# DEPARTMENT OF NATURAL RESOURCES

## RECORD OF DECISION

**In the Matter of the Determination of the Need for an Environmental Impact Statement for the Upper Post Flats Affordable Housing Project, Fort Snelling State Park, Hennepin County, Minnesota**

**FINDINGS OF FACT, CONCLUSIONS, AND ORDER**

## FINDINGS OF FACT

1. The Minnesota Department of Natural Resources (DNR) proposes to lease the Upper Post in Fort Snelling State Park for 99 years to Fort Snelling Leased Housing Associates I, LLLP, an affiliate of Dominium Development & Acquisition, LLC (Dominium), for rehabilitation into rental housing. Up to 215 housing units would be constructed within the existing footprints of 26 historic buildings. New construction to support the housing units would include a commons area with outdoor swimming pool, sidewalks, landscaping, parking facilities, new streets, stormwater infiltration basins, utility improvements, and reconstruction of existing streets and driveways.

   The purpose of the Upper Post Flats Affordable Housing Project (Project) is to rehabilitate and repurpose the existing historic buildings and landscape/site within the Upper Post area, a National Register of Historic Places/National Historic Landmark historic property, into multi-family affordable housing units with a preference for veterans.

   DNR is the proposer of the Project; Dominium is the proposed Project developer.

2. The proposed Project requires preparation of a State Environmental Assessment Worksheet (EAW) for residential development of *100 unattached units or 150 attached units in a sewered unincorporated area, and "If a project consists of mixed unattached and attached units, an EAW must be prepared if the sum of the quotient obtained by dividing the number of unattached units by the applicable unattached unit threshold, plus the quotient obtained by dividing the number of attached units by the applicable attached unit threshold, equals or exceeds one." See* Minn. R. 4410.4300, subp. 19A.

3. The DNR is the Responsible Governmental Unit (RGU) in the preparation and review of environmental documents related to the Project. *See* Minn. R. 4410.0500, subp. 1.

4. The DNR prepared an EAW for the Project. *See* Minn. R. 4410.1400. The EAW, including its attachments and figures, is incorporated by reference into this Record of Decision. Consistent with the EAW, the Project location is referred to as the Project Area in this Record of Decision.

5. The EAW was filed with the Minnesota Environmental Quality Board (EQB) and a notice of its availability was published in the EQB *Monitor* on August 26, 2019. A copy of the EAW was sent to all persons on the EQB Distribution List, to those persons known by DNR to be interested in the proposed project, and to those persons requesting a copy. A statewide press release announcing the availability of the EAW was sent to newspapers, radio and television stations. Copies of the EAW were also available for public review and inspection at the DNR Central Region Office, the DNR Central Office library, the Minneapolis Public Library, the Nokomis Hennepin County Library, the Augsburg Park Hennepin County Library, and the Highland Park Saint Paul Public Library. The EAW was also made available to the public via posting on the DNR's website. *See* Minn. R. 4410.1500.

6. The 30-day EAW public review and comment period began August 26, 2019 and ended September 25, 2019. Written comments on the EAW could be submitted to the DNR by U.S. mail, by facsimile, or electronically via email. *See* Minn. R. 4410.1600.

7. During the 30-day EAW public review and comment period, the DNR received written comments on the EAW from the agencies and individuals listed below. DNR's responses to substantive public comments on the EAW are provided in Attachment A. *See* Minn. R. 4410.1700, subp. 4. The comment letters are included in Attachment B of this Record of Decision.

    A. Cossalter, Timothy (September 21, 2019)
    B. Federal Aviation Administration (FAA) Dakota-Minnesota Airports District Office, Josh Fitzpatrick (September 18, 2019)
    C. Metropolitan Airports Commission (MAC), Bridget Rief (September 25, 2019)
    D. Metropolitan Council, LisaBeth Barajas (September 25, 2019)
    E. Minnesota Department of Transportation (MnDOT), David Elvin (September 24, 2019)
    F. Minnesota Pollution Control Agency (MPCA), Karen Kromar (September 11, 2018)
    G. National Park Service (NPS), John Anfinson (September 24, 2019)
    H. Office of the State Archaeologist (OSA), Jennifer Tworzyanski (September 25, 2019)
    I. Schroepfer, Jean (August 26, 2019)
    J. State Historic Preservation Office (SHPO), Sarah Beimers (September 25, 2019)
    K. Weir, Bill (August 27, 2019)

8. Within Attachment A, comments from the submissions listed in Findings of Fact paragraph 7 are provided sequentially and verbatim as practical, with DNR's response following each comment.

9. Based upon the information contained in the EAW and received as public comments, the DNR has identified no environmental effects for the following topics: geology, groundwater, rare plant species and ecologically significant areas.

10. Based upon the information contained in the EAW and received as public comments, the DNR has identified the following potential environmental effects associated with the project:

    a. Construction
    b. Cover Type Conversion

c. Land Use
d. Soils and Topography
e. Surface Water
f. Wastewater and Water Appropriations
g. Stormwater, Erosion, and Sedimentation
h. Contamination and Hazardous Materials
i. Wildlife Resources and Habitat
j. Rare Wildlife Species
k. Invasive Plant Species
l. Historic Properties
m. Visual Effects
n. Air Quality Effects
o. Noise
p. Traffic
q. Cumulative Potential Effects

Each of these environmental effects is discussed in more detail below.

a. Construction

This topic was addressed in EAW Items 6, 10, 11, 12, 13, 14, 15, 16, 17, and 18, and comments from Commenters B, C, and D.

Construction

Up to 215 housing units would be constructed within the existing footprints of 26 historic buildings, using the historic building exteriors. New construction would include a commons area with outdoor swimming pool, sidewalks, landscaping, parking facilities, new streets, stormwater infiltration basins, utility improvements, and reconstruction of existing streets and driveways. Accessibility ramps would also be incorporated where needed as appropriate to meet Americans with Disabilities Act standards.

Parking facilities to be constructed would include surface parking stalls and approximately 93 single, common-wall garage stalls (spread within 22 structures).

Approximately 3,500 linear feet of the existing portions of Taylor Avenue and Leavenworth Avenue (both state park roads) would be reconstructed. Taylor Avenue may be reconstructed as an asphalt street with curbs as part of the Project.

A City of Minneapolis water main was installed in 2001 and would adequately serve the project. To ensure optimal water service, new service lines would be added within the Project Area and some existing service lines would be rehabilitated by Dominium.

The existing sanitary sewer system is in poor condition so a new system would be installed in place of the old, in the same locations where feasible. A small portion of the old sanitary sewer would be reused on the south end of the Project Area, and a connection to the existing sewer would be made on the north end. Replacement or updates to existing electrical, phone, communication and gas lines are included as part of the proposed Project.

The rehabilitation and renovation of the historic buildings would require removal and abatement of hazardous building materials (primarily lead-based paint and asbestos) from the interiors and exteriors of the buildings. Removal or abatement of hazardous materials would generate regulated waste that would require disposal at an appropriately permitted facility.

Reconstruction of Taylor Avenue, construction of sidewalks, new streets, parking facilities, utility improvements (including three infiltration basins) and the swimming pool would require earthwork, primarily excavation and grading. This would disturb the current land surface and has the potential to generate waste materials if contaminated soils or large amounts of solid waste are encountered.

Vegetation within the Project Area would be managed and restored. Dead trees and shrubs would be removed. New trees and landscaping to create green spaces would be added along the reconstructed Taylor Avenue and around site buildings. Healthy stands of mature trees and some vegetation along the eastern portion of the Project Area are expected to remain. Planned landscaping for the Project includes a mix of native species adapted to Minnesota's climate and selected for appropriateness related to a variety of site-specific conditions such as exposure to sun or shade, windy or protected areas, wet or dry. A goal of the Project is to remove as much invasive non-native vegetation from the Project Area as is feasible. No species that are known to invade natural areas would be planted as part of the Project's landscaping. Some portions of the Project Area would be managed as mowed turf. In those areas, non-native turf grass species are likely to be utilized. The Project landscape plans for rehabilitation would comply with the Secretary's Standards.

Construction activities are expected to begin in 2019. The reconstruction of Taylor and Leavenworth Avenues existing alignments are expected to begin in the fall of 2020. Where needed, vegetation would be cut or cleared between November 1 and March 31, during winter months in order to avoid impacts to rare species that may be utilizing the area. The Project is estimated to be completed by fall 2021.

No future stages of the project are known or planned at this time.

Several commenters recommended specific construction measures be incorporated into the buildings for noise reduction purposes. Most of these measures are already part of the Project design and are planned to be incorporated. See paragraph 10p of this Record of Decision for additional information.

b. Cover Type Conversion

This topic was addressed in EAW Items 7 and 11.

Cover type reflects vegetation and land uses within the 46.24-acre Project Area. Cover types currently consist of 11.94 acres of wooded/forest land, 22.52 acres of lawn/landscaped areas, and 11.78 acres of impervious surface (sidewalks, roads, and parking areas). The EAW noted that the wooded areas present within the Project Area are best characterized as woodlands, due to areas of open space within the overall wooded vegetation. Overgrown brush and invasive species are also present, which is typical of disturbed landscapes like the Project Area.

The proposed project would include a net increase of approximately 4.5 acres of impervious surface (sidewalks, driveways, roads and parking areas) and 0.98 acres of infiltration basins,

converting approximately 1.12 acres of wooded/forest land and 4.36 acres of lawn/landscaped area. The estimated acreage of 0.98 acres of infiltration basins currently proposed may be subject to change and approval through Section 106 review.

The 4.5 acres of project-related cover type conversion to impervious surface area is considered permanent. Limiting tree removal, focusing on removal of overgrown brush and invasive species, and stormwater management are the principal means to minimize project-related cover type conversion effects.

c. Land Use

This topic was addressed in EAW Items 9 and 11, and comments from Commenters A, B, C, D, E, F, G, I and K.

Existing Onsite Land use

The Upper Post buildings were constructed beginning in 1879 to be part of the larger Fort Snelling military base established in 1819. In 1960, the Upper Post parcel was designated as a National Historic Landmark, and in 1961, Historic Fort Snelling, including the Upper Post, was designated as a Minnesota State Park. In 1966, the Upper Post was added to the National Register of Historic Places (NRHP). Since the late 1990s, the Fort Snelling Upper Post buildings have been vacant and abandoned and are now currently in various states of disrepair.

Surrounding Land Use

The Project Area is part of Fort Snelling State Park and thus park property surrounds the Project Area except along the southwest edge where the Minneapolis/St. Paul International Airport (MSP Airport) is located. Municipalities in the area include Minneapolis, St. Paul, Bloomington, Eagan, Mendota Heights and Richfield.

Fort Snelling State Park encompasses Historic Fort Snelling, multi-use recreational trails, picnic areas, Snelling Lake, Snelling Golf Course, athletic fields, and additional recreational and educational resources. Fort Snelling State Park is managed for day-use only, no camping is available.

MSP Airport has one airfield with four runways, numerous taxiways and service roads, and two terminal buildings - Terminal 1-Lindbergh and Terminal 2-Humphrey - each with adjoining parking ramp facilities. A portion of the Project Area lies to the northeast of Runway 30R/12L. The MAC, a public corporation established in 1943 by the Minnesota State Legislature to provide for coordinated aviation services throughout the Twin Cities metropolitan area, owns and operates the MSP Airport.

Other adjacent areas to the Upper Post and Project Area include Highway 55 and the Mississippi River to the north, MN Highway 5 to the east, and the Minnesota River beyond the highway. Additional nearby trails and recreational lands are described below.

- **Minnesota Valley State Trail** - a multi-use trail paralleling the Minnesota River that currently runs through Fort Snelling State Park.
- **Minnehaha Trail** - a paved recreational trail on a former railroad grade that travels from Minnehaha Regional Park to Fort Snelling State Park along Minnehaha Creek and the Mississippi River. This trail connects to the

Minnesota Valley State Trail. The DNR considers the segment of this trail within Fort Snelling State Park as the Minnesota Valley State Trail - Minnehaha Segment.

- **Big Rivers Regional Trail** - a paved recreational trail traveling along the eastern side of the Minnesota and Mississippi Rivers confluence valley from Mendota Heights Road near Highway 13 into Lilydale near Interstate 35E (I-35E). Access to numerous trails in the Mississippi National River and Recreation Area and downtown St. Paul are possible through this trail.
- **West River Parkway** - a paved multi-use trail that runs along the western side of the Mississippi River valley that travels from Minnehaha Regional Park to Orvin Olson Park in northeast Minneapolis.

Two designated state water trails (MN Statutes 85.32), one national water trail, and a national wildlife refuge are located near, but not within, the proposed Project Area.

- **Minnesota River State Water Trail** - The Minnesota River flows 318 miles from Big Stone Lake in Ortonville to its confluence with the Mississippi River near Fort Snelling in St. Paul, with some portions designated as a Wild and Scenic River, and the entire river is a State Water Trail.
- **Mississippi River State Water Trail** - Portions of the river have been designated as a Wild and Scenic River.
- **Minnesota Valley National Wildlife Refuge** - The northern boundary of the refuge is located approximately 1.5 miles south, or upstream, of Fort Snelling State Park along the Minnesota River. The refuge is part of a corridor of land and water stretching nearly 70 miles along the Minnesota River and is comprised of more than 14,000 acres.
- **Mississippi National Water Trail** - The Mississippi National River and Recreation Area 72-mile Mississippi River corridor along with 4 miles of the Minnesota River corridor at the confluence are designated together as a National Water Trail, providing coordinated opportunities for access and paddle sports in urban and natural landscapes.

The proposed project is not anticipated to negatively impact these nearby resources and recreational areas.

There is no prime or unique farmland within the Project Area or immediate vicinity.

Plans

The Project Area is located within the Fort Snelling Unorganized Territory, so is not included in municipal comprehensive plans. 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.

The Fort Snelling State Park Management Plan refers to the Upper Post parcel as "Upper Bluff" and briefly indicates the need to preserve the historical nature of the land while promoting recreation. The management plan does not state specific land use plans aside from suggesting that a commercial entity on the property may be beneficial to funding maintenance and possible rehabilitation of the Upper Post buildings and grounds. The plan mentions the historic buildings within the Upper Post parcel and their poor condition and recommends trying to rehabilitate at least a portion of the buildings to preserve the historical integrity of the land.

The current proposal is consistent with reuse recommendations contained in the Fort Snelling State Park Master Plan (DNR, 1997) and the Fort Snelling State Park, Upper Bluff Reuse Study (Fort Snelling State Park Upper Bluff Consultation Team and Thomas R. Zahn & Associates, 1998).

Other relevant documents include the Upper Post Reuse Studies of 1996 and 2006, and the Fort Snelling Light Rail Transit and Upper Post Master Plan of 2011. The proposed project is consistent with the recommendations in each of these documents, as well as the Programmatic Agreement between the DNR, the SHPO, and the NPS (October 17, 2016), and the recent legislative action declaring the rehabilitation a "strategic priority" of the State (MN Statutes Sec. 474A.22, Subd. 4, adopted in 2018).

Zoning

Fort Snelling is an Unorganized Territory within Hennepin County, and is not included on municipal zoning maps. Fort Snelling State Park includes the Upper Post parcel which is designated as a National Historic Landmark. In 2006, the National Trust for Historic Preservation added the Upper Post to its list of "America's Most Endangered Places".

The Upper Post land is located within the **Mississippi River Corridor Critical Area (MRCCA)**, Separated from River District (CA-SR) – as the Project Area is separated from the river by a major transportation corridor (Highway 5). The Project Area includes a bluff impact zone, and new structures must meet the 40-foot bluff setback. Structure heights would not exceed the heights of any existing buildings (25-55 feet), and would be consistent with the height of the current mature tree line and existing surrounding development as viewed from the ordinary high water level of the opposite shore. Historic structures are exempt from the setback limits, but the exemptions do not apply to additions or site alterations (MN Rules, 6106.0180). The Project Area is not located within the MRCCA Shore Impact Zone. A portion of the Project Area includes MRCCA Bluff Impact Zone, which is primarily located along the Project Area boundary parallel to Highway 5.

The **Mississippi National River and Recreation Area (MNRRA)** includes Fort Snelling State Park. This designation stretches a total of 72 miles along the Mississippi River corridor and along the last 4 miles of the Minnesota River at the confluence in the Twin Cities metro area and was designated to protect, preserve and enhance the nationally significant resources of the river. The NPS is a party to the Programmatic Agreement (October 17, 2016) which endorses a reuse consistent with the proposed Project.

Compatibility

Reuse recommendations for the Upper Post area are primarily outlined in the Fort Snelling State Park Master Plan (DNR, 1997) and the Fort Snelling State Park, Upper Bluff Reuse Study (Fort Snelling State Park Upper Bluff Consultation Team and Thomas R. Zahn & Associates, 1998). Other relevant documents include the Upper Post Reuse Studies of 1996 and 2006, the Fort Snelling Light Rail Transit, Upper Post Master Plan of 2011 and the Mississippi National River and Recreation Area Comprehensive Management Plan of 1995. The proposed Project is consistent with the recommendations in each of these documents. The NPS and the SHPO entered into a Programmatic Agreement with the DNR in 2016, creating a framework for the project to be reviewed and move forward. In 2018, the Minnesota Legislature passed legislation that reserved tax exempt housing bonds for the Project, and defined the Project as a "strategic priority" of the State.

Though the Project Area is not within an area subject to a comprehensive plan, Metropolitan Council identified in its comment letter on the EAW that its Thrive MSP 2040 plan is relevant to the area. The Metropolitan Council noted that this plan establishes land use policies for the region, and provides direction and guidance to units of government as they plan. The agency noted in particular the importance of how these policies support the utilization and development of regional systems such as wastewater, parks and trails, surface transportation, and aviation.

The Upper Post is an at-risk area of the Fort Snelling Historic District. The proposed Project would rehabilitate the buildings that are currently abandoned, in poor condition, and turn the land into usable space. The restoration of the historic buildings would be compatible for the goals of the Historic District as it would preserve the historical value of the Upper Post.

The Project Area borders the MSP Airport, which would not be affected by the restoration and new use of the buildings. The portion of the airport adjacent to the Upper Post buildings consists of runways, so the proposed Project and its residential use would not affect airport operations. The noise generated by the airport is a concern for the residential use, but would be mitigated by suitable construction noise abatement features in the buildings and location of the recreational facilities in the far eastern portion of the Project Area, remote from the airport.

Construction noise abatement features in the buildings would include insulated storm windows, using air tight design on windows and doors, attic and wall insulation, and other best practices during building restoration and remodeling. Such techniques are common in housing near noise sources and have been similarly used successfully in the nearby Veterans Affairs housing by CommonBond, though this development lies within lower noise contours than some parts of the proposed project.

Comments received from the MAC and the Metropolitan Council identified that these agencies do not believe residential use of the Project Area is a compatible land use adjacent to the MSP Airport.

d. Soils and Topography

This topic was addressed in EAW Item 10.

EAW Item 10 identified soils within the Project Area, as well as soil limitations related to construction and development activities, based on information from the Natural Resources Conservation Service Web Soil Survey.

The soils within the Project Area are characteristic of the Dorset soil series: coarse-loamy, mixed, superactive, frigid Calcic Argiudolls (soils characteristic of outwash plains, stream terraces and moraines). These soils are typically sandy loams with varying amounts of silt, clay and gravel.

The soils are identified as:

- “not limited” for dwellings (with or without basements);
- “somewhat limited” for lawns and landscaping due to a limited ability to hold and transfer nutrients to plants, fair susceptibility to drought, and occasional dustiness; and

- "somewhat limited" for local roads and streets due to moderate susceptibility to frost action (frost heave and thaw weakening).

The topography of the Project Area is primarily level with an approximate elevation of 815 feet above mean sea level. Substantial changes in the surface elevation are not planned or anticipated from the proposed Project. The final grades of new construction would closely follow existing topographic contours. Given the relatively level topography of the Project Area, no planned major changes in the finished elevations, the low erosion rating of the soils, and best management practices (BMPs) to be implemented, soil erosion during construction activities would be limited for the proposed Project.

Since the Project would primarily consist of rehabilitation of the existing buildings, disturbance of soils or earthwork would be limited to the new construction features of the Project (landscaping, parking, roads, infiltration basins, utilities and the swimming pool). Once construction is completed and vegetation from the new landscaping is established, impacts to soils in the Project Area are expected to be minimal.

e. Surface Water and Groundwater

This topic was addressed in EAW Item 11.

Surface Water

No lakes, streams, wetlands or other water bodies are located within the Project Area. The U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) identifies two wetland areas adjacent to the Project Area. With regard to other water bodies, the closest to the Project Area is Snelling Lake, approximately 0.09 miles to the southeast across Highway 5.

The Minnesota River, the Mississippi River, Snelling Lake and Gun Club Lake are located within one mile of the Project Area. All but Gun Club Lake are listed as having some type of impairment on MPCA's 2018 Impaired Waters List. Construction-related impairments such as turbidity, dissolved oxygen, total suspended solids, and fecal coliform, are noted for the Mississippi and Minnesota Rivers. Therefore, as required under the MPCA National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit, the MPCA Stormwater Pollution Prevention Plan (SWPPP) for the Project would need to specify that inactive, disturbed areas would be stabilized immediately, with final site stabilization completed within seven days of temporarily or permanently ceasing soil disturbance on any one portion of the Project Area.

No direct impacts to the adjacent wetland features are expected. It is possible under certain weather conditions during construction that minor amounts of construction trash/debris or sediment may be swept by wind or water into the adjacent wetland areas. To the extent possible, these materials would be removed. The infiltration basins and use of BMPs such as silt fences would be expected to prevent or minimize these potential impacts. No long-term wetland impacts are expected as a result of the proposed Project.

No impacts from the Project are anticipated to other surface waters identified in the Project Area vicinity. BMPs and the new infiltration basins would help control stormwater run-off and

may minimally improve the water quality of Snelling Lake, the nearest non-wetland surface water to the Project Area.

f. Wastewater and Water Appropriations

This topic was addressed in EAW Item 11.

Wastewater

The Project Area is connected to the City of Minneapolis wastewater collection system, which is connected to the Metropolitan Council Metropolitan Wastewater Treatment Plant in St. Paul, Minnesota.

The existing sanitary sewer system is in poor condition. A new system would be installed in place of the old, in the same locations where feasible. Once complete, the new sanitary sewer system in the Project Area would flow into an existing sewer interceptor line along Highway 5, which currently has adequate capacity to handle the estimated wastewater flow from the proposed project.

The sanitary sewer system would also be used for disposal of excess amended water used during asbestos abatement during construction. This water would be filtered and discharged to the sanitary sewer within the Project Area per Minnesota Department of Health (MDH) guidance.

The existing sewer main connected to the Project Area along with downstream sanitary tunnels have sufficient capacity for the proposed Project.

Water Appropriations

The Project Area is connected to the City of Minneapolis water supply, which is drawn from the Mississippi River. The existing City of Minneapolis water main connected to the Project Area currently has sufficient capacity to support the planned project. To ensure optimal water service, new service lines would be added within the Project Area and some existing service lines would be rehabilitated by Dominium. The City of Minneapolis water system would not need additions or improvements to provide the water flow estimated to be needed for the proposed Project.

Permanent dewatering is not anticipated. Temporary dewatering during construction is also not anticipated but a minimal amount may be required. If required, appropriate permits from the DNR would be obtained, and discharge would comply with NPDES/SDS requirements and any other applicable permits.

g. Stormwater, Erosion, and Sedimentation

This topic was addressed in EAW Items 10, 11, and 13.

Currently, stormwater surface drainage in the Project Area occurs via sheet flow in various directions to stormwater catch basins on the perimeter, which eventually drain to municipal systems.

The estimated current stormwater volume (under a 1 year, 24-hour rain event of 2.48 inches) from the Project Area is approximately 122,098 cubic feet. Once the project is complete, the

estimated stormwater volume (under the same conditions) from the Project Area is approximately 60,723 cubic feet.

Because the proposed Project would involve disturbance of more than one acre of land, a SWPPP and an MPCA-administered NPDES/SDS permit are required. The proposed Project would be required to provide both temporary and permanent erosion and sediment control as required by MPCA's stormwater construction general permit. Temporary and permanent erosion and sediment control measures may include: rock entrances; silt fence; wood chip logs; inlet protection; rock check dams; temporary seeding and mulching; erosion control blankets for disturbed areas; filtration treatment devices; and seeding or placement of sod or other vegetative material for final stabilization.

Based on the proposed Project soil disturbance, an Erosion and Sediment Control Plan would be required by the Lower Minnesota River Watershed District. An Erosion and Sediment Control Plan would be submitted to the Lower Minnesota River Watershed District for approval prior to the start of construction on the proposed Project.

Post-construction BMPs such as landscaped areas and infiltration basins would be implemented at the Project Area to address stormwater runoff quality and quantity and meet MPCA treatment requirements, including for storm events. Three infiltration basins (one underground system and two surface basins) are planned as part of improvements to the stormwater management system.

With the BMPs and storm drainage controls, minimal effects would be anticipated. Modest water quality improvement may occur in Snelling Lake, the discharge point for stormwater runoff.

h. Contamination and Hazardous Materials

This topic was addressed in EAW Item 12.

<u>Hazardous Building Materials in Existing Structures</u>

The rehabilitation and renovation of the historic buildings would require removal and abatement of hazardous building materials (primarily lead-based paint and asbestos) from the interiors and exteriors of the buildings. Removal or abatement of hazardous materials would generate regulated waste that would require disposal at an appropriately permitted facility.

Inspections for lead-based paints and asbestos-containing materials are in progress for the Upper Post buildings. The buildings surveyed all contain both lead-based paint and asbestos-containing material. Due to the current state of the buildings some of these materials are in poor condition.

Asbestos-containing materials that are in poor condition or are to be affected by the rehabilitation of Project Area buildings would be removed by a licensed abatement contractor. The contractor would be responsible for removing and disposing of the materials in a manner that meets state and federal regulations. Asbestos-containing materials would be sealed in plastic sheeting or barrels after removal and transported daily for disposal at an appropriate landfill licensed to accept this type of hazardous waste.

Lead-based paint would either be removed or encapsulated by a contractor licensed for lead paint abatement. Due to the historic nature of the Project Area, it is expected that wooden

surfaces (i.e. doors, windows, trim) would be stripped of lead-based paint in order to be reused in the remodeled buildings. Any lead-based paint that is left in place would be encapsulated in order to seal the surface and provide a barrier between the paint and the surrounding environment. Removal and disposal of lead-based paint would be done in a manner that meets all state and federal regulations.

MPCA Database Query

The MPCA "What's in My Neighborhood" (WIMN) online database was accessed to determine if existing contamination or potential environmental hazards are present on or in close proximity to the Project Area. The database did not identify any sites present within the Project Area, but did identify 43 sites within 0.25 miles of the Project Area. Of the 43 sites identified, 13 remain active.

The majority of the identified sites are associated with fuel storage for multiple airport entities at MSP Airport, which is adjacent to the Project Area. Most of the active sites are associated with above and below ground storage tanks, and there are known releases to soil and groundwater at the airport from the tanks and other sources. The extents of the releases have been defined and are not in close proximity to the proposed Upper Post residential development. As a result, soil and groundwater contamination from identified fuel storage tanks at the airport is not anticipated to be encountered during construction in the Project Area.

Response Action Plan/Construction Contingency Plan

In the interest of due diligence for the proposed project, Braun Intertec conducted two limited environmental investigations within the Project Area. Based on the results of the environmental investigations described above, Braun Intertec recommended the development of a Response Action Plan (RAP)/Construction Contingency Plan (CCP) to provide procedures for the management of contaminated or debris laden fill soils that may be encountered during construction for the proposed Project.

Although the identified WIMN sites in the vicinity of the Project Area are not expected to cause adverse environmental impacts during redevelopment, based on the results of Braun Intertec's environmental investigations within the Project Area, a RAP/CCP was developed and submitted to the MPCA for approval. The MPCA approved the RAP/CCP on April 30, 2019. The Project has also been enrolled into the MPCA's Brownfield and Voluntary Investigation & Clean Up (VIC) programs.

Locations with soil that exceeds regulatory standards would be removed from the Project Area during construction and handled in accordance with the MPCA-approved RAP/CCP. To accommodate construction goals or satisfy geotechnical soil requirements after the removal of contaminated or debris laden soils, fill material may be imported to the Project Area if needed. Prior to arrival, imported fill material would be tested for suitable use within the Project Area as outlined in the approved RAP/CCP.

Solid Waste

Solid waste generated during construction is expected to consist primarily of construction debris, material packaging, and general municipal refuse. The contractors working within the Project Area would be responsible for proper storage and offsite disposal that meets local regulations.

Solid waste generated after Project construction is completed and the Project Area is in use would consist of mixed residential/municipal waste materials. Solid wastes generated by residential activities would be hauled by a refuse contractor to the appropriate landfills.

Hazardous Materials/Wastes

As discussed above, the redevelopment of the Upper Post buildings would reduce the amount of hazardous materials in the buildings and ensure proper disposal.

During construction, hazardous materials and petroleum products such as gasoline, lubricants, and solvents would be brought to the Project Area as needed for fueling and equipment maintenance. Materials would be removed from the area once maintenance activities are completed. Proper storage and use procedures of all chemicals/hazardous materials would be followed during construction to prevent spills. Required spill kits and containment materials would be present during work activities and easily accessible if needed.

Upon Project completion, use of chemicals/hazardous materials would be expected to be limited. Types, quantities, and composition of chemicals/hazardous materials would be typical of residential activities. Small amounts of household hazardous wastes such as paint, batteries, and some cleaning supplies would be expected. When routine maintenance that requires use of these products is conducted, property management personnel would utilize safe handling, disposal, and storage practices as recommended by product manufacturers. In addition, chemicals associated with the pool would be stored in a dry secure location, and would be handled only by trained personnel utilizing proper Personal Protective Equipment.

i. Wildlife Resources and Habitat

This topic was addressed in EAW Item 13.

Wildlife present in and around the Project Area are primarily generalist species such as raccoons, skunks and white-tailed deer accustomed to urbanization. The Project Area is within Fort Snelling State Park and in close proximity to Snelling Lake, the Mississippi and Minnesota River valleys and the Mississippi Flyway migratory corridor. A variety of aquatic birds such as herons and ospreys are likely to occur or nest in the general vicinity of the Project Area.

Minimal impacts to wildlife and wildlife habitat are anticipated from activities related to the proposed Project. Potential effects include changes in existing ground and canopy cover, accidental introduction of invasive species, and disruption of animal movements. Bats nesting in abandoned buildings may be displaced during renovation. No regional or long-term impacts to wildlife or wildlife habitat are anticipated.

There is no aquatic habitat within the Project Area. Fisheries resources nearby are Snelling Lake, the Minnesota River, and the Mississippi River.

Impacts to fisheries resources are not anticipated from the proposed development. Appropriate use of stormwater BMPs during and after construction would prevent or minimize erosion and siltation that could negatively affect off-site water quality and organisms inhabiting aquatic environments.

j. Rare Wildlife Species

This topic was addressed in EAW Item 13.

The Minnesota Natural Heritage Information System (NHIS) database was reviewed to determine whether any rare, threatened, or endangered plant or animal species or other important natural features are known to occur within or near the Project Area (within an approximate one-mile radius). These queries identified several rare features within the search radius. Of the features documented in the search radius, a subset were identified in the NHIS response letter with potential to be adversely affected by the proposed Project.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) online tool was queried in December 2018 for the occurrence of federally-listed plant and wildlife species in the vicinity of the Project Area. One mammal, one mussel and 20 migratory bird species were identified as potentially occurring in the Project vicinity.

State and Federal Listed Species

Several state-listed fish, mussels, amphibians, and reptiles have been documented in the Mississippi and Minnesota Rivers in the vicinity of the proposed Project. These species are particularly vulnerable to deterioration of water quality, especially increased siltation. Effective erosion prevention and sediment control practices would be implemented and maintained throughout the duration of the Project and incorporated into the SWPPP for the Project Area. Storm sewer improvements are part of the proposed development and include infiltration basins, which are designed to improve the water quality of aquatic habitats downstream from the Project Area. No impacts to these species are anticipated from the proposed development

Higgins eye (*Lampsilis higginsii*), also known as pearly mussel, is endangered at both the state and federal levels. It is a freshwater mussel that occurs in larger rivers usually found in areas with deep water and moderate currents. No effect to this species or its habitat is anticipated from the proposed development. Appropriate use of stormwater BMPs during and after construction would prevent or minimize erosion and siltation that could negatively affect off-site water quality and organisms such as Higgins eye inhabiting aquatic environments.

Northern long-eared bat (*Myotis septentrionalis*) is state-listed as a species of special concern and federally-listed as a threatened species. This species is typically associated with forested habitat near water resources; a small portion of the existing tree cover within the Project Area may provide suitable roosting and foraging habitat during the summer months. It typically roosts and broods young in large trees that have shaggy bark, cavities, or otherwise exhibit signs of decay, particularly aspen. The northern long-eared bat has been documented roosting in buildings and bridges in the summer. While no known hibernaculum are within the Project Area, there are known hibernaculum in the vicinity (within one mile). Bat wintering habitat such as natural caves and mines is absent within the Project Area.

The USFWS impact assessment key for Consultation and 4(d) Rule Consistency was followed for the northern long-eared bat. The outcome of the analysis was that the project may impact the bat, but any impact would be considered an incidental take. Low impacts to potential bat roosting habitat may be anticipated as a result of the Project development because few, if any of the trees that would be removed could provide roosting habitat for northern long-eared

bat (the trees planned for removal are smaller). The large, mature trees within the Project Area are nearly all bur oak, which would be preserved because they are part of the natural and cultural history of the Project Area. Although the species' roosting habitat is typically reported as large trees with cavities or loose bark, the species has been documented roosting in bridges and buildings. In the unusual event the species is roosting in one of the buildings, renovation could create adverse impacts.

Tricolored bat (*Perimyotis subflavus*), little brown bat (*Myotis lucifugus*), and big brown bat (*Eptesicus fuscus*) are listed as species of special concern and have been documented in the vicinity of the proposed Project. During winter, these species typically hibernate in caves and mines. During the active season (approximately April – October) they roost underneath bark, in cavities, or in crevices of both living and dead trees, and in human structures such as buildings and bridges. Pup rearing is during June and July. Impacts to these bat species from the proposed project are unlikely, but could occur during renovation in particular if found to be roosting in one of the buildings.

Rusty-patched bumblebee (*Bombus affinis*) is a federally endangered insect associated with a variety of native herbaceous and woody plant species as well as urban gardens that provide floral resources April through October. The rusty-patched bumblebee nests and winters underground. The species is also state-watch listed. It was not noted on the IPaC results, but NHIS results indicate it is known from a location within a few miles of the Project Area. The Project Area is a low priority zone identified by USFWS, and following USFWS guidelines, no effect to the rusty-patched bumblebee is anticipated in low priority zones. Though existing floral resource habitat may be eliminated by the Project, planting of native and pollinator friendly vegetation species would be part of the landscaping for the proposed development and this would potentially aid in the mitigation of lost habitat for this species.

Animal Assemblages

Two animal assemblages have been identified within a one-mile radius of the Project Area. One is a bat colony in a manmade excavation characterized by high ceilings and several tunnels. A second is a freshwater mussel concentration that was identified in the Minnesota River within Fort Snelling State Park.

No impacts to animal assemblages are anticipated from the proposed development. Appropriate use of BMPs during and after construction would prevent or minimize erosion and siltation that could negatively affect off-site water quality and organisms inhabiting aquatic environments, such as the mussel populations in the Minnesota River.

Migratory Birds

All listed migratory birds and/or their habitat have the potential to be affected by the proposed development due to habitat removal or disturbance. Removal or disturbance to vegetation and trees would be conducted during the winter months (approximately November 1 to March 31) to avoid impacts to migratory birds that may be utilizing the area.

Mitigation Measures

The following measures would be taken to avoid, minimize, or mitigate adverse effects:

- Retain existing vegetation and tree canopy to the extent possible to limit impacts to wildlife and wildlife habitat.

- Maintain the historic landscape of the Fort (oak savannah plant community) including existing mature bur oaks. Additionally, due to the risk of oak wilt infection, oak pruning and any necessary oak tree removal would take place from November-March, to ensure the lowest chance of oak wilt infection.
- Plant with thoughtfully-selected native species suited to the climate and site-specific conditions, such as exposure to sun or shade, windy or protected areas, and moisture conditions. Native savannah plantings would be reestablished in select locations around the Project Area, particularly near the edge of the bluff where the goal is to re-create a more "natural" area for passive use.
- Apply appropriate sediment control measures to reduce impacts to terrestrial and aquatic habitats outside of the Project Area.
- Conduct necessary removal of potentially hazardous trees (such as those located near buildings) and other vegetation disturbance/removal to winter months (approximately November 1 to March 31) to avoid impacts to active bat roosting habitat, rusty-patched bumblebee, and state and federally-listed migratory birds that may use the Project Area for breeding, nesting, loafing and hunting.
- If winter removal is not possible, attempt to remove any large trees deemed hazardous outside the bat pup season (May 1 – Aug 15) to minimize the risk of impacting young bats that cannot fly.
- As recommended by DNR resource specialists, seal buildings by May 1 (new windows, roofs, and doors, etc.) to deter or minimize impacts to bats that may look to roost in buildings. Otherwise, avoid demolition/construction from May 1 to Aug 15. Once buildings are sealed, interior construction would not be restricted.
- If bats are discovered in buildings during renovation, consult with resource specialists to determine whether a bat survey for building interiors is needed. If so, a survey by a qualified biologist would be conducted to determine the species present, and if bats are roosting or raising pups. If no pups are present, bats would be removed by a professional service and released, and/or bat exclusion devices would be installed on the buildings. The exclusion devices would allow bats to exit a building on their own and the devices would prevent re-entry. Buildings would be sealed during renovation to prevent future occupancy. If northern long-eared bats are present, a biologist with a USFWS take permit would be contracted to relocate the bats. If bat pups are present, exclusion and sealing would wait until pups are old enough to exit the building.
- As recommended by resource specialists, allow Dominium to install artificial bat roosting structures within the Project Area for at least three years, enabling bats to become familiar with them, if needed. The structure type and locations would be determined and approved by resource specialists as well as SHPO due to the historic importance of the Project Area.
- Follow appropriate guidelines (including the National Bald Eagle Management Guidelines and Nationwide Standard Conservation Measures) for migratory birds if species are determined to be present.

k. Invasive Plant Species

This topic was addressed in EAW Item 13.

There is potential for introduction and spread of invasive species during Project-related construction activities. Soil disturbance can provide suitable conditions for establishment of

invasive species where they have the opportunity to outcompete native species. During Project Area development, the extensive, brushy growth of common buckthorn and non-native honeysuckle on the east portion of the Project Area would be cut, and native species would be reestablished. Both woody and herbaceous invasive plant species would be controlled as part of routine landscaping and vegetation management activities.

Measures to prevent or limit the potential for introduction and spread of invasive species would include:

- Prevent or limit the introduction, establishment, and spread of invasive species following DNR's Operational Order 113. This includes controlling the potential for introduction and spread of invasive species by inspecting equipment prior to entering the Project Area, and maintaining clean working equipment and conditions.
- No invasive non-native species would be planted in the naturally vegetated portions of the Project Area, and much of the invasive non-native vegetation currently present would be removed. Some portions of the Project Area would be managed as mowed turf. In those areas, non-native turf grass species are likely to be utilized. No species that are known to invade natural areas would be planted as part of the Project's landscaping.
- Manually remove seedlings of invasive species from revegetated areas for at least three growing seasons. As appropriate, revegetation areas would be mowed occasionally to control invasive growth.

l. Historic Properties

This topic was addressed in EAW Item 14 and responses to Commenters H and J.

The Project Area is within the boundaries of the Fort Snelling Historic District, which is listed in the National Register of Historic Places (NRHP) and is also designated as a National Historic Landmark (NHL). Both districts are located within Fort Snelling State Park.

The Section 106 Programmatic Agreement between the DNR, the NPS, and SHPO, executed on October 17, 2016, allows a Program Change from the Federal Lands to Parks Program to Historic Monuments Surplus Property (40 U.S.C. § 484(k)(3) and 41 C.F.R. 101-47-308.3). This Program Change allows the DNR to lease the buildings to a developer, who would rehabilitate the buildings into affordable housing with the option of participating in the Federal and State Historic Preservation Tax Incentives Programs.

As authorized by the NPS under the terms of the Section 106 Programmatic Agreement, the DNR is responsible for assuring that the Project complies with Section 106 of the National Historic Preservation Act. All of the proposed work in the Project Area would be consulted upon and reviewed as part of the historic rehabilitation tax credit process and as part of the Section 106 process.

To successfully complete both processes, and meet the requirements of the Property's deed restriction, all Project rehabilitation work must be designed and implemented in accordance with the Secretary's Standards and result in an overall finding that the Project will not adversely affect historic properties.

Historic designations

The Fort Snelling Historic District was designated a NHL for significance to the Theme "Westward Expansion and Extension of the National Boundaries" and the Subtheme "Military and Indian Affairs." The NRHP district is listed under Criterion A and is designated as significant in the areas of Military, Aboriginal-Historic, Commerce, Communications, Political, Transportation, and Other-Settlement of Frontier. The NRHP period of significance extends from 1819 to 1858 and 1861 to 1946. Buildings and landscape features are contributing resources to both Fort Snelling Historic Districts.

Known artifact areas

Both the NHL and NRHP Fort Snelling Historic Districts are documented as one archaeological site (21HE0099), which is confirmed by the SHPO report on archaeological resources in the Project Area. Numerous studies have previously occurred in site 21HE0099.

As part of the proposed Project, Nienow Cultural Consultants conducted a Phase I archaeological survey in October 2018. During the survey, 1,323 cultural materials were processed and cataloged.

The DNR under agreement by the Project coordinating partners will share the findings of the final Phase I survey report with the federally recognized tribes as part of the tribal consultation for the Project. The scope of any additional survey and testing would be determined in consultation with the DNR, SHPO, and NPS.

Architectural/historic features

The Project Area contains 26 buildings and a historic landscape. The landscape in the Project Area has been evaluated in several previous reports which contain guidelines for preserving the landscape.

Although the landscape has not been regularly maintained in the last two decades, historic features are extant and the landscape retains historic integrity. The historic roads and sidewalks maintain the circulation patterns. Several mature oak trees and evergreen trees continue to be recognizable as historic plantings in the Project Area. While the tree canopy is historic, the ground vegetation is overgrown and some plants, including buckthorn and briars, have concealed landscape features, especially along the bluff edge. As additional historic landscape analysis is completed, it will be reviewed and consulted upon as part of the Section 106 and historic tax credit processes.

The historic rehabilitation work would preserve historic character-defining features and materials on all of the buildings and within the landscape.

For the Project Area, historic roads and sidewalks are in poor condition and would be resurfaced and rehabilitated, as appropriate. Some sidewalks may be widened and the grade modified to allow for accessible use. New driveways, sidewalks/trails, parking lots, and garages would be built to accommodate residents. New playgrounds would be constructed in several locations within the Project Area. New lighting, directional signage, and other furnishings would also be installed. The locations of new features are being determined in consultation with DNR, SHPO, and NPS as part of the Section 106 and tax credit review processes.

The proposed Project has the potential to directly impact the historic properties in the Upper Post section of both the NHL and NHRP Fort Snelling Historic Districts. The scope of work for the buildings and landscape is still being developed, and at this time it is not possible to fully determine what impacts may occur to historic properties. Under the Programmatic Agreement executed in 2016 and as required per the Historic Monument Program deeds restriction, DNR would require and assure that the proposed Project meets the Secretary's Standards and would result in no adverse effects to historic properties. The Project would be reviewed by the DNR, SHPO, and NPS under the Section 106 process and the historic tax credit process, as outlined in the PA. The DNR, as agreed to, would lead consultation with the federally recognized tribes for the proposed work.

m. Visual Effects

This topic was addressed in EAW Item 16, and responses to Commenter G.

Redevelopment of the area would clear out some of the brush, and make the river and lake visible from some of the historic buildings once again. Although the highway and the airport have changed the view-shed of the historic property, the redevelopment would improve the visual state of the buildings and return views from the Project Area closer to their original state.

The construction phase of the Project would occur during typical daylight working hours, and lighting associated with this phase would be need-based, localized, and non-permanent, and would not interfere with nearby airport operations.

Upon completion of the Project, the buildings would be occupied residences. In their current state, the buildings are vacant and do not give off any light. The additional lighting from residential activities in the buildings and parking areas would have a minimal impact on the area as it is currently bound by lighted highways and the MSP Airport with associated lighted runways. There are no known restrictions on the type of lighting that can be used for a residential development in close proximity to the airport. Lighting for the proposed development is not anticipated to be a design that would cause interference with airport operations.

The additional lighting from the completed Project would not change the experience of Fort Snelling State Park to visitors or alter the view of the Upper Post parcel from nearby waters. The additional lighting would typically only be in use after Fort Snelling State Park is closed to visitors. Additionally, the lights along highways in the vicinity separate the Project Area from park visitor areas and likely give off greater illumination than the completed Project would.

n. Air Quality Effects

This topic was addressed in EAW Item 16.

No major new stationary source emissions such as boilers or exhaust stacks are anticipated with the redevelopment of the Upper Post. Air emission impacts would be as typical from multi-family residential natural gas heating and cooling systems.

The redevelopment includes the addition of approximately 720 total parking spaces (garage stalls, surface spaces and parallel street spaces), but is not expected to noticeably affect traffic in the vicinity nor add substantially to vehicle emissions. Tenant vehicles are not expected to affect the air quality of the area.

Construction-related vehicle emissions would be minor and temporary in nature and are not expected to affect air quality in the Project Area vicinity.

The construction phase of the Project is expected to generate standard construction dust, and best practices such as watering would be used to reduce these emissions throughout the construction process. The construction phase would include asbestos and lead-based paint removal and/or abatement. Amended water would be used to keep dust down during both indoor and outdoor abatement. All abatement activities would be conducted by licensed professionals and in accordance with state and federal regulations.

Nearby entities include the MSP Airport, Minnesota Highway 5, Neiman Sports Complex, and the Fort Snelling Golf Course. The small amount of dust emissions generated during construction are not expected to affect these entities or their users, and would be minimal in comparison to airport and highway dust and odor emissions. Fugitive dust is not expected to continue once the construction phase of the Project is completed.

Odors are not expected to be generated during either the construction phase or after the Project is complete and occupied.

o. Noise

This topic was addressed in EAW Item 17, and responses to Commenters A, B, C, D, E, and F.

<u>Project Noise Impacts</u>

Construction activities would temporarily generate increased noise in the Project Area and surrounding vicinity. The noise would be associated with machinery, drilling, pounding, and other construction activities. These activities would occur during normal working daylight hours (7:00 AM – 6:00 PM) and adhere to state noise standards as provided in Minnesota Rules, 7030.0040. Noise would be managed by ensuring that the proper controls, such as mufflers, are used on heavy equipment operating within the Project Area.

Once the redevelopment is completed and operational these increased noise levels would end. On a long term basis, occasional noise may occur from repair projects and landscape maintenance. Such activities would be completed during normal working daytime hours and would be temporary so any contributions of noise to the area would be minor. Residential noise levels are minimal in comparison to airport or highway traffic noise. The neighboring office buildings along Bloomington Road or employees at Fort Snelling State Park would not be disturbed by the proposed Project, nor would the new residents be disturbed by these entities. A change in overall noise levels in the vicinity of the Project Area would be unnoticeable due to its close proximity to the airport and major highways.

<u>Noise Impacts on the Project from MSP Airport and Highway 5</u>

The Project Area is bound to the south and west by the MSP Airport, and MN Highway 5 to the east. These existing features generate high noise levels on parts of the Project Area. The MAC 2016 Annual Noise Contour Report indicates that the redevelopment area ranges from

60 to over 70 DNL (day-night average sound level). Approximately 20 units among four of the southern-most buildings are located within the modeled 70-75 DNL noise contour and the MPCA noise area classification 2 (NAC 2): two Officer's Row houses (Buildings 160, 161); half of one of the barracks (Building 103); and the bakery (Building 112).

MPCA's Noise Area Classification guidelines indicate the noise levels for a portion of the Project Area closest to the MSP Airport and Highway 5 will require mitigation.

The FAA suggests that noise levels above 65 DNL are not recommended for residential use; however, the FAA indicates that it may be permitted with suitable mitigation.

The Metropolitan Council has adopted guidelines based on the FAA standard, which also indicate that noise levels between 70-75 DNL are not generally compatible with residential use, but allow it, with suitable mitigation, if residential use is already present in the area.

This portion of Fort Snelling continued to be in residential use long after the modern airport era resulted in higher noise levels. The primary area of noise impact is adjacent to MSP Airport runway R30/L12 and is impacted when that runway is in use. It is located in safety land classification C (per the MAC guidance) where residential use may be permitted when the local community determines appropriate.

The State, in its legislative determination finding the Project as proposed to be a strategic priority, and the DNR, under its National Landmark land acceptance requirements, have found this to be a unique situation warranting residential rehabilitation and use of all buildings in the Project Area to accomplish preservation of this unique cultural and historic property. However, substantial noise mitigation is warranted in Project design and construction as discussed more fully below.

Because the proposed Project is for residential use, Dominium retained Veneklasen Associates (Veneklasen), a nationally recognized noise consultant, to undertake area ambient noise monitoring and recommend mitigation measures for the proposed Project. Under its lease with Dominium, the DNR would require suitable noise mitigation and this would be a specific focus of attention during DNR's site plan and individual building review for the Project to ensure suitable mitigation is implemented. Upon completion, DNR would require testing to confirm the required levels of noise mitigation are attained in all units. If any units do not meet the noise levels required, additional attenuation would be required. Costs for noise mitigation would be borne by the Project, and neither MnDOT nor the MAC would be looked to for contribution.

The Veneklasen noise monitoring study included on-site monitoring of noise, showed 71 DNL at the airport boundary (slightly lower than predicted by the MAC modeling which shows a more expansive 70-75 DNL contour), and 66 DNL at the northern boundary, where noise is determined by proximity to Highway 5. In development of its mitigation recommendations, Veneklasen considered the MPCA NAC guidelines - Minn. Rules. Section 7030.040, the Federal Aviation Administration, Part 150, Appendix A guidelines, and the recently adopted Regional 2040 Transportation Policy Plan (TPP) - Appendix L: Aviation Land Use Compatibility Guidelines. These guidelines discourage residential use in high noise areas but recognize that residential use can be made acceptable in higher noise situations such as this, provided

substantial noise attenuation is accomplished in the exterior unit walls and the interior is fully climate conditioned/controlled.

- The State guidance indicates that residential use may be permitted in a noise intensive area if there is noise attenuation of 30 dBA in the exterior walls with full climate control, and no areas "intended for outdoor activity." The residential units in the Project are proposed to have attenuation greater than 30 dBA, full climate control, and no areas within NAC 2 that are formally "intended for outdoor recreation." DNR acknowledges that while the designated outdoor recreation areas are located outside of the 65 DNL contour, walking paths and landscape areas such as yards would encourage outdoor use and be subject to elevated noise levels.
- Both the FAA guidance and the 2040 TPP find noisier locations acceptable if interior noise levels are mitigated to 45 DNL or less. Dominium and DNR have agreed to meet this standard whether the noise is caused by the MSP Airport or Highway 5 and will confirm attainment by post construction testing. Testing results would be shared with the MAC, as requested in its comment letter on the EAW.
- Dominium and DNR agree to enter into a Memorandum of Agreement (MOA) with the MAC to not seek noise mitigation funding from the MAC. Noise levels from Highway 5 are lower, but in this portion of the site, an interior noise level of 45 DNL will be attained without imposition on MnDOT for mitigation assistance.

Studies have also shown that short duration, louder noises can interrupt sleep (levels over 55 dBA). Veneklasen has recommended noise attenuation to prevent such levels inside the units, again by exterior wall noise attenuation. This is a more stringent test than attainment of the 45 DNL or the 30 dBA attenuation and would, in some buildings nearest to the airport runway, require more attenuation. DNR would require and Dominium has agreed to also mitigate to meet this standard.

Veneklasen has recommended various noise attenuation measures to ensure all proposed units would meet or fall below the 45 DNL interior noise standard and avoid sleep interrupting incidents over 55 dBA. Dominium has agreed to implement Veneklasen's recommended construction techniques as needed and appropriate for each building to mitigate exterior noise inside the buildings. These techniques 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.

The above noise mitigation techniques would be applied in each building as needed and would result in a noise reduction from the exterior envelope of all buildings that are subject to ambient noise above the FAA and TPP guidelines, whether from road or airport, to a 45 DNL interior level and to avoid the sleep interruption short duration impacts. Implementation of these mitigation techniques would ensure interior noise levels are appropriate for residential use. Similar noise mitigation techniques were successfully implemented in the nearby CommonBond Veterans housing project, which also experiences high noise levels, though its buildings are not within the higher 65-70 or 70-75 DNL contours. Building 65, which is planned to be a recreational or community use space would also receive noise mitigation improvements comparable to those planned for the residential buildings to attain the 45 DNL level.

The Project Area is in close proximity to other recreational facilities including Fort Snelling State Park with recreational trails, swimming and picnic areas; the Minneapolis Park and Recreation Board's athletic fields and golf course; and Historic Fort Snelling operated by the Minnesota Historical Society. The proposed Project design for exterior recreational amenities includes a playground area, swimming pool, and outdoor picnic and assembly areas to be located in the north central portions of the Project Area where sound levels are lower. If noise near the active use areas of the Project are found to be bothersome, suitable mitigation measures would be considered for the new exterior recreation areas. These would include limited noise barriers or include smaller-scale features such as berms, brick walls, awnings, roofing or other overhead features that may help reduce noise experienced at ground level in the designated outdoor recreation areas. For example, a structure with a roof or large overhang in the pool area would provide shade as well as a noise barrier to the outdoor space. The design of noise barriers for exterior recreation areas, if needed, would be incorporated into and considered as part of the overall design for the rehabilitation of the landscape/site as part of the Section 106 and tax credit processes.

The DNR and the project developer, Dominium, have considered noise impacts for both the long term and recreational use of the Project Area. DNR notes that the surrounding area includes outdoor athletic fields, a golf course, and the CommonBond veteran's residential development, but acknowledges that these areas are located mostly outside of the highest noise contours.

Elimination of certain buildings for residential purposes has been suggested as a possible method of avoiding some of the noise impacts within higher DNL contours. However, Dominium has also indicated that reducing the unit count causes all overhead and general costs to be spread over fewer units making the project financing not feasible. Additionally, not including some of the buildings in redevelopment would prevent protection of a material part of the National Historic Landmark, with violation of regulatory requirements and possibly causing loss of historic tax credit eligibility. With the mitigation proposed, the DNR believes the noise impacts of the MSP Airport and Highway 5 would be adequately attenuated. Failure to proceed with the Project, or its material limitation by eliminating the four buildings in NAC 2 and the 70-75 LDN contours, would pose a risk to this National Landmark historical and cultural resource and would also pose a potentially significant adverse impact to the National Historic Landmark.

DNR will continue to coordinate and consult with MAC and SHPO regarding implementation of suitable mitigation measures for the proposed project.

Some commenters expressed concern about noise levels being too high for a residential development adjacent to MSP Airport. Several recommended specific construction measures be incorporated into the buildings for noise reduction purposes. As discussed above, most of these measures are already part of the Project design and are planned to be incorporated. See paragraph 10c for additional discussion.

Environmental Justice

With regard to noise from MSP Airport, some comments received on the EAW questioned whether the project would cause disproportionate effects to a vulnerable population, exposing lower income populations to an environmental burden.

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.

Potential mitigations:

- Individuals 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 Dominium 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.
- Dominium 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.

p. Traffic

This topic was addressed in EAW Item 18 and responses to Commenter E.

To accommodate the planned apartment units (up to 215), the proposed Project would add approximately 720 total parking spaces to the Project Area in the form of 93 single stall garage spaces, 287 surface lot spaces and an additional 340 spaces as on-street (parallel) parking.

Housing units would have designated parking spots and visitor parking spots would be located in close proximity to each building, as appropriate to help mitigate and manage daily traffic and number of vehicles.

Public transportation options are abundant within 0.75 miles of the Project Area, including one local Metro Transit bus route, park and ride lot, and Blue Line Light Rail Transit. Bicycle and pedestrian travel is also accessible in the vicinity of the Project Area.

Peak traffic volumes and trips would occur Monday-Friday during the prime commute hours (typically 6-9 AM and 3-6 PM). Overall the proposed Project would increase the number of trips around the Upper Post vicinity. However, given the proposed Project is a residential development, the broad availability of public transit options in the area and the development plans for improved parking, daily trips to and from the Project Area would have minor impact on regional traffic. Highways and roads in the Project Area vicinity have capacity to support the additional traffic anticipated from the proposed Project.

Traffic within and near the Project Area is not expected to change substantially as a result of the proposed Project. Increased congestion is not anticipated due to the Project, nor are traffic improvements expected to be needed.

q. Cumulative Potential Effects

This topic was addressed in EAW Item 19.

Cumulative potential environmental effects are the combined effects of the proposed Project and past, present, and reasonably foreseeable future projects. *See* Minn. R. 4410.0200, subp. 11a.

The proposed development would primarily have temporary environmental effects during construction. Construction activities are expected to begin in 2019 and be complete by fall 2021.

Where needed, vegetation would be cut or cleared between November 1 and March 31, during winter months in order to avoid impacts to rare species that may be utilizing the area.

Construction effects would include increased noise, dust, the generation of demolition debris and waste from hazardous building materials, heavy equipment traffic, soil disturbance for earthwork, vegetation and tree removal, potential erosion and sedimentation, and potential impacts to fish and wildlife. There is potential for erosion and sedimentation and impacts to fish and wildlife to extend minimally beyond the Project Area boundary. All of the other potential effects associated with construction would be expected to be confined to the Project Area.

Potential effects expected to extend over the life of the Project would include an increase in impervious surface area and associated small increase in stormwater runoff. Positive effects include improved stormwater management and restoration of native vegetation. Any or all of these effects could potentially interact in a limited way with other projects in the vicinity to result in cumulative effects.

Reasonably foreseeable projects identified within the environmentally relevant area of the proposed Project are the Bloomington Road reconstruction by Hennepin County and the Minnesota Department of Transportation, and various projects at MSP Airport.

The County project is expected to be completed during the 2019 construction season, and therefore, because the construction schedules would not overlap, any interaction with the proposed Project development would be limited.

The timing of the airport projects would overlap with the proposed Project development; however, the impacts associated with the airport projects are anticipated to be mainly confined to airport property. Thus although the timing would overlap, it is not anticipated that environmental effects would interact with those of the proposed Project.

Cumulative environmental effects from the interaction of effects of the proposed Project and surrounding developments are not anticipated.

No other potential cumulative effects are anticipated with the Project.

11. The following permits and approvals are, or may be, needed for the Project:

| Unit of Government | Type of Application | Status |
|---|---|---|
| **FEDERAL** | | |
| National Park Service (NPS) | Federal Historic Tax Credits | To be applied for |
| | Section 106 Approval | To be applied for |
| **STATE/LOCAL** | | |
| Minnesota Department of Health (MDH) | Water Main Installation Permit | To be applied for, if needed |
| | Drainage Permit | To be applied for, if needed |
| Minnesota Department of Natural Resources (DNR) | Redevelopment Agreement | Issued |
| | Lease | To be applied for |
| Minnesota Pollution Control Agency (MPCA) | National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit | To be applied for |
| | Sanitary Sewer Extension Permit | To be applied for, if needed |
| | Brownfields Programs Enrollment [Petroleum and Voluntary Investigation & Clean Up (VIC)] | Enrolled |
| | Response Action Plan Approval | Approved |
| | Variance from State Noise Standards | To be applied for, if needed |
| State Historic Preservation Office (SHPO) | State and Federal Historic Tax Credits Section 106 Review | To be applied for |
| Metropolitan Council | Sewer Availability Charge (SAC) Determination Request | To be applied for |
| | Special Discharge Approval | To be applied for, if needed |
| | Sanitary Sewer Extension Permit | To be applied for, if needed |
| Hennepin County | Tax Exempt Bond Issuance | County has approved Preliminary Resolution to act as bond issuer, Final approval to be applied for |
| Minnesota Management and Budget | Tax Exempt Bond Allocation Approval | To be applied for |

| Unit of Government | Type of Application | Status |
|---|---|---|
| Minnesota Housing Finance Agency | Approval of low income housing tax credits (LIHTC) | Preliminary waivers have been granted, Final approval to be applied for |
| Lower Minnesota River Watershed District (LMRWD) | Erosion and Sedimentation Control Plan Approval and Grading Permit | To be applied for |
| | Stormwater Management Plan Approval | To be applied for |
| Minnesota Department of Labor and Industry | Building Permits | To be applied for |
| | Stormwater Management Plan Approval | To be applied for |
| | Approval of Easement Vacation (existing utility easement) | To be applied for, if needed |
| | Temporary Water Discharge Permit | To be applied for, if needed |
| | Utility Repair Permit | To be applied for, if needed |
| | Sidewalk Construction Permit | To be applied for, if needed |
| | Remediation Grant Applications | To be applied for, if needed |
| Minnesota Department of Revenue | State Historic Tax Credits | To be applied for |

## CONCLUSIONS

1. The Minnesota Environmental Review Program Rules, *Minnesota Rules* part 4410.1700, subparts 6 and 7, set forth the following standards and criteria to compare the impacts that may be reasonably expected to occur from the Project in order to determine whether it has the potential for significant environmental effects.

   *In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:*

   A. *type, extent, and reversibility of environmental effects;*

   B. *cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;*

   C. *the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and*

   D. *the extent to which environmental effects can be anticipated and controlled as result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.*

2. *Type, extent, and reversibility of environmental effects*.

   Based on Findings of Fact paragraphs 10a to 10p, the DNR concludes that the following types of potential environmental effects, as described in the Findings of Fact, will be limited in extent, temporary, or reversible:

   Construction
   Cover Type Conversion
   Land Use
   Soils and Topography
   Surface Water
   Wastewater and Water Appropriations
   Stormwater, Erosion, and Sedimentation
   Contamination and Hazardous Materials
   Wildlife Resources and Habitat
   Rare Wildlife Species
   Invasive Plant Species
   Historic Properties
   Visual Effects
   Air Quality Effects
   Noise
   Traffic

3. *Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project.*

   The effects of all past projects comprise the existing condition of the Project Area. Cumulative environmental effects result from the addition of the effects of the proposed Project and reasonably foreseeable future projects to the existing condition.

   As described in Findings of Fact paragraph 10q, the potential for cumulative impacts is expected to be limited to the construction phase of the Project. Reasonably foreseeable projects identified within the environmentally relevant area of the proposed Project are the Bloomington Road reconstruction by Hennepin County and the Minnesota Department of Transportation, and various projects at MSP Airport.

   Due to the timing or geographic scale of these projects, cumulative environmental effects from the interaction of effects of the proposed Project and surrounding developments are not anticipated.

   Based on the Findings of Fact above, the DNR concludes that the cumulative potential environmental effects related to increased noise, dust, the generation of demolition debris and waste from hazardous building materials, heavy equipment traffic, soil disturbance for earthwork, vegetation and tree removal, increase in stormwater runoff, potential erosion and sedimentation, and potential impacts to fish and wildlife are not significant when viewed in connection with: other

contributions; the degree to which the Project complies with mitigation measures to minimize Project impacts; and/or the efforts the proposer has made to minimize contributions from the Project.

4. *Extent to which environmental effects are subject to mitigation by ongoing public regulatory authority*.

Based on the information in the EAW and Findings of Fact above, the DNR concludes that the following potential environmental effects, as described in Findings of Fact paragraphs 10a through 10q, are subject to mitigation by ongoing public regulatory authority:

Permits and Approvals: Prior to initiation of this project, the permits and approvals identified in Findings of Fact paragraph 11 would be required. When applying the standards and criteria used in the determination of the need for an environmental impact statement, the DNR finds that the Project is subject to these regulatory authorities to an extent sufficient to mitigate potential environmental effects through measures identified in the EAW and Record of Decision.

Project Construction: Multiple permits will control environmental effects associated with project construction, including the MPCA NPDES/SDS General Construction Stormwater Permit and its associated Stormwater Pollution Prevention Plan; LMRWD grading permit and compliance with District Standards of Erosion and Sediment Control and Stormwater Management; DNR Redevelopment Agreement; DNR/NPS/SHPO Programmatic Agreement; NPS/SHPO Cultural Resources/Section 106 Review; DNR/MAC/Dominium MOA; MDH Drainage Permit (if needed); Minnesota Department of Labor and Industry Stormwater Management Plan Approval, Building Permits, Sidewalk Construction Permit, Approval of Easement Vacation (existing utility easement), Temporary Water Discharge Permit (if needed), and Remediation Grant requirements.

Cover Types: Environmental effects from cover type changes are subject to mitigation by ongoing regulatory authority of the MPCA NPDES/SDS Construction Stormwater General Permit and its associated SWPPP; LMRWD Grading Permit and compliance with District Standards of Erosion and Sediment Control and Stormwater Management; Minnesota Department of Labor and Industry Stormwater Management Plan Approval; DNR Redevelopment Agreement; DNR/NPS/SHPO Programmatic Agreement; and NPS/SHPO Cultural Resources/Section 106 Review. Proposer (DNR) and developer (Dominium) commitments to minimize tree removal and replace non-native invasive species with native species would also reduce cover type conversion effects.

Land Use: The project is located within an unorganized territory and is thus not subject to a municipal comprehensive plan or to the Metropolitan Council regional land use planning authority. Environmental effects from land use changes are subject to mitigation by ongoing regulatory authority under the DNR Redevelopment Agreement; DNR/NPS/SHPO Programmatic Agreement; NPS/SHPO Cultural Resources/Section 106 Review; and DNR/MAC/Dominium MOA.

Soils and Topography: Environmental effects to soils and topography are subject to mitigation by ongoing public regulatory authority under the MPCA NPDES/SDS Construction Stormwater General Permit and its associated SWPPP, requirements of the MPCA-approved Response Action Plan, and the MPCA Brownfields Programs Enrollment (Petroleum and Voluntary Investigation & Clean Up (VIC) Program; LMRWD Grading Permit and compliance with District Standards of Erosion and Sediment Control and Stormwater Management; and Minnesota Department of Labor and Industry Stormwater Management Plan Approval.

Surface Water and Groundwater: Environmental effects to surface waters and groundwater are subject to mitigation by ongoing public regulatory authority under the MPCA NPDES/SDS Construction Stormwater General Permit and its associated SWPPP; LMRWD Grading Permit and compliance with District Standards of Erosion and Sediment Control and Stormwater Management; and Minnesota Department of Labor and Industry Stormwater Management Plan Approval.

Wastewater and Water Appropriations: Environmental effects of wastewater and water appropriations are subject to mitigation by ongoing public regulatory authority under the MPCA Sanitary Sewer Extension Permit; the Metropolitan Council Sanitary Sewer Extension Permit, Special Discharge Approval, and Sewer Availability Charge (SAC) Determination; the MDH Water Main Installation Permit (if needed); and the Minnesota Department of Labor and Industry Temporary Water Discharge Permit (if needed).

Stormwater, Erosion, and Sedimentation: Environmental effects from stormwater, erosion and sedimentation are subject to mitigation by ongoing regulatory authority under the MPCA NPDES/SDS Construction Stormwater General Permit and its associated SWPPP; LMRWD Grading Permit and compliance with District Standards of Erosion and Sediment Control and Stormwater Management; MDH Drainage Permit (if needed); and Minnesota Department of Labor and Industry Stormwater Management Plan Approval. These approvals address potential stormwater runoff impacts where temporary erosion and sediment control BMPs would be installed prior to construction. Dominium commits to employ appropriate BMPs for water quality and erosion control during and after construction. Dominium commits to coordinate with MDH on the potential need for a drainage permit.

Contamination and Hazardous Materials: Environmental effects due to known contamination and Hazardous Materials are subject to mitigation by ongoing public regulatory authority by the MPCA-approved Response Action Plan and MPCA Brownfields Programs Enrollment, Petroleum and Voluntary Investigation & Clean Up (VIC) Program; and the Minnesota Department of Labor and Industry Remediation Grant requirements. It is Dominium's responsibility to properly handle and report any releases of hazardous materials to the State Duty Officer. Dominium commits to work with MPCA regarding materials encountered that need to be moved off site. All abatement activities would be conducted by licensed professionals and in accordance with state and federal regulations.

Wildlife Resources and Habitat: DNR and Dominium commit to minimize and limit tree removal during certain periods to avoid impacts to wildlife from the Project and to provide mitigation for impacts to wildlife resources and habitat. Measures to remove and control invasive species and plant native species will also provide mitigation for impacts.

Rare Wildlife Species: Environmental effects to rare aquatic wildlife species are subject to mitigation by ongoing regulatory authority under the MPCA NPDES/SDS Construction Stormwater General Permit and its associated SWPPP; LMRWD Grading Permit and compliance with District Standards of Erosion and Sediment Control and Stormwater Management; MDH Drainage Permit (if needed); and Minnesota Department of Labor and Industry Stormwater Management Plan Approval. DNR and Dominium commitments to limit tree removal during certain periods and plant native species would provide mitigation for impacts to rare wildlife species from the project. Measures to remove and control invasive species and plant native species will also provide mitigation for impacts. If an incidental take of threatened or endangered wildlife species cannot be successfully avoided, a takings permit would be required to ensure takings are minimized and compensation is provided.

Invasive plant species: DNR Operational Order No. 113 is required to be followed for DNR projects. DNR as the proposer is committed to following the order and related guidance and guidelines, and will require the developer (Dominium) and its contractors to do so also. DNR and Dominium are committed to using only clean fill and to control invasive plants.

Historic Properties: Environmental effects to historic and archaeological resources are subject to mitigation by ongoing regulatory authority under the DNR/NPS/SHPO Programmatic Agreement; DNR Redevelopment Agreement; and NPS/SHPO Cultural Resources/Section 106 Review.

Visual Effects: Visual impacts are expected to be minimal. Environmental effects associated with visual changes are subject to mitigation by ongoing regulatory authority under the DNR Redevelopment Agreement; DNR/NPS/SHPO Programmatic Agreement; and NPS/SHPO Cultural Resources/Section 106 Review.

Air Quality Effects: Air quality impacts are expected to be minimal and limited primarily to construction activities and hazardous materials abatement during construction. Environmental effects to air quality are subject to mitigation by ongoing regulatory authority under the MPCA SWPPP (dust control portion), MPCA-approved Response Action Plan, MPCA Brownfields Programs Enrollment, Petroleum and Voluntary Investigation & Clean Up (VIC) Program; and the Minnesota Department of Labor and Industry Remediation Grant requirements. Abatement activities would be conducted by licensed professionals and in accordance with state and federal regulations.

Noise: Construction of the Project would cause minor and temporary noise effects. Operation of construction equipment and machinery would conform to local (typical, as the project is not within a municipality) and state requirements. After development, the Project itself would not create noise impacts. However, tenants of the Project would be subject to elevated noise due to the proximity of the Project Area to MSP Airport. Mitigation measures to be incorporated into site structures are expected to ensure that compliance with State Noise Standards is achieved for building interiors and for areas designated for outdoor recreation use, such as the pool. State Noise Standards for outdoor exposure would not be met in some areas of the Project site such as walking paths, yards and other green space areas in the most southern portion of the site. The MPCA has indicated the project would require a variance from State Noise Standards. Environmental effects are subject to mitigation by ongoing regulatory authority under the MPCA-administered State Noise Standards and potential variance, the DNR/MAC/Dominium MOA, and the DNR Redevelopment Agreement. Incorporation of noise mitigation measures are also subject to the NPS/SHPO Cultural Resources/Section 106 Review.

5. *Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or other EISs*.

Environmental studies undertaken by the proposer (DNR) or developer (Dominium) include:

> Braun Intertec, *Additional Environmental Investigation Report, Upper Post Flats, 6409 Taylor Avenue, St. Paul, Minnesota*, Project B1701810.01, In Draft (2018 Additional Environmental Investigation Report).

Braun Intertec, *Limited Phase II Environmental Site Assessment, Fort Snelling Upper Post, 60 Sibley Avenue, St. Paul, Minnesota*, Project B1701810, January 17, 2018 (2017 Limited Phase II ESA).

Braun Intertec, *Phase I Environmental Site Assessment, Fort Snelling Upper Post, 6409 Taylor Avenue, St. Paul,, Minnesota*, Project B1701810.00, December 21st, 2018 (2018 Phase I ESA).

Nienow, Jeremy L., *Archaeological Survey, 21HE99, Fort Snelling Upper Post, Hennepin County, Minnesota*, December 12, 2018, iii.

Nienow, Jeremy L., *Additional Archaeological Identification and Evaluation for the Upper Post Flats Development at 21HE99, Fort Snelling Upper Post, Hennepin County, Minnesota,* October 21, 2019.

Spack Consulting, "Fort Snelling Upper Post- Traffic Generation", *ITE information for a mid-rise apartment (3-10 stories)*, April 15, 2019.

Veneklasen Associates, *Fort Snelling Upper Post; Minneapolis, Minnesota Acoustical Review*; VA Project No. 4332-014. June 18, 2019.

Veneklasen Associates, *Fort Snelling Upper Post; Minneapolis, Minnesota Exterior Noise and Exterior Façade Acoustical Analysis*; Project No. 4332-014. July 29, 2019.

Guidance documents are based on the best available scientific studies that have been tested and approved by regulatory authorities. [NOTE: Guidance documents and standards are updated often. The DNR and/or Dominium will use the latest versions of guidance and standards available and as applicable to each construction phase/development.]

The Project is being designed in accordance with:

Cornejo Consulting, LHB, Inc., Kimley-Horn and Associates, Inc., and McComb Group, Ltd. *Fort Snelling Light Rail Transit and Upper Post Master Plan.* February 2011.

Federal Aviation Administration Regulations, Code of Federal Regulations, Title 14, Chapter I, Subchapter I, Part 150.

Fort Snelling State Park Upper Bluff Consultation Team, and Thomas R. Zahn and Associates, "Fort Snelling State Park Area J and Officers' Row Development Design Guidelines" (Winter 2003), 16.

Metropolitan Council, *Sewer Availability Charge (SAC) Procedure Manual*, Metropolitan Council July 1, 2018.

Minnesota Department of Natural Resources. 1997. Fort Snelling State Park Management Plan [web version] Minnesota Department of Natural Resources, St, Paul, internet address: https://www.leg.state.mn.us/docs/pre2003/other/970416.pdf. Accessed December 2018.

Minnesota Pollution Control Agency. *A Guide to Noise Control in Minnesota. Acoustical Properties, Measurement, Analysis, and Regulation.* 2015.

United States Department of Interior- Mississippi River Coordinating Commission and National Park Service, *Comprehensive Management Plan: Mississippi National River and Recreation Area*, U.S. Department of Interior 1995 (internet address: https://www.nps.gov/miss/learn/management/loader.cfm?csModule=security/getfile&PageID=3202395). Accessed January 2019.

U.S. Department of the Interior, National Park Service - Technical Preservation Services, *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.* Revised 2017.

Americans with Disabilities Act (ADA) Guidelines. *Guidance on the 2010 ADA Standards for Accessible Design*. U.S. Department of Justice, Sept 15, 2010.

6. The DNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an environmental impact statement on the proposed Upper Post Flats Affordable Housing Project, Fort Snelling State Park, Hennepin County, Minnesota.

7. Based on consideration of the criteria and factors specified in the Minnesota Environmental Review Program Rules (*Minnesota Rules* part 4410.1700, subparts 6 and 7) to determine whether a project has the potential for significant environmental effects, and on the Findings and Record in this matter, the DNR determines the proposed Upper Post Flats Affordable Housing Project, Fort Snelling State Park does not have the potential for significant environmental effects.

## ORDER

Based on the above Findings of Fact and Conclusions:

The Minnesota Department of Natural Resources determines that an Environmental Impact Statement is not required for the Upper Post Flats Affordable Housing Project, Fort Snelling State Park, Hennepin County, Minnesota.

Any Findings that might be properly termed Conclusions and any Conclusions that might be properly be termed Findings are hereby adopted as such.

Dated this 5th day of December, 2019

**STATE OF MINNESOTA**
**DEPARTMENT OF NATURAL RESOURCES**

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Jess Richards
Assistant Commissioner