

# Findings of Fact and Conclusion

## *TH 169/101<sup>st</sup> Avenue Interchange Project*

*S.P. 2750-92*



**Proposer: City of Brooklyn Park**

**RGU: Minnesota Department of Transportation**

Date: January 2017

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# Chapter 1 Administrative Background

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The City of Brooklyn Park proposes construction of a new full access interchange at the Trunk Highway (TH) 169/101<sup>st</sup> Avenue intersection. Additional project elements include reconstruction of 101<sup>st</sup> Avenue from Jefferson Highway to Xylon Avenue; addition of auxiliary lanes along TH 169 between TH 610 and the proposed interchange; construction of stormwater ponds; and construction of trails and sidewalks. Figure 1, Appendix A and Figure 2, Appendix A illustrate the project location. Additional information regarding the proposed project is provided in Section 2.1 (Project Description).

An Environmental Assessment Worksheet (EAW) has been prepared for the project. The City of Brooklyn Park is the project proposer. The Minnesota Department of Transportation (MnDOT) is the Responsible Governmental Unit (RGU) for the proposed project. The EAW has been prepared in accordance with Minnesota Rules Chapter 4410. The EAW was developed to assess the impacts of the project and other circumstances in order to determine if an Environmental Impact Statement (EIS) is needed.

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 October 24, 2016. A news release was distributed by MnDOT Metro District to media outlets in the surrounding area and published on the MnDOT website at <http://www.dot.state.mn.us/metro/news/16/10/25-hwy169public.html>. A legal advertisement, announcing the availability of the EAW and information regarding the public open house meeting, was published in the *Brooklyn Park Sun Post* (see affidavit of publication in Appendix D).

The EAW was made available for public review on the TH 169/101<sup>st</sup> Avenue Interchange Project website at [http://projects.srfconsulting.com/hwy169and101st/pdf/2750-92\\_169\\_101stAve\\_EAW\\_161012.pdf](http://projects.srfconsulting.com/hwy169and101st/pdf/2750-92_169_101stAve_EAW_161012.pdf). Paper copies of the EAW were also made available for public review at the following locations:

- Brooklyn Park City Hall, 5200 85th Avenue North, Brooklyn Park, MN 55443
- Hennepin County Library – Brooklyn Park, 8500 West Broadway Avenue, Brooklyn Park, MN 55445

- Hennepin County Library – Minneapolis Central, Government Documents, 2nd Floor, 300 Nicollet Mall, Minneapolis, MN 55401
- MnDOT Metro District Water's Edge Building, 1500 West County Road B2, Roseville, MN 55113
- MnDOT Library, 395 John Ireland Boulevard, St. Paul, MN 55155

A public open house meeting was held for the project on Thursday, November 10, 2016 from 5:00 pm to 7:00 pm at Grace Fellowship Church (8601 101st Avenue North, Brooklyn Park, MN 55445). Twenty-eight (28) individuals attended the public open house meeting. Copies of the EAW, display boards, and the preliminary design layout were available for review during the public open house meeting.

The EAW public comment period was held until November 23, 2016. Seven written comments were received during the EAW comment period. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. Comments received during the comment period are provided in Appendix B. Responses to substantive comments are provided in Appendix C.

Based upon the information in the project record, which is composed of the EAW for the proposed project, the issues raised during the public comment period, the responses to the comments, and other supporting documents, MnDOT makes the following Findings of Fact and Conclusions.

## Chapter 2 Finding of Fact

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### 2.1 Project Description

Figure 3 through Figure 5, Appendix A illustrate the preliminary design layout for the proposed project. The TH 169/101<sup>st</sup> Avenue Interchange Project would consist of the following features:

- Construct a folded diamond interchange at the TH 169/101<sup>st</sup> Avenue intersection;
- Construct an auxiliary lane on southbound TH 169 between the TH 169/101<sup>st</sup> Avenue southbound entrance loop ramp and exit ramp to westbound TH 610;
- Construct an auxiliary lane on northbound TH 169 between the exit ramp from westbound TH 610 and the TH 169/101<sup>st</sup> Avenue northbound exit loop ramp;
- Reconstruct 101<sup>st</sup> Avenue from Jefferson Highway to the proposed TH 169/101<sup>st</sup> Avenue interchange. Figure 3 and Figure 4, Appendix A illustrate this segment of 101<sup>st</sup> Avenue as a four-lane section roadway. This segment of 101<sup>st</sup> Avenue could also be reconstructed as a three-lane section roadway (i.e., one westbound lane and one eastbound lane with a center turn lane). The number of lanes on this section of 101<sup>st</sup> Avenue will be determined during final design;
- Reconstruct 101<sup>st</sup> Avenue from the proposed TH 169/101<sup>st</sup> Avenue interchange to Xylon Avenue as a four-lane section roadway;
- Construct a new access to the Grace Fellowship Church in the southeast quadrant of the proposed TH 169/101<sup>st</sup> Avenue interchange. Figure 4, Appendix A illustrates one concept for providing this access from a future extension of Xylon Avenue south of 101<sup>st</sup> Avenue. The final configuration for this will be determined as part of the right of way process, as well as future development and local road plans for lands south of 101<sup>st</sup> Avenue.
- Construct a stormwater pond in the southeast corner of the 101<sup>st</sup> Avenue and Jefferson Highway;
- Construct stormwater ponds and infiltration/filtration basins in the northwest and northeast quadrants of the proposed TH 169/101<sup>st</sup> Avenue interchange; and

- Construction of trails and/or sidewalks along 101<sup>st</sup> Avenue from Jefferson Highway to Xylon Avenue.

## **2.2 Changes in the Project and New Information Since Completion of the EAW**

There have been no changes in the project design. No new information is available since completion of the EAW.

## Chapter 3 Agency and Public Comments on the EAW

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MnDOT received six agency comment letters and one citizen comment during the EAW comment period (see Appendix B). Written responses are provided for all substantive comments submitted during the EAW 30-day comment period, which concluded on November 23, 2016 (see Appendix C). Responses were not provided for comments of general opinions or statements of preference, or issues outside of the project.

### 3.1 Summary of Comments from the Public

One public comment was received as an email during the EAW comment period. This comment was in regards to the identification of the TH 169/101<sup>st</sup> Avenue interchange location and suggestion for an alternative interchange concept.

### 3.2 Summary of Comments from Agencies

Comment letters were received from the following state and local agencies:

- Minnesota Pollution Control Agency (MPCA)
- Metropolitan Council
- Hennepin County
- Three Rivers Park District
- West Mississippi Watershed Management Commission
- City of Maple Grove

The following topics summarize the issues identified in the agency comment letters:

- Erosion control and in-water best management practices;
- Sewer interceptors;
- Rush Creek Regional Trail corridor and vegetation re-establishment;
- Rush Creek Regional Trail and procedures for conversion of Three Rivers Park District property;
- Stormwater runoff, water quality, volume control, erosion control, and wetlands; and

- Configuration of the 101<sup>st</sup> Avenue corridor between TH 169/101<sup>st</sup> Avenue and the design of the 101<sup>st</sup> Avenue/Jefferson Highway intersection.

## Chapter 4 Decision Regarding Need for an Environmental Impact Statement

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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.

Key findings with respect to each of these criteria are set forth below:

### 4.1 Type, Extent, and Reversibility of Impacts

MnDOT finds that the analysis completed for the 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 TH 169/101<sup>st</sup> Avenue Interchange project. The information in the EAW and 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:

#### **4.1.1 Stormwater Management**

Existing impervious surface area within the project area is approximately 13.8 acres. The proposed project is anticipated to increase the amount of impervious surfaces by approximately 7.6 acres. Stormwater runoff from the proposed roadways will be collected in curb and gutter and storm sewer pipes and conveyed to stormwater ponds and infiltration basins. A stormwater pond would be located in the southeast corner of the 101<sup>st</sup> Avenue/Jefferson Highway intersection. Additional stormwater ponds and infiltration basins would be located within the TH 169/101<sup>st</sup> Avenue interchange area (see Figure 3 through Figure 5, Appendix A). Stormwater management features will be designed consistent with regulatory requirements in place at the time of final design.

A stormwater pollution prevention plan (SWPPP) will be developed during final design as part of the National Pollutant Discharge Elimination System (NPDES) construction stormwater permitting process.

#### **4.1.2 Groundwater**

The appropriate DNR groundwater appropriation permits would be obtained for any temporary dewatering activities during project construction. Groundwater would be treated prior to discharge as per NPDES permitting requirements.

#### **4.1.3 Aquatic Resources**

Aquatic resources were identified within the project area using the Level 1, routine off-site wetland determination method. A Level 2 wetland delineation of the project will be completed in the future prior to wetland permitting.

The proposed project is anticipated to result in approximately 6.8 acres of aquatic resource impacts, including approximately 3.8 acres of existing stormwater features and approximately 3.0 acres of potential wetland areas. Mitigation for unavoidable wetland impacts will be provided in accordance with all regulations and requirements in place at the time of final design and permitting.

#### **4.1.4 Contamination/Hazardous Materials/Wastes**

##### **Pre-Project Site Conditions**

A Phase I Environmental Site Assessment (ESA) was completed in February 2016 to assess the presence of potential contaminated properties within the project area. The Phase I ESA study area included a 500-foot buffer of the preliminary construction limits. High, medium, and low rankings were assigned to each site using criteria established by MnDOT. The ranking is based solely on the sites' potential for contamination and not on the sites' location with respect to the proposed construction limits. A copy of the Phase I ESA is available from the City of Brooklyn Park.

Two medium ranked sites were identified in the Phase I ESA study area. No high ranked sites were identified within the study area. If necessary, Phase II drilling investigations will be completed in the future prior to construction at medium potential sites, at other locations where a substantial amount of earthwork is anticipated, and where former buildings occupied right of way to determine if any existing contamination is present. The results of the drilling investigations will be used to determine if any contaminated materials can be avoided or if the project's impacts can be minimized. If necessary, plans will be developed for properly handling and treating contaminated soil and/or groundwater during construction. Any contaminated soils or other potentially hazardous materials encountered during construction will be handled in accordance with regulatory requirements.

##### **Project Related Generation/Storage of Solid Wastes**

If suitable, excavated excess soil material would be reused onsite for construction of ramps and roadway embankments. Any excess soil material that is not suitable for use on the project site would become the property of the contractor and will be disposed of in accordance with state and federal requirements in place at the time of project construction.

Excess materials and debris will be disposed of in accordance with MnDOT specifications in place at the time of final design and construction. Excess materials and debris will not be placed in wetlands or floodplains.

##### **Project Related Use/Storage of Hazardous Materials**

Temporary storage tanks for petroleum products may be located in the project area for refueling equipment during roadway construction. Appropriate measures will be taken during construction to avoid spills that could contaminate groundwater or surface water in the project area. In the

event a leak or spill occurs during construction, it will be responded to in accordance with MPCA containment and remedial action procedures.

#### **4.1.5 Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)**

Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been reported in the vicinity of the project area and may potentially be encountered during construction. The DNR's *Blanding's Turtle Fact Sheet* will be provided to all contractors working on site, and appropriate measures will be followed if turtles are encountered during construction.

#### **4.1.6 Construction Noise**

Elevated noise levels are, to a degree, unavoidable for this type of project. MnDOT will require that construction equipment be properly muffled and in proper working order. While MnDOT and its contractor(s) are exempt from local noise ordinances, it is the practice to require contractor(s) to comply with applicable local noise restrictions and ordinances to the extent that is reasonable. Advanced notice will be provided to affected communities of any planned abnormally loud construction activities. The duration of construction and need for nighttime construction will be determined during the final design of the project. However, construction will be limited to daytime hours (7:00 AM to 10:00 PM) as much as possible.

Any associated high-impact equipment noise, such as pile driving, pavement sawing, or jack hammering, will be unavoidable with construction of the proposed project. Pile driving noise is often associated with bridge construction and sheet-piling. High-impact noise construction activities will be limited in duration to the greatest extent possible.

#### **4.1.7 Right of Way Impacts**

The project would require approximately 22.8 acres of permanent right of way acquisition from 13 parcels. The project would require three residential relocations located in the northwest quadrant of the proposed TH 169/101<sup>st</sup> interchange.

The project would convert approximately 3.3 acres of parkland in the northeast quadrant of the proposed TH 169/101<sup>st</sup> Avenue interchange. All Metropolitan Council and Three Rivers Park District procedures and requirements for the conversion of parkland, including the acquisition of replacement parkland, will be completed.

### 4.1.8 Summary of Finding With Respect to 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 EAW and in the Findings summary above. Project impacts will be mitigated as described in the EAW and the Findings above.

## 4.2 Cumulative Potential Effects of Related or Anticipated Future Projects

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

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

The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies and will be subject to the plan approval and permitting process. Permits and approvals that have been obtained or may be required prior to project construction include those listed in Table 4.1. The permits listed in Table 4.1 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 4.1 Permits and Approvals and Current Status**

Unit of Government	Type of Application	Status
<b>Federal</b>		
US Army Corps of Engineers (USACE)	Section 404 Permit	To be applied for
<b>State</b>		
Minnesota Department of Natural Resources (DNR)	Public Waters Work Permit	To be applied for
DNR	Temporary Water Appropriation Permit (if necessary)	To be applied for
MnDOT	Environmental Assessment	Completed

Unit of Government	Type of Application	Status
	Worksheet	
MnDOT	EIS Need Decision	To be completed
MnDOT	Wetland Conservation Act (Boundary Approval/ Replacement Plan)	To be completed
MnDOT	Cooperative Agreement for Construction Projects	To be completed
Minnesota Pollution Control Agency (MPCA)	National Pollutant Discharge Elimination System (NPDES) Permit	To be applied for
MPCA	Section 401 Certification	To be applied for
<b>Local</b>		
Metropolitan Council	Highway Interchange Request	Completed
Metropolitan Council	Controlled Access Approval	To be applied for
Metropolitan Council and Three Rivers Park District	Parkland Conversion Request	To be applied for
West Mississippi Watershed Management Organization (WMO)	Stormwater treatment and erosion control review	To be applied for
City of Brooklyn Park	Wetland Conservation Act (Boundary Approval/ Replacement Plan)	To be completed

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

MnDOT and the City of Brooklyn Park have extensive experience in roadway construction. Many similar projects have been designed and constructed throughout the metropolitan area. No problem is anticipated which the staff of the MnDOT Metro District and City of Brooklyn Park 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 assessment of potential issues during environmental review, and experience in addressing similar issues on previous projects.

## Chapter 5 Conclusions

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1. The Minnesota Department of Transportation has jurisdiction in determining the need for an environmental impact statement on the TH 169/101<sup>st</sup> Avenue Interchange Project.
2. All requirements for environmental review of the proposed project have been met.
3. The EAW and the permit development processes 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 and will be addressed during future environmental reviews and the final design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance based on requirements in place at that time. Mitigation measures will be incorporated into project design, and will be coordinated with state and federal agencies during the permit process.
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 proposed TH 169/101<sup>st</sup> Avenue Interchange Project.
7. Any findings that might properly be termed conclusions and any conclusions that might properly be called findings are hereby adopted as such.

Based on the Findings of Fact and Conclusions contained herein and on the entire record:

The Minnesota Department of Transportation hereby determines that the proposed TH 169/101<sup>st</sup> Avenue Interchange Project will not result in significant environmental impacts, and that the project does not require the preparation of an environmental impact statement.

Decision Regarding Need for an Environmental Impact Statement

For the Minnesota Department of Transportation:



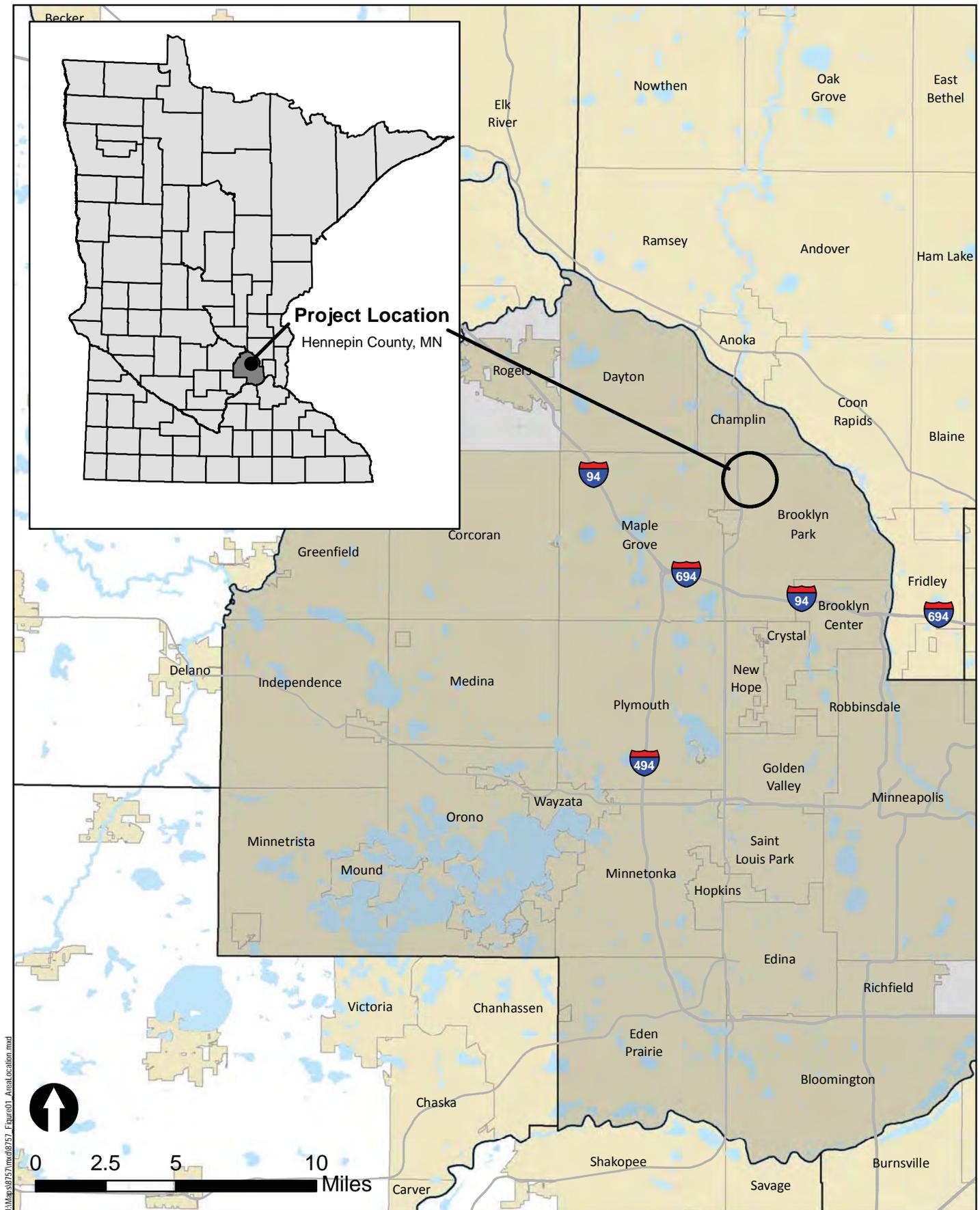
Lynn P. Clarkowski, P.E.  
Chief Environmental Officer  
Office of Environmental Stewardship  
Minnesota Department of Transportation

*Feb 27, 2017*

Date

# **Appendix A**

## **Project Layout Figures**



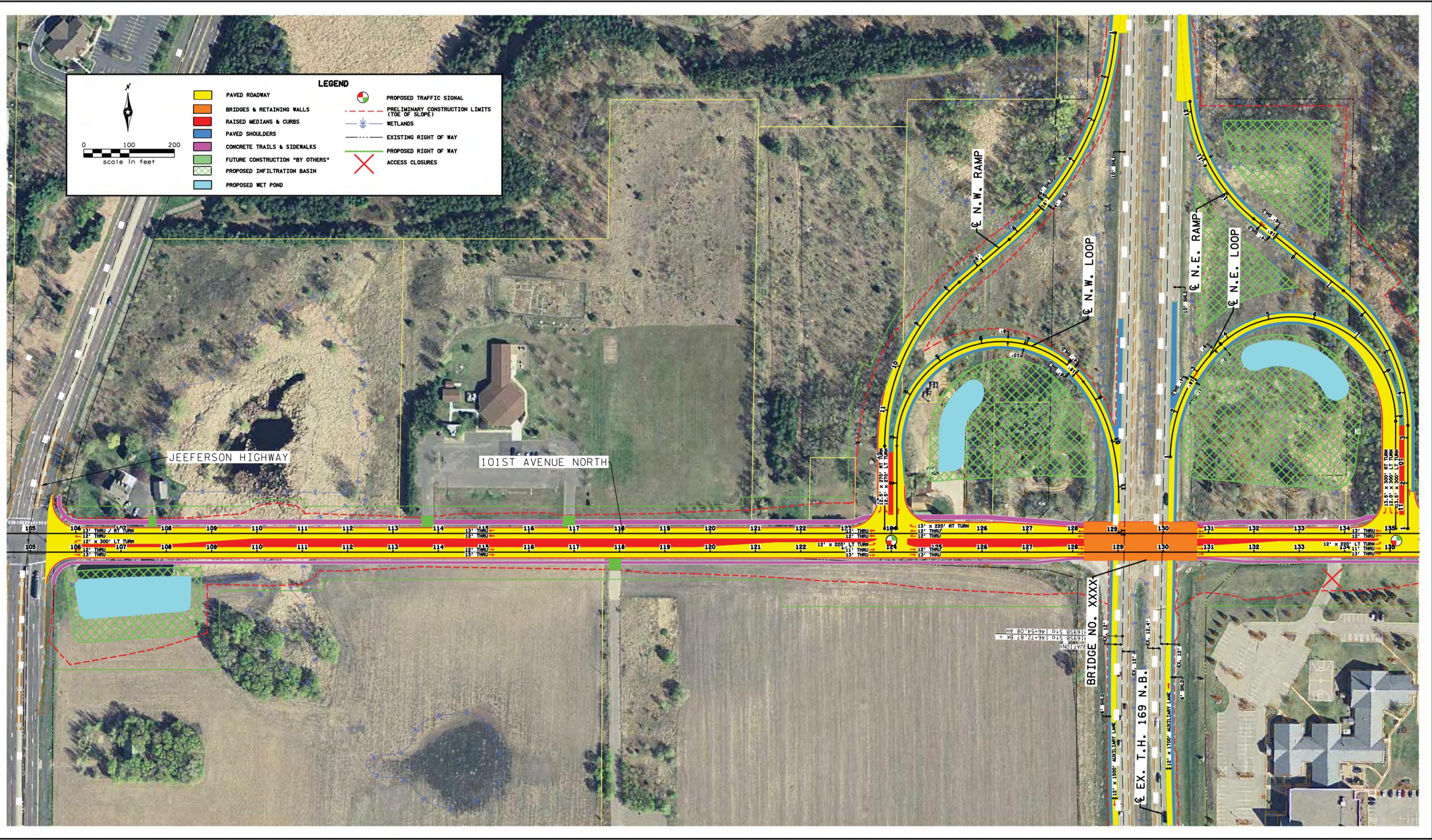
State Location Map

TH 169/101st Avenue Interchange Project  
 SP 2750-92  
 Hennepin County, MN

Figure 1



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### TH 169/101ST AVENUE INTERCHANGE (PROJECT LAYOUT)

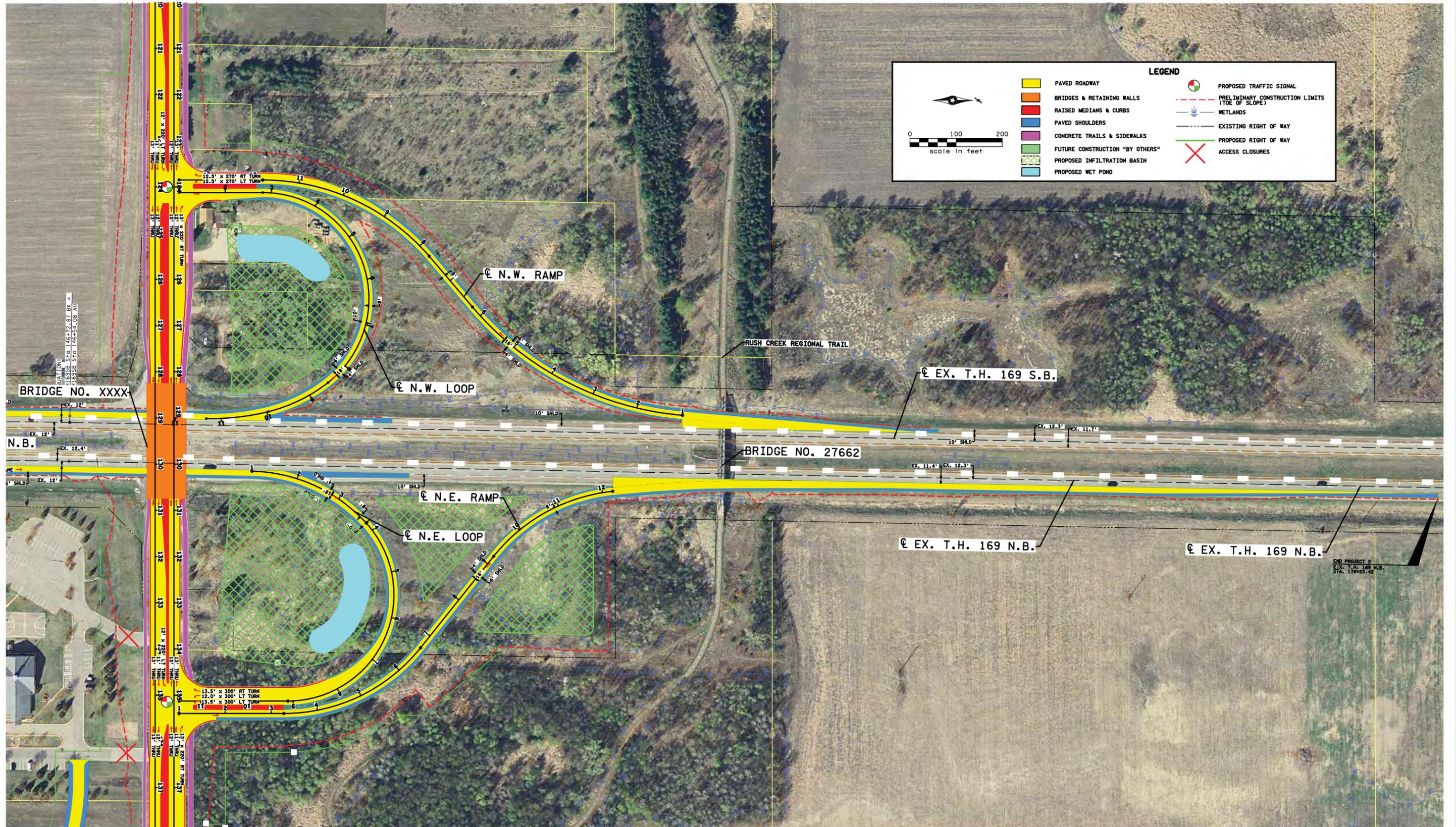
City of Brooklyn Park  
SP 2750-95

Job 8757  
8/31/2016

Figure 3



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# SRF TH 169/101ST AVENUE INTERCHANGE (PROJECT LAYOUT)

Consulting Group, Inc. City of Brooklyn Park  
SP 2750-95

Job 8757  
9/14/2016

Figure 5

## **Appendix B**

### **Agency and Public Comments on the EAW**

**Exhibit B1. MPCA Letter (November 22, 2016)**



**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

November 22, 2016

Mr. Richard Dalton  
 Environmental Coordinator  
 MnDOT Metro District  
 1500 West County Road B2  
 Roseville, MN 55113

Re: TH 169/101<sup>st</sup> Avenue Interchange Project Environmental Assessment Worksheet

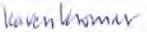
Dear Mr. Dalton:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the TH 169/101<sup>st</sup> Avenue Interchange Project (Project) located in the city of Brooklyn Park, Hennepin County, Minnesota. The Project consists of construction of a new full access interchange. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

- This Project is not currently funded by the city of Brooklyn Park; however, it will be completed in the next few years if funds become available. When the Project does begin, specific in-water best management practices such as silt curtain, construction during low flow or winter conditions, cofferdam, or check-dams, etc. should be included in the Project construction plan.

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 via email at [Karen.kromar@state.mn.us](mailto:Karen.kromar@state.mn.us) or via telephone at 651-757-2508.

Sincerely,



Karen Kromar  
 Planner Principal  
 Environmental Review Unit  
 Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul  
 Teresa McDill, MPCA, St. Paul

**Exhibit B2. Metropolitan Council Letter (November 21, 2016)**

November 21, 2016

Mr. Richard Dalton  
 Environmental Coordinator  
 MnDOT Metro District  
 1500 W. County Rd B2  
 Roseville, MN 55113

**RE: Trunk Highway 169/101<sup>st</sup> Ave Interchange EAW**  
 Metropolitan Council Review No.21628-1  
 Metropolitan Council District 2

Dear Mr. Dalton:

The Metropolitan Council received the EAW for the Trunk Highway 169/101<sup>st</sup> Ave interchange project in the City of Brooklyn Park, Minnesota. The proposed project includes construction of a new full access interchange at TH 169 and 101<sup>st</sup> Ave, an addition of auxiliary lanes along TH 169 between 610 and the proposed interchange, the construction of stormwater ponds and construction of trails and sidewalks.

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. An EIS is not necessary for regional purposes. The following comments are offered concerning specific items in the document.

**Wastewater – (Roger Janzig, 651-602-1119)**  
 Metropolitan Council Interceptor (9004) is within 101<sup>st</sup> Ave North right-of-way. The interceptor was built in 1997 and is a 54-inch reinforced concrete/lined pipe at a depth of approximately 24 to 31 feet. To assess the potential impacts to our interceptor system, prior to initiating this project, preliminary plans should be sent to Scott Dentz, Interceptor Engineering Manager (651-602-4503) at the Metropolitan Council Environmental Services for review and comment.

This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. 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: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division  
 Lona Schreiber, Metropolitan Council District 2  
 Eric Wojehik, Sector Representative  
 Russ Owen, Metropolitan Council Transportation Services  
 Raya Esmaeili, Reviews Coordinator

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390 Robert Straer North | Saint Paul, MN 55101-1005  
 P: 651.602.1000 | TTY: 851.291.0804 | [metrocouncil.org](http://metrocouncil.org)  
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**Exhibit B3. Hennepin County E-mail (November 23, 2016)**

**Brett Danner**

---

**From:** David J Jaeger <David.Jaeger@hennepin.us>  
**Sent:** Wednesday, November 23, 2016 7:34 AM  
**To:** Dalton, Richard (DOT)  
**Cc:** Jason D Gottfried; Chad Ellos; David Thill; Robert H. Byers; Nicholas A Peterson  
**Subject:** HC Comments to EAW for TH 169/101st Ave Interchange Project

Mr. Dalton, Hennepin County was an active participant in the original project study committee, and along with being involved in the Bottineau Oak Grove Station area planning and adjacent development reviews (including Northpark Business Center, NE quadrant 169 & 101<sup>st</sup>), we feel we have been extensively involved in the review and comment process. Furthermore, it would appear that general consensus was reached between both the Study Advisory Committee (SAC) and the open house participants in Sept. 2014 on selecting Alternative #2 as the preferred interchange.

Although Hennepin County is satisfied with the alternative selection process, it is worth noting this project will negatively impact the only remaining corridor of open space remaining in Brooklyn Park that has the potential of connecting Coon Rapids Regional Dam to Baker Park Preserve via the regional trail. It is also one of the last remaining semi-natural open spaces that provide habitat to pollinators, wildlife and the potential for the propagation of native vegetation. As such, we request the project is designed to minimize the impact to the open space corridor by creating a buffer to the regional trail, and that all graded areas be restored with native vegetation to the extent possible to establish habitat for pollinators and other wildlife species.

We appreciate the opportunity to provide further comment. Have a good day. Dave.

David Jaeger  
 Hennepin County Public Works  
 1600 Prairie Drive, MCN774 | Medina, MN | 55340  
 direct: 612-348-5714 | cell: 763-478-7319  
[david.jaeger@hennepin.us](mailto:david.jaeger@hennepin.us)

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**Exhibit B4. Three Rivers Park District Letter, Page 1 (November 23, 2016)**



**November 23, 2016**

Richard Dalton  
 Environmental Coordinator  
 MnDOT Metro District  
 1500 West County Road B2  
 Roseville, MN 55113

**RE: TH169/101<sup>st</sup> Avenue Interchange Project Environmental Assessment Worksheet, Brooklyn Park MN SP 2750-92**

Dear Mr. Dalton,

Three Rivers Park District (Park District) received the Environmental Assessment Worksheet (EAW) for the TH169/101<sup>st</sup> Avenue Interchange Project in the City of Brooklyn Park (City). As background, the Park District has been a stakeholder agency partner with the City for the past several years, working together to ensure that Park District interests are maintained during ancillary project review including: the NorthPark business/industrial land development and the proposed Blue Line LRT Extension.

The following is Park District staff response to the EAW – please note that this project has not been reviewed by the Park District Board of Commissioners (Board).

**Rush Creek Regional Trail**  
 The Rush Creek Regional Trail (formerly part of the renamed North Hennepin Regional Trail) measures approximately 9.6 miles in length, connecting Elm Creek Park Reserve to Coon Rapids Dam Regional Park through the Cities of Maple Grove and Brooklyn Park. Opened to the public in 1981, the regional trail is envisioned to one day extend westward from Elm Creek Park Reserve to Crow-Hassan Park Reserve; a total distance of approximately 20 miles.

The Rush Creek Regional Trail corridor is significantly wider than most other Twin Cities metro area regional trails, as it expands greater than 1,000 feet in several locations. This allows the trail alignment to gradually weave across the corridor, incorporating significant variety in the trail, while enhancing the user experience. The available corridor width incorporates several large mowed turf areas adjacent to the trail, which contrasts other wooded and dense vegetated sections of the trail. Tree shrub plantings visually and physically separate the surrounding residential development from the trail. In 2015, visitor data demonstrates that the regional trail received 284,400 visits.

Administrative Center, 3000 Xenium Lane North, Plymouth, MN 55441-1299  
 Information 763.559.9000 • TTY 763.559.6719 • Fax 763.559.3287 • [www.ThreeRiversParks.org](http://www.ThreeRiversParks.org)

**Exhibit B4. Three Rivers Park District Letter, Page 2 (November 23, 2016)**

**TH169/101<sup>st</sup> Avenue Interchange Project Impacts to Park District**  
 The proposed TH169/101<sup>st</sup> Avenue Interchange Project directly impacts the Rush Creek Regional Trail. Park District property (part of the Rush Creek Regional Trail corridor) is required as part of the proposed interchange due to the project's footprint and associated upgrade of 101<sup>st</sup> Avenue to accommodate increased traffic.

The Park District property being impacted was purchased by the Park District with Metropolitan Council funding in the late 1970s, along with several other properties in the regional trail corridor between Elm Creek Park Reserve and Coon Rapids Dam Regional Park. As such, Metropolitan Council restrictive covenants are associated with the property.

**Metropolitan Council System Protection**  
 As outlined in Metropolitan Council's 2040 Regional Parks Policy Plan, restrictive covenants are placed on regional parks system lands, trails and greenways to ensure that these lands are available for regional parks uses, and that the regional investment in these lands is protected. These covenants cannot be broken or amended without Metropolitan Council approval. Under certain exceptional circumstances, the Metropolitan Council will consider release restrictive covenants if equally valuable land or facility is provided in exchange for the released park land.

**Park District System Protection**  
 Additionally, when Park District property is proposed for adverse impacts, the Park District Board policy states, "the Board opposes diversion of Park District property for any purpose other than those for which the lands were acquired. Where proposed diversions of park property appear to be in the best interest of the Park District and where all other alternatives have been exhausted, and where the diversion poses no threat to the Park District's natural or recreational resource, and only under these conditions, requests will be taken under consideration by the Board on an individual basis."

In those instances where the Board determines that a proposed diversion upon Park District property may meet these conditions, the following requirements are required:

- Restoration of any physical or natural property removed or damaged, or equivalent monetary compensation shall be provided.
- Compensation will reflect the impact of the intrusion on the aesthetic and recreational values of parkland as well as the market value of affected land measured by its highest and best use, and for associated administrative costs.
- In any case where conversion of Park District land to other uses is proposed, applicants must satisfy Metropolitan Council policies governing such conversions, including but not limited to, the requirement that equally valuable land or facilities be exchanged.

If you have questions regarding the aforementioned comments, please feel free to contact me at your convenience 763.694.1103.

Sincerely,  
  
 Ann Rexine, Principal Planner

CC: Kelly Grissman, Director of Planning  
 Eric Nelson, Senior Manager of Civil Engineering  
 Jan Youngquist, Planning Analyst (Metropolitan Council)

**Exhibit B5. West Mississippi WMO Memorandum, Page 1 (November 3, 2016)**



Wenck Associates, Inc.  
 1800 Pioneer Creek Center  
 P.O. Box 249  
 Maple Plain, MN 55359-0249  
 (952) 472-2202  
 (763) 479-4223  
 Fax (763) 478-8242  
 wenckmp@wenck.com  
 www.wenck.com

**TECHNICAL MEMORANDUM**

**TO:** Jeff Holstein, City of Brooklyn Park  
**CC:** West Mississippi WMO Commissioners

**FROM:** Ed Matthiesen, Wenck Associates, Inc.

**DATE:** November 3, 2016

**SUBJECT:** Comments on Environmental Assessment Worksheet for the TH169/101<sup>st</sup> Avenue Interchange Project in Brooklyn Park

---

SRF Consulting prepared an Environmental Assessment Worksheet (EAW) for a proposed project to reconstruct and expand Highway 169 and 101<sup>st</sup> Avenue. The work is intended to provide transportation infrastructure for 1,500 acres of undeveloped property and the expansion of the Target Campus. The project includes the construction of a new folded interchange at the existing at-grade intersection of TH 169 and 101<sup>st</sup> Avenue. A new bridge along 101<sup>st</sup> Avenue will be constructed over TH 169, and auxiliary lanes will be constructed on north and southbound lanes between TH 610 and 101<sup>st</sup> Avenue. Roundabouts will be constructed at TH 169/101<sup>st</sup> and Jefferson Highway/101<sup>st</sup>. Stormwater ponds and filtration basins will be constructed near the Jefferson Highway/1-01<sup>st</sup> Avenue intersection and within the TH 169/101<sup>st</sup> Avenue interchange ramp areas. (See Figure 1).

The EAW is a standard format used in Minnesota for environmental review of projects that meet certain thresholds. The EAW provides information about a project that may have the potential for significant environmental effects, and is prepared by a Responsible Governmental Unit (RGU) or its agents to determine whether an Environmental Impact Statement (EIS) should be prepared. The EAW is reviewed by agencies having permitting or other authority to review a project and by the public at large. The EAW is not intended to identify and solve all potential environmental issues, but to disclose them and identify potential mitigation measures that would be further developed as project design proceeds.

This technical memo addresses the TH169/101<sup>st</sup> Avenue Interchange Project and its conformance with the West Mississippi Watershed Management Commission's rules for linear construction projects. This memo outlines the conformance of the project in regards to the Commission's water quality, stormwater runoff control, volume control, and erosion control standards. Additionally, this memo addresses impacts on wetlands, Public Waters, groundwater, and the regulatory floodplain. The findings of this review are addressed below.

**Water Quality**  
 To comply with the Commission's water quality treatment requirement, the site must provide ponding designed to NURP standards with dead storage volume equal to or greater than the volume of runoff from a 2.5" storm event, or BMPs providing a similar level of treatment - 80-85% TSS removal and 50-60% TP removal.

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**Exhibit B5. West Mississippi WMO Memorandum, Page 2 (November 3, 2016)**

**Exhibit B5. West Mississippi WMO Memorandum, Page 3 (November 3, 2016)**

**Technical Memo**  
 TH169/101<sup>st</sup> Avenue Interchange Project in Brooklyn Park  
 November 3, 2016

This 52ac site drains to the east into city storm sewer and an unnamed creek in the Environmental Preserve.

The ground cover is summarized below:

Cover Type	Existing (acres)	Proposed (acres)
Wetlands	3.0	0
Stormwater Features	3.8	7.1
Median Wetlands	0.7	0.7
Streams	N/A	N/A
Woods	4.7	0
Cropland	5.8	0
Lawn/landscaping	9.1	23.1
<u>Impervious</u>	<u>13.8</u>	<u>21.4</u>
Total	52.3	52.3

It should also be noted there are no impaired waters within 1 mile of the project site.

The treatment provided by the various ponds and sump manholes should provide the amount of treatment necessary, however, calculations should be provided to show the treatment capacity of the stormwater ponds.

**Stormwater Runoff Control**  
 Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events.

Calculations should be provided to determine that post-development rates are lower than pre-development rates.

**Volume Control**  
 Commission rules require the site to infiltrate 1.0" of runoff from new impervious area within 48 hours. The project proposes 7.6 acres of new impervious surface from the addition of roads, trails, sidewalks, and turn lanes. This amount of impervious surface requires 27,588 cu-ft. (0.63 ac-ft.) of infiltrative capacity.

The current project area does include rate control ponds. With the inclusion of new stormwater ponds in the project, it is recommended that filtration trenches or other filtration BMPs be included in the new pond construction as follows.

**Erosion Control**  
 An erosion control and stormwater pollution prevention plan should be developed for the project.

**Wetland Impacts**  
 The NWI identified six wetlands within the project area. The Commission is LGU for WCA Administration and will review wetland impacts due to fill and hydrology alterations. Table 5 in the EAW shows all

2

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**Technical Memo**  
 TH169/101<sup>st</sup> Avenue Interchange Project in Brooklyn Park  
 November 3, 2016

wetlands will be filled post construction. As part of design these must be delineated and if necessary a mitigation plan prepared.

**Public Waters**  
 101<sup>st</sup> Avenue crosses a public watercourse approximately immediately east of Jefferson Highway. This is public water (#254W). As part of design these must be delineated and if necessary a mitigation plan prepared.

**Floodplain**  
 There is no regulatory floodplain on the site.

**Additional Information Needed:**

1. Calculations showing the amount of storage and to demonstrate that the project meets the Commission's;
  - a. Water quality standards,
  - b. Rate control standards.
2. Provide infiltration BMPs to meet the Commission's Volume control standards;
  - a. Provide an abstraction volume equivalent to 1" of runoff from new impervious surfaces (27,588 cu-ft.).
3. Create erosion control and stormwater pollution prevention plans to meet the Commission's Erosion control standards.
4. Complete necessary WCA documentation.

**Recommended Commission Action**  
 Review and discuss. Direct staff to submit comments to City of Brooklyn Park.

3

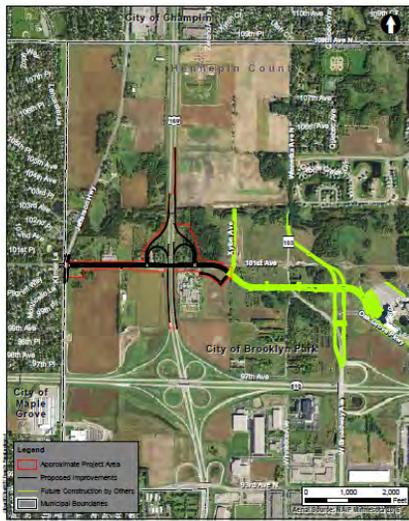
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**Exhibit B5. West Mississippi WMO Memorandum, Page 4 (November 3, 2016)**

**Exhibit B5. West Mississippi WMO Memorandum, Page 5 (November 3, 2016)**

**Technical Memo**  
TH169/101<sup>st</sup> Avenue Interchange Project in Brooklyn Park  
November 3, 2016

**Figure 1. Project Area**



**Figure 2A**  
TH 169 / 101st Avenue Interchange Project  
City of Brooklyn Park  
SP 215042

**Technical Memo**  
TH169/101<sup>st</sup> Avenue Interchange Project in Brooklyn Park  
November 3, 2016

**Figure 2. Potential Wetland Areas**



**Figure 2**  
TH 169 / 101st Avenue Interchange Project  
City of Brooklyn Park

Exhibit B6. City of Maple Grove Letter, Page 1 (November 23, 2016)

Exhibit B6. City of Maple Grove Letter, Page 2 (November 23, 2016)



12800 Arbor Lakes Parkway, P.O. Box 1180, Maple Grove, MN 55311 6160 763-104-6000

November 23, 2016

Mr. Richard Dalton  
Environmental Coordinator  
MnDOT Metro District  
1500 West County Road B2  
Roseville, MN 55113

Subject: TH 169/101st Avenue Interchange Project  
Environmental Assessment Worksheet (EAW) Comments

The City of Maple Grove appreciates the opportunity to comment on the TH 169/101st Avenue Interchange Project EAW. The EAW project involves the construction of a new full access interchange at the TH 169/101st Avenue intersection in the City of Brooklyn Park. An additional project element that the City of Maple Grove has specific interest includes the reconstruction of 101st Avenue to a four-lane roadway from Jefferson Highway to Xylon Avenue. The City of Maple Grove has the following comments for your consideration.

**Land Use (Item 9)**  
The EAW states that the proposed project, including the reconstruction of 101st Avenue, east of Jefferson Highway, to a four-lane roadway is consistent with the City of Brooklyn Park's Comprehensive Plan. The City of Maple Grove's Comprehensive Plan calls for 101st Avenue, west of Jefferson Highway to remain as a two-lane undivided roadway. The proposed four-lane divided 101st Avenue east of Jefferson Highway is inconsistent with the two-lane 101st Avenue west of Jefferson Highway in the City of Maple Grove's Comprehensive Plan. The City of Maple Grove does not believe that the existing traffic signal will provide an adequate transition between the proposed four-lane divided roadway east of Jefferson Highway and the two-lane undivided west of Jefferson Highway.

**Transportation (Item 18)**  
The EAW states that the 101st Avenue is planned to be converted to a four-lane roadway; as such, the 101st Avenue/Jefferson Highway intersection will need to be modified to accommodate the additional lane on the westbound approach and an eastbound departure lane. It is further stated that the configuration of the 101st Avenue/Jefferson Highway intersection, along with additional access to 101st Avenue between Jefferson Highway and the proposed TH 169/101st Avenue interchange will be determined by future development.

The City of Maple Grove has long expressed our preference for a roundabout to be installed at the 101st Avenue/Jefferson Highway intersection. This preference is based on the following considerations:

"Serving Today, Shaping Tomorrow"  
AN EQUAL OPPORTUNITY EMPLOYER

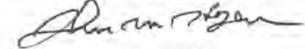
TH 169/101st Avenue Interchange Project  
Environmental Assessment Worksheet (EAW) Comments

Page 2

- A roundabout reports the better traffic operations (lowest delays and subsequently better LOS) when compared to traffic signal control.
- A roundabout not only provides a transition east of Jefferson Highway by dropping one lane in each direction along 101st Avenue between the proposed TH 169 interchange and Jefferson Highway, but it also will slow speeds and transition behavior through the intersection by constructing a roundabout at the 101st Avenue/Jefferson Highway intersection.
- While a roundabout may require the reconstruction of the 101st Avenue/Jefferson Highway intersection, and will likely have higher initial construction costs when compared to the existing traffic signal, the proposed roundabout will likely have much lower severity rates when it comes to crashes, and lower ongoing operating/maintenance costs when compared to traffic signal control at the intersection.
- The proposed roundabout is also consistent with the recent approach by Champlin, Maple Grove, and MnDOT that use roundabouts on 109th Avenue (west of TH 169), 117th Avenue (east of TH 169), Zachary Lane (north of TH 610), and Elm Creek Boulevard (north of TH 610) as an effective transition from higher speed/volume facilities to lower speed/volume residential areas.

Therefore, the EAW should directly address the recommended intersection configuration of the 101st Avenue/Jefferson Highway intersection within the document rather than waiting until future development occurs along the corridor.

We appreciate the opportunity to review the EAW for this project. If you have any questions regarding our review, please contact me at (763) 494-6364.

Sincerely,  
  
John M. Hagen, P.E., PTOE  
Transportation Operations Engineer

cc: Ken Ashfeld, P.E., Director of Public Works, City Engineer, City of Maple Grove  
Jeff Holstein, P.E., PTOE, City Transportation Engineer, City of Brooklyn Park

**Exhibit B7. Nathan Brunner E-mail (Maple Grove Resident), Page 1  
(November 23, 2016)**

**Brett Danner**

**From:** Nathan & Nancy Brunner <nbrunner@comcast.net>  
**Sent:** Wednesday, November 23, 2016 3:26 PM  
**To:** jeff.holstein@brooklynpark.org  
**Subject:** Comments on Proposal for 169 / 101st Avenue Interchange  
**Attachments:** Alternative #2 Map, 2016-11-23, with 109th Proposal.jpg

Hello Jeff,

This message contains my comments regarding the proposed interchange at 169 and 101st Avenue North. It is my understanding that the public comment period is open through today, November 23, 2016.

My primary concern with Recommended Alternative #2 is that the interchange is too close to the 169 / 610 interchange. Traffic entering 169 northbound from 610 westbound will interfere with northbound 169 traffic exiting at 101st Avenue. Similarly, traffic entering 169 southbound from 101st will interfere with southbound traffic exiting at 610. With additional traffic volume that will come with 610 opening to I-94, the dynamics of these interchanges will change. I believe that additional spacing is needed as a buffer against future traffic volume as well as against current volume.

Several years ago when the 169 / County Road 30 interchange open house was held at Osseo City Hall, I spoke with a MNDOT engineer about alternatives to the 169/30 proposal. I suggested an interchange exactly like the 169 / 101st proposal that is now moving forward. He informed me that such an interchange did not meet the requirements for spacing between interchanges and could not be considered.

What has changed? Why is this configuration now preferred and recommended?

There is already a problem in this area with northbound 169 traffic in the left lane making a late, sudden lane change to exit to 610 eastbound. Nearly every time I travel that route I have to brake for drivers making this kind of maneuver. There is no reason to believe this won't happen at the 101st exit from northbound 169. The situation will be worse at 101st due to traffic accelerating onto 169 northbound from the 610 westbound ramp. From my perspective, Alternative #2 has two built-in safety flaws that can be eliminated by the following proposal.

A solution to this problem is to build the same type of interchange at 109th Avenue North, except with all elements of the interchange on the south side of 109th. Please refer to the map below with my proposal drawn in red.

**Exhibit B7. Nathan Brunner E-mail (Maple Grove Resident), Page 2  
(November 23, 2016)**



Benefits of this proposal:

- Traffic disruptions at 101st are eliminated
- Spacing between interchanges is increased
- The 169 / 101st intersection can be left as-is or a bridge can be built to allow 101st Avenue traffic to cross 169 safely. The bridge can be built later if cost of this project is a limiting factor
- The same amount of land will be consumed as Alternative #2
- The cost of buying the homes / property at 101st and 169 will be avoided.
- Needed property at 109th avenue does not include residences or business
- A signaled intersection on 169 is eliminated
- The Champlin business district is not adversely impacted

Please give my suggestion consideration as this project moves forward.

Sincerely,

Nathan Brunner  
 Maple Grove  
 651-736-1335 (business hours)  
 763-424-4371 (home)  
[nbrunner@comcast.net](mailto:nbrunner@comcast.net)

## **Appendix C**

### **Responses to Comments**

### Minnesota Pollution Control Agency Letter (November 22, 2016)

**Comment #1:** This project is not currently funded by the City of Brooklyn Park; however, it will be completed in the next few years if funds become available. When the Project does begin, specific in-water best management practices such as silt curtain, construction during low flow or winter conditions, cofferdam, or check-dams, etc. should be included in the Project construction plans.

**Response:** Erosion control best management practices will be implemented during construction in accordance with the NPDES construction stormwater permit and stormwater pollution prevention plan (SWPPP).

### Metropolitan Council Letter (November 21, 2016)

**Comment #1:** Metropolitan Council Interceptor (9004) is within 101<sup>st</sup> Ave North right-of-way. The interceptor was built in 1997 and is a 54-inch reinforced concrete/lined pipe at a depth of approximately 24 to 31 feet. To assess the potential impacts to our interceptor system, prior to initiating this project, preliminary plans should be sent to Scott Dentz, Interceptor Engineering Manager (651-602-4503) at the Metropolitan Council Environmental Services for review and comment.

**Response:** Construction plans have not yet been prepared for the project. When construction plans are completed, a copy will be sent to Metropolitan Council Environmental Services for review and comment.

### Hennepin County E-mail (November 23, 2016)

**Comment #1:** Although Hennepin County is satisfied with the alternative selection process, it is worth noting this project will negatively impact the only remaining corridor of open space remaining in Brooklyn Park that has the potential of connecting Coon Rapids Regional Dam to Baker Park Preserve via the regional trail. It is also one of the last remaining semi-natural open spaces that provide habitat to pollinators, wildlife and the potential for the propagation of native vegetation. As such, we request the project is designed to minimize the impact to the open space corridor by creating a buffer to the regional trail, and that all graded areas be restored with native vegetation to the extent possible to establish habitat for pollinators and other wildlife species.

**Response:** The proposed project interchange would convert approximately 3.3 acres of Three Rivers Park District property to transportation uses in the northeast quadrant of the TH 169/101<sup>st</sup> Avenue interchange. A buffer will be

maintained between the interchange and the Rush Creek Regional Trail. The TH 169/101<sup>st</sup> Avenue interchange has been designed to avoid impacts to the existing regional trail bridge over TH 169. All graded areas will be re-vegetated with native vegetation suitable to the local habitat, consistent with MnDOT best management practices in place at the time of construction.

### Three Rivers Park District Letter (November 23, 2016)

**Comment #1:** The Park District property being impacted was purchased by the Park District with Metropolitan Council funding in the late 1970s, along with several other properties in the regional trail corridor between Elm Creek Park Reserve and Coon Rapids Dam Regional Park. As such, Metropolitan Council restrictive covenants are associated with the property.

As outlined in Metropolitan Council's *2040 Regional Parks Policy Plan*, restrictive covenants are placed on regional parks system lands, trails and greenways to ensure that these lands are available for regional parks uses, and that the regional investment in these lands is protected. These covenants cannot be broken or amended without Metropolitan Council approval. Under certain exceptional circumstances, the Metropolitan Council will consider release restrictive covenants if equally valuable land or facility is provided in exchange for the released park land.

Additionally, when Park District property is proposed for adverse impacts, the Park District Board policy states, "the Board opposes diversion of Park District property for any purpose other than those for which the lands were acquired. Where proposed diversions of park property appear to be in the best interest of the Park District and where all other alternatives have been exhausted, and where the diversion poses no threat to the Park District's natural or recreational resource, and only under these conditions, requests will be taken under consideration by the Board on an individual basis."

In those instances where the Board determines that a proposed diversion upon Park District property may meet these conditions, the following requirements are required:

- Restoration of any physical or natural property removed or damaged, or equivalent monetary compensation shall be provided.
- Compensation will reflect the impact of the intrusion on the aesthetic and recreational values of parkland as well as the market value of affected land measured by its highest and best use, and for associated administrative costs.
- In any case where conversion of Park District land to other uses is proposed, applicants must satisfy Metropolitan Council policies

governing such conversions, including but not limited to, the requirement that equally valuable land or facilities be exchanged.

**Response:** The City of Brooklyn Park has been and will continue to coordinate the TH 169/101<sup>st</sup> Avenue interchange project development process with Three River Park District. The City of Brooklyn Park will comply with all Metropolitan Council and Three Rivers Park District procedures and requirements for park property conversion.

### **West Mississippi Watershed Management Organization Memorandum (November 3, 2016)**

**Comment #1:** The treatment provided by the various ponds and sump manholes should provide the amount of treatment necessary, however, calculations should be provided to show the treatment capacity of the stormwater ponds.

**Response:** Drainage design calculations will be provided to the West Mississippi Watershed Management Commission during final design as part of the project review process.

**Comment #2:** Commission rules require that site runoff be limited to predevelopment rates for the 2-, 10-, and 100-year storm events. Calculations should be provided to determine that post-development rates are lower than predevelopment rates.

**Response:** Calculations showing that post-development stormwater runoff rates are lower than pre-development rates will be provided to the West Mississippi Watershed Management Commission during final design as part of the project review process.

**Comment #3:** Commission rules require the site to infiltrate 1.0” of runoff from new impervious area within 48 hours. The project proposes 7.6 acres of new impervious surface from the addition of roads, trails, sidewalks, and turn lanes. This amount of impervious surface requires 27,588 cubic feet. (0.63 acre-feet) of infiltrative capacity. The current project area does include rate control ponds. With the inclusion of new stormwater ponds in the project, it is recommended that filtration trenches or other filtration BMPs included in the new pond construction as allows.

**Response:** The stormwater management plan for the proposed project includes stormwater ponds and infiltration basins (see Figure 3 through Figure 5, Appendix A). The proposed infiltration basins are located in areas where there are currently infiltration basins; therefore, it is likely that infiltration would continue to occur with the proposed project. Additional geotechnical information, including soil borings, would be obtained during

final design. If infiltration is not feasible due to soil types or the presence of groundwater, then the proposed stormwater treatment system would likely only consist of stormwater ponds.

The stormwater management plan for the proposed project will be reviewed as part of the final design process and revised to reflect West Mississippi Watershed Management Commission rules and regulations in place at that time.

**Comment #4:** An erosion control and stormwater pollution prevention plan should be developed for the project.

**Response:** An erosion control and SWPPP will be developed during final design as part of the permitting process.

**Comment #5:** The NWI identified six wetlands within the project area. The Commission is LGU for WCA Administration and will review wetland impacts due to fill and hydrology alterations. Table 5 in the EAW shows all wetlands will be filled post construction. As part of design these must be delineated and if necessary a mitigation plan prepared.

**Response:** A Level 2 wetland delineation will be completed in the future prior to permitting. MnDOT will function as the Wetland Conservation Act (WCA) local government unit (LGU) for aquatic resources within MnDOT right of way. The West Mississippi Watershed Management Commission will function as the WCA LGU for areas outside of MnDOT right of way along 101<sup>st</sup> Avenue. Aquatic resource impacts will be identified during final design using the Level 2 wetland delineation boundaries. The appropriate Section 404 and WCA permits and approvals will be obtained. A mitigation plan will be prepared for unavoidable wetland impacts.

**Comment #6:** 101<sup>st</sup> Avenue crosses a public watercourse approximately immediately east of Jefferson Highway. This is public water (#254W). As part of design these must be delineated and if necessary a mitigation plan prepared.

**Response:** The wetland boundary and ordinary high water level (OHWL) for public water #254W will be identified as part of the Level 2 wetland delineation. A DNR public water work permit will be obtained for any fill below the OHWL at public water #254W.

**Comment #7:** Additional information needed for the West Mississippi Watershed Management Commission:

- Calculations showing the amount of storage and to demonstrate that the project meets the Commission’s water quality standards and rate control standards;
- Provide infiltration BMPs to meet the Commission’s Volume control standards. Provide an abstraction volume equivalent to 1-inch of runoff from new impervious surfaces (27,588 cu-ft.);
- Create erosion control and stormwater pollution prevention plans to meet the Commission’s erosion control standards.
- Complete necessary WCA documentation.

**Response:** The additional requested information will be provided to the West Mississippi Watershed Management Commission as part of the project review process.

### City of Maple Grove Letter (November 23, 2016)

**Comment #1:** The proposed four-lane divided 101<sup>st</sup> Avenue east of Jefferson Highway is inconsistent with the two-lane 101<sup>st</sup> Avenue west of Jefferson Highway in the City of Maple Grove’s Comprehensive Plan. The City of Maple Grove does not believe that the existing traffic signal will provide an adequate transition between the proposed four-lane divided roadway east of Jefferson Highway and the two-lane undivided west of Jefferson Highway.

**Response:** A four-lane roadway for 101<sup>st</sup> Avenue between Jefferson Highway and TH 169 was identified in the EAW for purposes of identifying a worst-case scenario with respect to the future roadway footprint and potential impacts. The City of Brooklyn Park has acknowledged, and the traffic forecasts support, that 101<sup>st</sup> Avenue east of Jefferson Highway to TH 169 could be reconstructed as a three-lane urban section roadway (i.e., one through lane in each direction with a center turn lane).

The 2030 forecast volume for 101<sup>st</sup> Avenue between Jefferson Highway and TH 169 is approximately 13,000 vehicles per day (vpd). An updated 2040 forecast volume for 101<sup>st</sup> Avenue will be prepared as part of future design and engineering studies using the Metropolitan Council’s most recent travel demand model. The typical section for 101<sup>st</sup> Avenue between Jefferson Highway and TH 169 will be identified based on the outcome of the future traffic forecasts. Consideration will also be given to available project funding. At this time, a three-lane section roadway appears likely.

**Comment #2:** The City of Maple Grove has long expressed our preference for a roundabout to be installed at the 101<sup>st</sup> Avenue/Jefferson Highway intersection. This preference is based on the following considerations:

- A roundabout report the better traffic operations (lowest delays and subsequently better LOS) when compared to traffic signal control.
- A roundabout not only provides a transition east of Jefferson Highway by dropping one lane in each direction along 101<sup>st</sup> Avenue between the proposed TH 169 interchange and Jefferson Highway, but it also will slow speeds and transition behavior through the intersection by constructing a roundabout at the 101<sup>st</sup> Avenue/Jefferson Highway intersection.
- While a roundabout may require the reconstruction of the 101<sup>st</sup> Avenue/Jefferson Highway intersection, and will likely have higher initial construction costs when compared to the existing traffic signal, the proposed roundabout will likely have much lower severity rates when it comes to crashes, and lower ongoing operating/maintenance costs when compared to traffic signal control at the intersection.
- The proposed roundabout is also consistent with the recent approach by Champlin, Maple Grove, and MnDOT that uses roundabouts on 109<sup>th</sup> Avenue (west of TH 169), 117<sup>th</sup> Avenue (east of TH 169), Zachary Lane (north of TH 610), and Elm Creek Boulevard (north of TH 610) as an effective transition from higher speed/volume facilities to lower speed/volume residential areas.

Therefore, the EAW should directly address the recommended intersection configuration of the 101<sup>st</sup> Avenue/Jefferson Highway intersection within the document rather than waiting until future development occurs along the corridor.

**Response:** Several different intersection concepts were analyzed for 101<sup>st</sup> Avenue/Jefferson Highway during the project development process for the TH 169/101<sup>st</sup> Avenue interchange, including traffic signal concepts and a roundabout concept. The traffic signal concepts considered different options for the lane configuration on the 101<sup>st</sup> Avenue eastbound and westbound approaches to the intersection. Table C.1 shows the existing, 2030 No Build Alternative, and 2030 Build Alternative intersection operations analysis results for 101<sup>st</sup> Avenue/Jefferson Highway.

**Table C.1 101<sup>st</sup> Avenue/Jefferson Highway LOS Results – Future Intersection Concepts**

<b>101<sup>st</sup> Avenue/ Jefferson Highway Intersection</b>	<b>Delay (s/veh) AM Peak Hour</b>	<b>LOS AM Peak Hour</b>	<b>Delay (s/veh) PM Peak Hour</b>	<b>LOS PM Peak Hour</b>
Existing Conditions (Signal)	10	B	9	A
2030 No Build Alternative (Signal)	15	B	15	B
Signalized Scenario 1	26	C	12	B
Signalized Scenario 2	27	C	12	B
Signalized Scenario 3	29	C	13	B
Signalized Scenario 4	29	C	13	B
Roundabout	17	C	9	A

s/veh = seconds per vehicle

It is feasible to design and construct the future 101<sup>st</sup> Avenue roadway to match the existing 101<sup>st</sup> Avenue/Jefferson Highway intersection without reconstructing the entire 101<sup>st</sup> Avenue/Jefferson Highway intersection. Minor lane restriping may be necessary to accommodate lane configurations. The traffic operations analysis shows that there is not an existing operations problem at this location. The intersection is expected to continue to operate acceptably under 2030 No Build Alternative conditions, and the intersection concepts would also operate acceptably under 2030 Build Alternative conditions. As noted above, 101<sup>st</sup> Avenue east of Jefferson Highway could be reconstructed as a three-lane section roadway. The three-lane section roadway could also be designed and constructed to match the existing 101<sup>st</sup> Avenue/Jefferson Highway intersection configuration. The 101<sup>st</sup> Avenue roadway design east of Jefferson Highway would not preclude any of the intersection concepts identified in Table C.1.

The City of Brooklyn Park will continue to work with the City of Maple Grove to identify a future intersection configuration for 101<sup>st</sup> Avenue/Jefferson Highway that addresses the needs of both municipalities. This may result in a roundabout at this location phased in over time as development, right of way, and funding opportunities become available. Future improvements at 101<sup>st</sup> Avenue/Jefferson Highway will also be coordinated with Three Rivers Park District, as the Rush Creek Regional Trail crosses Jefferson Highway at 101<sup>st</sup> Avenue.

Note that the proposed stormwater pond located in the southeast corner of the 101<sup>st</sup> Avenue/Jefferson Highway intersection has been sized to accommodate the additional impervious surface and footprint associated with a roundabout design (see Figure 3, Appendix A).

### **Nathan Brunner (Maple Grove Resident) E-mail (November 23, 2016)**

**Comment #1:** My primary concern with Recommended Alternative #2 is that the interchange is too close to the 169 /610 interchange. Traffic entering 169 northbound from 610 westbound will interfere with northbound 169 traffic exiting at 101st Avenue. Similarly, traffic entering 169 southbound from 101st will interfere with southbound traffic exiting at 610. With additional traffic volume that will come with 610 opening to I-94, the dynamics of these interchanges will change. I believe that additional spacing is needed as a buffer against future traffic volume as well as against current volume.

**Response:** A traffic study was completed as part of the *TH 169/101<sup>st</sup> Avenue Interchange Study* (December 2014). This study included an evaluation of freeway operations on TH 169 with and without the proposed 101<sup>st</sup> Avenue interchange using the Highway Capacity Software (HCS). This traffic operations analysis showed that the northbound and southbound TH 169 would safely operate at an acceptable level of service under future (year 2030) traffic volumes with the proposed 101<sup>st</sup> Avenue interchange.

A high-level microsimulation freeway operations analysis was also completed as part of the December 2014 *TH 169/101<sup>st</sup> Avenue Interchange Study*. This analysis used the CORSIM computer model to simulate travel lane conditions on TH 169 during the a.m. and p.m. peak hour conditions. The CORSIM analysis also included auxiliary lanes on TH 169 between the TH 610 system interchange the proposed 101<sup>st</sup> Avenue interchange. The CORSIM analysis indicated that the segment of TH 169 between TH 610 and 101<sup>st</sup> Avenue interchange would operate at an acceptable level of service (LOS) C or better under future year 2030 conditions.

The analysis from the December 2014 *TH 169/101<sup>st</sup> Avenue Interchange Study* was subsequently updated in 2016. Part of this update included a CORSIM microsimulation freeway operations analysis to confirm that the spacing between TH 610 and 101<sup>st</sup> Avenue is acceptable. Updates to the CORSIM modeling since the December 2014 study are described in the *TH 169/101<sup>st</sup> Avenue Interchange Study – Preliminary Design (Phase II), Traffic Analysis Update, TH 169 Freeway Analysis Memorandum* (April 2016) available from the City of Brooklyn Park. Traffic operations were reviewed for the segment of TH 169 between the 101st Avenue interchange ramps and TH 610 interchange

ramps. During both the a.m. and p.m. peak periods, the 2030 Build Alternative condition with the proposed TH 169/101<sup>st</sup> Avenue interchange shows improved conditions compared to the No Build Alternative (see Table C.2).

**Table C.2 2030 Freeway Operations between TH 610 and 101<sup>st</sup> Avenue Interchanges**

Scenario	A.M. Peak Hour LOS (density - vpmp)	P.M. Peak Hour LOS (density - vpmp)
No Build Alternative	F (96)	D (33)
Build Alternative (with TH 169/101 <sup>st</sup> Avenue Interchange)	F (73)	C (22)

vpmp = vehicles per mile per lane

The proposed auxiliary lanes on northbound and southbound TH 169 between 101<sup>st</sup> Avenue and TH 610 will also help to improve traffic operations by providing additional length for entering traffic to merge onto TH 169 and exiting traffic to diverge from the freeway. The auxiliary lanes provide an additional lane to separate the merging and diverging movements from through traffic.

**Comment #2:** There is already a problem in this area with northbound 169 traffic in the left lane making a late, sudden lane change to exit to 610 eastbound. Nearly every time I travel that route I have to brake for drivers making this kind of maneuver. There is no reason to believe this won't happen at the 101<sup>st</sup> exit from northbound 169. The situation will be worse at 101st due to traffic accelerating onto 169 northbound from the 610 westbound ramp. From my perspective, Alternative #2 has two built-in safety flaws that can be eliminated by the following proposal. A solution to this problem is to build the same type of interchange at 109th Avenue North, except with all elements of the interchange on the south side of 109th. Please refer to the map below with my proposal drawn in red.

**Response:**

*TH 169 Traffic Operations*

The late, sudden lane change observed for the exit from northbound TH 169 to eastbound TH 610 occurs because the TH 169/610 interchange is a system interchange and there is heavy demand for the northbound to eastbound movement, particularly during the p.m. peak hour. The similar movement at the proposed 101<sup>st</sup> Avenue interchange is expected to be substantially less than at the TH 169/610 system interchange.

*TH 169/101<sup>st</sup> Avenue Interchange Alternatives*

The purpose of the project is to enhance access to TH 169 for the planned growth area of northwest Brooklyn Park, provide the transportation infrastructure necessary to serve the planned growth areas in northwest Brooklyn Park, and better distribute regional trips from existing interchanges.

A range of interchange concepts were considered as part of the *TH 169/101<sup>st</sup> Avenue Interchange Study* (December 2014). These concepts included different interchange configurations along TH 169 north of 101<sup>st</sup> Avenue. Early concepts considered an interchange at TH 169 and 109<sup>th</sup> Avenue. However, this alternative was dismissed from further consideration because of its proximity to the 114<sup>th</sup> Avenue traffic signal (approximately ½-mile to the north). Traffic queues would be expected to extend back from the TH 169/114<sup>th</sup> Avenue signal through the 109<sup>th</sup> Avenue interchange. The proposed spacing between the 101<sup>st</sup> Avenue interchange and 109<sup>th</sup> Avenue provides more than twice the distance compared to 109<sup>th</sup> Avenue and 114<sup>th</sup> Avenue.

An interchange north of 101<sup>st</sup> Avenue does not provide the transportation infrastructure necessary to serve the regional travel demands of the planned growth area in northwest Brooklyn Park. Additional access to and from the regional roadway system is needed. Upgrading the current regional access at 109<sup>th</sup> Avenue from an at-grade signalized intersection to an interchange would not be sufficient compared to an interchange at 101<sup>st</sup> Avenue.

In addition, the proposed TH 169/101<sup>st</sup> Avenue interchange also helps to distribute trips throughout the project area. A majority of all trips generated in the planned growth area of northwest Brooklyn Park are regional trips destined to/from to the south. The ramps that provide access to/from the south account for a majority of the trips using the proposed 101<sup>st</sup> Avenue interchange. Very few regional trips from the planned growth area destined to the south would go north to 109<sup>th</sup> Avenue first, and then travel back south on TH 169. It is more likely that these trips would use the TH 610/West Broadway Avenue interchange to access westbound TH 610 and then southbound TH 169. This ramp currently operates at capacity during the a.m. peak hour, creating merging issues with traffic on TH 169 at the TH 610 system interchange. With the proposed TH 169/101<sup>st</sup> Avenue interchange, more traffic accesses southbound TH 169 at 101<sup>st</sup> Avenue, improving traffic operations at the TH 169/TH 610 system interchange.

## **Appendix D**

### **Affidavit of Publication**

Exhibit D1. Affidavit of Publication (Brooklyn Park Sun Post)

**AFFIDAVIT OF PUBLICATION**

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) ss

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

SP Brooklyn Ctr/Brooklyn Park

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

HENNEPIN

with additional circulation in the counties of:  
HENNEPIN

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 10/20/2016 and the last insertion being on 10/20/2016.

**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: Charlene Vold  
Designated Agent

Subscribed and sworn to or affirmed before me on 10/20/2016 by Charlene Vold.

Darlene M MacPherson  
Notary Public



Rate information:  
(1) Lowest classified rate paid by commercial users for comparable space:  
\$46.90 per column inch

Ad ID 610387

**CITY OF BROOKLYN PARK  
NOTICE OF AVAILABILITY  
OF THE ENVIRONMENTAL  
ASSESSMENT WORKSHEET  
FOR THE TH 169/101ST  
AVENUE INTERCHANGE  
PROJECT IN THE CITY  
OF BROOKLYN PARK,  
MINNESOTA**

An Environmental Assessment Worksheet (EAW) for the Trunk Highway (TH) 169/101st Avenue Interchange Project (SP 2750-92) is available for public review and comment beginning October 24, 2016. The project proposes construction of a new full access interchange at the TH 169/101st Avenue intersection in the City of Brooklyn Park. Additional project elements include reconstruction of 101st Avenue to a four-lane roadway from Jefferson Highway to Xylon Avenue; addition of auxiliary lanes along TH 169 between TH 610 and the proposed interchange; construction of storm-water ponds; and construction of trails and sidewalks. The project is not currently programmed for construction. The project is proposed by the City of Brooklyn Park. The Minnesota Department of Transportation (MnDOT) is the responsible governmental unit (RGU).

The public is invited to an open house on Thursday, November 10, 2016 to comment on the EAW. The open house will occur from 5:00 pm to 7:00 pm at Grace Fellowship Church (8801 101st Avenue North, Brooklyn Park, MN 55445). Copies of the EAW are available beginning October 24, 2016 for public inspection and copying during regular business hours at the following locations:

- Brooklyn Park City Hall, 5200 85th Avenue North, Brooklyn Park, MN 55443
- Brooklyn Park Library, 8500 West Broadway Avenue, Brooklyn Park, MN 55445
- Hennepin County Library, Minneapolis Central, Government Documents, 2nd Floor, 300 Nicollet Mall, Minneapolis, MN 55401
- MnDOT Metro District Office, 1500 West County Road B2, Roseville, MN 55113
- MnDOT Library, 395 John Ireland Boulevard, St. Paul, MN 55155

The EAW will also be available for review on the project website at <http://projects.srfconsulting.com/hwy169and101st>.

The public is encouraged to submit comments on the EAW during this comment period. Comments can be mailed, prior to the close of the public comment period on Wednesday, November 23, 2016, to Rick Dalton, MnDOT Environmental Coordinator, 1500 West County Road B2, Roseville, MN 55113. Comments may also be emailed to [richard.dalton@state.mn.us](mailto:richard.dalton@state.mn.us).

The above referenced document is available in alternative formats by calling 651-366-4720 or emailing [ADArequest.dot@state.mn.us](mailto:ADArequest.dot@state.mn.us). To request an ASL or foreign language interpreter at the public open house meeting, call 651-366-4720. To

request other reasonable accommodations, call 651-366-4718; the Minnesota Relay Service toll-free at 1-800-627-3529 (TTY, Voice or ASCII) or 711, or email your request to [ADArequest.dot@state.mn.us](mailto:ADArequest.dot@state.mn.us).

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