

CITY OF BLAINE
Anoka County, Minnesota

RECORD OF DECISION
FINDINGS OF FACT, CONCLUSIONS and CITY COUNCIL RESOLUTION 05-35

DATE: February 8, 2005

RE: Determination of Need for an Environmental Impact Statement (EIS)

PROJECT: TH (Trunk Highway) 65 West Central Area Service Road
Improvement Project No. 03-10

ALIGNMENT: 109th Avenue NE to Paul Parkway NE

FINDINGS OF FACT

1. Pursuant to Minnesota Rules for Highway Projects, 4410.4300, Subpart 22(A), The City of Blaine, Anoka County, Minnesota, acting as the Responsible Governmental Unit (RGU) prepared the mandatory Environmental Assessment Worksheet (EAW) for the proposed TH (Trunk Highway) 65 West Central Area Service Road Project.
2. The EAW is incorporated by reference in this Record of Decision.
3. As indicated in the EAW, the proposed TH 65 West Central Area Service Road Project includes utilities installation and the extensions of existing Johnson Street NE and Ulysses Street NE as an urban, three-lane collector service road, providing local public traffic with an alternate route off TH 65 from 109th Avenue NE to Paul Parkway NE in the City of Blaine, Anoka County, Minnesota.
4. City Council authorized EAW submittal to the Minnesota Environmental Quality Board (MEQB) on December 2, 2004.
5. A press release announcing the availability of the EAW for public review and comment, including a brief description of the project, was sent to *Blaine/Spring Lake Park Life*, *Blaine Banner*, *Focus News* and *Quad Community Press* on December 12, 2004.
6. The EAW was filed with the MEQB and notice for its availability for public review and comment was published in the *EQB Monitor* on December 20, 2004. A copy of the EAW was sent to all persons on the MEQB Distribution List and to persons who requested a copy. The EAW was also made available on the City of Blaine's website.
7. The 30-day public review and comment period for the EAW began on December 20, 2004 and ended on January 19, 2005.
8. During the 30-day public review and comment period, the City of Blaine received nine (9) written comments on the EAW from four (4) different regulatory agencies. Two (2) regulatory agency comments were received after the close of the comment period. Comments were received from:
 - a.) Anoka County Highway Department
 - b.) Minnesota Department of Natural Resources

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- c.) Metropolitan Council
- d.) Minnesota Department of Transportation

The written comments received, including those received after the close of the comment period, are presented below with a City of Blaine response following each comment. Regulatory agency comments and City responses are formatted with reference to item 8 of this Record of Decision as follows:

Anoka County Highway Department

8a – 1 Comment: In the traffic section of the EAW it may be appropriate to discuss the closure of the 16 access points along TH 65, depicted in Figure 9.

8a – 1 Response: Comment noted. Discussion of closure for the 16 existing access points along TH65 was included in the description/purpose/benefits item 6c) of the EAW.

8a – 2 Comment: As a reminder, the County will also begin construction of CSAH 12 (109th Avenue NE) between TH 65 and CSAH 52 (Radisson Road NE) in 2005. We will need to continue coordinating traffic control measures to ensure a safe environment and efficient detour routes.

8a – 2 Response: Comment noted. As preliminary traffic control plans and construction schedule information becomes available for the project, information will be forwarded to the County for review, comment and coordination.

Minnesota Department of Natural Resources

8b – 1 Comment: Cover Types (Item No. 10)

The table shows the conversion of six acres of wooded/forest cover. This may result in the removal of a significant amount of wood from the site. Depending on the condition of the wood, the project proposer may elect to market it as sawlog, landscaping material, firewood, or bio-fuel for the production of energy. We strongly recommend that the City contact Jean Mouelle, Regional Forest Utilization and Marketing Specialist, (651) 772-7567, for advice on the subject.

8b – 1 Response: Cover Types (Item No. 10)

Comment noted. As discussed in item 11a) of the EAW, the MnDOT (Minnesota Department of Transportation) Forestry Unit has inventoried the existing trees along the proposed project corridor. City of Blaine staff, prior to construction, will transplant some of the trees. In addition, Jean Mouelle will be contacted for advice on removal and marketing remaining inventoried species.

8b – 2 Comment: Physical Impacts on Water Resources (Item No. 11)

The City proposes to alter County Ditch 41 (Sand Creek). Sand Creek, a tributary to Coon Creek, provides a spawning habitat for gamefish that migrate upstream from Coon Creek. As such, is important to the spawning and migration of gamefish in the area. We recommend that the City not work in the bed of Sand Creek during the period of spring migration and spawning. Please address any questions on this matter to Dave Zappetillo, Area Fisheries Manager at (651) 772-7963.

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8b – 2 Response: Physical Impacts on Water Resources (Item No. 11)

Comment noted. The City of Blaine will contact Dave Zappetillo and work with Coon Creek Watershed District to determine the appropriate construction schedule for work by the Contractor in the bed of Sand Creek.

8b – 3 Comment: Water Quality – Surface Water Runoff

This item mentions that storm water will be discharged to a wet storm pond system prior to discharge to Sand Creek. The EAW, however, does not provide a location for the proposed pond system, nor does it identify Sand Creek. This has raised some concerns regarding the possibility that the City may intend to use existing wetlands for storm water management. A map showing the proposed storm water routing system would be useful.

8b – 3 Response: Water Quality – Surface Water Runoff

Comment noted. The City does not intend to use delineated wetlands for the purpose of storm water management. [A map showing the proposed storm water routing system is attached.](#)

Metropolitan Council

8c – 1 Comment: Item No. 10 Land Cover

Council staff recommends that disturbed areas along the proposed road be restored with native vegetation to the extent possible.

8c – 1 Response: Item No. 10 Land Cover

Comment noted. Native vegetation restoration requirements in graded areas behind proposed sidewalks; storm water ponds and relocated ditch branch work will be incorporated into the project contract documents.

Minnesota Department of Transportation

8d – 1 Comment: Please contact Michael J. Geertsema of MnDOT's Right-of-Way Section to coordinate access closures and to update MnDOT right-of-way map and plats.

8d – 2 Comment: This project will require a permit to work in MnDOT's right-of-way.

8d – 3 Comment: Please send an electronic.pdf file copy of your plan submittal for our record keeping purposes.

8d – (1 thru 3) Response: Comments noted. As discussed in the EAW, the proposed service road project is a joint venture project with MnDOT. MnDOT design teams are currently working on preliminary plans and specifications, reference MnDOT State Project No. 0208-121. City of Blaine utility extension design plans and specifications will be incorporated into MnDOT plans and specifications as one complete bid package. Access closure and permit work is being coordinated by

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Beth Neuendorf, Metro Area Engineer, out of the Metropolitan District, Waters Edge, Roseville, MN office.

9. Based on the information contained in the EAW and provided in written comments received and in responses to those comments, the City of Blaine has considered the following are potential environmental effects associated with the proposed project. Mitigation measures are discussed:

a.) **Land Use**

Potential Environmental Hazards on Lee's Wrecking site (Leeds Drug Co. of Anoka)

Discussed in item 9) of the EAW. A site Integrated Assessment Report (IAR), completed by the MPCA dated February 26, 2001, indicated the presence of Volatile Organic Compounds (VOCs), Semi-Volatile Organic Compounds (SVOCs - primarily Polynuclear Aromatic Hydrocarbons [PAHs]), heavy metals from the priority pollutant list, Polychlorinated Biphenyls (PCBs), Pesticides and Cyanide. A follow-up, Phase I Environmental Site Assessment (Phase I ESA) was completed by MnDOT's Office of Environmental Services in October 2004 for the proposed project corridor. All contaminated properties identified by the Phase I ESA were evaluated during the performance of a Drilling Investigation to determine their potential to impact the preferred alignment corridor. The drilling investigation concluded that there are no known areas of contaminated soil within the preferred alignment, including proposed project construction limits on the former Lee's Wrecking site (Leeds Drug Company of Anoka parcels north of 117th Avenue NE).

Mitigation: The City of Blaine and the site Owner are obtaining funds to clean-up contamination on the site prior to development of the parcels. In addition, if any hazardous materials are encountered during construction of the proposed service road project, the City of Blaine, MnDOT and the Contractor will properly handle and treat the material in accordance with all applicable state and federal regulations. The City will work with the Minnesota Pollution Control Agency (MPCA) Voluntary Investigation and Cleanup (VIC) Unit and/or the Voluntary Petroleum Investigation and Cleanup (VPIC) Unit if appropriate, to obtain assurances that the City's contaminated site cleanup work, within the project limits, is completed per the regulatory requirements.

b.) **Fish, Wildlife and Ecologically Sensitive Resources**

State-Endangered, Threatened or Special Concern

Discussed in item 11b) of the EAW. The Minnesota Department of Natural Resources (MnDNR) Natural Heritage Database was searched to determine if any rare plant species, animal species or other significant natural features are known to occur within an approximate one-mile radius of the proposed preferred alignment.

The database search index shows 16 known occurrences of rare plant species within a one-mile radius: 4 are endangered (END), 5 are threatened (THR), 4 are special concern (SPC) and 3 have no legal status (NON). Endangered species include Botrychium Oneidense (Blunt-Lobed Grapefern), Platanthera Flava Var Heriola (Tuberclad Rein-Orchid), Polygala Cruciata (Cross-Leaved Milkwort) and Xyris Torta (Twisted Yellow-Eyed Grass). The threatened species occurrences are Viola Lanceolatas (Lance-Leaved Violet). Special concern species include

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Fimbristylis Autumnalis (Autumn Fimbristylis), Hudsonia Tomentosa (Beach-Heather), Decodon Verticillatus (Waterwillow) and Juncus Marginatus (Marginated Rush). The species, which currently have no legal status, include Agalinis Purpurea (Purple Gerardia), Agrostis Hyemalis (Ticklegrass) and Rubus Semisetosus (Half Bristly Bramble).

Mitigation: None of the 16 known occurrences identified are located within preferred alignment quarter sections of Sections 8 and 17, Township 31N, Range 23W, Anoka County. As a follow-up, the MnDNR is requesting a botanical survey of the proposed project limits. The City of Blaine will work jointly with MnDOT to conduct the survey after the project is designed, disturbed limits are known and the plants are in bloom. Survey work with follow-up documentation and permitting, if required, will be completed in the spring of 2005.

Additional comments related to wooded/forestry cover and fisheries along with responses, including mitigation, is discussed in item 8) of this Record of Decision.

c.) **Physical Impacts on Water Resources**

County Ditch Alteration Work / Wetland Impacts

Discussed in item 12) of the EAW. The proposed project proposes to re-align existing County Ditch Branch 41-8. The project also proposes to work in the bed of existing County Ditch 41 (Sand Creek) and impact one (1) delineated wetland (Wetland H, PEMCx, Type 3, 0.09 Acres) for the purpose of new culvert installations beneath the proposed service road alignment.

Mitigation: City of Blaine Engineering staff has been working jointly with MnDOT Water Resources staff and the Coon Creek Watershed District on water resources related issues during the preliminary design phase. Coordinated efforts will continue throughout the final design phase of the project.

To date, issues and design requirements related to CD 41 (Sand Creek) culvert installation, CD Branch 41-8 relocation, wetland "H" unavoidable impact, storm catch basin spacing, storm sewer piping layout, storm sewer lateral service stubs, runoff intercepting swales, infiltration trenches, pretreatment of storm water runoff and water quality treatment, including a proposed two-cell pond system has been discussed.

Final design approval and associated permits will be required from the Coon Creek Watershed District prior to construction. With the Best Management Practices (BMP) technologies available today, the final design is anticipated to be cost effective and cause no negative impacts to the surrounding environment.



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11. The following permits and approvals will be required for the project:

<u>Unit of Government</u>	<u>Type of Application</u>	<u>Status</u>
US Army Corps of Engineers	Section 404 Permit	
	Letter of Permission – B	Obtained
MnDOT	Construction Plan Approval	To Be Obtained
Minnesota Pollution Control Agency	Construction Activity Permit	To Be Obtained
	Sanitary Sewer Extension Permit	To Be Obtained
Minnesota Department of Health	Water Main Extension Permit	To Be Obtained
Coon Creek Watershed District	Storm Water Management Plan	To Be Obtained
	Ditch Alteration	To Be Obtained
	Wetland Impacts	To Be Obtained
City of Blaine	Construction Plan Approval	To Be Obtained

CONCLUSIONS

1. The City of Blaine has fulfilled all applicable procedural requirements of law and rule regarding the determination of need for an Environmental Impact Statement (EIS) for the proposed TH (Trunk Highway) 65 West Central Area Service Road Project.
2. Pursuant to Minnesota Rules Part 4410.1700, Subparts 6 and 7, the proposed project has been evaluated by the public and the City of Blaine (RGU) to determine potential environmental effects. Based on the findings and record in this matter, The City of Blaine has determined that the proposed TH (Trunk Highway) 65 West Central Area Service Road Project does not have the potential for significant environmental effects. [City Council concurrence by Resolution No. 05-35, declaring a negative need for an Environmental Impact Statement is ATTACHED to this Record of Decision.](#)
3. Pursuant to Minnesota Rules Part 4410.1700, Subpart 5, a copy of this RGU Record of Decision is being provided, within 5 days, to all persons on the MEQB Distribution List, to persons commenting and to persons who requested a copy. This Record of Decision will also be made available on the City of Blaine's website.

Name and Title of Signer:



Steve Bruce
Engineering Project Coordinator
City of Blaine, Minnesota

Date:

February 8, 2005

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RESOLUTION NO. 05-35

**DECLARING A NEGATIVE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT
FOR THE TH 65 WEST CENTRAL AREA SERVICE ROAD
FROM 109TH AVENUE NE TO PAUL PARKWAY NE
IMPROVEMENT PROJECT NO. 03-10**

WHEREAS, the City of Blaine is the Regulatory Governmental Unit in the preparation of the Environmental Assessment Worksheet (EAW) for proposed TH 65 West Central Area Service Road Project from 109th Avenue NE to Paul Parkway NE; and

WHEREAS, the EAW is based on the construction of a new collector, service road route, Improvement Project No. 03-10; and

WHEREAS, the City of Blaine has submitted a copy of the EAW to all public agencies on the EAW distribution list, publishing EAW availability in the EQB Monitor on December 20, 2004, all of which were done in accordance with applicable State laws, rules, and regulations; and

WHEREAS, the 30-day comment period ended on January 19, 2005, with four regulatory agencies commenting; and

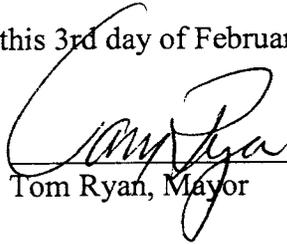
WHEREAS, the City of Blaine acknowledges the comments from the Anoka County Highway Department, Metropolitan Council, Minnesota Department of Natural Resources, and Minnesota Department of Transportation; and

WHEREAS, the comments received do not support a need for an Environmental Impact Statement on the proposed project; and

WHEREAS, the City of Blaine has considered the comments that were received and shall complete the Record of Decision supporting the declaration of negative need, including responses to the commenting regulatory agencies.

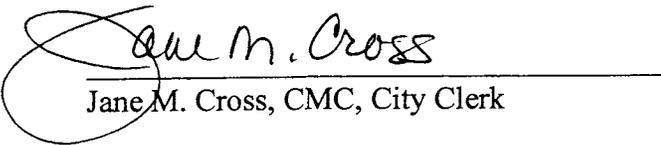
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Blaine has made a negative declaration on the need for an Environmental Impact Statement for the TH 65 West Central Area Service Road Project from 109th Avenue NE to Paul Parkway NE.

PASSED by the City Council of the City of Blaine this 3rd day of February, 2005.



Tom Ryan, Mayor

ATTEST:



Jane M. Cross, CMC, City Clerk