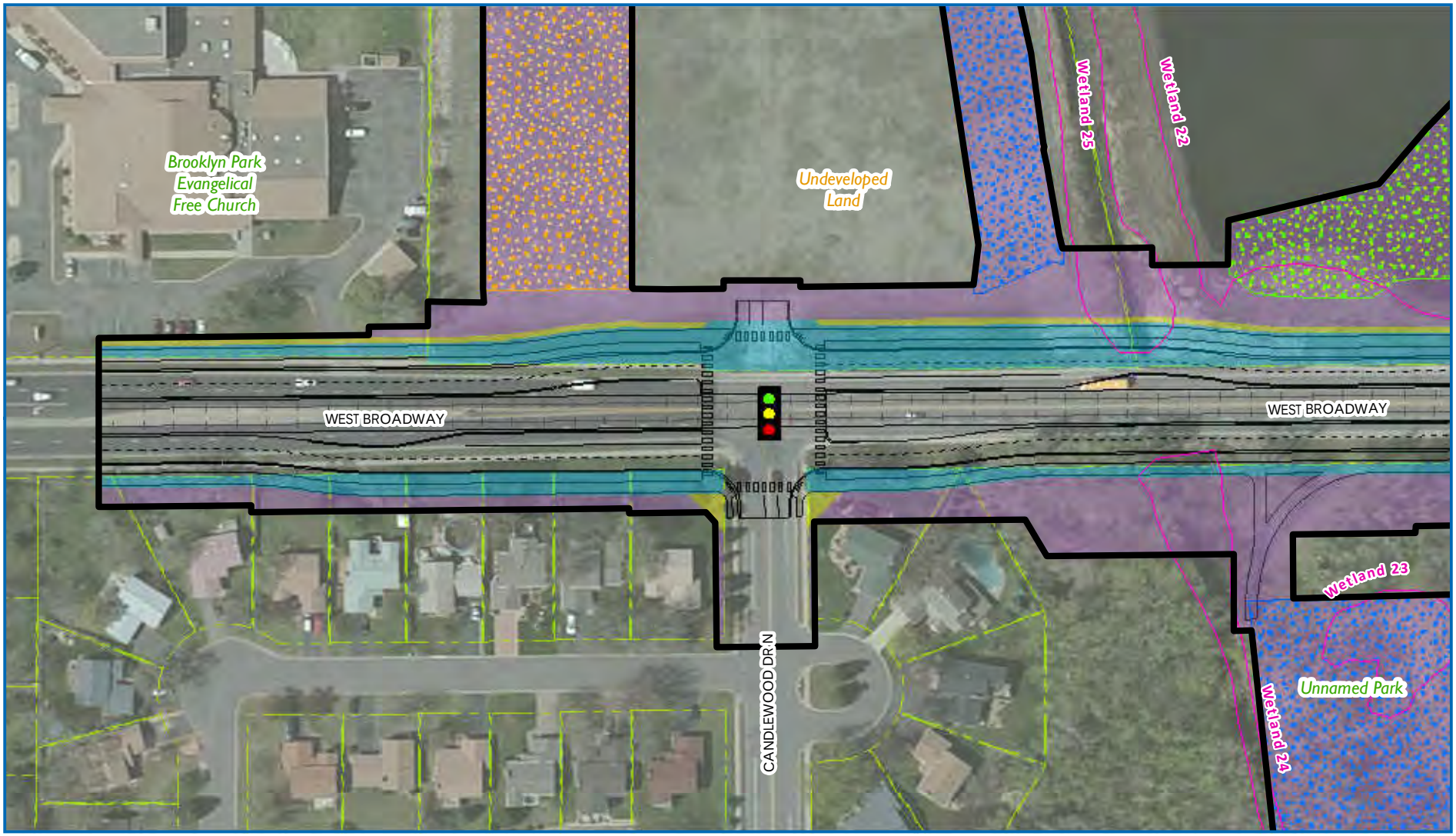
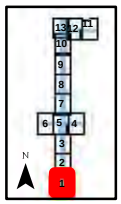
West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 1
Roadway Layout





N

0 100 Feet

- Project Footprint
- Site Geometry
- Centerline
- Blue Line Alignment
- Traffic Signal
- Delinated Wetland
- Existing right-of-way / parcel lines
- Existing 115kV Transmission Line

West Broadway Reconstruction
- Proposed ROW
- Proposed Permanent Easement
- Proposed Temporary Easement

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes
- Potential Floodplain Mitigation
- Potential Stormwater & Floodplain Mitigation
- Potential Surface Stormwater Treatment
- Potential Underground Stormwater Treatment

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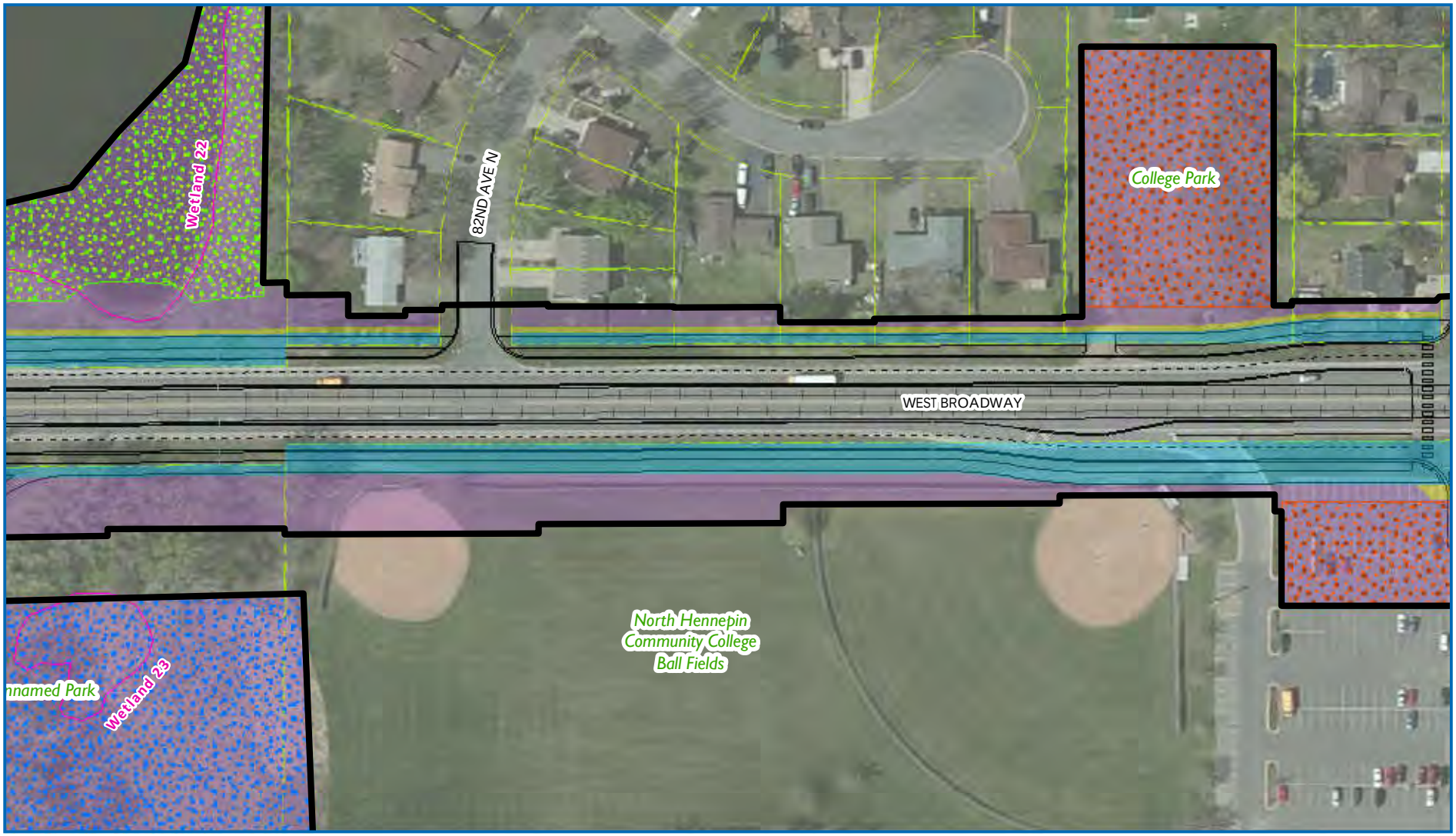
West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 2
Roadway Layout



Project Footprint
Site Geometry
Centerline
Blue Line Alignment

Traffic Signal
Delinated Wetland
Existing right-of-way / parcel lines
Existing 115kV Transmission Line

West Broadway Reconstruction
Proposed ROW
Proposed Permanent Easement
Proposed Temporary Easement

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes
Potential Floodplain Mitigation
Potential Stormwater & Floodplain Mitigation
Potential Surface Stormwater Treatment
Potential Underground Stormwater Treatment

N
0 100 Feet

Aerial Imagery Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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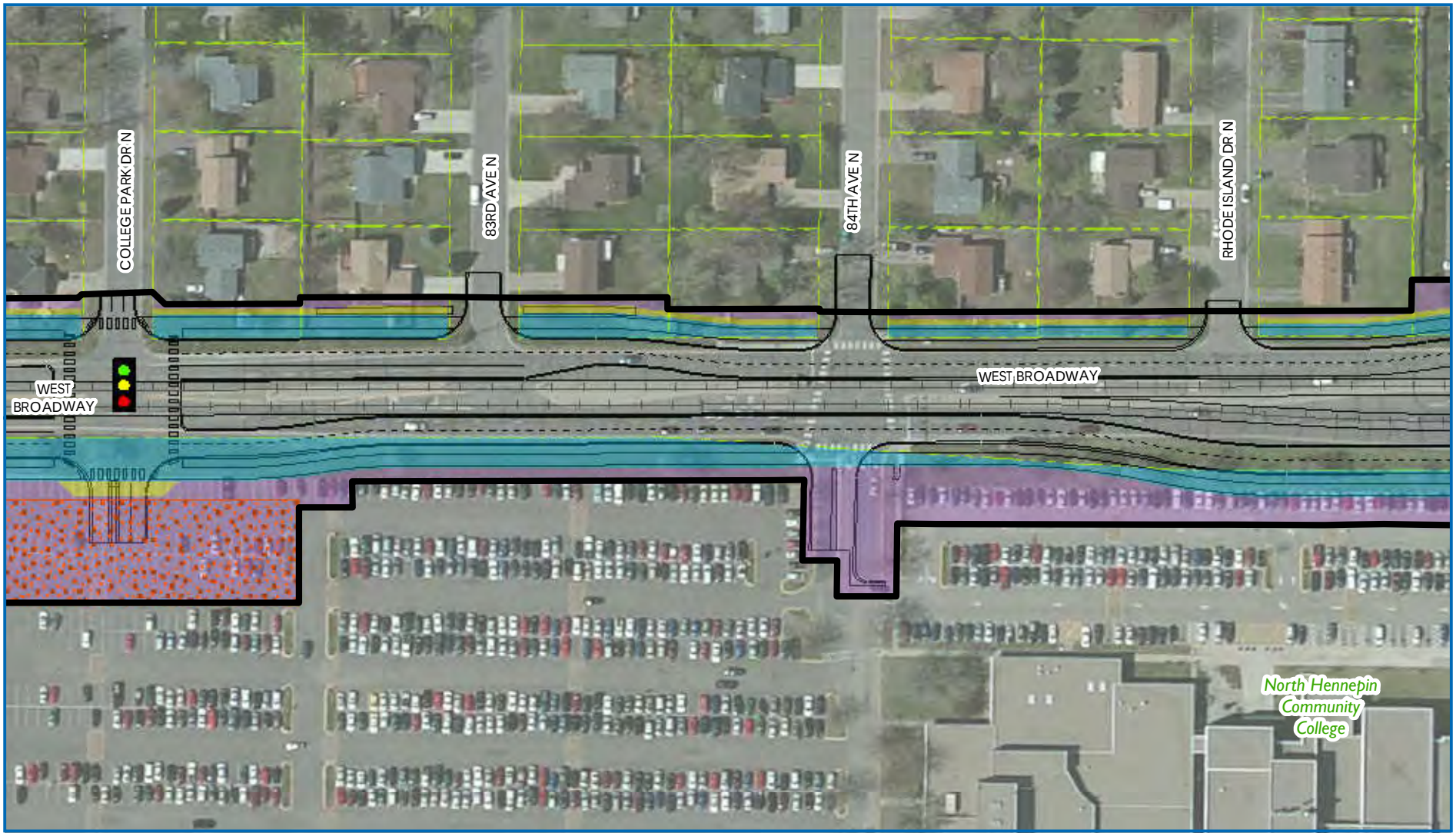
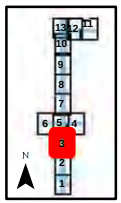
West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 3
Roadway Layout





N

0 100 Feet

- Project Footprint
- Site Geometry
- Centerline
- Blue Line Alignment
- Traffic Signal
- Delinated Wetland
- Existing right-of-way / parcel lines
- Existing 115kV Transmission Line

West Broadway Reconstruction
- Proposed ROW
- Proposed Permanent Easement
- Proposed Temporary Easement

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes
- Potential Floodplain Mitigation
- Potential Stormwater & Floodplain Mitigation
- Potential Surface Stormwater Treatment
- Potential Underground Stormwater Treatment

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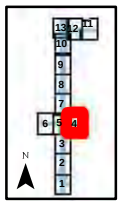
West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 4
Roadway Layout

Aerial Imagery Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



N

0 100 Feet

- Project Footprint
- Site Geometry
- Centerline
- Blue Line Alignment
- Traffic Signal
- Delinated Wetland
- Existing right-of-way / parcel lines
- Existing 115kV Transmission Line

West Broadway Reconstruction
- Proposed ROW
- Proposed Permanent Easement
- Proposed Temporary Easement

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes
- Potential Floodplain Mitigation
- Potential Stormwater & Floodplain Mitigation
- Potential Surface Stormwater Treatment
- Potential Underground Stormwater Treatment

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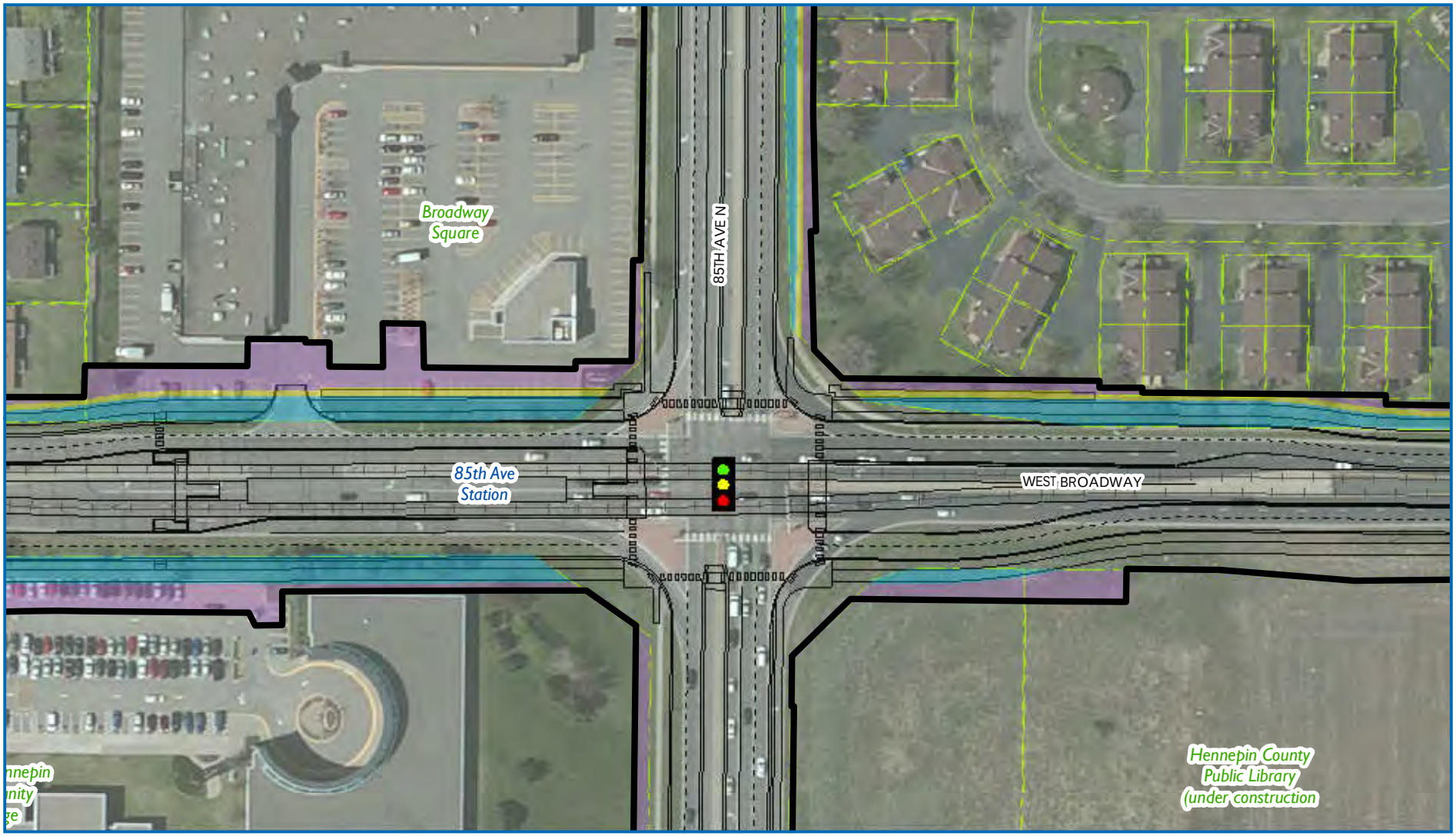
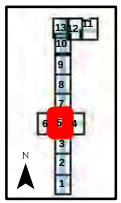
West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 5
Roadway Layout





N

0 100 Feet

Project Footprint
Site Geometry
Centerline
Blue Line Alignment

Traffic Signal
Delinated Wetland
Existing right-of-way / parcel lines
Existing 115kV Transmission Line

West Broadway Reconstruction
Proposed ROW
Proposed Permanent Easement
Proposed Temporary Easement

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes
Potential Floodplain Mitigation
Potential Stormwater & Floodplain Mitigation
Potential Surface Stormwater Treatment
Potential Underground Stormwater Treatment

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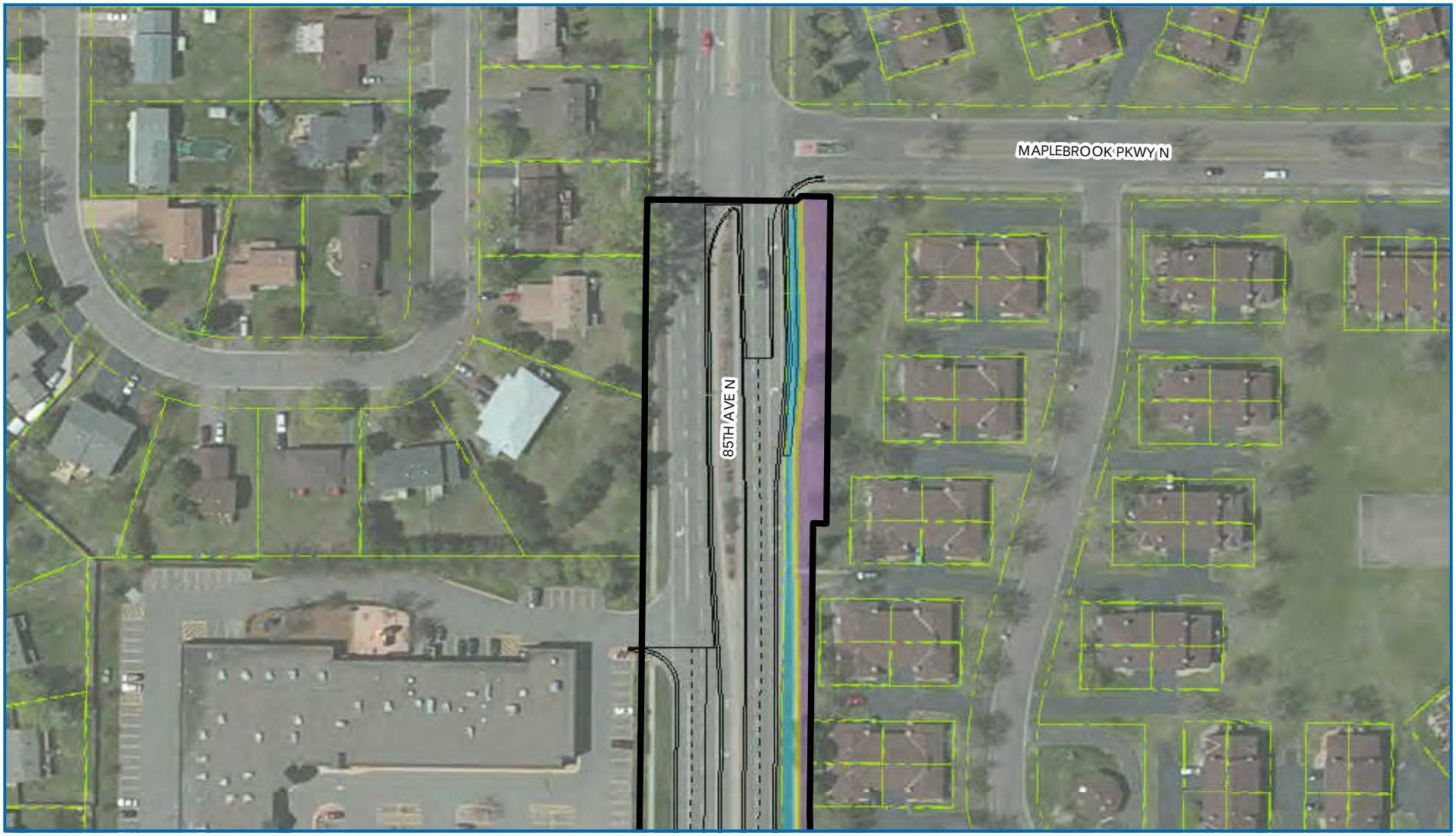
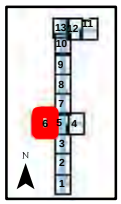
West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 6
Roadway Layout





N

0 100 Feet

- Project Footprint
- Site Geometry
- Centerline
- Blue Line Alignment
- Traffic Signal
- Delinated Wetland
- Existing right-of-way / parcel lines
- Existing 115kV Transmission Line

West Broadway Reconstruction
- Proposed ROW
- Proposed Permanent Easement
- Proposed Temporary Easement

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes
- Potential Floodplain Mitigation
- Potential Stormwater & Floodplain Mitigation
- Potential Surface Stormwater Treatment
- Potential Underground Stormwater Treatment

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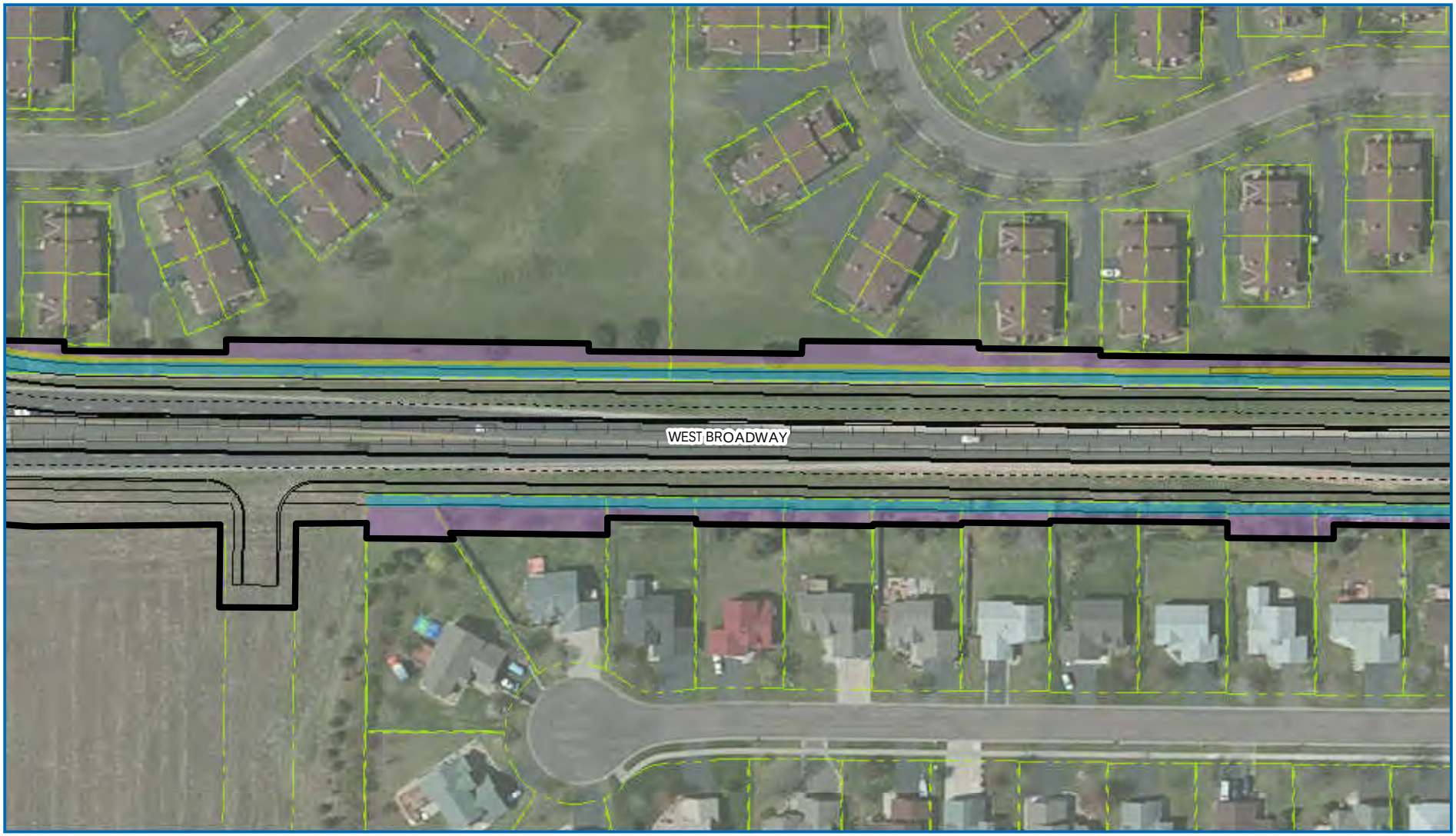
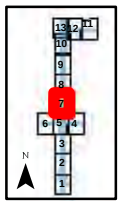
West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 7 A

Roadway Layout (without Maplebrook Parkway signal)





N

0 100 Feet

- Project Footprint
- Site Geometry
- Centerline
- Blue Line Alignment
- Traffic Signal
- Potential Traffic Signal
- Delinated Wetland
- Existing right-of-way / parcel lines
- Existing 115kV Transmission Line

West Broadway Reconstruction

- Proposed ROW
- Proposed Permanent Easement
- Proposed Temporary Easement

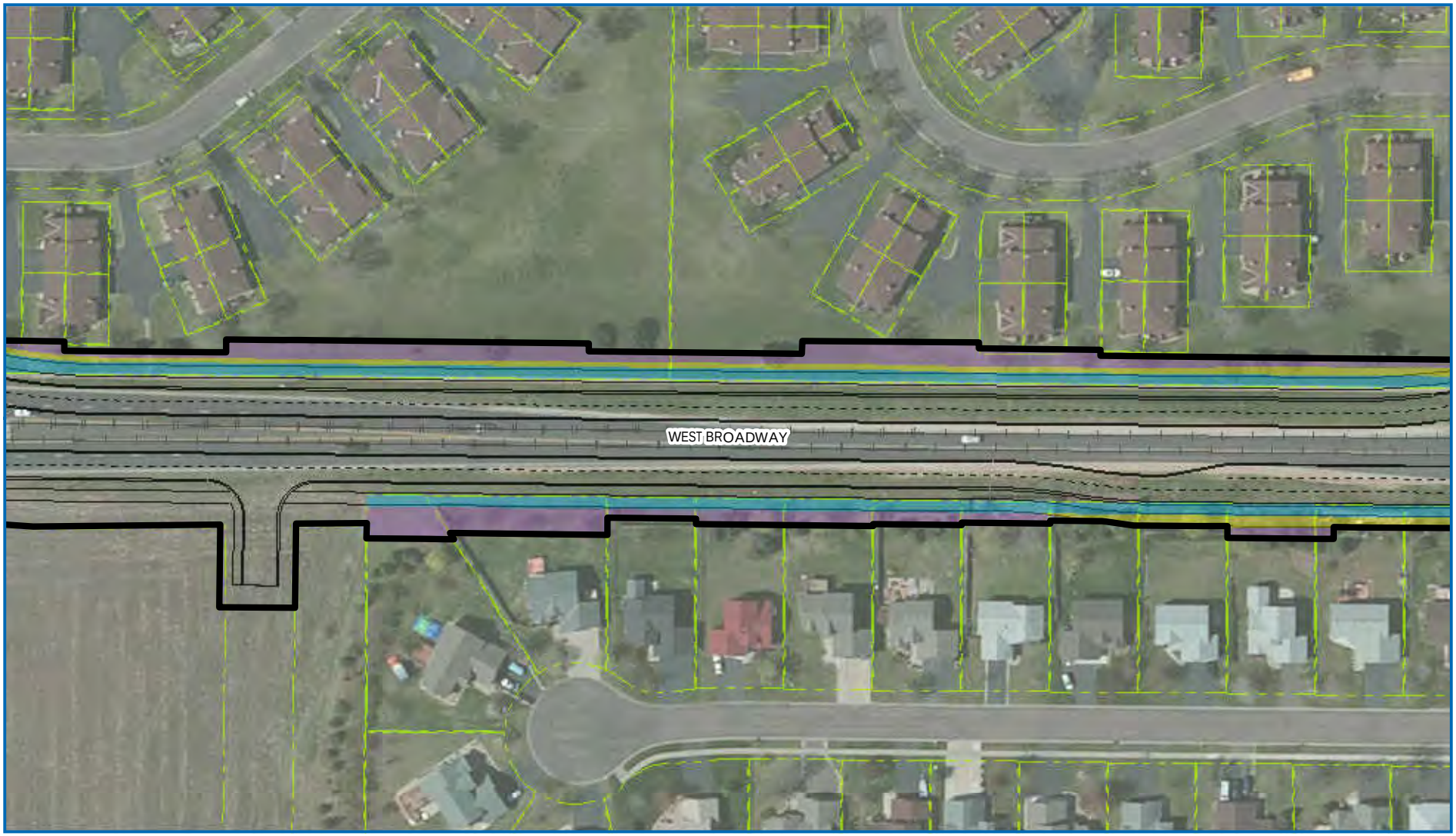
The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes

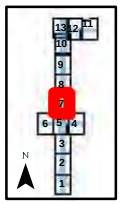
- Potential Floodplain Mitigation
- Potential Stormwater & Floodplain Mitigation
- Potential Surface Stormwater Treatment
- Potential Underground Stormwater Treatment

Document Path: \\mspe-gis-file\GISProj\HennCty\254137\map_docs\EAW\Figure_5_NEW_7A-8A_CSAH103_NewFootprint_Easement_MaplebrookParkway.mxd

West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 7 B
Roadway Layout (with Maplebrook Parkway signal)





N

0 100 Feet

- Project Footprint
- Site Geometry
- Centerline
- Blue Line Alignment
- Traffic Signal
- Delinated Wetland
- Existing right-of-way / parcel lines
- Existing 115kV Transmission Line

West Broadway Reconstruction
- Proposed ROW
- Proposed Permanent Easement
- Proposed Temporary Easement

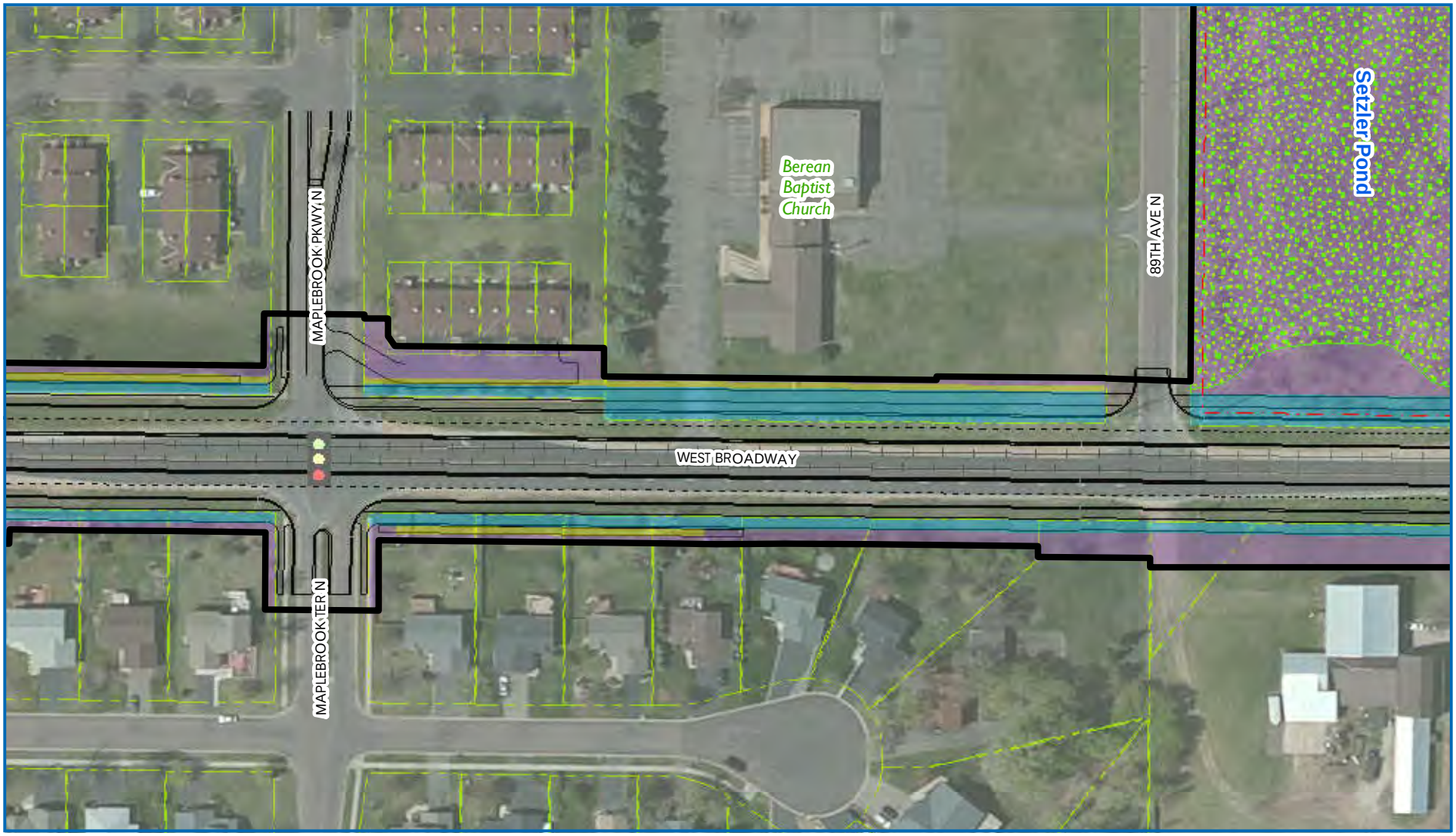
The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes
- Potential Floodplain Mitigation
- Potential Stormwater & Floodplain Mitigation
- Potential Surface Stormwater Treatment
- Potential Underground Stormwater Treatment

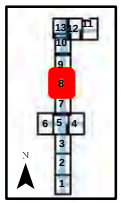
Document Path: \\mspe-gis-file\GISProj\HennCty\254137\map_docs\EAW\Figure_5_NEW_7B-8B_CSAH103_NewFootprint_Easement_MaplebrookParkway.mxd

West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 8 A

Roadway Layout (without Maplebrook Parkway signal)





N

0 100 Feet

- Project Footprint
- Site Geometry
- Centerline
- Blue Line Alignment
- Traffic Signal
- Potential Traffic Signal
- Delinated Wetland
- Existing right-of-way / parcel lines
- Existing 115kV Transmission Line

West Broadway Reconstruction

- Proposed ROW
- Proposed Permanent Easement
- Proposed Temporary Easement

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes

- Potential Floodplain Mitigation
- Potential Stormwater & Floodplain Mitigation
- Potential Surface Stormwater Treatment
- Potential Underground Stormwater Treatment

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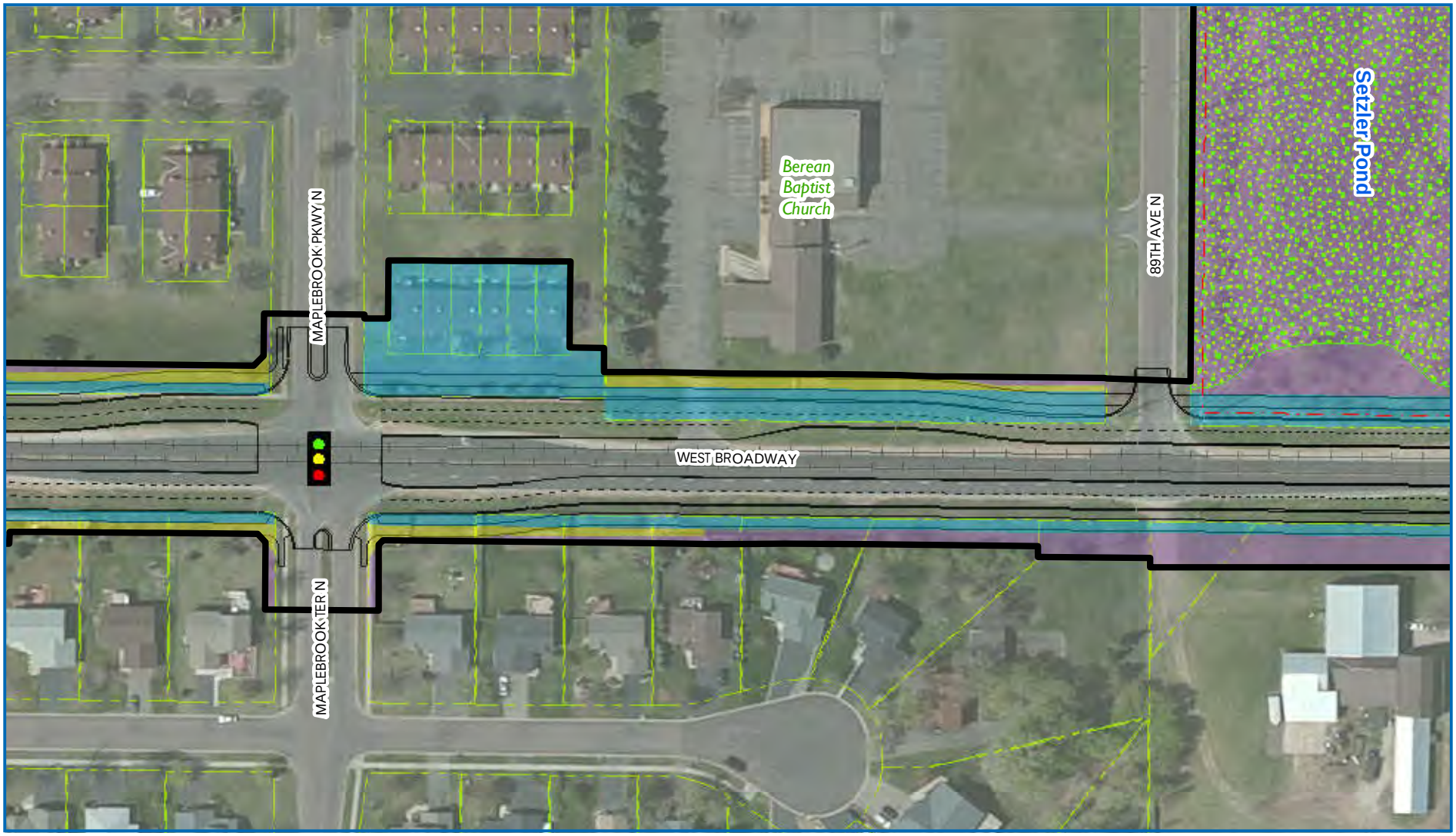
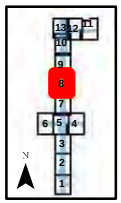
West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 8 B

Roadway Layout (with Maplebrook Parkway signal)





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0 100 Feet

- Project Footprint
- Site Geometry
- Centerline
- Blue Line
- Traffic Signal
- Delinated Wetland
- Existing right-of-way / parcel lines
- Existing 115kV Transmission Line

West Broadway Reconstruction

- Proposed ROW
- Proposed Permanent Easement
- Proposed Temporary Easement

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes

- Potential Floodplain Mitigation
- Potential Stormwater & Floodplain Mitigation
- Potential Surface Stormwater
- Potential Underground Stormwater

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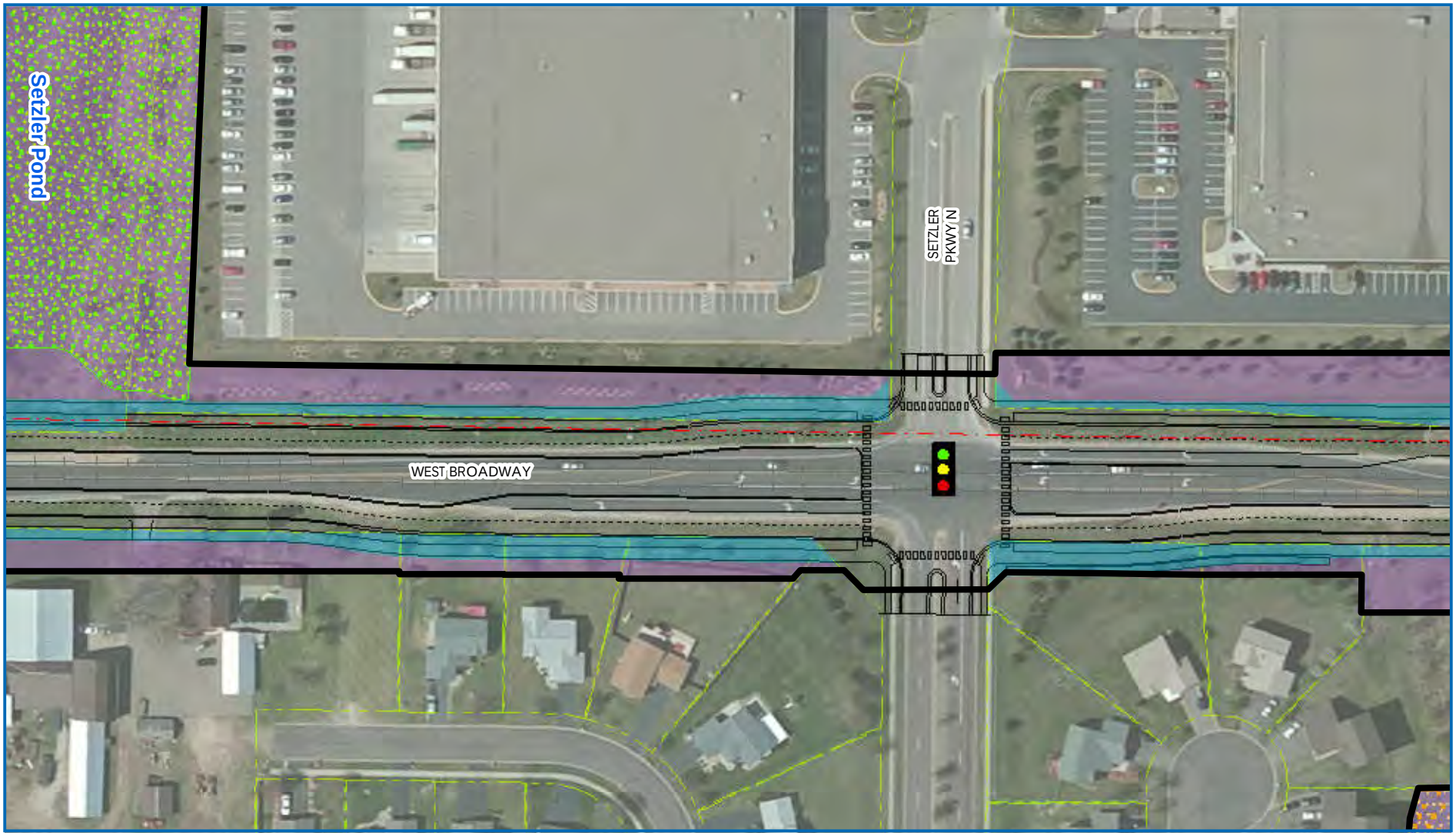
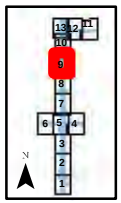
West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 9
Roadway Layout





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Project Footprint
Site Geometry
Centerline
Blue Line Alignment

Traffic Signal
Delinated Wetland
Existing right-of-way / parcel lines
Existing 115kV Transmission Line

West Broadway Reconstruction
Proposed ROW
Proposed Permanent Easement
Proposed Temporary Easement

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes
Potential Floodplain Mitigation
Potential Stormwater & Floodplain Mitigation
Potential Surface Stormwater Treatment
Potential Underground Stormwater Treatment

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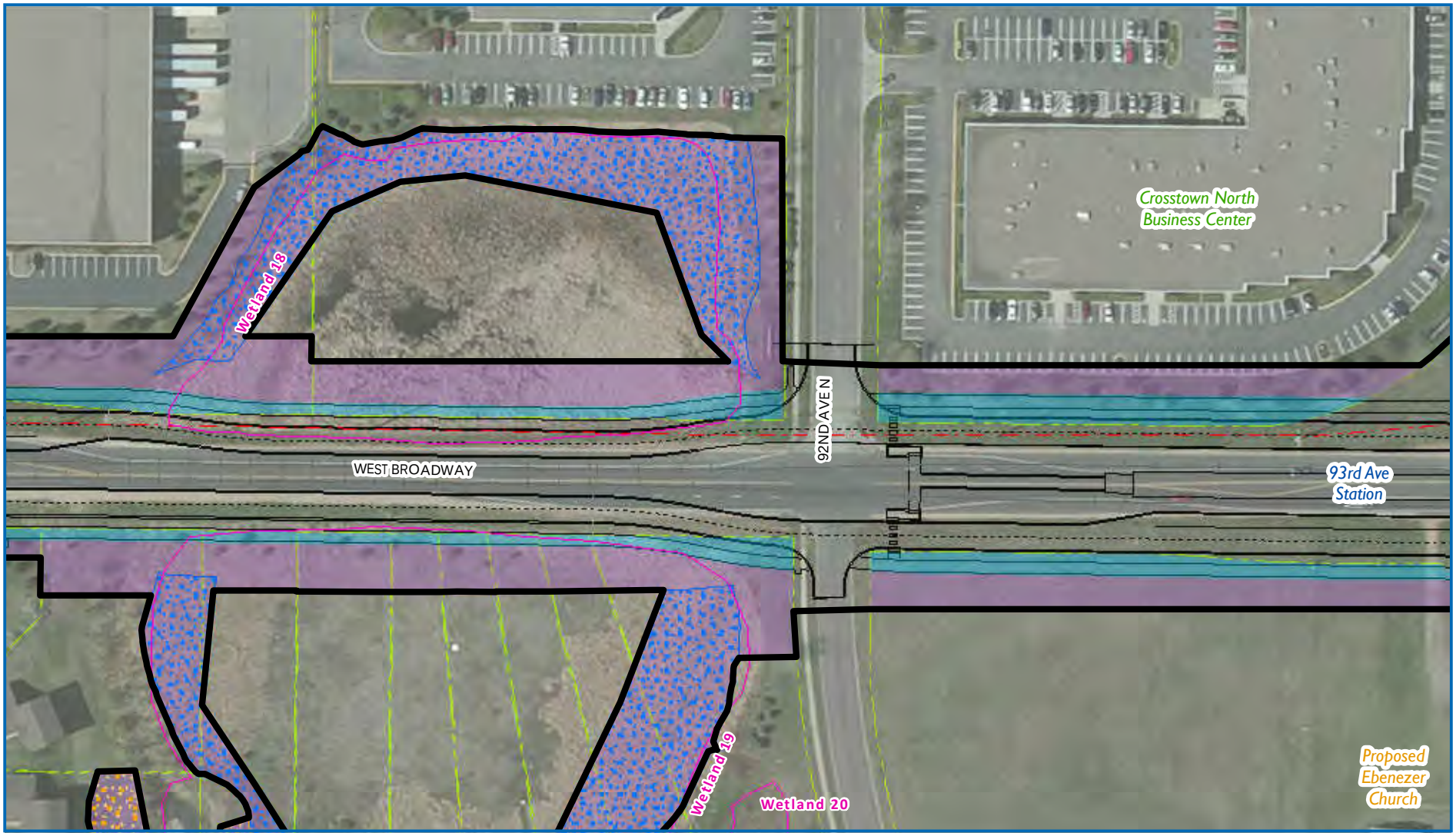
West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 10
Roadway Layout



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0 100 Feet

Project Footprint
Site Geometry
Centerline
Blue Line Alignment

Traffic Signal
Delinated Wetland
Existing right-of-way / parcel lines
Existing 115kV Transmission Line

West Broadway Reconstruction
Proposed ROW
Proposed Permanent Easement
Proposed Temporary Easement

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Potential Floodplain Mitigation
Potential Stormwater & Floodplain Mitigation
Potential Surface Stormwater Treatment
Potential Underground Stormwater Treatment

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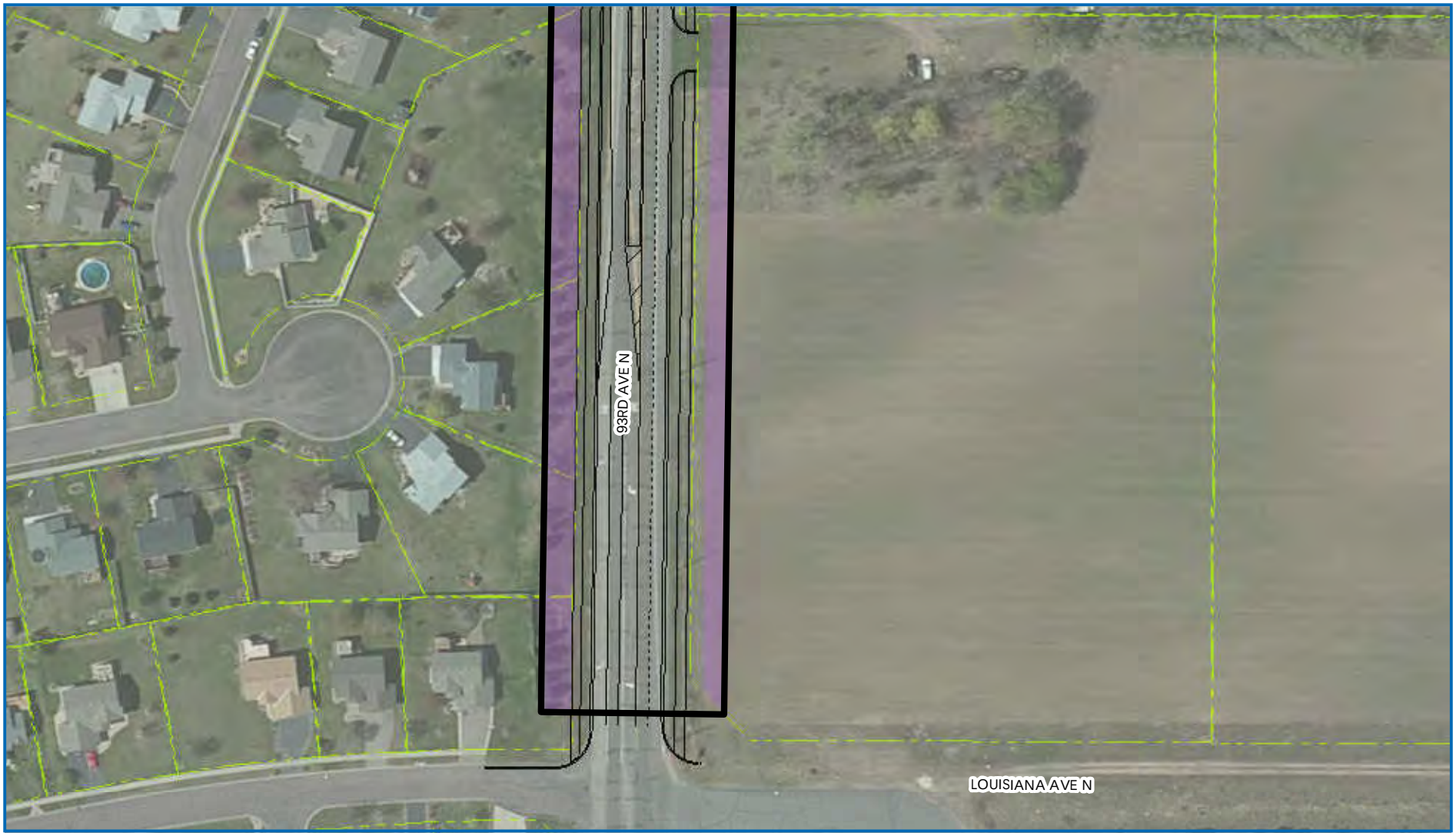
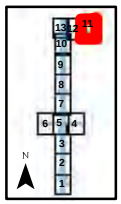
West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 11
Roadway Layout





0 100 Feet

Project Footprint
Site Geometry
Centerline
Blue Line Alignment

Traffic Signal
Delinated Wetland
Existing right-of-way / parcel lines
Existing 115kV Transmission Line

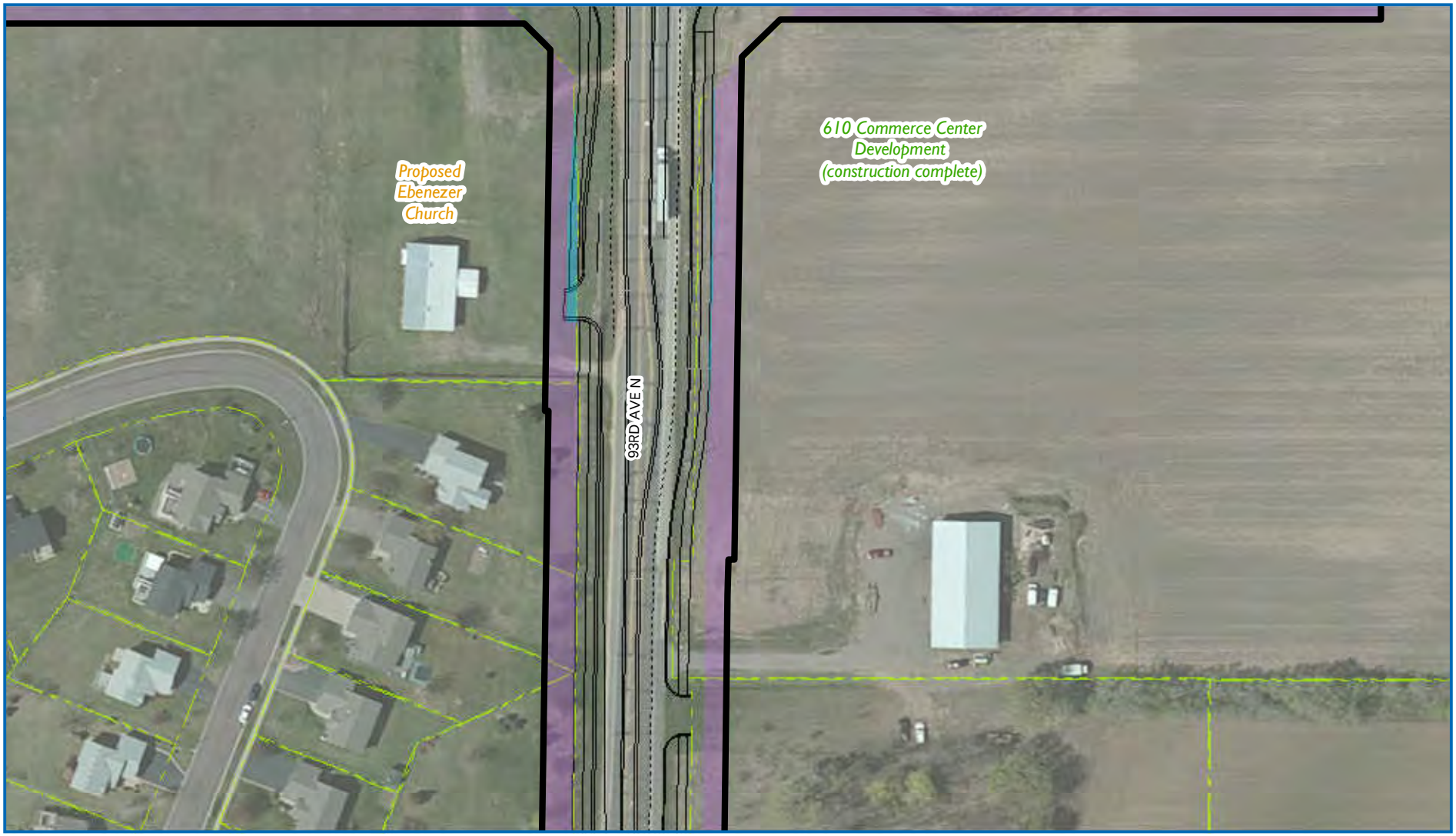
West Broadway Reconstruction
Proposed ROW
Proposed Permanent Easement
Proposed Temporary Easement

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes
Potential Floodplain Mitigation
Potential Stormwater & Floodplain Mitigation
Potential Surface Stormwater Treatment
Potential Underground Stormwater Treatment

Document Path: \\mspe-gis-file\GISProj\HennCty\254137\map_docs\EAW\Figure_5_CSAH103_Roadway_Layout_NewFootprint_Easement_8x117L.mxd

West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 12
Roadway Layout



Project Footprint
Site Geometry
Centerline
Blue Line Alignment

Traffic Signal
Delinated Wetland
Existing right-of-way / parcel lines
Existing 115kV Transmission Line

West Broadway Reconstruction
Proposed ROW
Proposed Permanent Easement
Proposed Temporary Easement

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes
Potential Floodplain Mitigation
Potential Stormwater & Floodplain Mitigation
Potential Surface Stormwater Treatment
Potential Underground Stormwater Treatment

N
0 100 Feet

Aerial Imagery Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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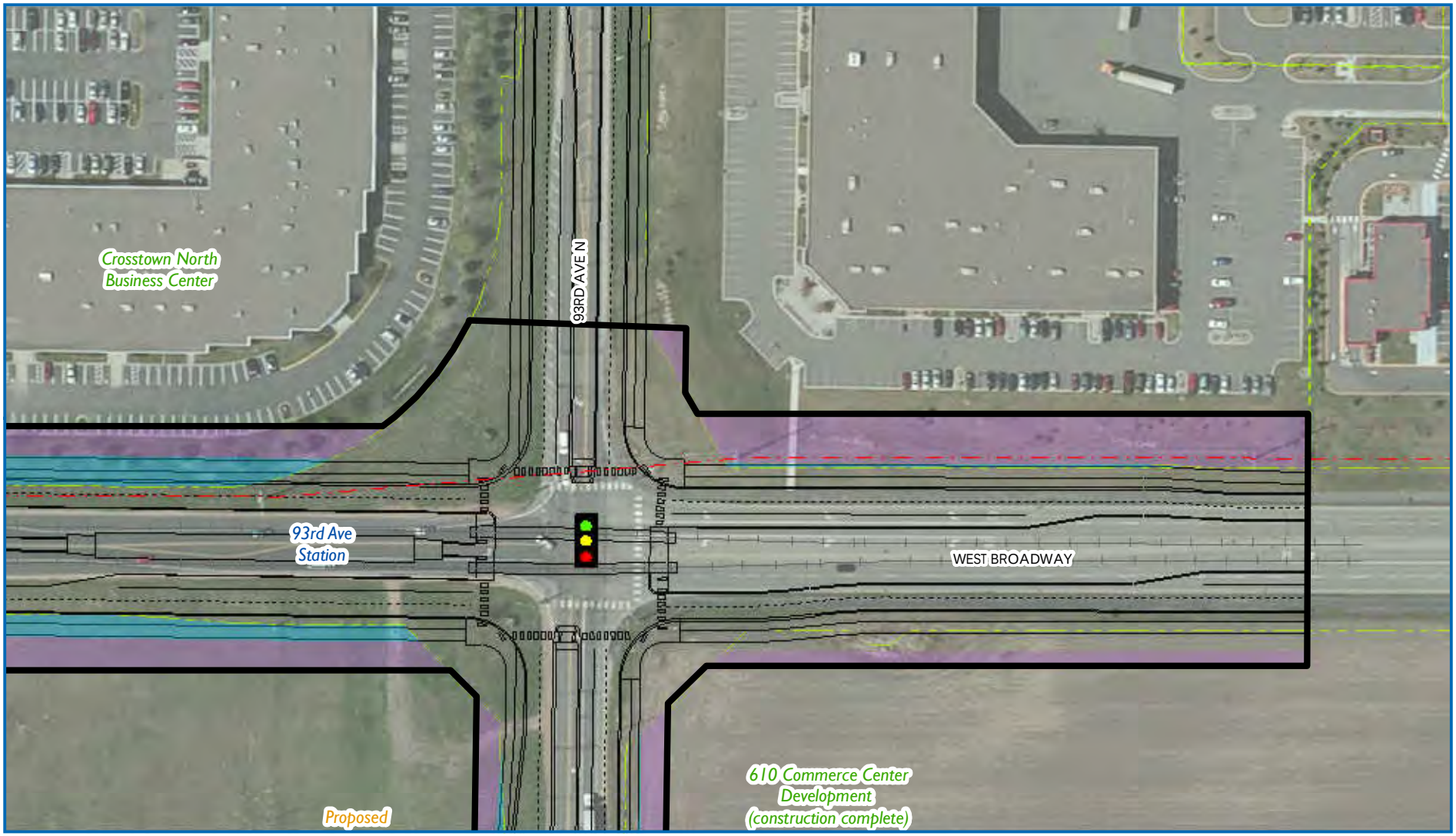
West Broadway Avenue (CSAH 103) Reconstruction

Figure 5 - 13
Roadway Layout



Project Footprint
Site Geometry
Centerline
Blue Line Alignment

Traffic Signal
Delinated Wetland
Existing right-of-way / parcel lines
Existing 115kV Transmission Line

West Broadway Reconstruction
Proposed ROW
Proposed Permanent Easement
Proposed Temporary Easement

The entire stormwater, floodplain mitigation, or stormwater / floodplain mitigation areas may not be used for mitigation purposes
Potential Floodplain Mitigation
Potential Stormwater & Floodplain Mitigation
Potential Surface Stormwater Treatment
Potential Underground Stormwater Treatment

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Document Path: \\mspe-gis-file\GISProj\HennCty\254137\map_docs\EAW\Figure_5_CSAH103_Roadway_Layout_NewFootprint_Easement_8x117L.mxd

Appendix B

COMMENTS

Brooklyn Park
Administration

City of Brooklyn Park
City Hall
5200 85th Ave. N.
Brooklyn Park, MN 55443
763-424-8000
www.brooklynpark.org

October 20, 2015

Mr. Chad Ellos
Project Engineer
Hennepin County Public Works
1600 Prairie Drive
Medina, MN 55340

RE: Environment Assessment Worksheet for West Broadway

Dear Mr. Ellos:

The City of Brooklyn Park has reviewed the Environmental Assessment Worksheet (EAW) for West Broadway. We have some concerns about the lack of right turn lanes along West Broadway, including 85th and 93rd Avenues turning eastbound. As final designs are being developed, the City will want an additional study on this topic. In addition, we want to be sure bus operations are being accommodated in the final design.

Thank you for the opportunity to review the EAW. We look forward to the project getting underway.

Sincerely,

Jay Stroebel
City Manager

cc: Mayor Lunde & City Council

Minnesota Department of Health

October 28th, 2015

Chad Ellos
Project Manager
Hennepin County
1600 Prairie Drive
Medina, MN 55340

Dear Mr. Ellos,

Thank you for providing the Minnesota Department of Health (MDH) with the opportunity to comment on the Environmental Assessment Worksheet (EAW) for the West Broadway Avenue Reconstruction project. The mission of MDH is to protect, maintain, and improve the health of all Minnesotans. The careful planning and development of projects such as this one works towards this mission and is an important step in ensuring health in all policies. MDH has the following comments on this proposed project:

Storm Water Management/Drinking Water Protection

As noted in the EAW the entire area of the West Broadway reconstruction project is fully within the wellhead protection area of Brooklyn Park and one of the city wells is located adjacent to a section of the project. Most of the area is classified as Highly to Very Highly sensitive to groundwater pollution (sandy soils). The construction activities are not likely to impact drinking water quality. However, the storm water holding or infiltration areas could become a significant source of contamination in the event of accidents involving trucks carrying hazardous liquids. The locations of storm water holding or infiltration areas should be reported to the Wellhead Protection Manager for the city of Brooklyn Park so that they can be included in their inventory of potential contaminant sources. In addition, storm water systems should have the capacity to hold small quantities of liquid prior to infiltration so that spills can be collected.

Again, the EAW recognizes that the project corridor is within a highly vulnerable portion of a drinking water supply management area and mentions coordination with city representatives when determining where infiltration practices will be acceptable. MDH would like to reiterate that this important safety step happen prior to construction in order to avoid unnecessary contamination of the drinking water supplies. Because infiltration of stormwater in vulnerable settings has the potential to affect drinking water quality, please consider MDH's "Source Water Protection Issues Related to Stormwater" brochure as you finalize your plans.

Contamination/Hazardous Materials/Waste

While construction activities are not likely to impact drinking water, this section of the EAW points out that "high and medium environmental risk sites were identified within and adjacent to the project area." In order to best prepare for construction activities in the project area and to avoid unnecessary contamination, MDH agrees with the recommendation found in the EAW to have an updated Phase I ESA performed prior to construction.

Pedestrian/Bicycle Access

The EAW places an emphasis on improving pedestrian and bicycle access along the project route. Having well maintained and connected trails and sidewalks encourages physical activity which can be an effective strategy to improve the public's health. Additionally, trips taken by bike or foot versus automobile save energy and do not emit pollutants or greenhouses gases.

The plans to improve access control should also help in improving safety and traffic operations along the corridor. Care should be taken when identifying the preferable access points and safety measures should be considered to discourage crossing at possible future informal access points as well.

Health starts where we live, learn, work, and play. To create and maintain healthy Minnesota communities, we have to think in terms of health in all policies. Thank you again for the opportunity to provide comments on this EAW for the West Broadway Avenue Reconstruction project. Feel free to contact me at (651) 201-4907 or david.bell@state.mn.us if you have any questions regarding this letter.

Sincerely,

David Bell
Research Scientist/Environmental Review Coordinator
Environmental Impact Analysis Unit
Environmental Health Division
Minnesota Department of Health
PO Box 64975
Saint Paul, MN 55164-0975

cc: Rich Soule, Hydrologist, MDH Source Water Protection Unit
James Lundy, Supervisor, MDH Source Water Protection Unit
James Kelly, Manager, MDH Environmental Surveillance and Assessment Section

From: Goff, William (DOT) [mailto:William.Goff@state.mn.us]
Sent: Tuesday, October 06, 2015 9:07 AM
To: Chad Ellos <Chad.Ellos@hennepin.us>
Cc: Griffith, John (DOT) <john.griffith@state.mn.us>; Kannankutty, Ramankutty (DOT) <ramankutty.kannankutty@state.mn.us>; Sherman, Tod (DOT) <Tod.Sherman@state.mn.us>
Subject: West Broadway Reconstruction EAW - No Comment

Chad,

In response to the draft EAW for the West Broadway Avenue (CR 103) reconstruction Environmental Assessment Worksheet, MnDOT Metro District has reviewed the draft document and has no formal comment. As always, we appreciate the opportunity to review and comment on these documents and look forward to our continued partnership.

If you have any questions, please do not hesitate to contact me at (651) 234-7797.

Sincerely,

William Goff
MnDOT Transportation Planner

Minnesota Pollution Control Agency
520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300
800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

October 28, 2015

Mr. Chad Ellos P.E.
1600 Prairie Drive
Medina, MN 55340

Re: West Broadway Avenue Reconstruction Environmental Assessment Worksheet

Dear Mr. Ellos:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the West Broadway Avenue Reconstruction project (Project) located in Brooklyn Park, Minnesota. Minnesota Pollution Control Agency (MPCA) staff has reviewed the EAW and have no comments at this time.

We appreciate the opportunity to review this Project. Please provide the 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 EAW, please contact me at 651-757-2482.

Sincerely,

Kevin Kain
Planner Principal
Environmental Review Unit
Resource Management and Assistance Division

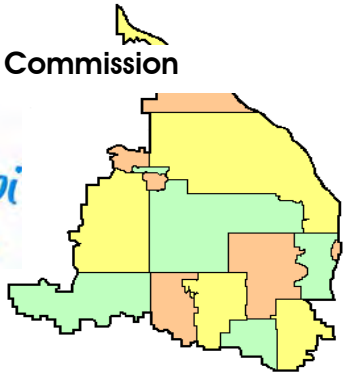
KK:bt

cc: Dan Card, MPCA, St. Paul

Shingle Creek Watershed Management Commission

West Mississippi Watershed Management Commission

3235 Fernbrook Lane N • Plymouth, MN 55447
Tel: 763.553.1144 • Fax: 763.553.9326
Email: judie@jass.biz • Website: www.shinglecreek.org



October 28, 2015

Mr. Chad Ellos, P.E.
Hennepin County Transportation Department via email
1600 Prairie Drive
Medina, MN 55430

Dear Chad:

The Shingle Creek and West Mississippi Watershed Management Commissions appreciate the opportunity to review and submit comments on the West Broadway Avenue Reconstruction Environmental Assessment worksheet. Most of our comments are corrections or clarifications of information presented in the EAW.

We understand that the proposed project would reconstruct CSAH 103 as a four lane urban roadway with intersection improvements and a pedestrian/bicycle trail and is being designed to accommodate future LRT (Blue Line extension). Parts of the roadway are currently a rural section; those segments will be upgraded to an urban section with curb and gutter and stormwater management. The County does intend to incorporate into the project stormwater BMPs to meet the Commissions' Rules and Standards for Linear Projects.

Section 11 Water Resources

- Section 11.a.i. notes that Eagle Lake and Magda Lake are Impaired Waters within one mile of the project area, but does not identify Shingle Creek itself as impaired for chloride, dissolved oxygen, macroinvertebrate biotic integrity, and *E. coli* as listed on the draft 2014 303(d) List. The Shingle Creek Chloride TMDL and the Bass and Shingle Creeks Biota and Dissolved Oxygen TMDLs assign categorical wasteload chloride and nutrient reductions to Hennepin County as a permitted MS4.
- Section 12.a.i. describes Shingle Creek in the project area as County Ditch #13 under the administration of Hennepin County, which is incorrect. The County Ditch #13 designation only applies between Xerxes and 44th Avenues N, and does not apply to the Creek in the project area.
- Section 12.a.ii identifies Shingle Creek as a Public Waters Watercourse in the project area. While shown on Figure 4-2 and briefly noted in Table 6, the text does not call out Century Channel, which is also a Public Waters Watercourse. Figure 4-2 and elsewhere in the EAW refers to that stream as Mattson Brook, which is incorrect. Century Channel is tributary to Edinbrook Channel, which is tributary to Mattson Brook at Dupont Avenue N.
- Section 12.b.ii and Appendix 4 describe the proposed drainage system and potential BMPs that could be incorporated into the project. Appendix 4 accurately describes the Commissions' current regulatory requirements for stormwater, wetland impacts, floodplain impacts, crossing modifications, and erosion control. This project will require Commission review and will be subject to meeting the Rules and Standards in place at the time of application.

- Section 12.b.iv estimates there will be 3.9 acres of unavoidable wetland fill on this project. The Commissions act as LGU for WCA administration in Brooklyn Park. The EAW notes that Setzler Pond, identified as Wetland 21, was constructed in 1997 for stormwater management and thus impacts to it will not be considered as wetland impacts. The West Mississippi Commission disagrees with this assessment. Historic aerial photos show that Setzler Pond was excavated partially in the footprint of Century Channel, which appears to be a channel with fringing wetland. At least some part of this pond was historically wetland, and the Commission acting as LGU will consider this when evaluating the extent of wetland impacts. The County is advised to work closely with the Commissions early in the project design to minimize unavoidable impacts and to mitigate as much as possible on site.

1940's aerial showing Century Channel crossing West Broadway. Red box is approximate footprint of today's Setzler Pond.

Section 19 Cumulative Effects

Section 19.c. sub-item Water Resources/Wetlands describes the potential cumulative effects of the project and others slated for the general project area. However, it does not address a cumulative impact of great importance to Shingle Creek: chloride impairment. The project will add new impervious surface, will in some places increase the cross section from two to four lanes, and will add turn lanes. The additional impervious area will require application of additional road salt for ice control. Hennepin County is one of 11 MS4s assigned a 71 percent categorical chloride wasteload reduction in the approved Shingle Creek chloride TMDL. The application of additional road salt on the new impervious surface will exacerbate the already deleterious effects of road salt applied to increased imperviousness in the drainage area to Shingle Creek. The County should identify policies and practices it will use to mitigate this potential additional chloride load.

If you have any questions about these comments please direct them to the Commissions' Engineer Ed Matthiesen at ematthiesen@wenck.com or 763-479-4208.

Sincerely,

Tina Carstens

Tina Carstens, Chair
City of Brooklyn Park Commissioner

October 28, 2015

Chad Ellos
Hennepin County Transportation Department
1600 Prairie Drive
Medina, MN 55340

RE: West Broadway Avenue (CSAH 103) Reconstruction Environmental Assessment Worksheet
Metropolitan Council Review No. 21484-1
Metropolitan Council District 2

Dear Mr. Ellos:

The Metropolitan Council received the EAW for the West Broadway Ave. (CSAH 103) Reconstruction project located in City of Brooklyn Park. The project proposes reconstructing approximately 2 miles of CSAH 103 from south of Candlewood Drive to north of 93rd Avenue North. The roadway is being reconstructed primarily to address poor pavement condition, enhance safety, improve capacity, and accommodate transit service.

Council staff has conducted a review of this EAW to determine its adequacy and accuracy in addressing regional concerns, the potential for significant environmental impact, and the need for an Environmental Impact Statement (EIS). Staff review finds that an EIS is not necessary for regional purposes. The following comments are offered for your consideration regarding specific items in the document.

Item 11.a.i. – Water Resources – Surface Water *(Jim Larsen, 651-602-1159)*
The text on the top of page 17 discusses the presence of Shingle Creek within the proposed project area but neglects to specifically state that it (in addition to Eagle and Magda Lakes which are indicated to be a mile away from the project area) is also on the 303(d) Impaired Waters List, and is unable to meet water quality standards for chloride, dissolved oxygen, and biotic impairment. Later text on page 23 does indicate the Creek is impaired, but the specific impairments are not discussed.

As roadway runoff is the major contributor of chlorides which has resulted in project area waterbodies and specifically Shingle Creek to be water-quality-impaired, every effort should be made to minimize the concentration of chlorides in the runoff to the Creek and those waterbodies from this expanded roadway project and its stormwater management system. As indicated in the Appendix 4 Stormwater and Floodplain Technical Memorandum, the chloride TMDL calls for "a reduction in the use of sodium chloride for ice control in the watershed." Council staff requests the County discuss in this document how and to what extent it specifically plans to reduce sodium chloride application and the resultant chloride loading in its direct runoff flows to Shingle Creek in compliance with the TMDL directive, following expansion of this roadway corridor that will result in an increase of pavement surface area in excess of 6 acres.

Item 13.d.—Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources *(Jim Larsen, 651-602-1159)*
The EAW states that Blanding's turtles have been documented along Shingle Creek. By expanding the roadway corridor further into the natural wetland/Shingle Creek corridor and updating its stormwater

management design, the project may have the unintended result of increasing the risks to area wildlife attempting to cross the roadway, due to the increase in roadway width and placement of curbing where none may currently exist. Council staff recommends that sloping, surmountable 'S' curbing be incorporated into the project in the vicinity of Shingle Creek, in lieu of the currently specified 'B612' and 'B618' curbing.

This concludes the Council's review of the EAW. The Council will not take formal action on the document. If you have any questions or need further information, please contact Russ Owen, Principal Reviewer, at 651-602-1724.

Sincerely,

LisaBeth Barajas, Manager
Local Planning Assistance

CC: Steve O'Brien, MHFA
Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Lona Schreiber, Metropolitan Council District 2
Eric Wojchik, Sector Representative
Russ Owen, Principal Reviewer
Raya Esmaeili, Reviews Coordinator

N:\CommDev\LPA\Counties\Hennepin\Letters\Hennepin Co 2015 EAW CSAH 103 Reconst 21484-1.docx