

## **I-35W Access Project Summary of the Environmental Assessment Process**

The I-35W Access Project Environmental Assessment (EA) is being prepared in compliance with the National Environmental Policy Act (NEPA) and Minnesota state environmental review processes to fulfill requirements of both 42 USC 4332 and M.S. 116D. Hennepin County is the I-35W Access Project proposer and the Minnesota Department of Transportation (Mn/DOT) is the Responsible Governmental Unit (RGU) for the I-35W Access Project's environmental documentation. The Minnesota Environmental Quality Board (MEQB), Mn/DOT and the Federal Highway Administration (FHWA) share jurisdiction of the EA process.

The I-35W Access Project Environmental Assessment provides background information including:

- Need for the proposed project;
- Alternatives considered;
- Environmental impacts and mitigation; and
- Agency coordination and public involvement

At the Federal level, the EA is used to provide sufficient environmental documentation to determine the need for a Federal 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, this 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. The I-35W Access Project EA includes each of the environmental effects identified in the EAW form.

Preparation of an EAW is mandatory under Minnesota Rules 4410.4300 subp. 22, under the following subsections:

- 4410.4300 subp. 22(b) – Construction of additional travel lanes on an existing road for a length of one or more miles.
- 4410.4300 subp. 22(c) – For the addition of one or more new interchanges to a completed limited access highway.

A Scoping Information Document was prepared and approved by the I-35W Access Project Technical and Project Advisory Committees in fall 2000 which documented the development of project alternatives, identified potential environmental issues, and to alert the public of imminent EA preparation. The decision to prepare a combined EA/EAW (typically referred to simply as the "EA") was made in late 2000 by concurrence of staff of Hennepin County, the Minnesota Environmental Quality Board, Mn/DOT and the FHWA based on the aforementioned Minnesota Rules. The later addition of the HOV and other project components did not change the EA or mandatory EAW processing requirements nor did it change thresholds to require a mandatory State or Federal EIS. For a highway project to require a State EIS, it must be a road on a new location which is four or more lanes in width and two or more miles in length (Minnesota Rules 4410.4400, subp. 16). A Federal EIS is typically prepared in concurrence with the State EIS process.

Mn/DOT and FHWA staff provided guidance by reviewing a working draft of the EA in July 2002 to gauge the level of impacts anticipated, review suggested mitigation, and ensure compliance with state and federal regulatory processing. Detailed special studies have been prepared over the past several years to provide sufficient responses for mandatory EAW questions and to fulfill additional Federal impact analysis requirements, including traffic impact studies, an Environmental Justice determination, air and noise impact studies, a Phase I Environmental Site Assessment to determine the likelihood of potentially contaminated properties, and a cultural resources (archaeological/historical) investigation. The results of these special studies have been coordinated with other state agencies, including the Minnesota Pollution Control Agency and the Minnesota State Historic Preservation Office. Detailed summaries of anticipated EA impacts were also prepared and distributed to Technical and Project Advisory Committee members and community members at public meetings specifically held for the project.

The EA document is currently being readied to submit for review by Mn/DOT and the FHWA. When reviewed, approved, and signed by Mn/DOT and the FHWA, the EA will be made available for public review and comment in accordance with the requirements of 23 CFR 771.119 (d) and Minnesota Rules 4410.1500 through 4410.1600. A public hearing will be scheduled in accordance with state and federal noticing requirements once the EA has been signed and released for public review. The testimony received at the public hearing and written comments received will be documented and considered by the FHWA to judge the sufficiency of the EA, assess the need for potential corrected, updated, or supplemental information, and determine whether or not a FONSI or EIS is warranted as the next step in the process.

The following pages summarize the major findings of the EA.