

September 25, 2019

Lisa Fay, Principal Planner / EAW Project Manager
Minnesota Department of Natural Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

**RE: Minnesota Department of Natural Resources
Environmental Assessment Worksheet (EAW) –
Upper Post Flats Affordable Housing, Fort Snelling State Park**
Metropolitan Council Review No. 22343-1
Metropolitan Council District No. 5, Molly Cummings

Dear Ms. Fay:

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.

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.

Item 9 – Land Use Plans (Michael Larson, 651-602-1407)

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.

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.

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.

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.

Item 17 – Noise (Russ Owen, 651-602-1724)

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.

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.

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.

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.

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

This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. If you have any questions or need further information, please contact Michael Larson, Principal Reviewer, at 651-602-1407.

Sincerely,



LisaBeth Barajas, Director
Community Development

CC: Bridget Rief, P.E., Vice President of Planning and Development, MAC
Commissioner Jennifer Ho, Minnesota Housing
Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
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