



Minnesota Department of Transportation

Transportation Building  
395 John Ireland Boulevard  
Saint Paul, Minnesota 55155-1899

September, 24, 2007

To Whom It May Concern:

**SUBJECT: Negative Declaration Regarding the Need for an Environmental Impact Statement for the Addition of an Interchange on Minnesota Trunk Highway 13 and Dakota State Aid Highway 5 and associated work in the City of Burnsville, Dakota County Minnesota**

The project involves the construction of an interchange at Minnesota Trunk Highway 13 and Dakota State Aid Highway 5. The project also includes construction of frontage and backage roads, and other improvements. Under Minnesota rules, the Minnesota Department of Transportation is the Responsible Governmental Unit (RGU) for this project.

The proposed action was described and analyzed in an Environmental Assessment circulated to the EAW Distribution List and others. A **Notice of Availability** appeared in the **EQB Monitor** on March 12, 2007. A public hearing was held March 28, 2007. The comment period closed April 11, 2007.

As the RGU for work on the Minnesota trunk highway system, Mn/DOT has undertaken a thorough analysis of the project and its impacts. Through its own analysis, coordination with affected agencies, public and community involvement, and comment letters received, Mn/DOT has determined the project does not have the potential for significant environmental impacts. Mn/DOT has concluded that an Environmental Impact Statement is not required, and has issued a Negative Declaration Order for the project. This decision and determination is supported by the full administrative record of the project, including Findings of Fact and Conclusions. The Negative Declaration concludes the Minnesota state environmental review process. The project may proceed to permitting, design and construction.

The Minnesota Department of Transportation does not intend to circulate paper copies of the Findings, Conclusions and Order. These items and others are available on the project website at: <http://www.dot.state.mn.us/metro/projects/i35w-burnsville.index.html>. Should any readers not have access to these electronic documents, paper copies may be obtained by contacting Richard Dalton at 651-234-7677.

As an item of information, the Federal Highway Administration issued a Finding of No Significant Impact for this project on September 8, 2007, also available at the above web address.

For the Minnesota Department of Transportation

A handwritten signature in black ink that reads "Frank Parko".

Frank W. Parko  
Chief Environmental Officer  
Director, Office of Environmental Services

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**FINDINGS OF FACT and CONCLUSIONS**

**T.H. 13/C.S.A.H. 5 Interchange Project**

**in Dakota County  
in the City of Burnsville**

**MINNESOTA DEPARTMENT OF TRANSPORTATION**

**State of Minnesota  
Department of Transportation**

**June 2007**

In the matter of the need for an Environmental Impact Statement for the interchange construction in the City of Burnsville, Dakota County	Findings of Fact and Conclusions MN Project Number: S.P. 19-605-24, S.P. 1901-148, & HPP 179-020-28
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**STATEMENT OF ISSUE**

The city of Burnsville proposes this project and the Minnesota Department of Transportation (Mn/DOT is the Responsible governmental Unit for review of this project. The purpose of the project is to construct a grade separated interchange at the intersection of Trunk Highway (T.H.) 13 and Dakota County State Aid Highway (C.S.A.H.) 5 and to reconstruct frontage/backage roads within the project area. There were eight intersection/interchange alternatives considered for the proposed improvements; a compressed diamond interchange configuration, a compressed/folded diamond interchange configuration, a button hook interchange configuration, a single point interchange configuration, an at-grade intersection improvement, a continuous flow at-grade intersection improvement, and a partial cloverleaf interchange configuration.

An Environmental Assessment (EA) was prepared as a part of the National Environmental Policy Act (NEPA) process and state environmental review process to fulfill requirements of both 42 USC 4332 (2)(c) et. seq. and Minnesota Statute 116D. At the federal level, the EA is used to provide sufficient environmental documentation to determine the need for an Environmental Impact Statement (EIS) or that a Finding of No Significant Impact (FONSI) is appropriate. At the state level, the EA is used to provide sufficient environmental documentation to determine the need for a state EIS, or that a Negative Declaration is appropriate.

At the state level, the document also serves as an Environmental Assessment Worksheet (EAW). Minnesota Rules 4410.1300 allows the EA to take the place of the EAW form, provided that the EA addresses each of the environmental effects identified in the EAW form. This EA includes each of the environmental effects identified in the EAW form. Federal environmental regulations not addressed in the EAW are addressed in separate subsections.

Mn/DOT’s decision in this matter shall be either a negative or a positive decision that an EIS must be prepared. Mn/DOT must order an EIS for the project if it determines the project will have the potential for significant environmental effects.

Based upon the information in the record, which is comprised of the EA for the proposed project, written comments received, responses to the comments, and other supporting documents, Mn/DOT makes the following Findings of Fact and Conclusions.

**FINDINGS OF FACT**

**Project Description**

**Existing Condition**

T.H. 13 is a four-lane divided highway through the project area. C.S.A.H. 5 is an urban four-lane roadway through the project area. Currently, C.S.A.H. 5 intersects T.H. 13 at an at-grade signalized intersection.

The total project area is 60.0 acres on urban land previously developed.

**Proposed Action**

The project description can be found in Section III.F of the EA/EAW.

The purpose of this project is to provide traffic congestion relief and safety improvements at the intersection. The project will achieve this by: 1) Constructing a grade separated interchange that

## **T.H. 13/C.S.A.H. 5 Interchange Project – Finding of Fact and Conclusions**

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will replace the existing at-grade signalized intersection of T.H. 13 and C.S.A.H. 5. This will reduce the levels of congestion at the intersection and reduce conflicts between through traffic and turning traffic. The project also reconstructs the C.S.A.H. 5/Williams Drive intersection and frontage/backage roads within the project area.

### Other Features

- Construction of water treatment ponds to meet NPDES and other applicable permit requirements.
- Noise barriers are proposed where they meet FHWA/Mn/DOT noise barrier criteria and policies.
- Signing will be added and replaced as necessary along T.H. 13 and C.S.A.H. 5, in accordance with the Minnesota Manual of Uniform Traffic Control Devices guidelines, to provide direction to motorists and/or pedestrians.

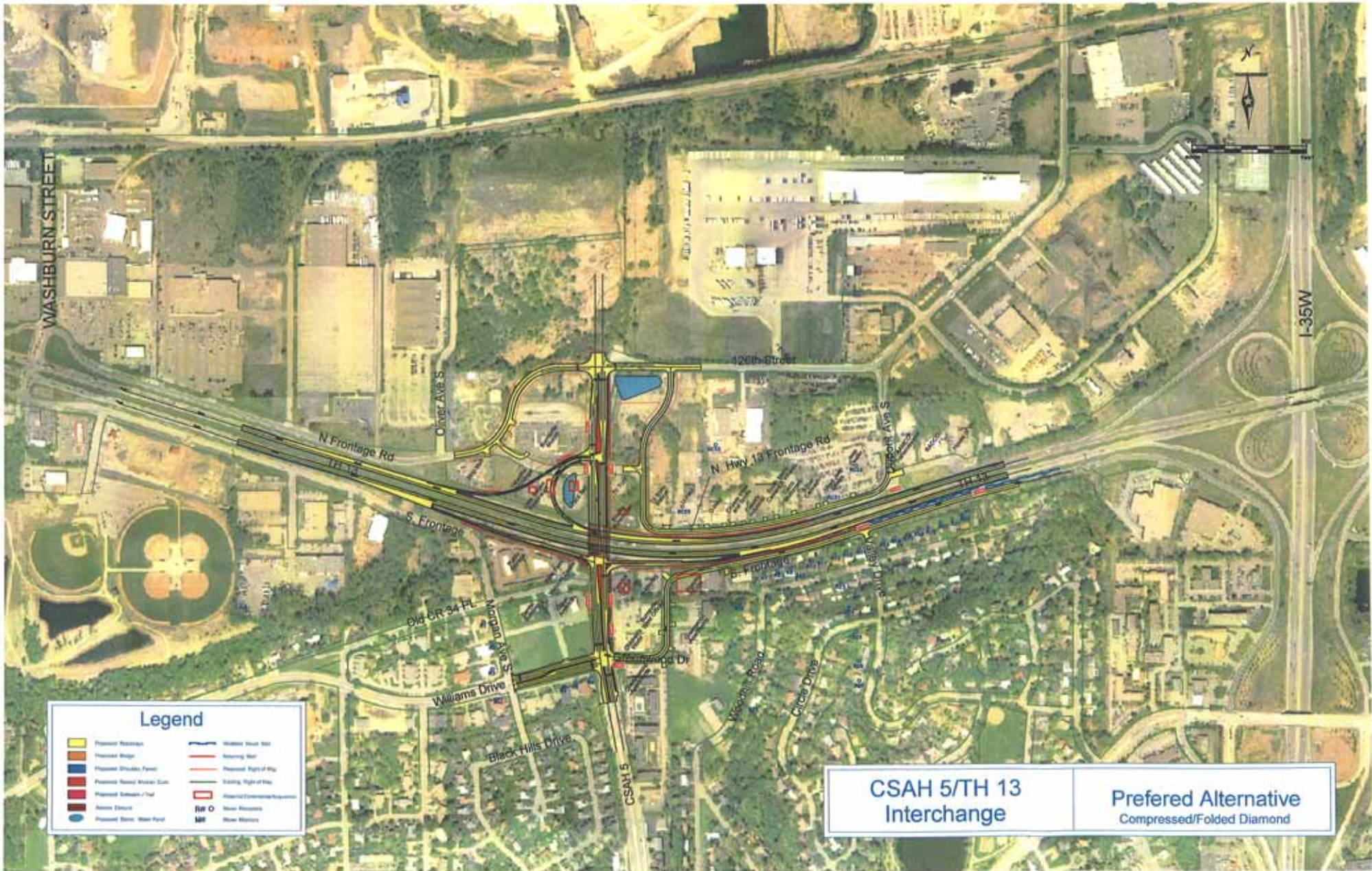
### **Changes in the Project Since the Environmental Assessment Worksheet was Released**

The current project layout is shown in Figure 1. There have been no changes between the current layout and the preferred alternative layout shown in Figure 4 of the EA/EAW.

### **Steps Completed in the Environmental Review of the Project**

1. Mn/DOT submitted the EA/EAW to the EQB on March 6, 2007.
2. A **Notice of Availability** of the EA/EAW for public comment was published in the **EQB Monitor** on March 12, 2007, which initiated the thirty-day comment period.
3. The EA/EAW was distributed to the EQB Distribution List pursuant to Minn. R. Part 4410.1500.
4. On March 8, 2007 and March 15, 2007 a notice of availability of the EA/EAW for public comment and announcement of a public hearing was published in the Burnsville Sun-Current Newspaper. Press releases were also distributed to the metropolitan media by Mn/DOT.
5. A public hearing on the project and EA/EAW was held on March 28, 2007, from 6:30 p.m. to 8:30 p.m., at the Burnsville City Hall, located at 100 Civic Center Parkway, Burnsville, Minnesota.
6. The comment period for the EA/EAW closed on April 11, 2007.





**Legend**

	Proposed Restrooms		Water Main
	Proposed Bridge		Sanitary Sewer
	Proposed Asphalt Pavement		Proposed Right of Way
	Proposed Reseal Asphalt Concrete		Existing Right of Way
	Proposed Subbase/Flot		Proposed Environmental Requirements
	Storm Structure		Manhole
	Proposed Storm Water Pond		Man Structure

CSAH 5/TH 13  
Interchange

Preferred Alternative  
Compressed/Folded Diamond

**Public Involvement**

The T.H. 13/C.S.A.H. 5 interchange project development process included a public and agency involvement program that was initiated at the beginning of project. There were several elements to the involvement program including:

Public Meetings

A public information meeting was held early in the project development process. The purpose of the meeting was to provide information on the project, receive comments and suggestions, and answer questions. The public meeting was held on December 14, 2005 at the Burnsville City Hall. Meeting notifications were mailed to property owners within close proximity of the project, as well as a meeting notice was published in local newspapers. Several interchange alternatives were presented at the meeting. Verbal and written comments were received from the public including alternative preference, potential issues and impacts, and other project concerns.

Business Owner Meetings

On April 25<sup>th</sup> and 27<sup>th</sup>, 2006 the City of Burnsville conducted individual meetings with the businesses owners immediately adjacent to the proposed improvement project. The purpose of the meetings was to inform the owners of the project and address and questions or concerns they might have at this time. The comments and concerns primarily focused on individual property impacts such as right-of-way acquisition and access and related to construction (timing, phasing, detours) of the project.

A second public information meeting was held on May 2, 2006 for the business owners near the proposed improvements. The purpose of the meeting was to present the proposed alternative, including the preliminary layout, and to provide an update on the project schedule. Again the public meeting was held at the Burnsville City Hall and meeting notifications were mailed to business owners within close proximity of the project, as well as a meeting notice was published in local newspapers. Generally, the business community supports the proposed transportation improvements and acknowledges the potential impacts associated with the preferred interchange alternative.

Project Management Team (PMT)

The project development process has been guided by a PMT consisting of staff from the City of Burnsville, City of Savage, Dakota County, and Mn/DOT. The PMT met on a regular basis to guide the development of alternatives, recommend solutions, and to review and comment on the preliminary design of the interchange improvements.

Neighborhood Noise Analysis Meeting

A meeting was held on August 23, 2006 with residential property owners located in the southeast quadrant of the interchange. The purpose of the meeting was to explain the noise analysis that was conducted for the proposed project. As part of the meeting feedback was sought to determine the desire for a noise wall and the preferred height. The City of Burnsville, in cooperation with Mn/DOT, will pursue the construction of a noise wall and will determine the height of the wall during the final design phase.

Public Hearing

A news release alerting the public to the availability of the Environmental Assessment Worksheet for public comment as well as announcing a public hearing was sent to the Twin



## **T.H. 13/C.S.A.H. 5 Interchange Project – Finding of Fact and Conclusions**

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Cities area media by Mn/DOT. The EA/EAW was made available to the public at the Dakota County (Burnhaven) Public Library, Minneapolis Public Library, Minnesota Department of Transportation Library (Central Office), Dakota County Western Service Center, City of Burnsville, as well as at Mn/DOT's Metro District Water's Edge Building. A public hearing/open house meeting was held on Wednesday, March 28, 2007 at the Burnsville City Hall to present the preferred alternative layout and findings of the EA/EAW. Approximately twenty area residents, business owners, and business representatives attended the public hearing/open house meeting. Participants at the meeting were provided the opportunity to review and comment on the preferred alternative. Staff from Mn/DOT, Dakota County, the City of Burnsville, and their consultant were available to answer questions from meeting participants. While only one formal written comment was received several discussions occurred that focused primarily on construction timing, phasing, detours, design details (grade changes, intersection geometrics, traffic control/signals), property access, and funding.

### **Agency and Public Comments on the EAW and Mn/DOT's Responses**

Copies of agency comment letters may be found in Appendix A. One written comment was received from a citizen. Comments and responses to comments are listed below.

#### **Matt Cramer (resident)**

##### **Comment: Traffic Operations/Congestion**

"Additional relief from traffic from Savage via McColl/Williams where it intersects Hwy 5 would be appreciated. Relief from Hwy 13 & Hwy 5 heading south could use an additional lane in addition to the proposed bridge."

##### **Response:**

The preferred alternative includes capacity improvements to the Williams Drive/C.S.A.H. 5 intersection. The west leg of the intersection is proposed to be reconstructed with additional capacity (turn lanes) to accommodate traffic westbound on Williams Drive to northbound on C.S.A.H. 5. The proposed bridge over T.H. 13 includes sufficient capacity to accommodate forecast traffic volumes. The design includes three southbound lanes across the bridge up to the point where the western most lane will transition into a right turn lane for Williams Drive.

#### **Department of the Army – Corps of Engineers**

##### **Comment: General Comment**

"Our preliminary jurisdictional determination, based on the information provided, is that there are no waters of the U.S. present at this site. However, please note that work performed in waters of the United States, which may include streams and waterways as well as wetlands, without a Department of the Army permit could result in enforcement action. Receipt of a permit from a state or local agency does not obviate the requirement for obtaining a department of the Army permit."

##### **Response:**

Comment noted.

#### **Minnesota Pollution Control Agency**

##### **Comment: General Comment**

"The MPCA has not reviewed the EAW for this project; therefore, the MPCA has no specific comments to provide the RGU."

##### **Response:**

Comment noted. Mn/DOT also notes that the MPCA included a permit checklist that indicated a NPDES permit will be needed for this project. Mn/DOT will obtain the NPDES permit.

**Metropolitan Council**

**Comment 1: General Comment**

"The Council staff finds that an EIS is not necessary for regional purposes."

**Response:**

Comments noted.

**Comment 2: Environmental Services**

"Metropolitan Council Interceptor (3-BV-39) is located near this project at the intersection of 126<sup>th</sup> Street West and CSAH 5 and at Oliver Avenue South and Highway 13 West. Metropolitan Council Interceptor 8560 is located near the CSAH 5 future extension within the Cliff Road West right-of-way. To assess the potential impacts to our interceptor system, prior to initiating either project, final plans should be sent for review and comment to Scott Dentz, Interceptor Engineering Manager (651-602-45-03), Metropolitan Council Environmental Services."

**Response:**

Mn/DOT, the City of Burnsville, and Dakota County will continue to coordinate with the Metropolitan Council Environmental Services regarding this project and if necessary will send a copy of the construction plans, including utility sheets, to Scott Dentz, MCES.

**Dakota County – Physical Development Division**

**Comment 1: Item 21 - Traffic**

"Section 21 states that an analysis was conducted for both AM and PM peak hour traffic. Figure 9 shows the PM peak hour turning movements for 2030. In order to understand operations throughout the day, please show a similar 2030 AM turning movements."

**Response:**

An Interchange Control Evaluation Report, dated July 12, 2006 was completed for the proposed project. The 2030 AM and PM peak hour traffic conditions were assessed and illustrated in the report. Copies of the report were distributed for review and comment to Mn/DOT, the City of Burnsville, and the Dakota County Transportation Department. Upon request, the Final Report is available to review at the agencies listed above.

**Comment 2: Environmental Comments**

The County acknowledged that several sites were identified as part of the Phase I Environmental Site Assessment (ESA) and that Phase II work should potentially include soil boring and ground water sampling.

The County acknowledged that electronic transmission lines and pipelines are present within approximately ½-mile of the project area.

The County acknowledged that numerous registered wells are located within ½-mile of the project area.

The County acknowledged that wetlands are located within ½-mile of the intersection and that caution should be taken to avoid adverse affects to wetland areas.

**Response:**

## **T.H. 13/C.S.A.H. 5 Interchange Project – Finding of Fact and Conclusions**

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Comment noted. Mn/DOT and the city of Burnsville are aware of the potentially contaminated sites within close proximity of the proposed improvements. The sites noted in the County's comment letter that fall within the project study area have been assessed as part of the Phase I ESA. The level and extent of Phase II ESA investigations will be determined and conducted during the final design phase of the project. Components of the Phase II investigations may involve soil borings or test pits and ground water sampling. If impacted soil or water is encountered during Phase II investigations, a site remediation plan may be required. The plan would be developed in accordance with MPCA Guidelines and Dakota County Ordinances. Mn/DOT also notes that the Dakota County Physical Development Division included two environmental audit graphics that depicted potentially contaminated sites as well as other natural resource features within the project area.

Mn/DOT and the city of Burnsville are aware of overhead electric transmission lines and underground utilities within the project area and will continue to coordinate with the owners of these lines throughout the final design and construction phases of the project.

The tables containing well information referred to in the County's comment letter were not attached to the letter submitted during the comment period. However, Mn/DOT and the city of Burnsville have reviewed the project area and no impacts to existing wells are anticipated. If any wells are discovered during right-of-way acquisition or construction, they will be abandoned and sealed in accordance with Minnesota Department of Health regulations.

Mn/DOT and the city of Burnsville concur with the County that wetlands are within ½-mile of the current intersection. However, field investigations conducted there are no wetlands within the project area and no impacts to wetlands outside the project area are anticipated.

### **Lower Minnesota River Watershed District**

#### **Comment 1: Surface Water Management**

The LMRWD comments focus on ensuring the transportation improvements meet the goals and policies of the LMRWD for surface water runoff. Furthermore, the LMRWD requests the opportunity to review the project when 70 percent plans are complete to ensure rate control requirements are met and that any changes in the project remain in compliance with their policies.

#### **Response:**

The EA contained preliminary analysis for surface water drainage/ponding to determine drainage patterns and potential conveyance and ponding sites within the project area. The final design phase of the project, which will be initiated following the environmental review phase, will provide detailed assessment of surface water management improvements needed to make certain runoff is collected, stored, and treated at acceptable rates. Mn/DOT and/or the City of Burnsville will continue to consult with the LMRWD during the final design phase to ensure their goals and policies are met.

### **Criteria for Determining the Significance of Environmental Impacts**

Minnesota Rule 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 factors shall be considered:

#### **Type, extent, and reversibility of environmental impacts**

Mn/DOT found no potential for significant impacts identified during the public review period. The project will result in minor impacts on noise and water quality/erosion and sedimentation.

### **Cumulative potential effects of related or anticipated future projects**

In an effort to account for potential secondary or cumulative effects of the T.H. 13/C.S.A.H. 5 interchange project, the CEQ guidance was applied to first define the geographic scope and then identify those projects that are reasonable foreseeable actions. A geographic boundary was defined as an area approximately ½-mile from the project area addressed in the EA/EAW. The reasonably foreseeable future actions within this geographic boundary include the following:

#### Northern Extension of CSAH 5

The City of Burnsville Comprehensive Plan, the T.H. 13 Corridor Study, and the Dakota County Comprehensive/Transportation Plan all identify the concept of extending C.S.A.H. 5 from its current northern terminus at 126<sup>th</sup> Street to the I-35W/Cliff Road Interchange. The project would include the construction of approximately 1.2 miles of new urban four-lane roadway. The proposed northern extension of C.S.A.H. 5 underwent independent environmental review (EAW) in October, 2001. The findings of the EAW concluded that the project would have minimal adverse impacts on natural resources, but would be highly beneficial on traffic operations for the local and regional transportation systems.

#### Land Development and Redevelopment

Both the Minnesota River Quadrant (MRQ) Redevelopment Project and the Heart of the City (HOC) Town Center Redevelopment Project are located in close proximity to the T.H. 13/C.S.A.H. 5 Interchange Project.

The MRQ project is located in the northwest quadrant of I-35W and T.H. 13. The existing land use in the 1,500-acre site is made up primarily of a large quarry, landfill, and some industrial development. The City of Burnsville has created a redevelopment concept plan. The redevelopment of this area is anticipated to occur over the next 10-15 years. The HOC project is located in the southeast quadrant of I-35W in the area of Nicollet Avenue. The redevelopment plan for the 54-acre site is a pedestrian-friendly, mixed use, downtown area for the City of Burnsville. The HOC redevelopment project underwent independent environmental review (EAW). The findings of the EAW concluded that the project would result in minimal adverse impacts on natural resources, but would have an affect on traffic and the existing public infrastructure.

#### Reconstruction of the I-35W and TH 13 Interchange

Mn/DOT has identified the segment of I-35W in Burnsville to be an area of increasing congestion and safety concerns. As a result, Mn/DOT, in cooperation with the City of Burnsville and several other key stakeholders, has begun the process to define a long-term vision for this segment of the interstate system. Several conceptual design options for the I-35W and T.H. 13 interchange have been developed, but no preferred alternative has been identified.

Each of these actions and their potential secondary and cumulative effects is described in greater detail in the T.H. 13/C.S.A.H. 5 EA/EAW. The potential impacts and understood mitigation measures associated with each project provides sufficient information to determine the proposed T.H. 13/C.S.A.H. 5 Interchange Project as well as the projects discussed above will not result in significant secondary and/or cumulative social, economic, or environmental impacts.

### **The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority**

Several federal, state, and local permits are required to ensure that specific environmental effects are mitigated. The mitigation of environmental impacts will be designed and implemented in

**T.H. 13/C.S.A.H. 5 Interchange Project – Finding of Fact and Conclusions**

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coordination with regulatory agencies, and will be subject to permitting processes. Permits and approvals that have been or may be required prior to project construction are shown below:

<b>Unit of Government</b>	<b>Type of Application/Permit</b>	<b>Status</b>
<b>Federal Highway Administration</b>	<b>Environmental Assessment</b>	<b>Approved</b>
	<b>EIS-Need-Decision</b>	<b>Pending</b>
<b>Mn/DOT</b>	<b>Environmental Assessment</b>	<b>Approved</b>
	<b>EIS-Need-Decision</b>	<b>Complete</b>
	<b>Study Report</b>	<b>Pending</b>
	<b>Geometric Layout Approval</b>	<b>Approved</b>
	<b>Construction Plan Approval</b>	<b>Pending</b>
	<b>Cultural Resource Determination – Section 106 Compliance</b>	<b>Finding of No Effect</b>
	<b>Federal Endangered Species Review</b>	<b>Complete</b>
	<b>Permit to Construct</b>	<b>Pending</b>
<b>Drainage Permit</b>	<b>Pending</b>	
<b>Minnesota Department of Natural Resources</b>	<b>State Endangered Species Review</b>	<b>Complete</b>
<b>Minnesota Pollution Control Agency</b>	<b>National Pollutant Discharge Elimination System – Phase II Permit</b>	<b>Pending</b>
<b>Dakota County</b>	<b>Construction Plan Approval</b>	<b>Pending</b>
<b>Lower Minnesota River Watershed District</b>	<b>Construction Permit</b>	<b>Pending</b>
<b>Black Dog Watershed Management Organization (WMO)</b>	<b>Project Consultation</b>	<b>Pending</b>

**The extent to which the 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**

The Minnesota Department of Transportation, the city of Burnsville, and Dakota County all have extensive experience in roadway construction projects. Many similar projects have been designed and constructed throughout the area encompassed by the Mn/DOT Metro District. All design and construction staff are very familiar with the project area. No problems are anticipated that the staff of Mn/DOT Metro District have not encountered and successfully solved many times previously in similar projects in or near the project area. The Minnesota Department of Transportation finds that the environmental effects of the project can be anticipated and controlled as a result of environmental review and experience on similar projects.

**CONCLUSIONS**

1. All requirements for environmental review of the proposed project have been met.
2. The EA/EAW and permit processes related to the project have generated information that is sufficient to determine whether the project has the potential for significant effects.
3. Areas where potential environmental effects have been identified are being addressed during the detail design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigative measures are incorporated into project design, and have been or will be coordinated with county and state agencies during the permit process.

**T.H. 13/C.S.A.H. 5 Interchange Project – Finding of Fact and Conclusions**

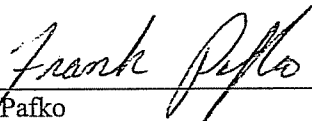
4. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.
5. An Environmental Impact Statement is not required on the proposed improvements to the proposed project located at the intersection of T.H. 13 and C.S.A.H. 5.

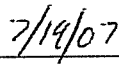
**ORDER**

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

The Minnesota Department of Transportation hereby determines that the T.H. 13/C.S.A.H. 5 Interchange Project proposed by the City of Burnsville will not result in significant environmental impact, and that the project does not require the preparation of an Environmental Impact Statement.

For the Minnesota Department of Transportation

  
\_\_\_\_\_  
Frank Pafko  
Chief Environmental Officer  
Director, Office of Environmental Services  
Minnesota Department of Transportation

  
\_\_\_\_\_  
Date



**APPENDIX A: PUBLIC & AGENCY COMMENTS**



TH 13/CSAH 5 Interchange Project  
Public Hearing/Open House Meeting  
Wednesday, March 28, 2007  
6:30 – 8:30 p.m.



Name     Matt Cramer    

Representing:     Resident    

Comments:     Additional relief from traffic from      
    Savage via McColl/Williams where it intersects      
    Hwy 5 would be appreciated. Relief from Hwy 13      
    & Hwy 5 heading south could use an additional      
    lane in addition to the proposed bridge.



DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
190 FIFTH STREET EAST  
ST. PAUL, MN 55101-1638

REPLY TO  
ATTENTION OF

**MAR 30 2007**

Operations  
Regulatory (2007-1600-BAJ)

Ms. Victoria Nill  
Mn/DOT Project Manager  
1500 West County Road B-2  
Roseville, Minnesota 55113


Dear Mr. Nill:

The St. Paul District, Corps of Engineers has reviewed an Environmental Assessment Worksheet for the proposed improvements at the intersection of CSAH 5 and TH 13. The study area is in Section 14 in Township 115 North, Range 21 West, Dakota County, Minnesota.

Our preliminary jurisdictional determination, based on the information provided, is that there are no waters of the U.S. present at this site. However, please note that work performed in waters of the United States, which may include streams and waterways as well as wetlands, without a Department of the Army permit could result in enforcement action. Receipt of a permit from a state or local agency does not obviate the requirement for obtaining a Department of the Army permit.

If you have any questions, contact Mr. Bradley Johnson in our St. Paul office at (651) 290-5250. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

*for*   
Robert J. Whiting  
Chief, Regulatory Branch



# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us)

April 5, 2007

Ms. Victoria Nill, Project Manager  
Minnesota Department of Transportation  
1500 West County Road B-2  
Roseville, MN 55113

RE: TH 13/CSAH 5 Interchange Project  
Environmental Assessment

Dear Ms. Nill:

The Minnesota Pollution Control Agency (MPCA) has received copies of the Environmental Assessment Worksheet (EAW) prepared for the above project, prepared by the Minnesota Department of Transportation, Responsible Governmental Unit (RGU). The MPCA has not reviewed the EAW for this project; therefore, the MPCA has no specific comments to provide the RGU. This decision not to review the EAW does not constitute waiver by the MPCA of any pending permits required 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. The enclosed checklist identifies permits that the project may require, together with the most recent contacts at the MPCA.

We remind the RGU that, pursuant to Minn. R. 4410.1700, subp. 5 (Environmental Quality Board Rules), a copy of the RGU's decision on this EAW needs to be sent to the MPCA.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Ebertz".

Jessica Ebertz  
Project Manager  
Environmental Review and Operations Section  
Regional Division

JE:mbo

Enclosure

cc: Bud Osmundson, City of Burnsville

## CHECKLIST

After a cursory review of the proposed project, the Minnesota Pollution Control Agency (MPCA) staff noted areas that may need additional follow-up and/or a permit from the MPCA. Those specific areas are checked below:

SDS Permit – Sanitary Sewer Extension Permit

A State Disposal System (SDS) Permit is required for any extension of a sanitary sewer. If a sanitary sewer is proposed as a part of this project, an application for the SDS Permit should be made to the MPCA by contacting David Sahli, Municipal Division (MUN), Metro Region, at 651-296-8722.

NPDES/SDS Permit for dredged material disposal.

If disposal of dredged material is anticipated, then Brett Ballavance (Duluth office) at 218-723-4837 or Jaramie Logelin (Duluth office) at 218-529-6257 (northern), or Elise Doucette (MUN/Metro Region) at 651-296-7290 or Jeff Smith (Rochester office) at 507-285-7302 (southern) should be contacted.

NPDES Permit – Construction Stormwater:

A General National Pollutant Discharge Elimination System (NPDES) Permit from the MPCA for construction activities will be required for all projects that disturb one (1) or more acres of land. The NPDES Permit specifically requires Best Management Practices which are detailed in the permit (additional information can be found in the MPCA document *Protecting Water Quality in Urban Area*) to prevent erosion and control sedimentation during construction and a stormwater pollution prevention plan to manage pollutants in storm-water runoff from the site that will occur after construction is complete. As a requirement of the NPDES Permit, storm-water wet-detention ponds must be installed to treat the storm-water runoff whenever a project replaces surface vegetation with one or more cumulative acres of impervious surface. If you have need of technical assistance regarding this, please contact Michael Findorff (MUN/Metro Region) at 651-296-6798 or Todd Smith (MUN) at 651-215-6008. For more general information, please contact the appropriate MPCA Regional Office staff below:

- Brainerd, Lisa Woog at 218-855-5017
- Duluth, Jim Dexter at 218-529-6253
- Detroit Lakes, Joyce Cieluch at 218-846-7387
- Willmar/Marshall, Judy Mader (St. Paul office) at 651-296-7315 or Mark Hanson (Marshall Office) at 507-537-6000
- Rochester, Roberta Getman at 507-280-2996
- Metro, Brian Gove (REM/Metro Region) at 651-296-7597

NPDES Permit – Industrial Stormwater

- Brainerd, Robin Novotny at 218-828-6114
- Duluth, John Thomas at 218-723-4928
- Detroit Lakes, Jack Frederick at 218-846-0734
- Marshall, Brad Gillingham at 507-537-6381
- Mankato, Teri Roth at 507-389-5235
- Rochester, Dennis Hayes at 507-280-2991
- Rochester, Jeff Smith at 507-285-7302
- Major Facilities, Elise Doucette (MUN/Metro Region) at 651-296-7290
- Willmar, Ben Koplin at 320-231-5321

Federal Water Quality Certification

Waiver of the Clean Water Act Section 401 Water Quality Certification is required. When wetlands are altered or impacted by filling, drainage, excavation, or inundation as part of the federal Clean Water Act Section 404 permit process, a statement waiving the 401 Certification from our agency must be obtained.

If you have any questions regarding this, please contact Jennifer Olson, of the Regional Division, Business Systems Unit 1, at 651-297-8611. The MPCA requires the project be evaluated for mitigation in accordance with the following hierarchy of preference:

- a. Avoid the impact.
- b. Minimize the impact.
- c. Mitigate the impact through wetland replacement.

Individual Septic Tank System

Individual septic tank systems design and construction must comply with Minn. R. 7080. For additional information, contact Mark Wespetal (MUN, Water Policy and Coordination) at 651-296-9322.

Demolition Debris

Demolition debris must be disposed of at a properly permitted disposal facility. For information on the location of one nearest you, please contact the appropriate MPCA Regional Office staff below:

- Brainerd, Curt Hoffman at 218-828-6198
- Detroit Lakes, Roger Rolf at 218-846-0774
- Duluth, Heidi Kroening at 218-723-4795 or Tim Musick at 218-723-4708
- Marshall, Brad Gillingham at 507-537-6381
- Rochester, Mark Hugeback at 507-280-5585
- Metro, Jackie Deneen (MUN) at 651-297-5847

Asbestos

Asbestos may be present in the building(s) that will be demolished, which requires special handling. Please contact Jackie Deneen (MUN) at 651-297-5847 for additional information.

Wells

Abandonment and/or installation of wells must be done by a licensed well driller. Please contact the Minnesota Department of Health 651-215-0823 for additional information.

Above and Below Ground Tanks

The installation and/or removal of ALL above and below ground tanks must be reported to the MPCA before any work begins. Please contact the MPCA Customer Assistance Center at 651-297-2274 or 800-646-6247 for additional information.

Cumulative Potential Effects

A "cumulative potential effects" inquiry under Minn. R. 4410.1700, subp. 7, requires a Responsible Governmental Unit to inquire whether a proposed project, which may not individually have the potential to cause significant environmental effects, could have a significant effect when considered along with other projects that (1) are already in existence or planned for the future; (2) are located in the surrounding area; and (3) might reasonably be expected to affect the same natural resources.

Other Issues Identified by Staff

The correct name for the "VPIC" program (p. 15 of EAW) is the "Petroleum Brownfields Program." Any contamination encountered during construction should be reported immediately to the Minnesota Duty Officer at 651-649-5451.



# Metropolitan Council

April 6, 2007

Victoria Nill  
Project Manager  
Minnesota Department of Transportation (MNDOT)  
1500 West County Road B2  
Roseville, MN 55113

RE: Environmental Assessment for SP 19-605-24; SP 1901-148; HPP 179-020-28  
TH 13/CSAH 5 Interchange Project in Burnsville, Dakota County  
Daniel Wolter, Metropolitan Council District 15  
Review File No. 19983-1

Dear Ms. Nill:

Metropolitan Council staff has reviewed the environmental assessment (EA) for this project to determine its adequacy and accuracy in addressing regional concerns, potential impacts that warrant further investigation, and the need for an environmental impact statement (EIS).

The project will construct a compressed/folded diamond at the intersection of TH 13 and CSAH 5 and reconstruct frontage/backage roads within the project area. The TH 13 Corridor Study, adopted in 2000, identified the intersection of TH 13 and CSAH 5 as the top priority for needing improvement along the TH 13 corridor. The preferred interchange design will provide acceptable operations along TH 13 and CSAH 5, accommodate future development in the study area, minimize impacts on the local street system, minimize right of way impacts in the northeast quadrant of the interchange; and improve exit ramp spacing from I-35W.

The Council staff finds that an EIS is not necessary for regional purposes. However, Council staff requests that the following comment be addressed:

*Environmental Services (Roger Janzig, 651 602-1119)*

Metropolitan Council Interceptor (3-BV-39) is located near this project at the intersections of 126<sup>th</sup> Street West and CSAH 5 and at Oliver Avenue South and Highway 13 West. Metropolitan Council Interceptor 8560 is located near the CSAH 5 future extension within the Cliff Road West right-of-way. To assess the potential impacts to our interceptor system, prior to initiating either project, final plans should be sent for review and comment to Scott Dentz, Interceptor Engineering Manager (651-602-4503), Metropolitan Council Environmental Services.

If you have questions about these comments, please contact Ann Braden, Principal Reviewer, at 651 602-1705.

Sincerely,



Phyllis Hanson  
Manager, Local Planning Assistance

cc: Daniel Wolter, Council Member District 15  
Ann Braden, Principal Reviewer  
Cheryl Olson, Referrals Coordinator



**Physical Development Division**  
Gregory J. Konat, Director

Dakota County  
Western Service Center  
14955 Galaxie Avenue  
Apple Valley, MN 55124-8579

952.891.7000  
Fax 952.891.7031  
www.dakotacounty.us

Environmental Mgmt. Department  
Farmland & Natural Areas Program  
Office of GIS  
Parks Department  
Office of Planning  
Surveyor's Office  
Transit Office  
Transportation Department  
Water Resources Office

April 9, 2007

Victoria Nill  
Mn/DOT Project Manager  
1500 West County Road B-2  
Roseville, MN 55113

RE: Dakota County Comments on the Environmental Assessment for the  
TH 13 and CSAH 5 Interchange Project

Dear Ms Nill:

Thank you for the opportunity to review and comment on the environmental  
assessment (EA) for the proposed TH 13 and CSAH 5 Interchange.

This a joint project between Mn/DOT, the City of Burnsville, and Dakota  
County. The environmental assessment has been reviewed by staff in the  
Physical Development Division. Our comments are included with this letter.  
In addition, we have also attached a series of maps for further explanation.  
Our staff will continue to work with all agencies in order to resolve any  
environmental issues.

We look forward to working with you, Mn/DOT, and the City of Burnsville as  
this project moves forward. If you have any questions, please call me at  
(952) 891-7034.

Sincerely,

Greg Konat  
Director – Physical Development Division

Encl

cc: Commissioner Michael E. Turner– District 5



# **Dakota County Comments: TH 13 and CSAH 5 Interchange**

## **Overview**

The proposed improvements include constructing a grade separated interchange at the intersection of TH 13 and CSAH 5, in the City of Burnsville, Dakota County. The preferred interchange configuration is a compressed/folded diamond with an exit loop ramp in the northwest quadrant. Other improvements include reconstructing frontage/backage roads and limiting access within the project area.

## **Need for Proposed Action**

The project is needed to provide safety and operational benefits for the area transportation network. The TH 13 Corridor Study, completed in 2000, identified the intersection of TH 13 and CSAH 5 as the top priority for needing improvements along the TH 13 corridor. TH 13 serves as an important principal arterial serving transportation needs south of the Minnesota River, including critical freight movements. CSAH 5 is the only continuous minor arterial connecting CSAH 42 and TH 13 between I-35W and TH 13 to the west. As such, CSAH 5 serves a critically important role for both local and regionally oriented travel. Traffic volumes have increased in the project area to the point that the traffic demand is exceeding the capacity of the at-grade intersection, which in turn results in extended periods of heavy congestion and unacceptable levels of service (LOS) of E and F during peak hours.

## **Agency Cooperation**

The project development process has been guided by a Project Management Team (PMT) consisting of staff from the City of Burnsville, Dakota County, and Mn/DOT. The PMT has met on a regular basis to guide the development of alternatives, recommend solutions, and to review and comment on the preliminary design of the interchange improvements.

A Phase I Environmental Assessment was conducted for the site. Dakota County Environmental Management Staff has been working with the Transportation Staff, as well as Mn/DOT and the City of Burnsville to resolve the issues identified.

## **Comments**

### **Section 21 - Traffic Comments**

Section 21 states that an analysis was conducted for both AM and PM peak hour traffic. Figure 9 shows the PM peak hour turning movements for 2030. In order to understand operations throughout the day, please show a similar figure for 2030 AM turning movements.

#### **Figure 9**

Add "2030" into Figure 9 title - it's not clear what year this figure represents without searching into the report.

### **Sections 9, 13, 17, 19, 20, 29 - Environmental Assessment Information**

Twenty-two waste sites were identified within approximately ½ mile of the current intersection of TH 13 and CSAH 5. A waste site is an area where solid or hazardous wastes are disposed, where hazardous materials are spilled or leaked, or where contaminants are leached or otherwise released into the environment. Waste sites range from well known to unknown, recent to very old, surficial to buried, small to large, inert to reactive, and relatively safe to hazardous.

## **Dakota County Comments: TH 13 and CSAH 5 Interchange**

Environmental contamination affects the air, land, surface water, and groundwater and may seriously impact plants, animals, and humans. In short, a site is any waste disposal or contaminant release potentially impacting the environment and threatening public health and safety.

Twelve Minnesota Pollution Control Agency (MPCA) Spill sites were identified within approximately ½ mile of the current intersection of TH 13 and CSAH 5.

Eight MPCA Leaking Underground Storage Tank (LUST) sites were identified within approximately ½ mile of the current intersection of TH 13 and CSAH 5.

Fifty-three MPCA Registered Tanks were identified within approximately ½ mile of the current intersection of TH 13 and CSAH 5.

Numerous Hazardous Waste generators with active and inactive licenses were identified within approximately ½ mile of the current intersection of TH 13 and CSAH 5. Refer to the attached table for a listing of the generators.

Electric transmission lines pipelines are present within approximately ½ mile of the current intersection of TH 13 and CSAH 5. Contact the pipeline or transmission line owner for additional information.

Numerous registered wells were identified within approximately ½ mile of the current intersection of TH 13 and CSAH 5. Refer to the attached table for a listing of the identified wells. Contact the Dakota County Water Resources Office for additional information.

Refer to the attached tables for more information regarding the above-referenced sites. Refer to the attached figures for locations of the above-referenced sites.

### **Environmental Comments**

A Phase I Environmental Assessment was conducted by the City of Burnsville for the completion of the EA. Twenty-six sites and six Dakota County wastes sites were identified in the EA as known and potentially contaminated properties.

Ten waste sites and twelve LUST sites were identified within ½ mile of the current intersection of TH 13 and CSAH 5 as part of this review. These sites are identified as industrial waste disposals, demolition disposals, large unlimited disposals, household disposals and leak or LUST sites.

The EA recommends that a Phase II Environmental Assessment (EA) is conducted prior to right-of-way acquisition and property acquisition for the interchange project. Soil borings and soil and ground water sampling should be included as a component of the Phase II EA.

The City of Burnsville should be aware that if development occurs on, adjacent to, or near a potentially impacted site, soil and groundwater impacts may be encountered that are not known or identified due to down-gradient migration of surface water and groundwater. Due to the potential to encounter impacts from adjacent sites, a radius of approximately ½ mile has been used as the standard search radius for this environmental review. It is also possible that sites will be encountered that have not been identified and are not known sites. Should impacted soil or water be encountered during this project, a site investigation and remediation in accordance with MPCA Guidelines and Dakota County Ordinances may be required. If impacted soil or water is encountered or debris identified, please contact the Dakota County Water Resources Office for assistance.

Since 1974, all water wells constructed in Minnesota have been required to meet location and construction requirements of the Minnesota Well Code. Wells are used for domestic and

## **Dakota County Comments: TH 13 and CSAH 5 Interchange**

municipal drinking water supply, water quality monitoring, and irrigation. As wells age, they may deteriorate and lose their ability to keep surface contaminants and contaminated groundwater from impacting deeper aquifers. Because of these concerns, Dakota County requires that at the time of property transfer, unused wells either be sealed or registered annually. State law requires that a seller who fails to properly disclose a well, may be liable for well sealing costs for up to six years after the date of the sale.

Wetlands were identified within ½ mile of the current intersection of TH 13 and CSAH 5. Caution should be taken to avoid adverse affects to wetland areas. Refer to the attached figures for locations of the wetland areas. Wetland classification is from the National Wetland Inventory.

### **Environmental Findings and Recommendations**

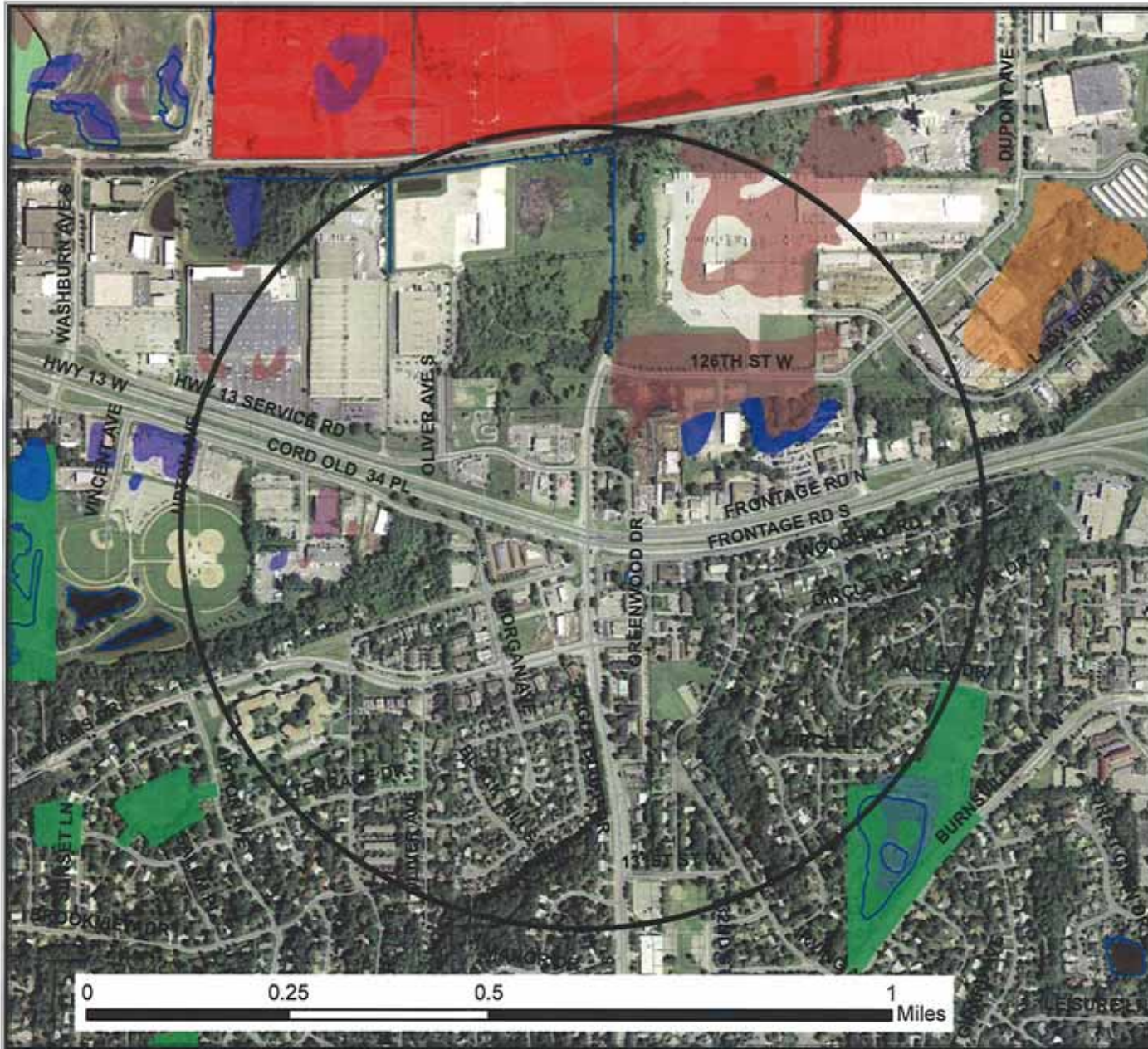
A Phase II EA of the right-of-way and property acquisition parcels should be conducted utilizing soil borings or test pits and collection of soil samples and ground water samples, if encountered, for laboratory analysis. The Dakota County Water Resources Office recommends that a Phase II EA be conducted prior to right-of-way and property acquisition as stated in the EA.

Should additional information be needed regarding information referenced in this report, please contact the Dakota County Water Resources Office at 952-891-7532.

*Disclaimer: The information in this environmental review is made available as a public service. This information is to be used for reference purposes only. Dakota County makes no representation or warranties, expressed or implied, with respect to the data provided herein, regardless of its format or means of transmission. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability of this data for any purpose. The user accepts the data "as is" and assumes all risks associated with its use. If any discrepancies, inaccuracies, or inconsistencies are found, please contact the Dakota County Water Resources Office at 952-891-7557.*



# Environmental Audit



## Legend

□ Parcels

— Water

### Wetland

#### Circ391

■ Seasonal Flooding

■ Fresh Meadows

■ Shallow Marshes

■ Deep Marshes

■ Open Water

■ Shrub Swamps

■ Wooded Swamps

■ Riverene

■ MCBS Sites of Biodiversity Significance

■ MCBS Native Plants

■ Active Mines

■ City Parks

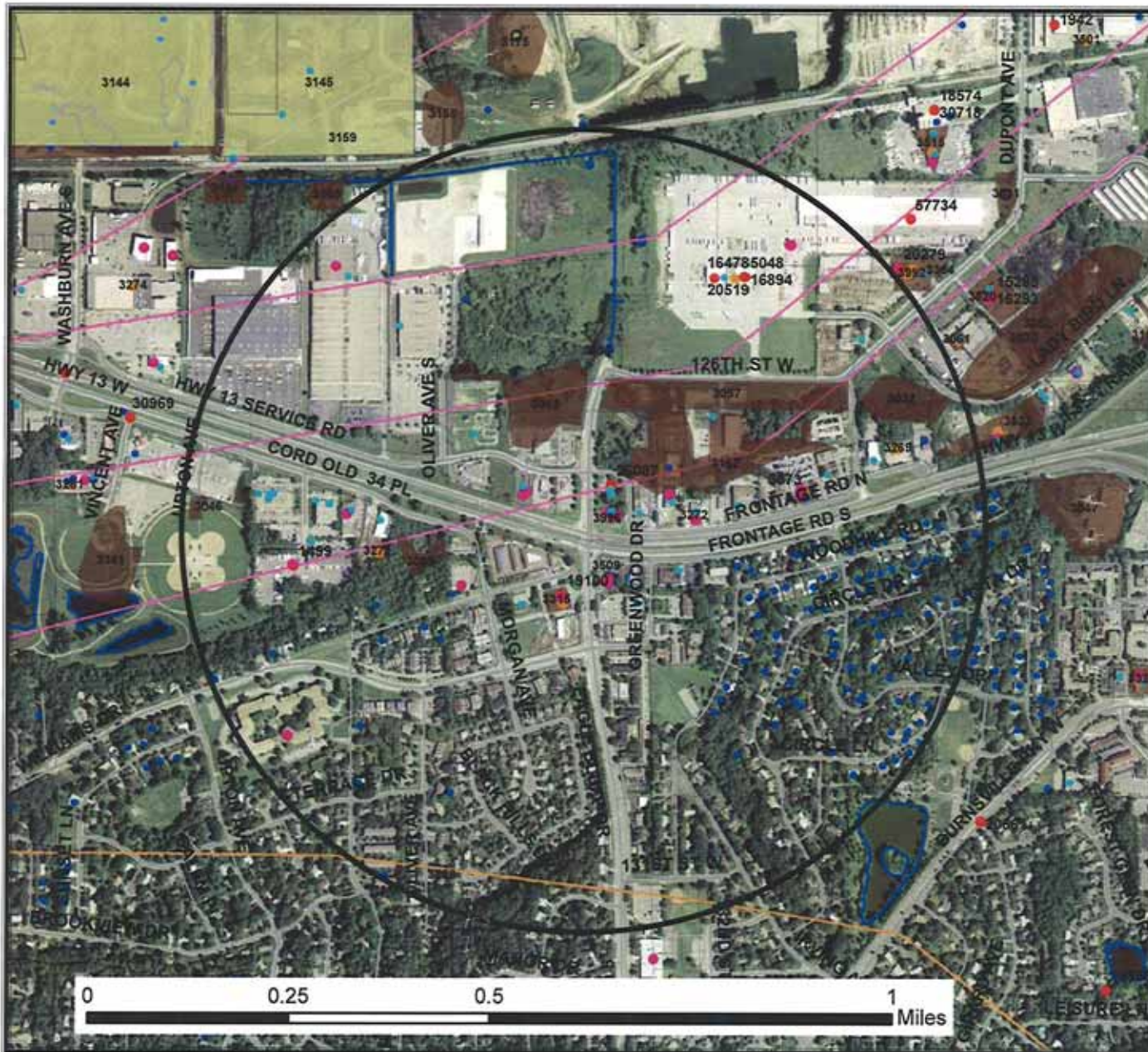
— Street Centerlines

Copyright 2007, Dakota County

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# Environmental Audit

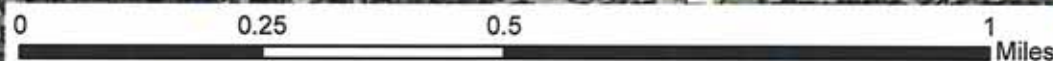


## Legend

- Haz Waste Generators
  - MPCA Tanks
  - Wells
  - MPCA Spills
- MPCA MES Sites**
- CERCLIS
  - CLP
  - DPLP
  - DUMPS
  - NFRAP
  - PLP
  - SWPERM
  - SW\_PERM
  - VIC
- MPCA LUST Sites
- Solid Waste Facilities
  - Waste Sites
  - Parcels
  - Pipelines
  - Electric Transmission Lines
  - Water
  - Street Centerlines

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## *Lower Minnesota River Watershed District*



Len Kremer, President  
Hennepin County  
Ron Kraemer, Vice President  
Dakota County  
Lawrence Samstad, Manager  
Scott County

Kent Francis, Secretary  
Carver County  
Edward A. Schlamp, Treasurer  
Hennepin County  
Terry L. Schwalbe, Administrator  
Cell (952) 221-1089

April 19, 2007

Bob Rogers  
SEH  
3535 Vadnais Center Drive  
St. Paul, MN 55110-5196

RE: Preliminary Plan for TH13/CSAH 5 Interchange Project-City of Burnsville

Dear Mr. Rogers:

Thank you for the opportunity to review the Environmental Assessment (dated March 2007), preferred alternative preliminary layout plan (dated March 2007) and pond sizing computations for compliance with the goals and policies of the Lower Minnesota River Watershed District.

On April 18, 2007, the Board of Managers of the Lower Minnesota River Watershed District gave preliminary approval of the preliminary plans for this project. Approval is conditioned upon the implementation of the comments and recommendations referenced below as well as conditioned upon having the opportunity to again review this project when 70% of the plans are completed to ensure that 1) rate control requirements are met and 2) any changes remain in compliance with our policies.

Following are comments and recommendations for implementation:

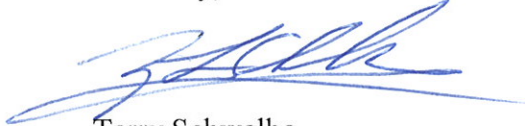
- 1) As planned, the proposed ponds contain sufficient dead storage to treat the volume of runoff generated from the project site by the 2.5", 24-hour storm event.
- 2) The LMRWD requires that proposed peak storm water rates meet existing rates for the 5-or 10- and 100-yr, 24-hr storm events. At this stage, the preliminary plans lack sufficient detail to exactly determine whether this requirement will be met. However, it is

*1600 Bavaria Road, Chaska, MN 55318*  
*Terry Schwalbe: 952-227-1037; Joan Ellis: 952-227-1038; Fax: 952-227-1039*  
*E-mail [terrys@lowermn.com](mailto:terrys@lowermn.com); [joane@lowermn.com](mailto:joane@lowermn.com)*

## *Lower Minnesota River Watershed District*

our experience that storm water ponds sized to meet the water quality requirements detailed above will typically have the capacity to meet rate control requirements.  
3) The preliminary layout and storm water pond design generally meet the goals and policies of the LMRWD.

Sincerely,



Terry Schwalbe  
District Administrator

cc: Bud Osmundson, Engineer, City of Burnsville

*1600 Bavaria Road, Chaska, MN 55318*  
*Terry Schwalbe: 952-227-1037; Joan Ellis: 952-227-1038; Fax: 952-227-1039*  
*E-mail [terrysts@lowermn.com](mailto:terrysts@lowermn.com); [joane@lowermn.com](mailto:joane@lowermn.com)*

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**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
MINNESOTA DIVISION**

**ADMINISTRATIVE ACTION  
FINDING OF NO SIGNIFICANT IMPACT  
FOR MINNESOTA PROJECT HPP 179-020-28**

S.P. 1901-148, 19-605-24  
TH 13/Dakota CSAH 5 Interchange Construction  
In the City of Burnsville  
In Dakota County, Minnesota

The proposed project consists of constructing a grade separated (button hook) interchange at the intersection of Trunk Highway (TH) 13 and Dakota County State Aid Highway (CSAH) 5 to replace an existing at-grade intersection. Furthermore, the project scope includes reconstructing frontage/backage roads necessary to support the projected traffic.

The Federal Highway Administration (FHWA) has determined that the proposed improvements, as described in the Environmental Assessment (EA), will have no significant impact on the human environment. This FONSI is based on the attached EA which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impact of the proposed project and appropriate mitigation measures.

The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the EA for the subject project.



Jean Wallace  
Project Development Team Leader  
Federal Highway Administration

9/10/2007  
Date