

ATTACHMENT A

Upper Post Flats Affordable Housing Project, Fort Snelling State Park

Environmental Assessment Worksheet

Responses to Comments

A. Commenter – Timothy Cossalter (September 21, 2019)

Comment A-01: The use of the Upper Post Flats for affordable housing seems like a reasonable use at initial review as we need more affordable housing, the space is available, centrally located, and in close proximity to transportation, namely the light-rail. However, establishing housing in this area, which has a persistent and consistent higher noise level (DNL), is not reasonable. I believe it sends a negative message on how we should treat individuals looking for affordable housing; house them in a less or the least desirable location.

Response A-01: The decision to provide housing in this location and to repurpose the historic buildings is the result of a public Request for Proposals in 2015. This decision was subsequently approved by the State Executive Council in 2018. Acoustical mitigation measures are planned that will reduce levels in living areas to be consistent with other areas in lower noise environments and adjacent cities/communities. Please also see response to Comment C-11.

Comment A-02: In addition, placing a significant housing development within close proximity to the airport safety zone also appears to be pushing the limits in order to utilize the space and preserve a historic site. Can we site housing in this location? Probably, but is it the best use or an expedient answer to the question of use?

Response A-02: Comment noted. Discussions regarding the project's proximity to MSP International Airport are ongoing. Please also see responses to Comments A-01 and A-03.

Comment A-03: Has establishing this historic site as an economic development zone been considered as a better alternative? An opportunity or development zone which would refurbish the historic buildings into offices, light manufacturing, or start-up companies would ultimately be more beneficial. Although it requires a different initial focus, the long term benefits can be measured, whereas housing does not provide any added long term economic impact.

Response A-03: Previous efforts and public “Requests for Proposals” over the past 20 years have not yielded commercial proposals that were able to secure adequate financing. Additional background is provided in EAW Item 6b on pages 3-4.

Comment A-04: I believe we can do better environmentally, socially, and economically.

Response A-04: Comment noted.

B. Commenter – Federal Aviation Administration (FAA) Dakota-Minnesota Airports District Office, Josh Fitzpatrick (September 18, 2019)

Comment B-01: The Federal Aviation Administration (FAA) Dakota-Minnesota Airports District Office (DMA-ADO) has reviewed the Minnesota Department of Natural Resources (MNDNR) Environmental Assessment Worksheet (EAW) for the proposed lease of Fort Snelling Upper Post State Park for 99 years to Fort Snelling Leased Housing Associates I, LLLP for rehabilitation of up to 215 rental housing units within 26 historic buildings of the National Historic Landmark (NHL) for affordable moderate income housing. The FAA appreciates being able to review the EAW given the project's close proximity to Minneapolis-St. Paul International Airport (MSP), owned and operated by the Metropolitan Airports Commission (MAC).

Response B-01: Comment noted.

Comment B-02: As you are aware, the FAA recommends noise levels above a 65 day-night average sound level (DNL) as not suitable for residential use without proper mitigation. Airport noise can be problematic for residential communities within close proximity to airports. In review of the EAW, the FAA supports the measures provided to insulate buildings as needed to reduce noise from the exterior envelope of all buildings that are subject to ambient noise above FAA noise guidelines to a 45 DNL interior level and to avoid sleep interruption short duration impacts. These measures include:

- Restoring existing single-glazed windows to an air-tight condition.
- Addition of new storm windows and double glazing as needed.
- Air-tight construction of all windows, exterior walls and roofs (roofs would be non-vented).
- Repair or additions of plaster to wood/masonry interior walls, creation of sound channels and filling void spaces with sound insulation.
- Closed cell spray foam insulation would be used to fill void spaces in wooden roof trusses or partitions (attics).
- Gypsum board ceilings and sound channels added in roof trusses.
- Separation of floors between different units would include plaster repair to existing ceilings or damaged ceilings would be replaced and sound batt insulation placed in trusses.
- New dropped ceilings would be installed to conceal utilities (pipes, electrical etc.), meet fire code and may assist in noise reduction.
- All buildings would have central air conditioning for occupied interior spaces.

Response B-02: Comment noted. It is an accurate summary of exterior-to-interior acoustical mitigation measures planned for the project and as listed in EAW Item 17 on pages 46-47.

Comment B-03: The FAA also supports the use of limited noise barriers such as berms, brick walls, awnings, roofing or there [sic] overhead features to reduce noise experienced at ground level in outdoor recreation areas.

Response B-03: Comment Noted. The comment reflects text provided in EAW Item 17, page 47. Outdoor recreation areas are located further away from the airport, in the north-central portion of the project site. Areas designated for recreational use are outside of the 65 DNL contour but measures to further reduce noise are being considered, on balance with Section 106 requirements. Discussion and coordination regarding noise issues are ongoing as the project design progresses.

C. Commenter – Metropolitan Airports Commission (MAC), Bridget Rief (September 25, 2019)

Comment C-01: The MAC has expressed concerns about the development of residential properties on the Upper Post Flats because of the impact of existing aircraft noise from the adjacent Minneapolis-St. Paul International Airport (MSP). The proposed project area is bounded to the south and west by MSP. The MAC is opposed to such development in aircraft noise impact areas, as it would expose numerous new residents to an unacceptable noise environment as defined by both the Federal Aviation Administration (FAA) and the Metropolitan Council. This position is consistent with federal guidelines regarding incompatible land uses in the 70+ DNL.

Response C-01: DNR acknowledges MAC concerns and commits to continued discussion and coordination with the agency, including the development of a Memorandum of Agreement (MOA). DNR notes the proposed project site includes three (3) buildings within the modeled 70 DNL contour, with most of the site outside the contour. Acoustical mitigation has been proposed for buildings across the site to provide interior noise levels of 45 DNL or less, with short duration noise attenuation to 55 dB or less. The project as proposed has been designed with a level of mitigation that would achieve the noise reduction needed within the 70 DNL contour consistent with the Proposer's understanding of federal guidance.

Comment C-02: The MAC's concerns are based upon compatibility planning issues as well as actual experience in the geographic area.

Response C-02: Comment noted. As identified in EAW Item 6b, DNR has responsibilities to repurpose these buildings as part of the original transfer agreement from the National Park Service in 1971. In 2018, the state Legislature determined that "The redevelopment of the Fort Snelling Upper Post shall be a strategic priority of the state and the Minnesota Housing Finance Agency (MN Statutes Sec 474A.22, Subd. 4.). Please also see response to Comment C-01.

Comment C-03: In 2018, MSP Airport had an average of 1,114.8 aircraft arrivals and departures each day with 120.3 of the arrivals occurring after 10:30 p.m. and before 6:00 a.m. Aircraft operating on Runway 12L/30R are both visible and audible from the proposed development site. This runway is located within 700 feet from the nearest proposed residential building. During 2018, Runway 12L had an average of 118.5 arrivals and 81.5 departures each day. During the same timeframe, Runway 30R had 119.0 arrivals and 118.4 departures each day. This combined total of 437.4 average daily operations accounts for nearly 40 percent of total operations at MSP. Aircraft activity at MSP is expected to grow at a compounded annual growth rate of 1.2 percent between now and 2040, resulting in more frequent flight operations overall as well as on Runway 12L/30R.

Response C-03: Comment noted. Building interiors would be designed to reduce interior noise levels to meet state standards. If airport growth occurs as predicted, additional accommodations may be needed. DNR is committed to continued discussion and coordination with MAC, including the development of an MOA.

Comment C-04: There is no nighttime curfew at MSP. Because it is a public-use airport and relies upon federal grant funding, the MAC is not able to impose any aircraft access restrictions, including a nighttime curfew, without going through a rigorous federal review and approval process under Federal Aviation Regulation Part 161. No U.S. airport has received approval from the FAA for access restrictions on aircraft certificated at Stage 3 and higher since Congress passed the 1990 Airport Noise and Capacity Act. All non-military aircraft operations at MSP are conducted in Stage 3 certificated aircraft or higher. For more information about federal aircraft noise stage certification, please visit the FAA website at https://www.faa.gov/about/office_org/headquarters_offices/apl/noise_emissions/airport_aircraft_noise_issues/.

Response C-04: Comment noted. DNR is not requesting a change in MSP operations and believes the structures as designed with noise mitigation would be sufficient to bring night time noise to acceptable levels within state standards for indoor areas. However, DNR understands that noise sensitivity can vary between individuals and would work with Dominion, the developer, in development of lease language to address sensitivity. Please also see response to Comment C-11.

Comment C-05: The established preferential Runway Use System (RUS) at MSP prioritizes Runways 12L and 12R as the first priority for aircraft departures and Runways 30L and 30R as the first priority for aircraft arrivals. The RUS is in place to reduce noise impacts to residential and other sensitive land uses surrounding the airport. Compatible land use underlying the aircraft overflights to the southeast render the RUS unlikely to change.

Response C-05: Comment noted.

Comment C-06: According to the MAC's 2018 Annual Noise Contour Report which models noise exposure from actual aircraft operations, the Project's proposed development area is exposed to aircraft noise ranging from 58 dB Day Night Average Sound Level (DNL) to 72 dB DNL.

Response C-06: DNR notes the comment is accurate based on Noise Contours, which are modeled. Actual measurements show less impact, according to the study completed by Veneklasen Associates and provided as EAW Attachment C. Proposed mitigation would ensure that all residential units (indoors) meet the 45 DNL FAA standard, and beyond that, avoid 55 Dba short duration noise incidents.

Comment C-07: The Project would introduce approximately 20 residential units inside the 70 dB DNL noise contour. The Land Use Compatibility Guidelines established by the Metropolitan Council lists multiplex/apartments with shared entrances within the 70-74 dB DNL area as "Incompatible," which means the use is unacceptable even if acoustical treatment were incorporated into the structure and outside uses were restricted. The 2018 Actual Noise Contour Report reveals that there were no existing single family or multi-family residential units within the 70 dB DNL contour anywhere surrounding MSP.

Response C-07: It appears there is disagreement on which category within the Land Use Compatibility Guidelines the proposed project belongs. It is the proposer's position that the proposed project would be considered a reconstruction/addition project, as it would rehabilitate structures damaged by age and would accommodate the same use that existed before that destruction. These types of projects are indicated as "Conditional" within the 70-74 DNL contour. "Conditional" indicates that residential use should be strongly discouraged, but may be allowed if structural performance standards are met. Proposed mitigation measures to the structures are designed to ensure the performance standards would be met. DNR commits to continued discussion and coordination with MAC on this and other items as part of project development and permitting, following the completion of the environmental review process, including development of an MOA.

Comment C-08: According to federal Airport Noise Compatibility Planning rules (14 CFR Part 150), the FAA's Aircraft Noise and Land Use Compatibility Guidelines state "Residential, other than mobile homes and transient lodgings" within the 70-74 dB DNL area are not compatible and should be prohibited. These guidelines also state "Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals." The FAA's Land Use Compatibility Guidelines go on to state that the use of NLR criteria will not eliminate outdoor noise concerns. Outdoor noise issues are likely to occur under the Project because the proposed development includes an outdoor swimming pool, walking paths, landscaping and park facilities. The MAC agrees with both the FAA's and Metropolitan Council's Land Use Compatibility Guidelines that residential uses in the 70-74 dB DNL area are not compatible with the airport environment.

Response C-08: DNR acknowledges that a small portion of the site is within the 70 DNL contour. Noise reduction values in excess of 30 dB are planned for project building interiors. The designated outdoor recreation areas are located outside of the 65 DNL contour, but DNR acknowledges that walking paths and landscape areas such as yards would encourage outdoor use and be subject to elevated noise levels. The DNR and Dominion have agreed that potential tenants would be informed of airport noise conditions and the need for the facility to receive a variance from state noise standards (if confirmed during permitting to be needed) so tenants would be aware of the noise situation prior to signing a lease and moving onsite. DNR commits to continued discussion and coordination with MAC on this and other items as part of project development and permitting, following the completion of the environmental review process, including development of an MOA. Please also see response to Comment C-07.

Comment C-09: On an average day in 2018, the number of times aircraft noise exceeded 65 dB maximum noise level (Lmax) on the exterior of the structures ranged from 100 to 400 at the Project site. These noise levels are known to interrupt speech for neighbors conversing outside.

Response C-09: Comment noted. Despite the exceedances, DNR notes that adjacent areas have been successfully used for outdoor recreation for many years, including golf and youth soccer, although those uses are primarily confined to daytime intermittent uses. According to information provided by MAC, a small portion of the golf course is within the 70 DNL and the ball fields are within noise contours less than 61 DNL. Please also see response to Comment C-08.

Comment C-10: Several variables may increase future noise exposure at the Project site. For example, changes in aircraft activity levels, airport construction, aircraft fleet, and airline scheduling may result in increased noise exposure in the Project area above currently existing levels. No mitigation assistance is available from the MAC for such increased noise, and the FAA will not provide corrective actions for a new development so close to MSP.

Response C-10: The DNR and Dominion have acknowledged they will not seek mitigation assistance from the MAC for noise attenuation. The DNR and Dominion have agreed to enter into a Memorandum of Agreement with MAC.

Comment C-11: The Project proposes renting to individuals and families meeting state requirements for moderate income housing (incomes up to 60 percent of area median), with a preference for military veterans and their families. According to Executive Order 12898, the Presidential Memorandum on environmental justice and DOT Order 5610, an impact analysis on low-income and minority populations is required for airport development actions seeking Airport Improvement Program funding or for any airport action subject to FAA approval. The results of an environmental justice analysis may jeopardize future airport development projects or FAA actions. According to the U.S. Environmental Protection Agency's Office of Environmental Justice: "The fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental effects resulting from industrial, municipal, and commercial operations or the execution of Federal, State, local, and tribal programs and policies."

Response C-11: DNR acknowledges the potential environmental justice concerns but notes the project is intended to rehabilitate and repurpose the historic Upper Post buildings to a practical use that would in part help address the shortage of affordable housing. It is anticipated that the tenant demographics of Upper Post Flats would be similar to those of adjacent communities such as Richfield and Minneapolis. The focus of the proposed project on military veterans and their families would help meet the need for affordable housing for this group as well as provide a connection to the site's historical military use.

DNR also acknowledges the requirement for MAC to complete an environmental justice analysis for airport actions requiring FAA approval and offers the following points for consideration.

- People are not currently living at the site and therefore would be able to decide whether to move to a location near the airport.
- The units are planned to be rentals only, and would not be allowed to be sold as private condominiums for the duration of the 99-year lease. If noise conditions were found to be overwhelming, tenants would retain the option to relocate.
- DNR and Dominion have agreed that potential tenants would be informed, prior to signing a lease, of airport noise conditions and the need for the facility to receive a variance from state noise standards (if confirmed in permitting to be needed) so that tenants would be aware of the noise situation prior to engaging in a contract and moving onsite.

- Dominion has expressed willingness to consider measures to accommodate tenants who find noise conditions to be overwhelming or disturbing. Measures could include relocating renters experiencing significant noise issues to other units in less noisy portions of the complex on a space available basis, incorporating additional noise reduction mitigations within particular units, or other measures to be determined as lease language is developed.

Comment C-12: The MAC understands that the MN DNR, under its National Landmark land acceptable requirements, has found the Project to be a unique situation warranting residential rehabilitation and use of all buildings in the Project area. The MN DNR also acknowledges that substantial noise mitigation is warranted in Project design and construction. The residential buildings will include sound attenuation to abate interior noise levels to 45 dB DNL or less. Additionally, the MN DNR has required the developer to provide noise attenuation for levels over 55 dBA, which are known to interrupt sleep. Upon completion of the Project, MN DNR will require testing to confirm the required levels of noise mitigation are attained in all units.

Response C-12: Comment noted. The comment is consistent with the information contained in EAW Items 6b, 9 and 17.

Comment C-13: To prevent the possibility of exposing a low-income or minority population to a disproportionate burden of negative environmental effects, the MAC encourages the MN DNR to adhere to its plan to rent the housing units to individuals and families that meet the state requirements for moderate income housing (incomes up to 60 percent of area median) or higher throughout the 99-year lease agreement.

Response C-13: DNR intends to honor its agreements and notes that the State statute for this project directs moderate income/affordable housing program would apply for a minimum of 25 years (MN State Statutes Sec 474A.22, Subd. 4). Please also see response to Comment C-11.

Comment C-14: The MAC wishes to receive the post-development noise testing results.

Response C-14: DNR will provide post-development noise testing results to MAC.

Comment C-15: The MAC encourages the use of building materials to conform to a Sound Transmission Class (STC) of 40, which is the standard MAC uses in its residential noise mitigation program.

Response C-15: The project's planned mitigation would meet or exceed STC-40 in areas affected by the airport noise. The project will be designed to meet a 45 DNL maximum noise level within dwelling units, and STC-40 materials will be utilized throughout the project area where needed to meet the 45 DNL design criteria.

Comment C-16: The MAC would like the MN DNR and Dominion to consider whether it is appropriate and responsible to continue to develop residential areas within the 70 dB DNL contour based on the impacts observed in lower noise impact areas. Further, if MN DNR and Dominion continue to move forward after further consideration, the MAC requests the parties opt for a phased approach rather than the current construction schedule. A phased approach to developing and leasing the residential units,

beginning with those located furthest away from the MSP Airport, would allow MN DNR and Dominion to more fully assess the impact on residential habitation in very close proximity to MSP.

Response C-16: This comment has been shared with the Proposer. Dominion has provided an initial indication that phased construction with later phases contingent upon initial phases is not feasible with the tax credit financing structure. Dominion is willing to relocate tenants to units further from the airport noise on a space-available basis, if noise becomes too disturbing for a tenant. Additional noise mitigations within the units may also be considered. Please also see response to Comment C-11.

Comment C-17: The MAC acknowledges and appreciates that the MN DNR has entered into negotiations with the MAC for a Memorandum of Agreement regarding the Project. The MAC requests that the MN DNR enter into such an agreement, as well as appropriate easements associated with the property, to achieve all of the following:

- Compliance with MSP Zoning Ordinance requirements for structure height limits and land use restrictions;
- Commit to future cooperation with the MAC and to other reasonable use restrictions to ensure safety of aviation operations at MSP;
- Commit to mitigate aircraft noise to the levels described above;
- Waive all claims against the MAC for current and future increased noise and air quality impacts;
- Provide MAC with reasonable access for inspections to investigate suspicious activity that may impact aviation safety and security;
- Provide existing and potential future tenants with notification of the proximity of the property to MSP and that these residential structures will not be eligible for MAC noise monitoring or any future noise mitigation measures; and
- Share regular and clear information with existing tenants on restrictions of materials, systems or devices that endanger the landing, take off, and/or maneuvering of aircraft.

Response C-17: Negotiations between DNR, Dominion, and MAC regarding a Memorandum of Agreement are ongoing and in progress. Items listed in this comment will be addressed.

Comment C-18: The MAC appreciates this opportunity to comment on the Project. The MAC remains committed to working with the MN DNR and Dominion to ensure impacts to residents and resources of concern are adequately addressed and is available to discuss these comments.

Response C-18: Comment noted. DNR commits to continued discussion and coordination with MAC as part of project development and permitting, following the completion of the environmental review process, including the development of an MOA.

D. Commenter – Metropolitan Council, LisaBeth Barajas (September 25, 2019)

Comment D-01: The Metropolitan Council received the EAW for the Upper Post Flats project on August 23, 2019. The proposed project is located in the Upper Post area of Fort Snelling State Park. The proposed development includes the extensive renovation of 26 historic buildings on approximately 45

acres with up to 215 housing units. For the reasons detailed in this letter, the Council is opposed to the project.

Response D-01: Comment noted. Discussions between DNR as the project proposer and the Metropolitan Council are ongoing and will continue after environmental review is complete as part of project development and permitting.

Comment D-02: The staff review finds that the EAW is complete and accurate with respect to regional concerns but raises significant issues of conformance with the regional aviation system. These involve the introduction of uses that, because of their nature, place added risk to the efficient and effective long-term operation of Minneapolis-St. Paul International (MSP) as well as the ability of the Metropolitan Airports Commission (MAC) to implement its Long-Term Comprehensive Plan for MSP. The project is also contrary to the Council's commitment to equity as the project allocates public resources in a way that has the potential to disproportionately expose low income populations to an environmental burden.

Response D-02: A follow-up discussion with Metropolitan Council staff was held to better understand this comment and others, and obtain additional details. Based on that discussion, DNR understands that Metropolitan Council is concerned that a residential development in proximity to the airport would create challenges in implementation of long-term plans for the airport. DNR also sought additional information from MAC, the agency responsible for airport operations, with regard to its long term plans for the airport. MAC staff identified that a new taxiway has been requested by the FAA to be constructed at MSP. The taxiway would be located between the Project Area boundary and the runway closest to the Project Area. MAC indicated that use of the new taxiway could result in higher noise levels at and near the Project site. Initial development of the new taxiway is planned for inclusion in the forthcoming 2040 plan. The timing of the taxiway's construction is not certain but MAC staff indicated it is likely to be in the near-to-mid-term phase of this next 20-year comprehensive plan update.

DNR and Dominion are aware of restrictions for certain activities (e.g. fireworks, lasers, drones, etc) in proximity to an airport. Prospective tenants would be made aware of the restrictions.

Comment D-03: The project is also contrary to the Council's commitment to equity as the project allocates public resources in a way that has the potential to disproportionately expose low income populations to an environmental burden.

Response D-03: DNR acknowledges the potential environmental justice concerns but notes the project is intended to rehabilitate and repurpose the historic Upper Post buildings to a practical use that would in part help address the shortage of affordable housing. It is anticipated that the tenant demographics of Upper Post Flats would be similar to those of adjacent communities such as Richfield and Minneapolis. The focus of the proposed project on military veterans and their families would help meet the need for affordable housing for this group as well as provide a connection to the site's historical military use.

DNR offers the following points for consideration.

- People are not currently living at the site and therefore would be able to decide whether to move to a location near the airport.
- The units are planned to be rentals only, and would not be allowed to be sold as private condominiums for the duration of the 99-year lease. If noise conditions were found to be overwhelming, tenants would retain the option to relocate.
- DNR and Dominion have agreed that potential tenants would be informed, prior to signing a lease, of airport noise conditions and the need for the facility to receive a variance from state noise standards (if confirmed in permitting to be needed) so that tenants would be aware of the noise situation prior to engaging in a contract and moving onsite.
- Dominion has expressed willingness to consider measures to accommodate tenants who find noise conditions to be overwhelming or disturbing. Measures could include relocating renters experiencing significant noise issues to other units in less noisy portions of the complex on a space available basis, incorporating additional noise reduction mitigations within particular units, or other measures to be determined as lease language is developed.

Comment D-04: The EAW should cite Thrive MSP 2040, which establishes land use policies for the region. These land use policies provide direction and guidance to units of government as they plan. Of special importance is how these policies support the utilization and development of regional systems, which include wastewater, regional parks & trails, surface transportation, and aviation. Thrive MSP 2040 recognizes that a competitive economy, and the economic and social well-being of the region's residents, require a multi-modal transportation system that provides choice and reliability. A thriving regional aviation system is an economic asset to the region, providing businesses and people with competitive access to the global economy. Airport access is particularly important for our region's corporate headquarters and industries dependent on travel and shipping high-value goods.

Response D-04: DNR acknowledges the importance of a well-functioning transportation system and the relevance of the Metropolitan Council's Thrive MSP 2040 plan to the Twin Cities Metropolitan Area. Paragraph 10c of the EAW Record of Decision includes a reference to the plan.

The EAW noted that the Project Area is located within the Fort Snelling Unorganized Territory within Hennepin County and is not included in municipal comprehensive plans, nor on municipal zoning maps. The proposed Project Area is located entirely within the statutory boundary of Fort Snelling State Park, which is managed by the DNR. Fort Snelling State Park is acknowledged in the Metropolitan Council's Regional Parks Policy Plan 2040, but no plans or restrictions for the Project Area are mentioned since it is managed by the DNR as part of a State Park. It should be noted that the State of Minnesota is obligated to preserve the National Historic Landmark and find a viable reuse through several agreements with the National Park Service.

Comment D-05: For local units of government that are required to develop a comprehensive plan, the Council expects that these plans conform to regional system plans, including the 2040 Transportation Policy Plan (TPP). The TPP includes expectations for land use compatibility around regional airports including MSP. These expectations are identified in Chapter 3: Local Land Use Planning, Chapter 9: Aviation Investment Direction, and Appendix L: Aviation Land Use Compatibility Guidelines.

Response D-05: Comment noted. Please also see response to Comment D-04.

Comment D-06: The project area is part of an unincorporated area of Hennepin County. As a result, there is no comprehensive plan over which the Council would have review authority. A project of this nature, scale, and location would normally require a comprehensive plan amendment. As part of the Council's review, the Council would not authorize such an amendment given its negative impact on the regional aviation system. The impact is associated with aviation-related noise, which is articulated in the section immediately below. Introducing noise-sensitive uses near MSP create risks for the ability of the MAC to adjust or expand its operations.

Response D-06: The DNR appreciates the Metropolitan Council acknowledgement that the Project Area is not subject to its land use planning authority. Despite that, DNR recognizes the importance of coordinated development in the Twin Cities Metropolitan Area and acknowledges the Metropolitan Council's concerns about the project. Please also see response to Comment D-02.

DNR as the project proposer plans to continue discussions with the Metropolitan Council after environmental review is complete.

Comment D-07: The proposed makeup of future residents of the Upper Post Flats project compounds potential future risks for MSP. The EAW states that all 215 units would be rented to individuals and families that meet state requirements for moderate income housing (up to 60% of Area Median Income), with a preference for military veterans and their families. This makeup suggests that any future project at MSP may have disproportionate impacts on minority and low-income populations. Per Department of Transportation Executive Order 5610, this may put limitations on future projects at MSP. Conversely, the affordability of these units is only guaranteed for 15 years. Should these units become market rate, a new set of owners and/or residents may advocate for further noise mitigation despite previous agreements.

Response D-07: Please see response to Comment D-03. In addition, please note that State statute directs that moderate income/affordable housing program will apply for a minimum of 25 years (MN State Statutes Sec 474A.22, Subd. 4.).

Comment D-08: The EAW incorrectly characterizes the Upper Post Flats project as infill development in an area with established residential uses. There are no residential uses in the immediate area, and the Upper Post buildings have not been used for residential purposes in the recent past. The Council characterizes this project as "major redevelopment," consistent with the definition in Appendix L of the Transportation Policy Plan (Aviation Land Use Compatibility Guidelines). This distinction is important, as it involves two different policy contexts: areas that currently experience aviation-related noise versus circumstances where government can limit the introduction of new uses that are sensitive to aviation-related noise. The proposed project falls within the second policy context.

Response D-08: It appears there is disagreement on which category within the Land Use Compatibility Guidelines the proposed project belongs. It is the proposer's position that the proposed project is considered a reconstruction/addition project, as it would rehabilitate structures damaged by age and would accommodate the same use as in the past. These types of projects are indicated as "Conditional" within the 70-74 DNL contour. "Conditional" indicates that residential use should be strongly

discouraged, but may be allowed if structural performance standards are met. Proposed mitigation measures to the structures are designed to ensure the performance standards would be met.

Fort Snelling Upper Post use as residential military housing occurred between 1890 and 1950, and the US Department of Veterans Affairs housed medical staff and families on the site through the 1970s. The site has had residential uses for nearly a century, predating the establishment of the MSP Airport. However, in follow-up discussion with DNR environmental review staff, Metropolitan Council indicated the proposed project would not be considered the same use as too much time has passed since the site was residentially occupied. Metropolitan Council staff referred to State statutes regarding nonconforming land uses (MN Statutes 462.357, Subd. 1e.).

DNR notes the historic residential use and proposed redevelopment is similar to the CommonBond development for veterans adjacent to the project site (and within the Upper Post), though acknowledges that the CommonBond development does not extend into the 70 DNL noise contour. Based on information provided after the EAW comment period from the MAC and the Proposer, this development is located within noise contours less than 65 DNL. The two larger buildings appear to be located around the 58 and 59 DNL contours, with the two duplexes around the 62 and 63 DNL contours.

DNR as the project proposer plans to continue discussions with the Metropolitan Council on this and other items during project development and permitting after environmental review is complete, including development of an MOA.

Comment D-09: The Upper Post Flats project area introduces new residential uses within Noise Policy Areas 2, 3, and 4. The Council considers new residential development (including development with acoustical treatment) to be incompatible in Noise Policy Area 2. The Council also strongly discourages new residential development in Noise Policy Area 3. For Noise Policy Area 4, the Council also discourages residential uses and expects that any residential use would be acoustically treated (per Table L-4 in Appendix L). The EAW articulates that extensive acoustical treatment will occur throughout the project, but also proposes outdoor recreational uses (grills, swimming pool, etc.). While these recreational opportunities are located furthest from MSP, the TPP strongly discourages outdoor recreation due to the noise contours of that area.

Response D-09: Comment acknowledged. DNR as the project proposer plans to continue discussions with the Metropolitan Council about this and other items during project development and permitting, after environmental review is complete.

DNR notes that an acoustical analysis has been completed to ensure that all units would have sufficient acoustical mitigation to provide an appropriate interior environment for residential uses. Exterior areas designated for recreational use are outside of the 65 DNL contour. DNR acknowledges that walking paths and landscape areas such as yards would also be used recreationally and would be subject to elevated noise levels, some within the 65 DNL contour. DNR and Dominion have agreed that potential tenants would be informed of airport noise conditions and the need for the facility to receive a variance from state noise standards (if confirmed in permitting to be needed) so tenants would be aware of the noise situation prior to signing a lease and moving onsite.

Comment D-10: The EAW includes a detailed noise analysis, the results of which show a lower level of noise exposure than predicted by modeling by the MAC. Notwithstanding the accuracy of this analysis, noise exposure over time is difficult to predict. It can be impacted by changes or increases in the frequency of departures/arrivals, construction at the airport, the composition of the fleet using MSP, and airline scheduling. The Council believes that the policy areas are the appropriate geography in which to consider impacts, particularly given the proximity of the buildings to the runway.

Response D-10: As identified in the comment, measurements taken during the acoustical study showed lower noise levels than predicted by the noise contours, which are modeled. DNR acknowledges that noise levels could change over time. Proposed mitigation would ensure that all residential units (indoors) meet the noise standards. Dominion has expressed willingness to consider measures to accommodate tenants who find noise conditions to be overwhelming or disturbing. Measures could include relocating renters experiencing significant noise issues to other units in less noisy portions of the complex on a space available basis, incorporating additional noise reduction mitigations within particular units, or other measures to be determined as lease language is developed.

Please also see response to Comment D-09.

Comment D-11: Ordinarily, due to the potential to impact the regional aviation system, the Council would call for the development of an Environmental Impact Statement (EIS) to evaluate alternatives that could have a reduced impact on the regional aviation system. Because this project involves the rehabilitation of existing historic structures, the analysis of alternatives would lead the Council to the same conclusion: that the proposed residential use, as explained above, is incompatible with the regional aviation system.

Response D-11: Comment noted. Please also see response to Comment D-06.

Comment D-12: The Council finds that the proposed project represents an impact on the regional aviation system. Notwithstanding the Council's finding of non-conformance with the 2040 Transportation Policy Plan, should the project proposer choose to move forward with the proposed project, the Council strongly supports the MAC's requests for a Memorandum of Agreement with the DNR that include, but are not limited to, the following:

- Compliance with MSP Zoning
- Noise mitigation
- Waiver of future claims against the MAC
- Ability for MAC personnel to inspect the property
- Assurances that existing and future residents are notified of noise, as well as prohibition on activities that endanger operations at MSP

Response D-12: Comment noted. Negotiations between DNR as the proposer, Dominion, and MAC regarding a Memorandum of Agreement are ongoing/in progress. Items listed in comment will be addressed.

Comment D-13: This concludes the Council's review of the EAW. The Council will not take formal action on the EAW.

Response D-13: Comment noted.

E. Commenter – Minnesota Department of Transportation (MnDOT), David Elvin (September 24, 2019)

Comment E-01: MnDOT's review of this EAW does not constitute approval of a regional traffic analysis and is not a specific approval for access or new roadway improvements. As plans are refined, we welcome the opportunity to meet with project partners and to review updated information.

Response E-01: Comment noted.

Comment E-02: Permits. Any work within or impacts to MnDOT right-of-way will require an appropriate MnDOT permit. Permit forms are available and should be submitted at MnDOT's utility website: <http://www.dot.state.mn.us/utility/forms.html>.

Response E-02: Comment noted. This information is being provided to the project proposer and developer. Work is not proposed in MnDOT right-of-way.

Comment E-03: Aviation Noise. The EAW on page 45 states that the majority of new homes would be located within the 60 to 70 DNL contour and approximately 20 homes would be within the 70-75 DNL contour. The EAW and attached noise study note that FAA guidelines do not recommend residential development in areas where average all-day noise levels are 65 DNL or greater but may be permitted with suitable mitigation. Also, the EAW notes that the Metropolitan Council's guidelines state that residential development is generally incompatible where average noise levels are between 70-75 DNL but allow it with suitable mitigation if residential use is already present.

MnDOT recommends that the DNR coordinate closely with the FAA, the MAC, and the Metropolitan Council to determine if aviation noise mitigation equipment and measures for the homes proposed within the 60-70 DNL and 70-75 DNL contours would be suitable and meet the permitting requirements of those agencies for homes within these contours.

Response E-03: Comment noted. Discussions between DNR as proposer, MAC and Metropolitan Council are ongoing and will continue after environmental review is complete.

Comment E-04: Highway Noise. MnDOT's policy is to assist local governments in promoting compatibility between land uses and highways. Residential uses adjacent to highways often result in complaints about traffic noise. In the case of this development, traffic noise from the highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities with the authority to regulate land use shall take all reasonable measures to prevent the establishment of land use activities, which are listed in the MPCA's Noise Area Classification (NAC), anywhere that the establishment of such land use(s) would result in immediate violations of established Minnesota noise standards.

Response E-04: Noise from Highway 5 was factored into the acoustical analysis completed by Venklasen Associates and included with the EAW as Attachment C. Mitigation recommendations would be incorporated to mitigate highway noise as necessary. Due to natural terrain, few of the buildings are directly impacted by noise from the highway. Please also see responses to Comments F-03 and F-04.

Comment E-05: Highway Noise. MnDOT policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such developed areas. The project proposer is required to assess existing noise conditions and take actions deemed necessary to minimize the impact to the proposed development from any highway noise.

Response E-05: Comment noted. Please see response to Comment E-04.

Comment E-06: Pedestrians and Bicycles. The nearest transit service to the site is the Fort Snelling Blue Line Light Rail Station, which is approximately ¾ mile away on foot. This distance is further than most people are typically willing or able to walk to transit, especially if they are seniors or there is inclement weather. MnDOT suggests that the proponent(s) coordinate with Metro Transit to provide transit service that would provide residents with a closer walking and biking connection to the regional transit network.

Response E-06: Public transit options are nearby and provide access to the majority of the Twin Cities metropolitan area. Discussions have been held with Metro Transit about establishing a circulator transit service. Bicycle connections are also available nearby, in several directions.

Comment E-07: Review Submittal Options. MnDOT's goal is to review proposed development plans and documents within 30 days of receipt. Electronic file submittals are typically processed more rapidly. There are four submittal options:

1. Email documents and plans in PDF format to metrodevreviews.dot@state.mn.us. Attachments may not exceed 20 megabytes per email. If multiple emails are necessary, number each message.
2. Upload PDF file(s) to MnDOT's external shared internet workspace site at: <https://mft.dot.state.mn.us>. Contact MnDOT Planning development review staff at metrodevreviews.dot@state.mn.us for access instructions and send an email listing the file name(s) after the document(s) has/have been uploaded.
3. Mail, courier, or hand deliver documents and plans in PDF format on a CD-ROM compact disc to:
MnDOT – Metro District Planning Section
Development Reviews Coordinator
1500 West County Road B-2
Roseville, MN 55113
4. Submit printed documents via U.S. Mail, courier, or hand delivery to the address above. Include one set of full-size plans.

Response E-07: Comment noted. This information is being provided to the project proposer and developer.

Comment E-08: MnDOT welcomes the opportunity to review updated traffic and transportation information, as well as to meet with representatives of the city, developer, and other agencies.

Response E-08: Comment noted. This information is being provided to the project proposer and developer.

F. Commenter – Minnesota Pollution Control Agency, Karen Kromar (September 11, 2018)

Comment F-01: Noise (Item 17). The MPCA agrees with the Minnesota Department of Natural Resources' (DNR) assessment that overall changes to noise in the vicinity of the Project, due to Project development, would be unnoticeable. The MPCA also appreciates the extensive work that the DNR, the proposed lessee, and the noise consultant put into examining existing noise in the area, as well as the identification of potential mitigation techniques that could be applied to the historic buildings and common areas as they are converted to new residential uses.

Response F-01: Comment noted.

Comment F-02: As a residential development, the proposed Project falls under Noise Area Classification (NAC) 1 (with the sole exception of the community center building, which would fall under NAC 2). Minn. R. ch. 7030.0050, subp. 3 allows for application of NAC 2 standards to a NAC 1 area if all three of the following criteria are met:

1. Sound level attenuation is added to buildings,
2. Year-round climate control is added to buildings, and
3. No areas outside the buildings are intended for outdoor activity.

The MPCA agrees that significant building mitigation has been proposed that would satisfy the first two criteria. However, the MPCA does not agree with the statement in the EAW that the residential units do not have areas "that are intended for outdoor recreation" (p. 46). Each existing structure is surrounded by green space, with the intent that each will have, after Project development, what would functionally be considered to be a yard. It is impracticable to assume that residents would either willfully not use the space for outdoor activities, or would be barred from doing so. Therefore, based on the MPCA's interpretation of Minn. R. ch. 7030.0050, subp. 3, and the information provided in the EAW, the Project, as proposed, does not meet all three criteria required to apply NAC 2 standards to a NAC 1 area. Thus, the Project does not meet the state noise standards.

Response F-02: The designated outdoor recreation areas are located outside of the 65 DNL contour and have exterior exposure below the NAC-1 defined daytime/nighttime levels, but DNR acknowledges that walking paths and landscape areas such as yards would encourage outdoor use and be subject to elevated noise levels. The proposer will continue to coordinate with MPCA regarding state noise standards. Potential tenants will be made aware of airport noise conditions and the noise variance to state standards if determined in permitting to be needed. Please also see response to Comment C-08.

Comment F-03: The Project can move forward, but the DNR, with the lessee, needs to seek and obtain a variance to the noise standards. The MPCA, under Minn. R. ch. 7030.0080, can grant such variances in instances "of exceptional circumstances" where the agency finds that "strict conformity with any

provisions of any noise rule would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances ... " A variance application should conform to the provisions in Minn. R. ch. 7000.7000.

Response F-03: DNR will continue to coordinate and consult with MPCA regarding state noise standards. If determined in permitting to be needed, DNR will direct Dominion to follow the process to obtain a variance from State noise standards. Paragraph 11 of the EAW Record of Decision updates the list of permits and approvals that are or may be required for the project. Paragraph 10o of the EAW Record of Decision also refers to the variance.

Comment F-04: The MPCA recommends that the lessee disclose the noise variance to prospective tenants as a part of their rental agreements, to encourage transparency with those individuals.

Response F-04: Dominion has agreed to provide prospective tenants (potential residents) with airport noise information and to disclose as part of rental agreements the noise variance to state standards if determined in permitting to be needed.

Comment F-05: We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and 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.

Response F-05: Comment noted.

G. Commenter – National Park Service, John Anfinson (September 24, 2019)

Comment G-01: The National Park Service (NPS) is providing comments on the Upper Post Flats Affordable Housing, Fort Snelling State Park EA W. The proposed project lies completely within the boundary of the Mississippi National River and Recreation Area (NRRRA). Congress established the Mississippi NRRRA in 1988 to preserve, protect, and enhance the significant values of the Mississippi River Corridor in the Twin Cities metropolitan area.

Response G-01: Comment noted.

Comment G-02: Page 9 Third paragraph; Minnehaha Trail description. Amend the second bullet describing the Minnehaha Trail for greater clarity as follows: "'- a paved recreational trail that travels from Minnehaha Regional Park to the Fort Snelling State Park Fred Savage Visitor Center located on a former railroad grade along the Mississippi River eventually connecting to the Minnesota Valley State Trail."

Response G-02: Comment noted. The DNR defines the portion of the Minnehaha Trail contained within the boundaries of Fort Snelling State Park to be a segment of the Minnesota Valley State Trail. This segment is known as the Minnesota Valley State Trail - Minnehaha Segment. Paragraph 10c of the EAW Record of Decision reflects the additional information provided in the comment.

Comment G-03: Page 9 Fourth paragraph; insert a new bullet point:

Mississippi National Water Trail - the Mississippi National River and Recreation Area 72 mile Mississippi River corridor and 4 miles of the Minnesota River corridor at the confluence is designated a National Water Trail and provides coordinated opportunities for access and paddle sports in urban and natural landscapes.

Response G-03: Comment noted. Paragraph 10c of the EAW Record of Decision reflects the additional information provided in the comment.

Comment G-04: Page 11 Mississippi National River and Recreation Area description, mid-page. Replace the second sentence in the description to read: This designation stretches a total of 72 miles along the Mississippi River corridor and along the last 4 miles of the Minnesota Rive at the confluence in the Twin Cities metro area and was designated to protect, preserve and enhance the nationally significant resources of the river.

Response G-04: Comment noted. Paragraph 10c of the EAW Record of Decision reflects the additional information provided in the comment.

Comment G-05: Page 35 Second full paragraph, first sentence. The NPS is not leading the tribal consultation process. Replace the sentence to read: The DNR under agreement by the project coordinating partners would share the findings of the final Phase I survey report with the federally recognized tribes as part of the tribal consultation for the project.

Response G-05: Comment noted. Paragraph 10l of the EAW Record of Decision reflects the correction that DNR will be the lead for tribal consultations, per the programmatic agreement with NPS, and will share the findings of the final Phase I survey report with the federally recognized tribes as part of the tribal consultations for the project.

Comment G-06: Page 42 Second full paragraph, last sentence: Replace the entire sentence with: The DNR, as agreed to, would lead consultation with the federally recognized tribes for the proposed work.

Response G-06: Comment noted. Paragraph 10l of the EAW Record of Decision reflects the correction and acknowledges that DNR will lead the tribal consultations with the federally recognized tribes, per the programmatic agreement with NPS.

Comment G-07: Page 43 Fourth full paragraph: Recommend to add a statement that down-cast lighting would be employed as a best management practice to reduce light pollution and over-lighting of the residential area.

Response G-07: Many of the light poles are historic and must meet historic standards; it may be possible that some new lighting could be down-cast. The recommendation is being provided to the proposer and developer for consideration in their coordination with the State Historic Preservation Office and the requirements under Section 106.

H. Commenter – Office of the State Archaeologist, Jennifer Tworzyanski (September 25, 2019)

Comment H-01: This office requests inclusion as a consulting party concerning the archaeological resources (the Fort Snelling site, 21HE0099) impacted by the Upper Post Flats Affordable Housing project. State law dictates that significant archaeological sites need to be protected (Minnesota Statutes 138.40, Subd. 3 and Water Law Rules 6120). The archaeological resources present within the project area are a part of the locally and nationally significant overall Fort Snelling site, as indicated by its listing in the National Register of Historic Places. Therefore in the interest of protecting this significant site, our office should be included in the continuing consultation process.

Response H-01: The DNR acknowledges the historic and archaeological importance of the Project Area and, as required per the provisions of MS 138, will consult with the OSA.

Comment H-02: Additionally, the EAW made mention of further archaeological work being undertaken this summer and fall in the Upper Post Flats Affordable Housing project area. I would like to request a copy of the archaeological report from the 2019 field season for review.

Response H-02: A copy of the draft report has been provided to OSA. The final report is in progress and will be provided to OSA upon completion.

I. Commenter – Jean Schroeffer (August 26, 2019)

Comment I-01: Your plan to refurbish and reoccupy the historic housing at Fort Snelling is terrific! The location is both beautiful and convenient. Bonus that it will be affordable, and double bonus that preference is given to our veterans. Thank you. (Maybe my enthusiasm is a little biased. I've been an affordable landlord for 47 years, personally rehabilitating and maintaining 23 residential units on 10 properties, and I have volunteered to solve building issues at two historic churches, AND - my father was a 28-year USMC pilot, and my husband is a Vietnam vet.)

Response I-01: Comment noted. The preference for military veterans and their families as tenants of the proposed project would help meet the need for affordable housing for this group as well as provide a connection to the site's historical military use.

J. Commenter – State Historic Preservation Office, Sarah Beimers (September 25, 2019)

Comment J-01: It is our opinion that the information included in the EAW overall, and specifically under Section 14. Historic Properties, accurately reflects the regulatory parameters and scope of review and consultation that is occurring at this time and will be ongoing pursuant to your agency's responsibilities under Section 106 of the National Historic Preservation Act, the Minnesota Historic Sites Act, and the provisions of the Federal Historic Surplus Property Program. We appreciate the fact that your agency will use the public notification aspect of the EAW process as a way to inform, in part, the concurrent Section 106 review.

Response J-01: Comment noted.

K. Commenter – Bill Weir (August 27, 2019)

Comment K-01: I read with great interest that something is finally happening with the Upper Post property at Ft. Snelling. I was the Regional State Park Manager for quite a few years, retiring 20 years ago. I spun my wheels for years trying to do something with the property and was unable to overcome the obstacles. It looks like you finally succeeded. I actually thought the buildings were too far gone to be repurposed. Some probably are (such as the hospital). Glad to see they are still salvageable. You, along with Larry Petersen are to be commended for a job well done.

Response K-01: Comment noted.