

**FINAL AUAR ORDER**

**ALTERNATIVE URBAN AREAWIDE REVIEW**

**Upper Harbor Terminal**

**Location: Upper Harbor Terminal Site along the Mississippi River in North Minneapolis**

**Responsible Governmental Unit (RGU): City of Minneapolis**

	<b>RGU</b>	<b>Proposer/Project Contact</b>
<b>Contact person(s)</b>	City of Minneapolis Hilary Dvorak	United Properties Brandon Champeau
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As the Responsible Governmental Unit (RGU), the City of Minneapolis has determined that an Alternative Urban Areawide Review (AUAR) is required for the proposed redevelopment of the Upper Harbor Terminal. The project is proposed by United Properties in partnership with First Avenue Productions, the Minneapolis Park and Recreation Board, and the City of Minneapolis. This document constitutes an order for review.

The notice of availability of the Draft AUAR Order and Scoping Document was published in the Minnesota Environmental Quality Board's *EQB Monitor* on February 16, 2021. The Scoping Document, included as Attachment A, was available for review and comment as part of the AUAR process as described in Minnesota Rules, part 4410.3610, subpart 5a. The 30-day comment period began on February 16, 2021 and closed at 4:00 PM on March 18, 2021.

During the public comment period, comments were received from eight government agencies, one community task force, two non-profit organizations, and one member of the public. The comment letters received are included in Attachment B.

Pursuant to Minnesota Rules, part 4410.3610, subpart 5a(C), the purpose of the comments on a Scoping Document for an AUAR is to suggest additional development scenarios and relevant issues to be analyzed in the review. Comments may suggest alternatives to the specific large project or projects proposed to be included in the review, including development at sites outside of the proposed geographic boundary. The comments must provide reasons why a suggested development scenario or alternative to a specific project is potentially environmentally superior to those identified in the RGU's draft order. Responses to the comments received are included in Attachment C.

The study area and development scenarios to be evaluated in the AUAR are described below.

**AUAR Study Area**

The AUAR study area encompasses 53 acres, including nine existing tax parcels and public and private infrastructure, located north of Lowry Avenue between I-94 and the Mississippi River (see Figure 1).

Figure 1: AUAR Study Area



## Development Scenarios

Three development scenarios, defined in Table 1, will be evaluated in the AUAR.

The No Build Scenario represents the existing conditions of the Upper Harbor Terminal site. Under this scenario, no redevelopment would occur. The No Build Scenario will be included in the AUAR in response to comments received requesting study of a less intensive development.

Scenario 1 represents the density of the development proposed in the *Upper Harbor Coordinated Development Plan* (Final Draft, February 2021). The number of residential units in this scenario has been revised from 500 to 520 for consistency with the Draft Coordinated Development Plan.

Scenario 2 represents the maximum density allowed under the *Minneapolis 2040 Comprehensive Plan*.

Both Scenario 1 and Scenario 2 also include public infrastructure including, but not limited to, roadways, sidewalks, trails, stormwater features, and green space.

**Table 1: AUAR Development Scenarios**

<b>Component</b>	<b>No Build Scenario</b>	<b>Scenario 1 (Draft Coordinated Development Plan)</b>	<b>Scenario 2 (Allowable under 2040 Comprehensive Plan)</b>
Residential units	0	520	890
Commercial (square feet)	0	50,000	55,000
Non-commercial: office, industrial (square feet)	110,000	315,000	640,000
Industrial storage (acres)	37	0	0
Music venue (peak attendance)	0	10,000	10,000
Recreation (acres)	0	19.5	19.5

# ATTACHMENT A

# UPPER HARBOR TERMINAL

## SCOPING DOCUMENT



FEBRUARY 2021

PREPARED FOR:



PREPARED BY:



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# Scoping Document

This EAW form is being used to delineate the issues and analyses to be reviewed in an Alternative Urban Areawide Review (AUAR). Where the AUAR guidance provided by the Minnesota Environmental Quality Board (EQB) indicates that an AUAR response should differ notably from what is required for an EAW, the guidance is noted in *italics*.

**Note to reviewers:** Comments must be submitted to the Responsible Governmental Unit (RGU) during the 30-day comment period following notice of the Scoping Document in the *EQB Monitor*.

## 1. PROJECT TITLE

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Upper Harbor Terminal

## 2. PROPOSER

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**Proposer:** United Properties  
**Contact Person:** Brandon Champeau  
**Title:** Senior Vice President  
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## 3. RGU

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**RGU:** City of Minneapolis  
**Contact Person:** Hilary Dvorak  
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#### 4. REASON FOR PREPARATION

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**Check one:**

Required:

EIS

Mandatory EAW

Discretionary:

Citizen petition

RGU discretion

Proposer initiated

**If EAW or EIS is mandatory, give EQB rule category subpart number(s) and name(s):** Pursuant to Minnesota Rules, part 4410.3610, subpart 5a(C), the RGU is submitting this discretionary Scoping Document for an AUAR to solicit public comments on additional development scenarios and relevant issues to be analyzed in the review.

#### 5. PROJECT LOCATION

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**County:** Hennepin

**City/Township:** Minneapolis

**PLS Location (¼, ¼, Section, Township, Range):** SW ¼ of Section 3, Township 29N, Range 24W and NE ¼ of Section 10, Township 29N, Range 24W

**Watershed (81 major watershed scale):** Mississippi River – Twin Cities

**Tax Parcel Number:** 0302924340008; 0302924340026; 1002924210002; 1002924210048; 1002924240065; 0302924340007; 0302924340028; 0302924340029; 0302924340031

**At a minimum, attach each of the following to the AUAR:**

- **US Geological Survey 7.5 minute, 1:24,000 scale map indicating project boundaries** (see Figure 1)
- **Map depicting the boundaries of the AUAR and any subdistricts used in the AUAR analysis** (see Figure 2 and Figure 3)
- **Cover type map as required for Item 7** (will be included in the AUAR)
- **Land use and planning and zoning maps as required in conjunction with Item 9** (see Figure 3)

Figure 1: USGS Map

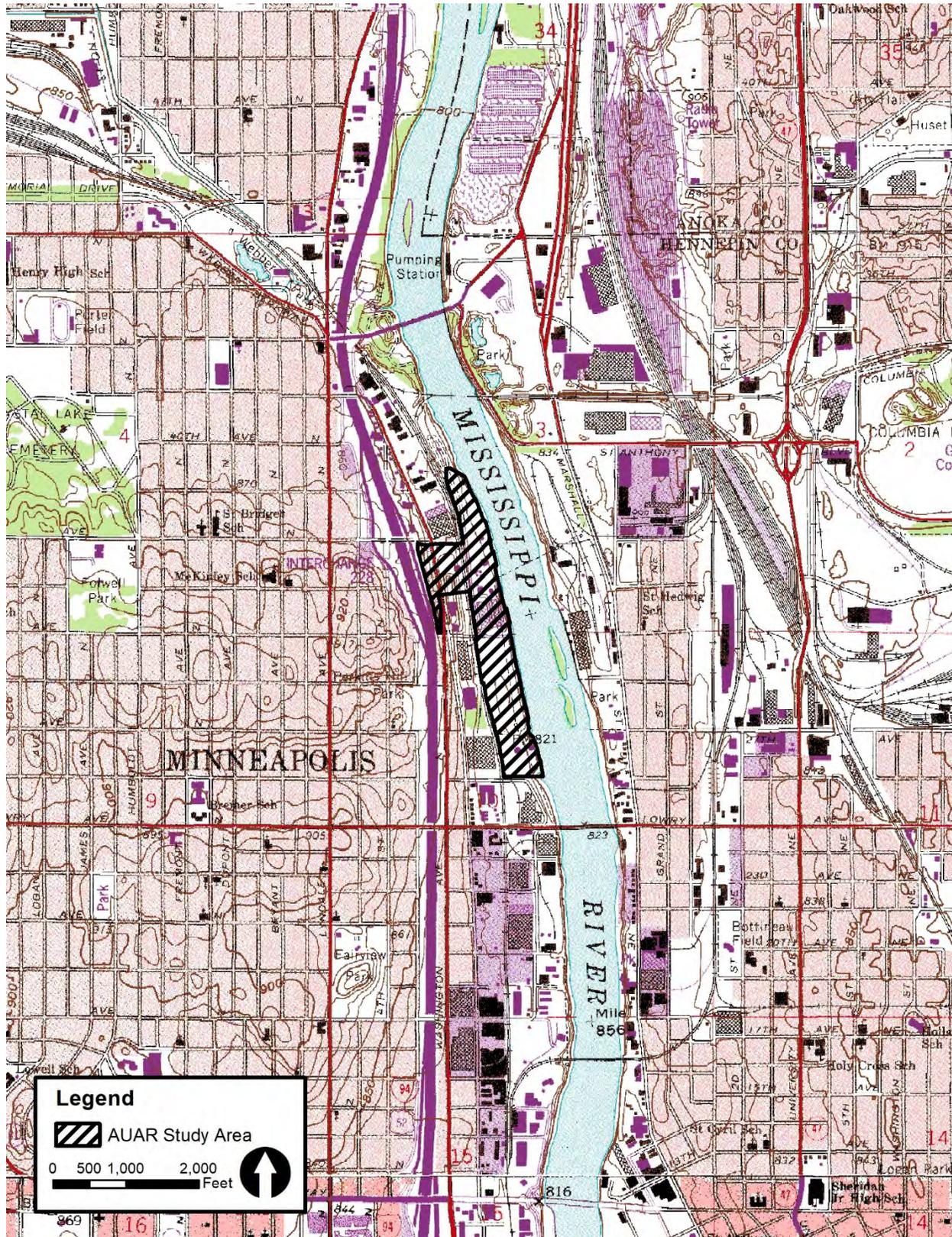


Figure 2: AUAR Study Area



Figure 3: City of Minneapolis Future 2040 Land Use Map

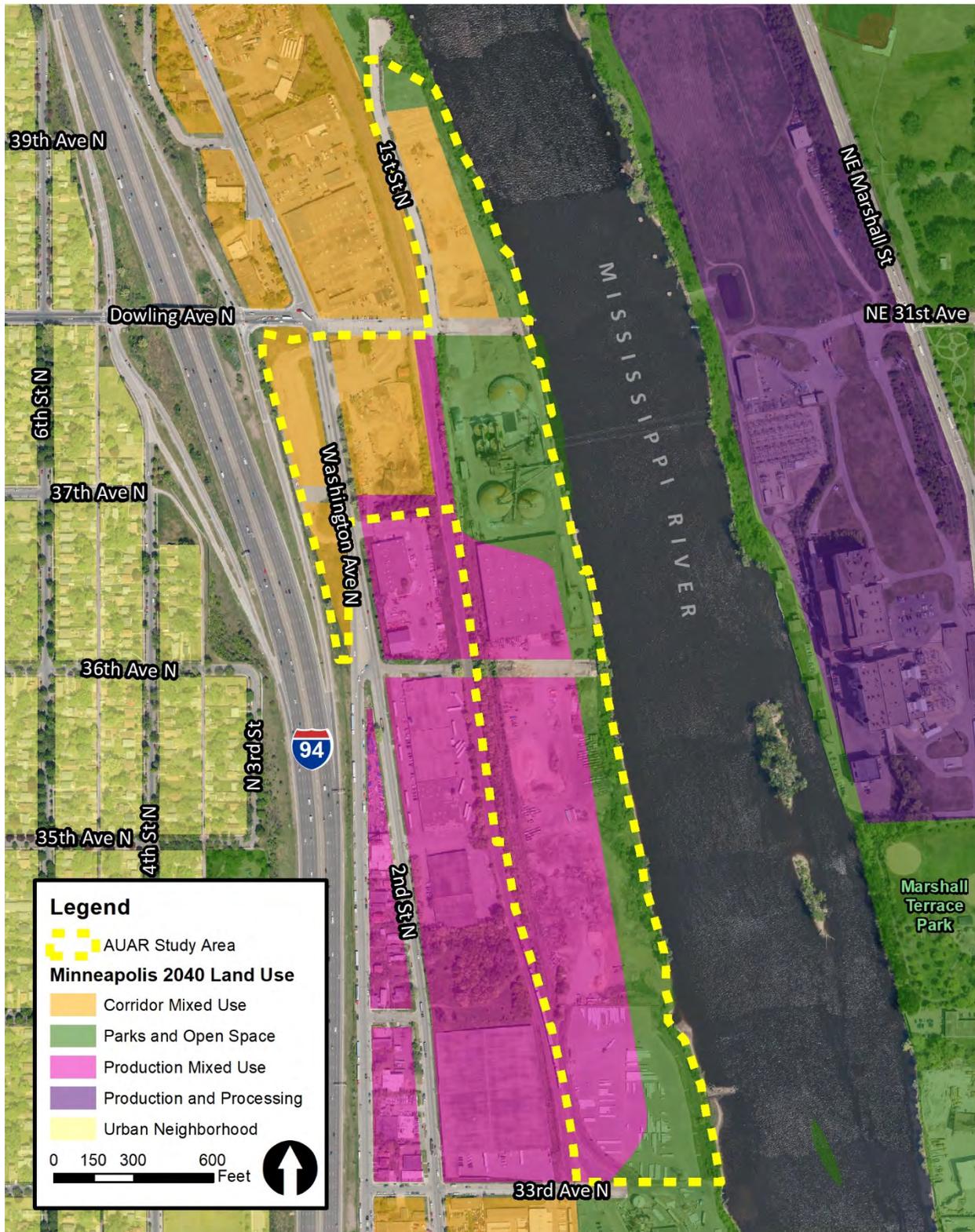


Figure 4: City of Minneapolis Future 2040 Built Form Map

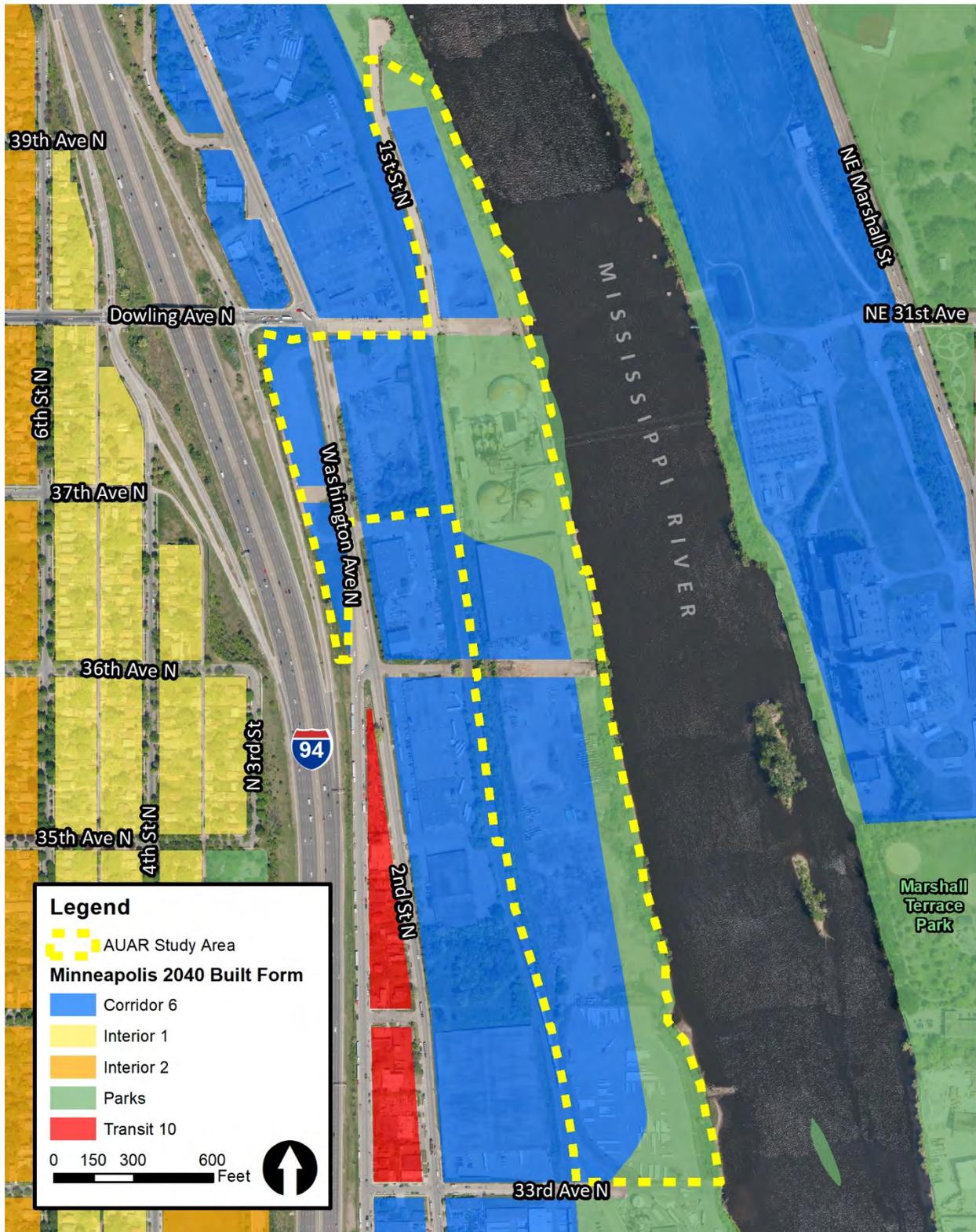


Figure 5: Minneapolis Primary Zoning Map

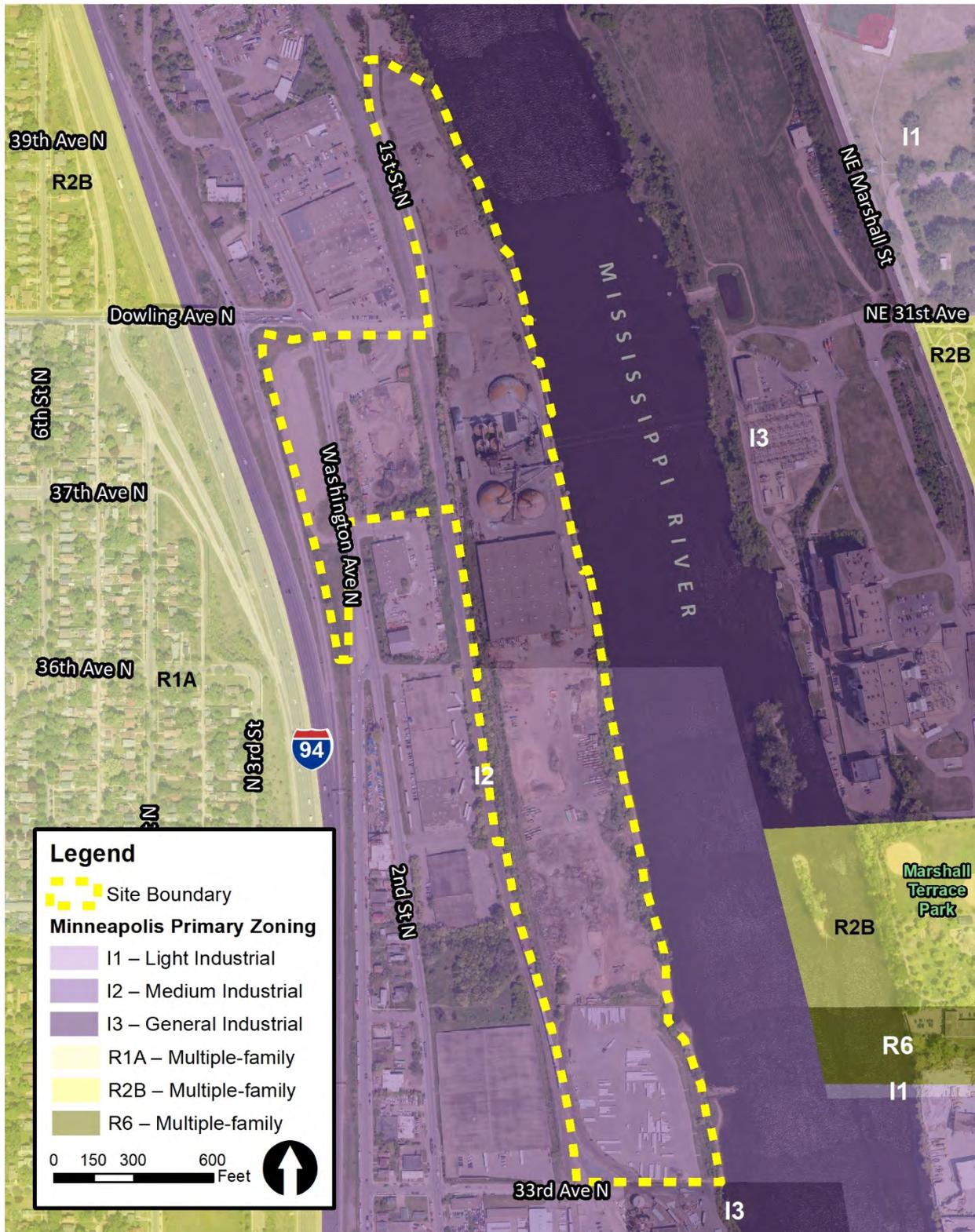
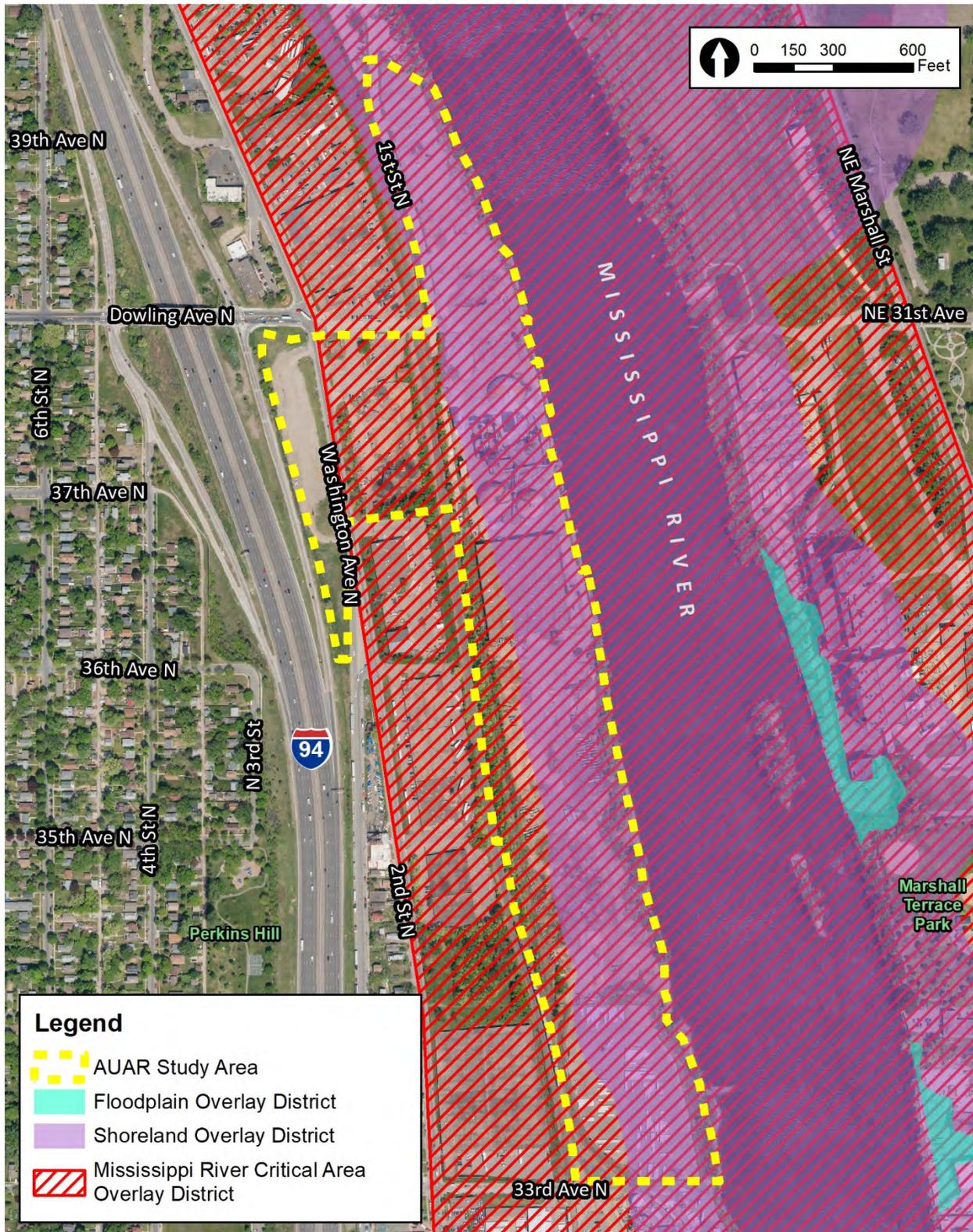


Figure 6: Minneapolis Overlay District Map



## 6. PROJECT DESCRIPTION

*AUAR Guidance: Instead of the information called for on the EAW form, the description section of an AUAR should include the following elements for each major development scenario included:*

- *Anticipated types and intensity (density) of residential and commercial/warehouse/light industrial development throughout the AUAR area.*
- *Infrastructure planned to serve development (roads, sewers, water, stormwater system, etc.). Roadways intended primarily to serve as adjoining land uses within an AUAR area are normally expected to be reviewed as part of an AUAR. More “arterial” types of roadways that would cross an AUAR area are an optional inclusion in the AUAR analysis; if they are included, a more intensive level of review, generally including an analysis of alternative routes, is necessary.*
- *Information about the anticipated staging of various developments, to the extent known, and of the infrastructure, and how the infrastructure staging will influence the development schedule.*

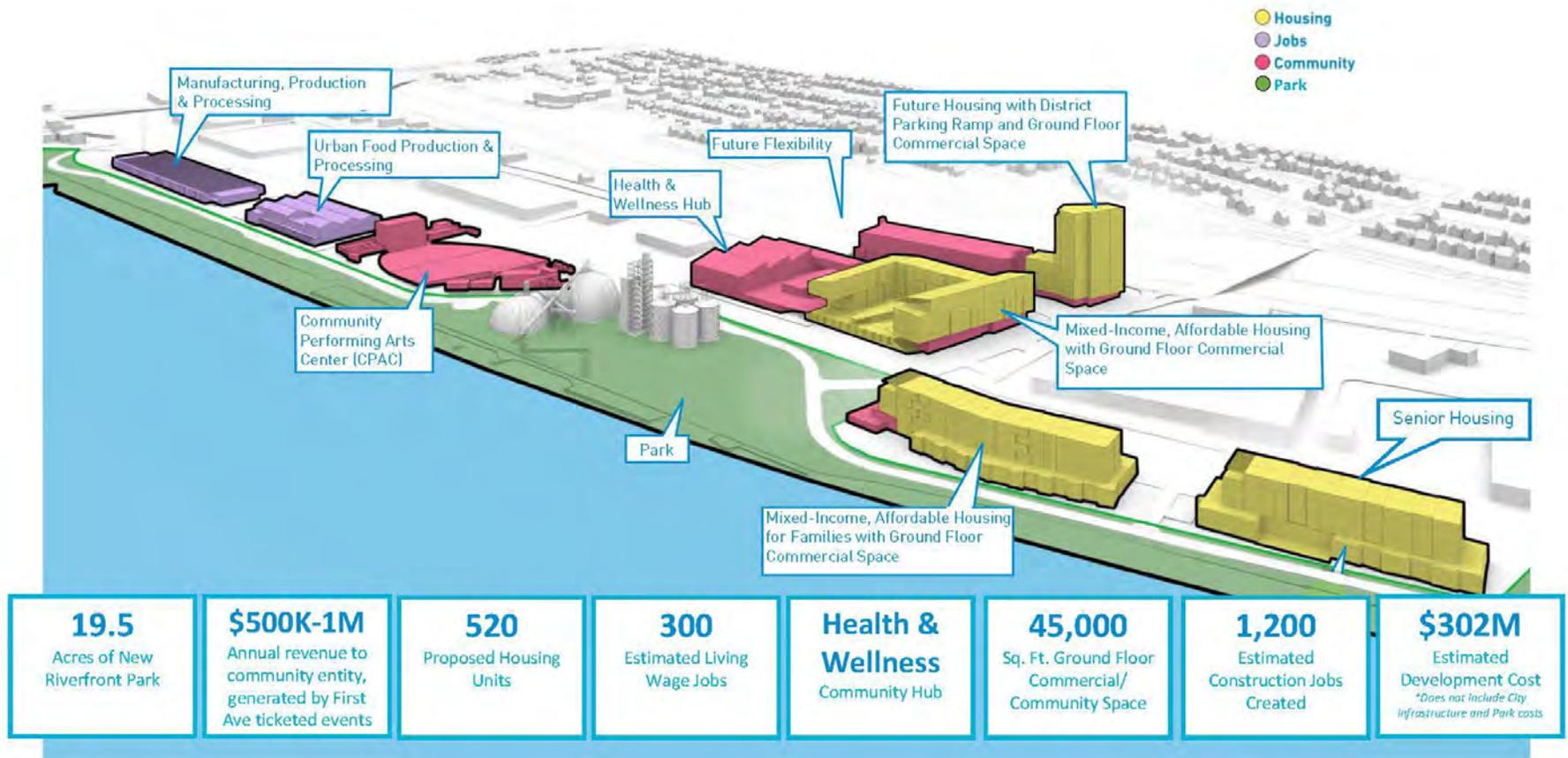
The AUAR study area encompasses an area totaling approximately 53 acres (shown on Figure 2). United Properties, in partnership with First Avenue Productions, the City of Minneapolis, and the Minneapolis Park and Recreation Board (MPRB), is proposing to redevelop the 53-acre Upper Harbor Terminal site, which was formerly used as a barge shipping terminal and is currently made up of city-owned land and quasi-public entities, including utilities and Canadian Pacific (CP) rail lines. The proposed development would include residential, hospitality, retail/service, office/employment, light industrial, an outdoor amphitheater, and recreational land uses.

Two scenarios are proposed for evaluation in the AUAR as outlined in Table 1. Scenario 1 represents the density of the development proposed in the *Upper Harbor Coordinated Development Plan* (December 2020 Draft for Public Comment) (illustrated in Figure 7). Scenario 2 represents the maximum density allowed under the *Minneapolis 2040 Comprehensive Plan*.

**Table 1: Development Scenarios**

Component	Scenario 1 (Draft Coordinated Development Plan)	Scenario 2 (Allowable under 2040 Comprehensive Plan)
Residential units	500	890
Commercial (square feet)	50,000	55,000
Non-commercial: office, industrial (square feet)	315,000	640,000
Music venue (peak attendance)	10,000	10,000
Recreation (acres)	19.5	19.5

Figure 7: Development Overview from the Coordinated Development Plan



The intent of the AUAR is to identify the worst-case potential impacts and the mitigation required to compensate for those impacts. One of the primary factors influencing site density is the site-generated traffic volumes, which are driven by the mix of land uses. If changes in the market require adjustments to the proposed land use, adjustments could be made as long as the total traffic generated under Scenario 2 is not exceeded and the proposed development is still compatible with the *Minneapolis 2040 Comprehensive Plan*.

Redevelopment of the site would include new infrastructure, including water service, sewer, stormwater, streets, trails, and utilities, and most of the new services would be extensions to existing infrastructure or upgrading existing systems to support the new land uses. A more detailed discussion of infrastructure needs will be included in the AUAR.

The proposed development within the AUAR study area is anticipated to start in 2022 and will be ongoing for the next four years, depending on the market.

## 7. COVER TYPES

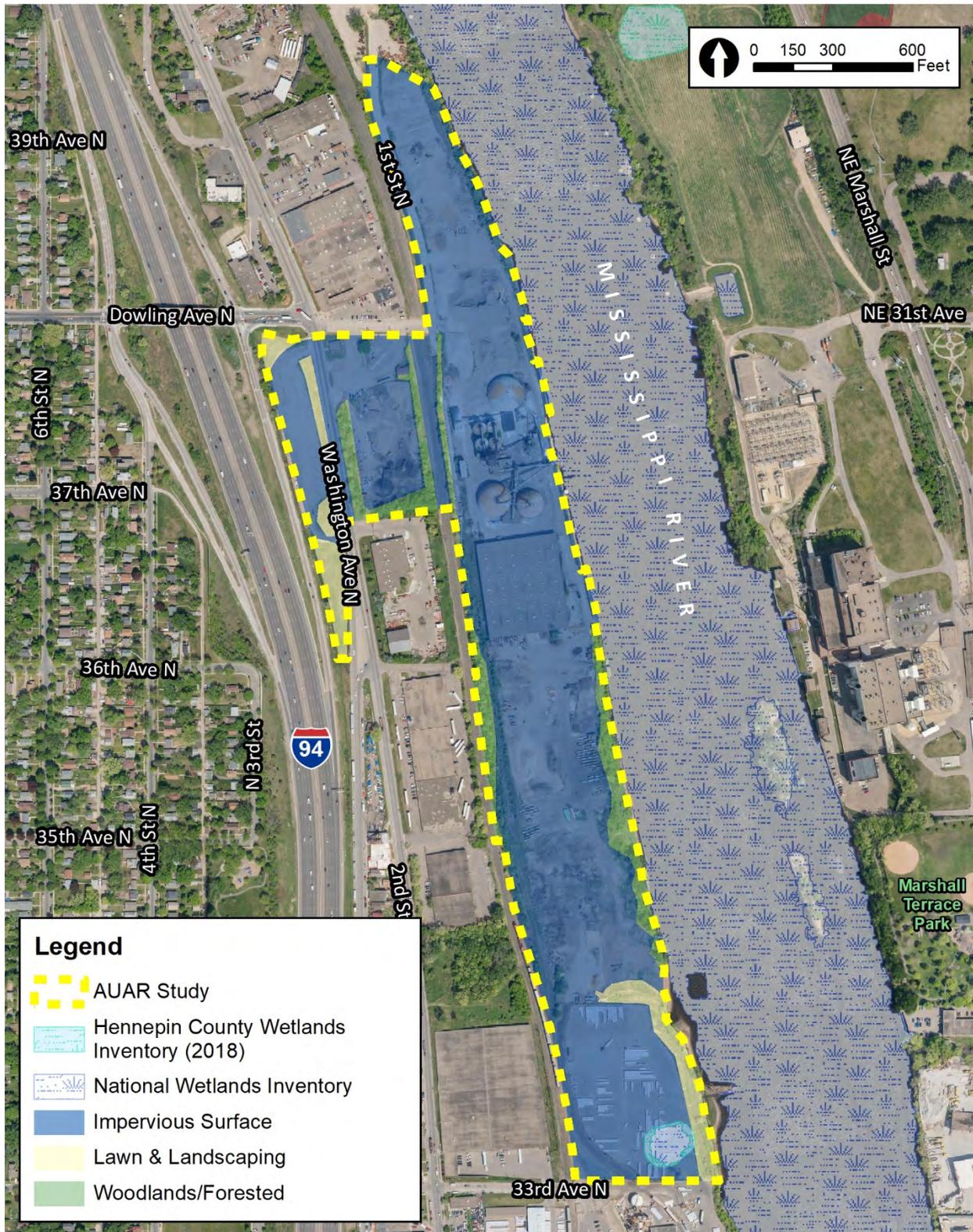
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*AUAR Guidance: The following information should be provided:*

- *A cover type map, at least at the scale of a USGS topographic map, depicting:*
  - *Wetlands (identified by Circular 39 type)*
  - *Watercourses (rivers, streams, creeks, ditches)*
  - *Lakes (identify public waters status and shoreland management classification)*
  - *Woodlands (break down by classes where possible)*
  - *Grassland (identify native and old field)*
  - *Cropland*
  - *Current development*
- *An overlay map showing anticipated development in relation to the cover types. This map should also depict any “protection areas,” existing or proposed, that will preserve sensitive cover types. Separate maps for each major development scenario should be generally provided.*

The AUAR study area is approximately 53 acres of urban land. This area is currently being used for industrial purposes including stockpiling, construction staging, and storage. Several structures on site, such as the grain silos, elevator tower, some of the steel conveyors, and some of the domes, will be preserved and potentially re-purposed. Existing cover types within the study area are shown on Figure 8 and were determined by reviewing aerial photography, survey information, land cover classification maps, and onsite assessments. The Mississippi River lies just west of the site and is the only existing sensitive cover type adjacent to the AUAR study area.

Figure 8: Cover Types



## 8. PERMITS AND APPROVALS REQUIRED

*AUAR Guidance: A listing of major approvals (including any comprehensive plan amendments and zoning amendments) and public financial assistance and infrastructure likely to be required by the anticipated types of development projects should be given for each major development scenario. This list will help orient reviewers to the framework that will protect environmental resources. The list can also serve as a starting point for the development of the implementation aspects of the mitigation plan to be developed as part of the AUAR.*

**Table 2: Anticipated Permits and Approvals**

Unit of Government	Type of Application	Status
<b>State</b>		
Minnesota Department of Natural Resources	Temporary Water Appropriation Permit for Construction Dewatering	To be applied for
	Public Waters Permit	To be applied for, if needed
Minnesota Pollution Control Agency	National Pollutant Discharge Elimination System Stormwater Permit for Construction Activities	To be applied for
	Sanitary Sewer Extension Permit	To be applied for
	Response Action Plan approval	To be applied for, if needed
Minnesota Department of Health	Water Main Installation Permit	To be applied for
<b>Regional</b>		
Metropolitan Council	Sewer Extension Permit	To be applied for
	Sewer Permit to Connect	To be applied for
Hennepin County	Right-of-Way Permits	To be applied for
	Road Access Permits	To be applied for
<b>Local</b>		
City of Minneapolis	Plumbing Permits	To be applied for
	Water Main Installation	To be applied for
	Alternative Urban Areawide Review	In process
	Development Agreements	To be applied for
	Land Use Applications, including but not limited to, rezonings, conditional use permits, variances, site plan review, planned unit development, etc.	To be applied for
	Wetland Conservation Act Approval	To be applied for, if needed
	Permit for Stormwater Management, Erosion and Sediment Control, Wetland Management	To be applied for
	Preliminary and Final Plat	To be applied for

Unit of Government	Type of Application	Status
	Zoning code text amendment to allow outdoor amphitheaters	To be applied for
	Comprehensive Plan Amendment	To be applied for, if needed
	Right-of-Way Vacations	To be applied for
	Sign Permit	To be applied for
	Building Permit	To be applied for
	Excavation and Grading Permit	To be applied for
	Certificate of Occupancy	To be applied for
	Emergency Generator Fuel Storage Permit	To be applied for
	Erosion and Sedimentation Control Plan Approval and Grading Permit	To be applied for
	Demolition Permit	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
	After Hours Work Permit	To be applied for, if needed
	Lane Obstruction 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
	Testing and Inspection Permit	To be applied for, if needed
	Floodplain – No Rise Certificate	To be applied for, if needed
	Water Discharge for Dewatering or Storm Water Ponds	To be applied for, if needed
	Well Permit	To be applied for, if needed
	Tank Permit	To be applied for, if needed
	Temporary On-Site Storage of Impacted Soil Approval	To be applied for, if needed
	Approval of Impacted Soil Reuse	To be applied for, if needed
	Coordinated Development Plan Approval	In process

## 9. LAND USE

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### a. Describe:

#### i. Existing land use of the site as well as areas adjacent to and near the site, including parks, trails, and prime or unique farmlands.

The AUAR study area consists of nine existing tax parcels and public and private infrastructure. The 53-acre industrial site is located north of downtown Minneapolis along the west bank of the Mississippi River between the shoreline and Interstate 94 (I-94). The Upper Harbor Terminal has operated since the 1960s as an inter-modal barge shipping terminal and was used for storage and transfer of commodities such as scrap metal, aggregate, fertilizer, coal, and grain. The barge terminal remained in operation until the end of 2014 when barging ceased due to the planned closure of the Upper St. Anthony Falls Lock in spring of 2015, but portions of the site continue to operate as a storage facility via temporary lease agreements. The majority of the study area is disturbed land with a strip of grass and trees around the edge and limited vegetation.

The site is generally bounded by 40<sup>th</sup> Avenue North on the north, the Mississippi River on the east, 33<sup>rd</sup> Avenue North on the south, and the CP Rail/2<sup>nd</sup> Avenue North/I-94/1<sup>st</sup> Street North on the west. Industrial land uses surround the property to the north, south, and west. There are also pockets of low-density residential homes and low-density commercial uses to the west.

The majority of the AUAR study area is located within the Mississippi River Corridor Critical Area (MRCCA) (see Figure 9), which is a joint state, regional, and local program that provides coordinated planning and management for the 72-mile stretch of the Mississippi River through the seven-county metropolitan area. The purpose of the MRCCA is to preserve, enhance, and protect the river corridor while providing a tool for coordinated planning and management. The MRCCA shares a boundary with the Mississippi National River and Recreation Area (MNRRA), a unit of the National Park Service. Minnesota Statute 116G.15 establishes Minnesota policy and authority for the MRCCA rules (6106.0010 – 6106.0180) requiring the development of local government plans and ordinances. Within the AUAR study area, the boundary of the MRCCA is the same as the City of Minneapolis's MR Mississippi River Critical Area Overlay District, which is an overlay district that implements the MRCCA rules within the city (see Figure 6).

There are no existing parks within the study area; however, on-street bike lanes exist on 2<sup>nd</sup> Street North/Washington Avenue North and Dowling Avenue North. Dowling Avenue North also provides sidewalks on both sides of the road. There is no farmland within or adjacent to the study area.

- ii. **Planned land use as identified in comprehensive plans (if available) and any other applicable plan for land use, water, or resource management by a local, regional, state, or federal agency.**

The *Minneapolis 2040 Comprehensive Plan* defines a range of density and land uses for the development of the site. Scenario 1 is generally within the range as defined in the 2040 Comprehensive Plan, and Scenario 2 represents the maximum development allowable under the 2040 Comprehensive Plan. The study area contains three future land uses, as summarized in Table 3 and shown in Figure 3.

**Table 3: Land Use Summary from the Minneapolis 2040 Comprehensive Plan**

Zoning District Name	Description	Land Uses	Percent Residential	Density Allowed	Location by Parcel
Corridor Mixed Use	Commercial zoning is appropriate, mixed use multi story development is encouraged and contiguous expansion of commercial zoning is allowed	Commercial, retail, mixed use, residential	85%	50 -300 DU/Acre	1, 6a, 6b, 7a, 7b
Production Mixed Use	Residential uses are allowed as part of mixed-use buildings that provide production space; adaptive re-use of older industrial property is encouraged	Production and Non-production uses, employment uses (includes industrial, retail, commercial), residential	50%	50 -300 DU/Acre	3, 4, 5
Parks and Open Space	Applies to land or water areas generally free from development. Primarily used for park and recreation, natural resource conservation, transportation, historic, or scenic purposes.	Amphitheaters, food service, parkways, and equipment rental	0%	Not applicable	2

**iii. Zoning, including special districts or overlays such as shoreland, floodplain, wild and scenic rivers, critical area, agricultural preserves, etc.**

*AUAR Guidance: Water-related land use management districts should be delineated on appropriate maps, and the land use restrictions applicable in those districts should be described. If any variances or deviations from these restrictions within the AUAR area are envisioned, this should be discussed.*

**Zoning**

The AUAR study area is zoned as I2 - Medium Industrial and I3 - General Industrial. These zoning districts limit development to 56 feet in height (see Figure 5).

In January 2021, the Built Form Overlay District was added to the City's zoning code as part of implementing the *Minneapolis 2040 Comprehensive Plan*, and the site is within the Corridor 6 and Parks districts (see Table 4). This zoning policy was created to ensure the City's zoning code conformed with the changes described in the comprehensive plan until all zoning studies have been completed.

In January 2021, the updated Mississippi River Corridor Critical Area Overlay District was added to the City's zoning code. The majority of the study area falls within the City of Minneapolis's MR Mississippi River Critical Area Overlay CA-UM District. This overlay district limits development to 65 feet in height; however, height increases may be allowed through a conditional use permit (CUP). The City's Shoreland and Floodplain Overlay Districts also cover the site 300 feet from the shoreline of the Mississippi River within the study area and limits development to 35 feet in height; however, height increases may be allowed through a CUP. The proposed development will be reviewed for compatibility with these plans and zoning requirements.

**Parks and Trails**

Approximately 19.5 acres of the site are planned to be a public park as part of both Scenarios 1 and 2 (see Figure 2). The park will be owned and operated by the MPRB and will function as a linear connection (eventually to trails and a parkway that will extend further up and down the river) that will include public gathering and amenity areas, restored river corridor vegetation, bicycle and pedestrian circulation, stormwater treatment areas, and a parkway.

**Table 4: Built Form Overlay District<sup>1</sup>**

Zoning District Name	Floor-Area Ratio Requirements (Min. – Max.)	Height Requirements	Lot Dimension Requirements (Min. – Max.)	Maximum Lot Coverage	Maximum Impervious Surface Coverage	Location by Parcel
<b>Corridor 6</b>	Residence or Office Residence Districts: 1 - 3.0  Commercial, Industrial, or Downtown Districts: 1 - 3.4	New buildings must be between 2 stories (20 ft) and 6 stories (84 ft).  <i>With Permit:</i> 10 stories (140 ft) is the maximum height. <sup>2</sup>	Residential Uses: 5,000 sq ft - 43,560 sq ft  Commercial Uses and Parking Facilities: no minimum - 43,560 sq ft	Residence or Office Residence Districts: 70%  Commercial, Industrial, or Downtown Districts: 100%	Residence or Office Residence Districts: 85%  Commercial, Industrial, or Downtown Districts: 100%	1a, 1b, 3, 4, 5, 6a, 6b, 7a, 7b
<b>Parks</b>	N/A	The maximum building height for new buildings is 2.5 stories (35 feet).  <i>With Permit:</i> 6 stories (84 ft) is the maximum height. <sup>2</sup>	5,000 sq ft – no maximum  Commercial Uses and Parking Facilities: no minimum – no maximum	45%	60%	2

<sup>1</sup> Source: City of Minneapolis. <http://www2.minneapolismn.gov/cped/planning/WCMSP-222487>

Figure 9: MRCCA Boundary



**b. Discuss the project’s compatibility with nearby land uses, zoning, and plans listed in Item 9a above, concentrating on implications for environmental effects.**

*AUAR Guidance: The extent of conversion of existing farmlands anticipated in the AUAR should be described. If any farmland will be preserved by special protection programs, this should be discussed.*

*If development of the AUAR will interfere or change the use of any existing designated parks, recreation areas, or trails, this should be described in the AUAR. The RGU may also want to discuss under this item any proposed parks, recreation areas, or trails to be developed in conjunction with development of the AUAR area.*

*The AUAR must include a statement of certification from the RGU that its comprehensive plan complies with the requirements set out at Minnesota Rules, part 4410.3610, subpart 1. The AUAR document should discuss the proposed AUAR area development in the context of the comprehensive plan. If this has not been done as part of the responses to Items 6, 9, 11, 18, and others, it must be addressed here; a brief synopsis should be presented here if the material has been presented in detail under other items. Necessary amendments to comprehensive plan elements to allow for any of the development scenarios should be noted. If there are any management plans of any other local, state, or federal agencies applicable to the AUAR area, the document must discuss the compatibility of the plan with the various development scenarios studied, with emphasis on any incompatible elements.*

The AUAR will discuss the project’s compatibility with nearby land uses, zoning, and other relevant plans. The development scenarios are generally consistent with the *Minneapolis 2040 Comprehensive Plan*. The AUAR will include discussion of any impacts of new parks and trails and compatibility with nearby land uses, zoning, and relevant plans. The AUAR will also include a statement of certification from the RGU that its comprehensive plan complies with the requirements set out at Minnesota Rules, part 4410.3610, subpart 1.

**c. Identify measures incorporated into the proposed project to mitigate any potential incompatibility as discussed in Item 9b above.**

The proposed development scenarios are anticipated to be compatible with planned land use in the project vicinity. The AUAR will identify measures to mitigate any potential incompatibilities. Amendments to elements of the *Minneapolis 2040 Comprehensive Plan*, if needed for either development scenario, will be discussed in the AUAR.

## 10. GEOLOGY, SOILS, AND TOPOGRAPHY/LAND FORMS

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**a. Geology – Describe the geology underlying the project area and identify and map any susceptible geologic features such as sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst conditions. Discuss any limitations of these features for the project and any effects the project could have on these features. Identify any project designs or mitigation measures to address effects to geologic features.**

*AUAR Guidance: A map should be included to show any groundwater hazards identified.*

The AUAR study area is underlain by alluvial deposits, glacial till, glacial outwash, shale, and sandstone. The upper layer of sediment within the AUAR study area is fill material as a result of previous construction activities within the area. The fill materials range in depth from 4 to 7 feet below ground surface (bgs) and consist of poorly graded sand with silt (SP-SM) and silty sand (SM) with varying amounts of organics.

Bedrock is encountered at varying depths across the AUAR study area, ranging in depth from approximately less than 50 feet bgs to 150 feet bgs. Bedrock is comprised of limestone, sandstone, and shale. In descending order, the upper four formations are the Decorah Shale, the Platteville Limestone, the Glenwood Shale, and the St. Peter Sandstone.

Groundwater is present at approximately 10 to 35 feet below the surface.

There are no known sinkholes, unconfined/shallow aquifers, or karst conditions located within the AUAR study area.

No further analysis for geology and soils will be included in the AUAR.<sup>2</sup>

- b. Soils and Topography – Describe the soils on the site, giving NRCS (SCS) classifications and descriptions, including limitations of soils. Describe topography, any special site conditions relating to erosion potential, soil stability, or other soil limitations, such as steep slopes or highly permeable soils. Provide estimated volume and acreage of soil excavation and/or grading. Discuss impacts from project activities (distinguish between construction and operational activities) related to soils and topography. Identify measures during and after project construction to address soil limitations including stabilization, soil corrections, or other measures. Erosion/sedimentation control related to stormwater runoff should be addressed in response to Item 11.b.ii.**

*AUAR Guidance: The number of acres to be graded and number of cubic yards of soil to be moved need not be given; instead, a general discussion of the likely earthmoving needs for development of the area should be given, with an emphasis on unusual or problem areas. In discussing mitigation measures, both the standard requirements of the local ordinances and any special measures that would be added for AUAR purposes should be included. A standard soils map for the area should be included.*

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey and geotechnical information from the 2016 report provided by Braun Intertec, the area is comprised of four different soil types and water. The erosion hazard rating included in Table 5 indicates the hazard of soil loss from off-road areas after disturbance activities that expose the soil surface. Within the project site, all of the soils are not rated, meaning that erosion is unlikely under ordinary climatic conditions. The soils information is included in Table 5 and Figure 10.

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<sup>2</sup> The following sources were consulted for this section: developer geotechnical report, Hennepin County Geologic Atlas (geologic atlas), Minnesota Well Index, and the Hennepin County Soil Survey.

Table 5: Soil Types

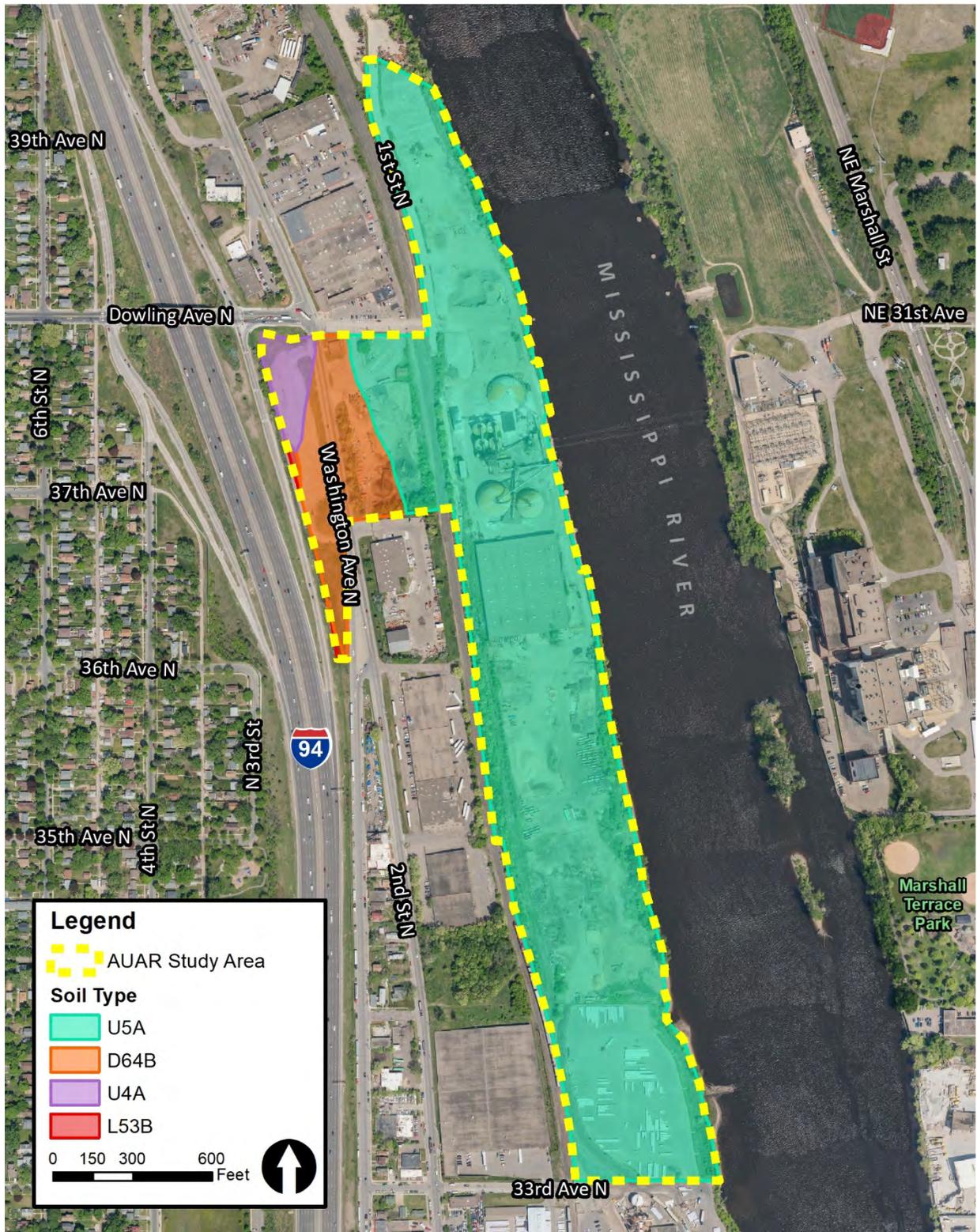
Map Unit Symbol	Soil Type	Acres within Study Area	Percent of Site Erosion Hazard	Erosion Hazard
Urban land-Hubbard complex, Mississippi River Valley, 0 to 8 percent slopes	D64B	5.2	9.9%	Not rated
Urban land-Moon complex, 2 to 8 percent slopes	L53B	0.1	0.3%	Not rated
Urban land-Udipsammets (cut and fill land) complex, 0 to 2 percent slopes	U4A	1.3	2.5%	Not rated
Urban land-Udorthents, wet substratum, complex, 0 to 2 percent slopes, rarely flooded	U5A	46.0	87.4%	Not rated
Total		52.7	100%	Not rated

Geotechnical borings have been completed within the AUAR study area and found that the upper layer of soil consists of fill material generally comprised of graded sand with silt, sandy soils, and clay layers.

Much of the riverbank is steeper than a three to one slope with areas of riprap and mixed vegetation near the water line. The AUAR will identify measures to minimize erosion and sedimentation in the river when working with the steep grade along the riverbank. It will also identify short- and long-term establishment and erosion control plans that account for seasonal changes and comply with permit conditions.

The AUAR will include a general discussion of the likely earthmoving needs for the development and identify measures to protect soils from erosion during excavation and construction of the site. Any additional information provided by the developer will be utilized to supplement the information provided above.

Figure 10: Soil Types



## 11. WATER RESOURCES

*AUAR Guidance: The information called for on the EAW form should be supplied for any of the infrastructure associated with the AUAR development scenarios, and for any development expected to physically impact any water resources. Where it is uncertain whether water resources will be impacted depending on the exact design of future development, the AUAR should cover the possible impacts through a “worst case scenario” or else prevent impacts through the provisions of the mitigation plan.*

**a. Describe surface water and groundwater features on or near the site below.**

- i. Surface Water – lakes, streams, wetlands, intermittent channels, and county/judicial ditches. Include any special designations such as public waters, trout stream/lake, wildlife lakes, migratory waterfowl feeding/resting lake, and outstanding resource value water. Include water quality impairments or special designations listed on the current MPCA 303d Impaired Waters List that are within one mile of the project. Include DNR Public Waters Inventory number(s), if any.**

The AUAR study area is a highly disturbed area; however, based on Hennepin County Wetland Inventory (2018) data, approximately 0.57 acres of wetland area may be located within the study area (see Figure 11).

There are no DNR Public Waters within the AUAR study area. The Mississippi River is adjacent to the study area.

Two impaired waters on the Minnesota Pollution Control Agency’s (MPCA’s) Part 303d Impaired Waters List are within one mile of the study area (see Table 6).

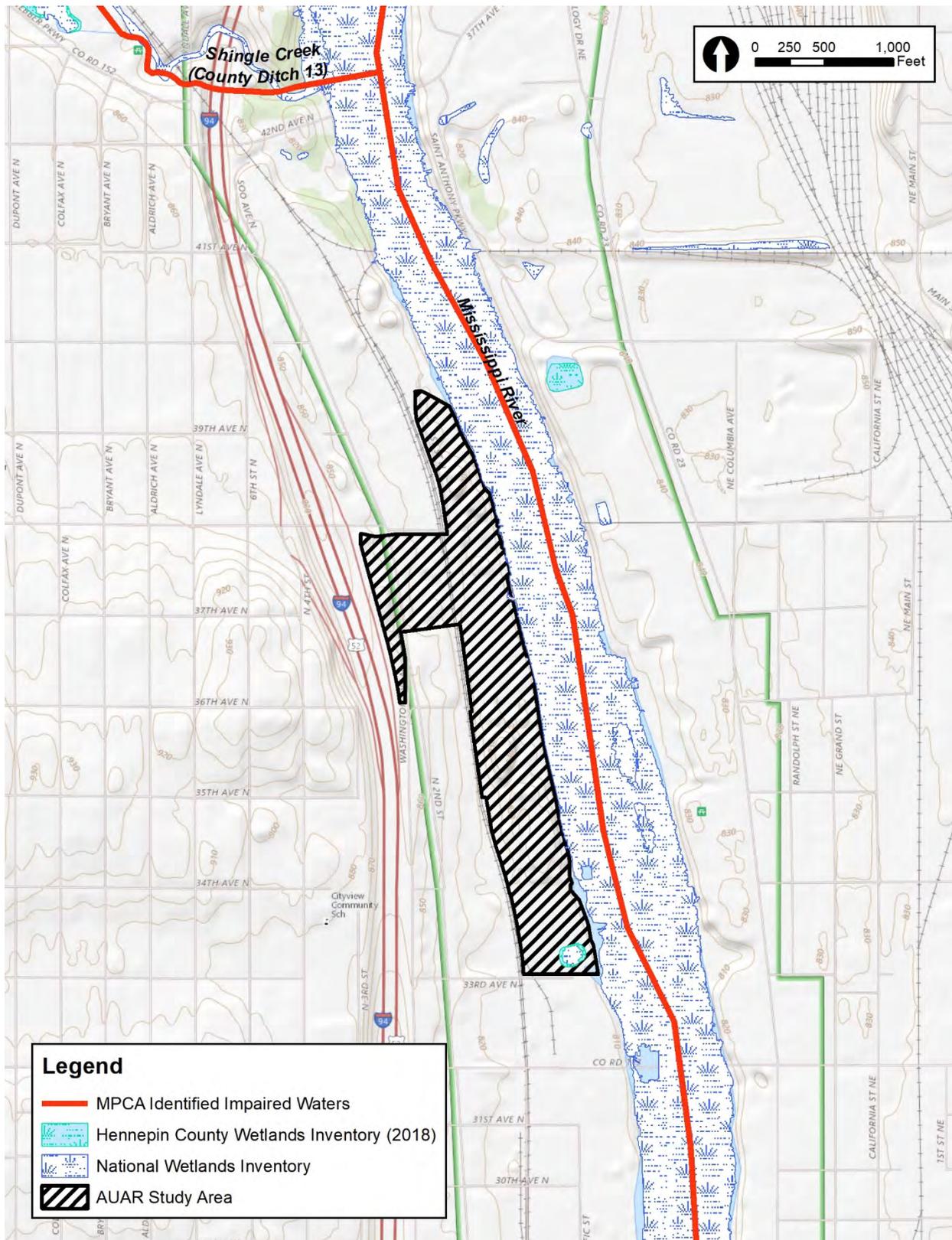
**Table 6: Impaired Waters**

Impaired Waters	ID Number	Impairments
Mississippi River	07010206-805	Mercury, PCB, Fecal Coliform, Nutrients
Shingle Creek	07010206-506	Aquatic macroinvertebrate bioassessments, Chloride, Dissolved oxygen, Escherichia coli

Drainage from the project area flows south toward the Mississippi River.

Mitigation strategies for the proposed stormwater impacts will be identified in the AUAR.

Figure 11: Water Resources



- ii. **Groundwater – aquifers, springs, and seeps. Include 1) depth to groundwater; 2) if project is within a MDH well protection area; and 3) identification of any onsite and/or nearby wells, including unique numbers and well logs, if available. If there are no wells known on site or nearby, explain the methodology used to determine this.**

The depth to groundwater within the AUAR study area is 10 to 35 feet below the surface beneath the St. Peter Sandstone formation (Prairie Du Chien-Jordan aquifer).

Based on the Minnesota Department of Health’s Minnesota Well Index, there are no wells located within the AUAR study area.

The AUAR study area is not located within a wellhead protection area or drinking water supply management area.

- b. **Describe effects from project activities on water resources and measures to minimize or mitigate the effects below.**

- i. **Wastewater – For each of the following, describe the sources, quantities, and composition of all sanitary, municipal/domestic, and industrial wastewaters projected or treated at the site.**

*AUAR Guidance: Observe the following points of guidance in an AUAR:*

- *Only domestic wastewater should be considered in an AUAR—industrial wastewater would be coming from industrial uses that are excluded from review through an AUAR process*
- *Wastewater flows should be estimated by land use subareas of the AUAR area; the basis of flow estimates should be explained*
- *The major sewer system features should be shown on a map and the expected flows should be identified*
- *If not explained under Item 6, the expected staging of the sewer system construction should be described*
- *The relationship of the sewer system extension to the RGU’s comprehensive sewer plan and (for metro area AUARs) to Metropolitan Council regional systems plans, including MUSA expansions, should be discussed. For non-metro area AUARs, the AUAR must discuss the capacity of the RGU’s wastewater treatment system compared to the flows from the AUAR area; any necessary improvements should be described.*
- *If on-site systems will serve part of the AUAR, the guidance in the February 2000 edition of the EAW Guidelines on page 16 regarding item 18b under Residential development should be followed.*

- 1) If the wastewater discharge is to a publicly owned treatment facility, identify any pretreatment measures and the ability of the facility to handle the added water**

**and waste loadings, including any effects on, or required expansion of, municipal wastewater infrastructure.**

It is assumed that sanitary sewer service for the AUAR study area will be provided by the existing Metropolitan Council interceptor pipe that traverses the site and other existing City sanitary sewer connections in the area. No land uses that would generate wastewater requiring pretreatment are anticipated in the AUAR study area.

The AUAR will evaluate the estimated wastewater flows for the proposed development scenarios, and the existing sanitary sewer system will be evaluated to determine if there is adequate capacity to convey wastewater. Appropriate mitigation measures will be identified, if needed.

**2) If the wastewater discharge is to a subsurface sewage treatment system (SSTS), describe the system used, the design flow, and suitability of site conditions for such a system.**

Not applicable.

**3) If the wastewater discharge is to surface water, identify the wastewater treatment methods, discharge points, and proposed effluent limitations to mitigation impacts. Discuss any effects to surface or groundwater from wastewater discharges.**

Not applicable.

**ii. Stormwater – Describe the quantity and quality of stormwater runoff at the site prior to and post construction. Include the routes and receiving water bodies for runoff from the site (major downstream water bodies as well as the immediate receiving waters). Discuss any environmental effects from stormwater discharges. Describe stormwater pollution prevention plans including temporary and permanent runoff controls and potential BMP site locations to manage or treat stormwater runoff. Identify specific erosion control, sedimentation control, or stabilization measures to address soil limitations during and after project construction.**

*AUAR Guidance: For an AUAR the following additional guidance should be followed in addition to that in EAW Guidelines:*

- *It is expected that an AUAR will have a detailed analysis of stormwater issues*
- *A map of the proposed stormwater management system and of the water bodies that will receive stormwater should be provided*
- *The description of the stormwater systems would identify on-site and “regional” detention ponding and also indicate whether the various ponds will be new water bodies or converted existing ponds or wetlands. Where on-site ponds will*

*be used but have not yet been designed, the discussion should indicate the design standards that will be followed.*

- *If present in or adjoining the AUAR area, the following types of water bodies must be given special analyses:*
  - *Lakes: Within the Twin Cities metro area, a nutrient budget analysis must be prepared for any “priority lake” identified by the Metropolitan Council. Outside of the metro area, lakes needing a nutrient budget analysis must be determined by consultation with the MPCA and DNR staffs.*
  - *Trout streams: If stormwater discharges will enter or affect a trout stream, an evaluation of the impacts on the chemical composition and temperature regime of the stream and the consequent impacts on the trout population (and other species of concern) must be included.*

A network of below grade pipes remain today that convey and discharge stormwater runoff to the Mississippi River. The AUAR study area currently has no treatment for stormwater runoff into the existing system. The pre- and post-construction impervious surface areas will be estimated in the AUAR. The AUAR will address stormwater rates and volumes for the AUAR study area and any temporary and permanent stormwater runoff controls will be identified. Both development scenarios will treat the stormwater on site and will comply with applicable rules and requirements for water quality, volume and rate control, and erosion control.

- iii. Water Appropriation – Describe if the project proposes to appropriate surface or groundwater (including dewatering). Describe the source, quantity, duration, use, and purpose of the water use and if a DNR water appropriation permit is required. Describe any well abandonment. If connecting to an existing municipal water supply, identify the wells to be used as a water source and any effects on, or required expansion of, municipal water infrastructure. Discuss environmental effects from water appropriation, including an assessment of the water resources available for appropriation. Identify any measures to avoid, minimize, or mitigate environmental effects from the water appropriation.**

*AUAR Guidance: If the area requires new water supply wells, specific information about that appropriation and its potential impacts on groundwater levels should be given; if groundwater levels would be affected, any impacts resulting on other resources should be addressed.*

Construction dewatering may be required for the development of the AUAR study area.

Water mains to service the AUAR study area are provided within adjacent roadway right-of-way, and a preliminary review indicates that the existing infrastructure is sufficient for the anticipated development scenarios.

Handling of any construction dewatering discharge required will be addressed in the AUAR. The AUAR will also address the water demands for the site and the existing city water system capacity. Mitigation strategies, if applicable, will be identified in the AUAR.

**iv. Surface Waters**

- 1) Wetlands – Describe any anticipated physical effects or alterations to wetland features, such as draining, filling, permanent inundation, dredging, and vegetative removal. Discuss direct and indirect environmental effects from physical modification of wetlands, including the anticipated effects that any proposed wetland alterations may have to the host watershed. Identify measures to avoid (e.g., available alternatives that were considered), minimize, or mitigate environmental effects to wetlands. Discuss whether any required compensatory wetland mitigation for unavoidable wetland impacts will occur in the same minor or major watershed and identify those probable locations.**

Based on Hennepin County Wetland Inventory (2018), approximately 0.57 acres of wetland is located within the AUAR study area.

The AUAR will address potential wetland impacts based on the proposed scenarios, and mitigation strategies will be identified.

- 2) Other surface waters – Describe any anticipated physical effects or alterations to surface water features (lakes, streams, ponds, intermittent channels, county/judicial ditches) such as draining, filling, permanent inundation, dredging, diking, stream diversion, impoundment, aquatic plant removal, and riparian alteration. Discuss direct and indirect environmental effects from physical modification of water features. Identify measures to avoid, minimize, or mitigate environmental effects to surface water features, including in-water Best Management Practices that are proposed to avoid or minimize turbidity/sedimentation while physically altering the water features. Discuss how the project will change the number or type of watercraft on any water body, including current and projected watercraft usage.**

*AUAR Guidance: Water surface use need only be addressed if the AUAR area would include or adjoin recreational water bodies.*

No additional surface water features have been identified within the AUAR study area.

The project area includes an existing river wall that will stay in place for the current phase of work. Upland shoreline restoration will be discussed in the AUAR.

## 12. CONTAMINATION/HAZARDOUS MATERIALS/WASTES

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- a. Pre-project Site Conditions – Describe existing contamination or potential environmental hazards on or in close proximity to the project site, such as soil or groundwater contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines. Discuss any potential environmental effects from pre-project site conditions that would be caused or exacerbated by project construction and operation. Identify measures to avoid, minimize, or mitigate adverse effects from existing contamination or potential environmental hazards. Include development of a Contingency Plan or Response Action Plan.**

Braun Intertec conducted a Phase I and Phase II Environmental Site Assessment (ESA) for the Upper Harbor Terminal site in August 2015. The reports identified several existing contaminants and potential environmental hazards at the site that include potentially contaminated fill, petroleum contaminated soil and groundwater, former aboveground storage tanks (AST), Diesel Range Organics (DRO) contaminated soil and groundwater, arsenic and dissolved lead in surface water, an elevated concentration of 1,2-dichloroethane, and 1,3-Butadiene in soil vapor. No remediation activities were noted to have occurred to date. Additional Phase II assessments may be required to assess the extent of existing contaminants. Any redevelopment of the property will require coordination with the MPCA to determine the appropriate remediation measures and handling of known and unknown contaminants encountered. No further analysis will be included in the AUAR.

- b. Project Related Generation/Storage of Solid Wastes – Describe solid wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from solid waste handling, storage, and disposal. Identify measures to avoid, minimize, or mitigate adverse effects from the generation/storage of solid waste including source reduction and recycling.**

*AUAR Guidance: Generally, only the estimated total quantity of municipal solid waste generated and information about any recycling or source separation programs of the RGU need to be included.*

The AUAR will provide information on the estimated quantity of municipal solid waste to be generated by the development scenarios and will discuss recycling and source separation programs to be implemented.

- c. Project Related Use/Storage of Hazardous Materials – Describe chemicals/hazardous materials used/stored during construction and/or operation of the project including method of storage. Indicate the number, location, and size of any above or below ground tanks to store petroleum or other materials. Discuss potential environmental effects from accidental spills or releases of hazardous materials. Identify measures to avoid, minimize, or mitigate adverse effects from the use/storage of chemicals/hazardous materials including source reduction and recycling. Include development of a spill prevention plan.**

*AUAR Guidance: Not required for an AUAR. Potential locations of storage tanks associated with commercial uses in the AUAR should be identified (e.g., gasoline tanks at service stations).*

The AUAR will identify any potential future storage tank locations anticipated as part of the proposed development.

- d. Project Related Generation/Storage of Hazardous Wastes – Describe hazardous wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from hazardous waste handling, storage, and disposal. Identify measures to avoid, minimize, or mitigate adverse effects from the generation/storage of hazardous wastes including source reduction and recycling.**

*AUAR Guidance: Not required for an AUAR.*

The project will not generate or store hazardous wastes; therefore, it will not be evaluated in the AUAR.

### 13. FISH, WILDLIFE, PLANT COMMUNITIES, AND SENSITIVE ECOLOGICAL RESOURCES (RARE FEATURES)

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- a. Describe fish and wildlife resources as well as habitats and vegetation on or near the site.**

*AUAR Guidance: The description of fish and wildlife resources should be related to the habitat types depicted on the cover types map. Any differences in impacts between development scenarios should be highlighted in the discussion.*

The existing site provides limited and low-quality habitat and provides no fish habitat as there are no above ground streams, rivers, lakes, or ponds located within the study area. The Mississippi River is adjacent to the study area; however, there are no plans to encroach within the river. Minimal wildlife habitat is located within the AUAR study area due to the prior extent of continued ground disturbance and minimal natural vegetation. Wildlife that can be found within the study area include birds and small mammals that have adapted to the highly disturbed urban environment. No native plant communities or sites of biodiversity significance have been identified within the AUAR study area.

The AUAR will address the cover types for the existing conditions and the post-construction scenarios.

- b. Describe rare features such as state-listed (endangered, threatened, or special concern) species, native plant communities, Minnesota County Biological Survey Sites of Biodiversity Significance, and other sensitive ecological resources on or within close proximity to the site. Provide the license agreement number and/or correspondence number (ERDB) from which the data were obtained, and attach the Natural Heritage letter from the DNR. Indicate if any additional habitat or species survey work has been conducted within the site and describe results.**

*AUAR Guidance: For an AUAR, prior consultation with the DNR Division of Ecological Resources for information about reports of rare plant and animal species in the vicinity is required. Include the reference numbers called for on the EAW form in the AUAR and include the DNR's response letter. If such consultation indicates the need, an on-site habitat survey for rare species in the appropriate portions of the AUAR area is required. Areas of on-site surveys should be depicted on a map, as should any "protection zones" established as a result.*

Based on a review of the state-listed threatened, endangered, and special concern species (per license agreement LA-965), there are four species within one mile of the AUAR study area: black sandshell mussel, rusty patched bumble bee, peregrine falcon, and a colonial waterbird nesting site.

The results of the Natural Heritage Information System database search have been provided to the DNR and a correspondence letter has been requested. This information will be provided in the AUAR.

- c. Discuss how the identified fish, wildlife, plant communities, rare features, and ecosystems may be affected by the project. Include a discussion on introduction and spread of invasive species from the project construction and operation. Separately discuss effects to known threatened and endangered species.**

The AUAR will further investigate the potential for impacts to state-listed and federally-listed species that may be present within the AUAR study area.

Invasive species will be controlled on site during construction, and turf grass and other ornamental landscape plants will be used on the site and may provide some additional habitat for songbirds, small mammals, and insects.

- d. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to fish, wildlife, plant communities, and sensitive ecological resources.**

The AUAR will address any potential mitigation measures identified by the DNR to minimize and avoid adverse impacts to any state-listed species. Measures to minimize impacts to federally-listed species that may be present on the site will also be included in the AUAR as appropriate.

## 14. HISTORIC PROPERTIES

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**Describe any historic structures, archeological sites, and/or traditional cultural properties on or in close proximity to the site. Include 1) historic designations; 2) known artifact areas; and 3) architectural features. Attach letter received from the Minnesota State Historic Preservation Office (SHPO). Discuss any anticipated effects to historic properties during project construction and operation. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to historic properties.**

*AUAR Guidance: For an AUAR, contact with the State Historic Preservation Office and State Archeologist is required to determine whether there are areas of potential impacts to these*

*resources. If any exist, an appropriate site survey of high probability areas is needed to address the issue in more detail. The mitigation plan must include mitigation for any impacts identified.*

There are no locally or nationally designated historic structures, archeological sites, or traditional cultural properties within the project boundary.

The AUAR will investigate the eligibility of the Upper Harbor Terminal site and individual structures within the project boundary for the National Register of Historic Places (NRHP) and designation as a City of Minneapolis local landmark through the review of the recent Phase I-A Archeological Survey and Phase II History-Architecture Survey submitted to the Minnesota State Historic Preservation Office (SHPO), as well as all related SHPO correspondence. In a letter dated February 5, 2021, the SHPO indicated that the Upper Harbor Terminal site is a contributing resource to the NRHP-eligible Upper Harbor Historic District. The Upper Harbor Terminal site is not considered individually eligible for the NRHP.

Given that the Upper Harbor Terminal site is considered a contributing resource to a potential historic district, the AUAR will address mitigation measures to avoid and minimize adverse effects to historic properties.

## 15. VISUAL

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**Describe any scenic views or vistas on or near the project site. Describe any project related visual effects such as vapor plumes or glare from intense lights. Discuss the potential visual effects from the project. Identify any measures to avoid, minimize, or mitigate visual effects.**

*AUAR Guidance: Any impacts on scenic views and vistas present in the AUAR should be addressed. This would include both direct physical impacts and impacts on visual quality or integrity. EAW Guidelines contains a list of possible scenic resources.*

*If any non-routine visual impacts would occur from the anticipated development, this should be discussed here along with appropriate mitigation.*

The *Minneapolis 2040 Comprehensive Plan and MRCCA Plan* identify significant public views in the city. There are three public river corridor views that the Upper Harbor Terminal site is visible from:

- St. Anthony Parkway – The Grand Rounds Trail along St. Anthony Parkway provides a scenic view of the river’s west bank. Upstream is a view of an historic railroad bridge, while downstream is a unique scene that contains the downtown skyline, Lowry Bridge, and visually interesting structures at Upper Harbor Terminal. In warmer seasons these views may be hindered by the shoreline vegetation.
- Marshall Terrace Park – Views from Marshall Terrace Park are identified due to its high banks and good observation points. The western border of the park offers expansive views, to the south is the downtown skyline and Lowry Bridge, and to the north are views of the upstream islands and southern portion of the Upper Harbor Terminal site. The islands are

home to blue herons, sandpipers, and peregrine falcons, adding an ecological element to the views.

- Mississippi Watershed Management Organization (MWMO) Headquarters – This location gives the public an up-close view of the Lowry Bridge and southern portion of the Upper Harbor Terminal site.

Additionally, the MRCCA Plan identifies Street Corridors, which are streets perpendicular to the river that provide views from the neighborhood to the river. The AUAR will discuss visual impacts of the proposed development scenarios on the surrounding area and the public river corridor views and will summarize the lighting plan and any applicable mitigation strategies.

## 16. AIR

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- a. Stationary Source Emissions – Describe the type, sources, quantities, and compositions of any emissions from stationary sources such as boilers or exhaust stacks. Include any hazardous air pollutants, criteria pollutants, and any greenhouse gases. Discuss effects to air quality including any sensitive receptors, human health, or applicable regulatory criteria. Include a discussion of any methods used to assess the project’s effect on air quality and the results of that assessment. Identify pollution control equipment and other measures that will be taken to avoid, minimize, or mitigate adverse effects from stationary source emissions.**

*AUAR Guidance: This item is not applicable to an AUAR. Any stationary air emissions source large enough to merit environmental review requires individual review.*

No further analysis will be included in the AUAR as stationary sources such as boilers or exhaust stacks are not proposed for either scenario.

- b. Vehicle Emissions – Describe the effect of the project’s traffic generation on air emissions. Discuss the project’s vehicle-related emissions effect on air quality. Identify measures (e.g., traffic operational improvements, diesel idling minimization plan) that will be taken to minimize or mitigate vehicle-related emissions.**

*AUAR Guidance: Although the MPCA no longer issues Indirect Source Permits, traffic-related air quality may still be an issue if the analysis in Item 18 indicates that development would cause or worsen traffic congestion. The general guidance from the EAW form should still be followed. Questions about the details of air quality analysis should be directed to MPCA staff.*

The Minnesota Department of Transportation (MnDOT) has developed a screening method designed to identify intersections that will not cause a carbon monoxide (CO) impact above state standards. MnDOT has demonstrated that even the 10 highest traffic volume intersections in the Twin Cities do not experience CO impacts. Therefore, intersections with traffic volumes lower than these 10 highest intersections will not cause a CO impact above state standards. MnDOT’s screening method demonstrates that intersections with total daily approaching traffic volumes below 82,300 vehicles per day will not have the potential for causing CO air pollution

problems. None of the intersections in the study area exceed the criteria that would lead to a violation of the air quality standards.

No further air quality analysis is anticipated for the AUAR.

- c. Dust and Odors – Describe sources, characteristics, duration, quantities, and intensity of dust and odors generated during project construction and operation. (Fugitive dust may be discussed under Item 16a). Discuss the effect of dust and odors in the vicinity of the project including nearby sensitive receptors and quality of life. Identify measures that will be taken to minimize or mitigate the effects of dust and odors.**

*AUAR Guidance: Dust and odors need not be addressed in an AUAR, unless there is some unusual reason to do so. The RGU might want to discuss as part of the mitigation plan, however, any dust control ordinances in effect.*

The AUAR will include discussion of dust control ordinances, including best management practices that would be applicable during demolition and construction within the AUAR study area. The GAF facility located south of the AUAR study area is in compliance with the Minneapolis odor ordinance and permitted by the MPCA and will not be evaluated as part of the AUAR.

## 17. NOISE

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**Describe sources, characteristics, duration, quantities, and intensity of noise generated during project construction and operation. Discuss the effect of noise in the vicinity of the project including 1) existing noise levels/sources in the area; 2) nearby sensitive receptors; 3) conformance to state noise standards; and 4) quality of life. Identify measures that will be taken to minimize or mitigate the effects of noise.**

*AUAR Guidance: Construction noise need not be addressed in an AUAR, unless there is some unusual reason to do so. The RGU might want to discuss as part of the mitigation plan, however, any construction noise ordinances in effect.*

*If the area will include or adjoin major noise sources, a noise analysis is needed to determine if any noise levels in excess of standards would occur, and if so, to identify appropriate mitigation measures. With respect to traffic-generated noise, the noise analysis should be based on the traffic analysis of Item 18.*

As stated in the AUAR guidelines, construction noise need not be addressed unless there is some unusual reason to do so. No unusual circumstances have been identified that would necessitate a detailed construction noise analysis. To the extent possible, construction activities will be conducted to minimize noise levels and nighttime construction activities. Normal construction hours are 7:00 a.m. to 6:00 p.m., Monday through Friday. Any activity with construction equipment outside these hours would require an afterhours permit from the City.

### *Traffic Generated Noise*

A sound increase of 3 dBA is barely noticeable by the human ear, a 5 dBA increase is clearly noticeable, and a 10 dBA increase is heard as twice as loud. For example, if the sound energy is doubled (i.e., the amount of traffic doubles), there is a 3 dBA increase in noise, which is just barely noticeable to most people. On the other hand, if traffic increases by a factor of 10, the resulting sound level will increase by about 10 dBA and be heard as twice as loud.

Traffic volumes in the project area are either on roadways that do not have receivers that are sensitive to noise, or the traffic levels attributable to the project are well below the amount that would generate a sound increase that could be noticeable.

The change in traffic noise levels is not anticipated to be readily perceptible.

### *Project Related Noise*

A draft noise assessment was completed in November 2020 to evaluate the potential noise impacts from the proposed outdoor amphitheater at the Upper Harbor Terminal site (on parcel 3). Based on the preliminary conceptual designs and specifications provided by First Avenue Productions, the AUAR will map sound pressure levels from the proposed outdoor amphitheater to the closest residential area. The community noise measurements performed for the initial scoping phase of this project in October 2017 will be used to evaluate the impact potential. The final noise assessment and results of the analysis will be summarized in the AUAR. Appropriate mitigation measures will be identified, if needed.

## 18. TRANSPORTATION

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- a. **Describe traffic-related aspects of project construction and operation. Include 1) existing and proposed additional parking spaces; 2) estimated total average daily traffic generated; 3) estimated maximum peak hour traffic generated and time of occurrence; 4) source of trip generation rates used in the estimates; and 5) availability of transit and/or other alternative transportation modes.**

The information listed above will be provided in the traffic and transportation analysis that will be included in the AUAR. Trip generation will be calculated based on the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation, 10<sup>th</sup> Edition. A mode split, as agreed upon by the City, will be applied to the trip generation forecast to account for non-automobile trips. Potential transit routes through the development will be coordinated with the City and Metro Transit.

A parking study will be completed to document the number of existing parking spaces by block on Washington Avenue North and 2<sup>nd</sup> Street North between Lowry Avenue North and 41<sup>st</sup> Avenue North. The parking supply and parking demand for each parcel of the development will also be calculated. The results of the parking analysis will be summarized in the AUAR.

- b. **Discuss the effect on traffic congestion on affected roads and describe any traffic improvements necessary. The analysis must discuss the project's impact on the regional**

transportation system. If the peak hour traffic generated exceeds 250 vehicles or the total daily trips exceeds 2,500, a traffic impact study must be prepared as part of the EAW. Use the format and procedures described in the Minnesota Department of Transportation’s Access Management Manual, Chapter 5 (*available at: <http://www.dot.state.mn.us/accessmanagement/resources.html>*) or a similar local guidance.

*AUAR Guidance: For AUAR reviews, a detailed traffic analysis will be needed, conforming to the MnDOT guidance as listed on the EAW form. The results of the traffic analysis must be used in the response to Items 16 and 17.*

A traffic impact study was completed in December 2020 for the AUAR as the trip generation is anticipated to exceed the 250 trip peak hour vehicle threshold. The traffic impact study will be summarized in the AUAR, including information on estimated traffic generation, traffic impacts, and potential improvements and mitigation measures. The AUAR will include intersection capacity analyses for intersections immediately adjacent to the AUAR study area along Dowling Avenue North, Washington Avenue North, 2<sup>nd</sup> Street North, and Lowry Avenue North and will include the review of intersection operations at site access points.

Figure 12 depicts the intersections included for the intersection capacity analysis in the traffic impact study.

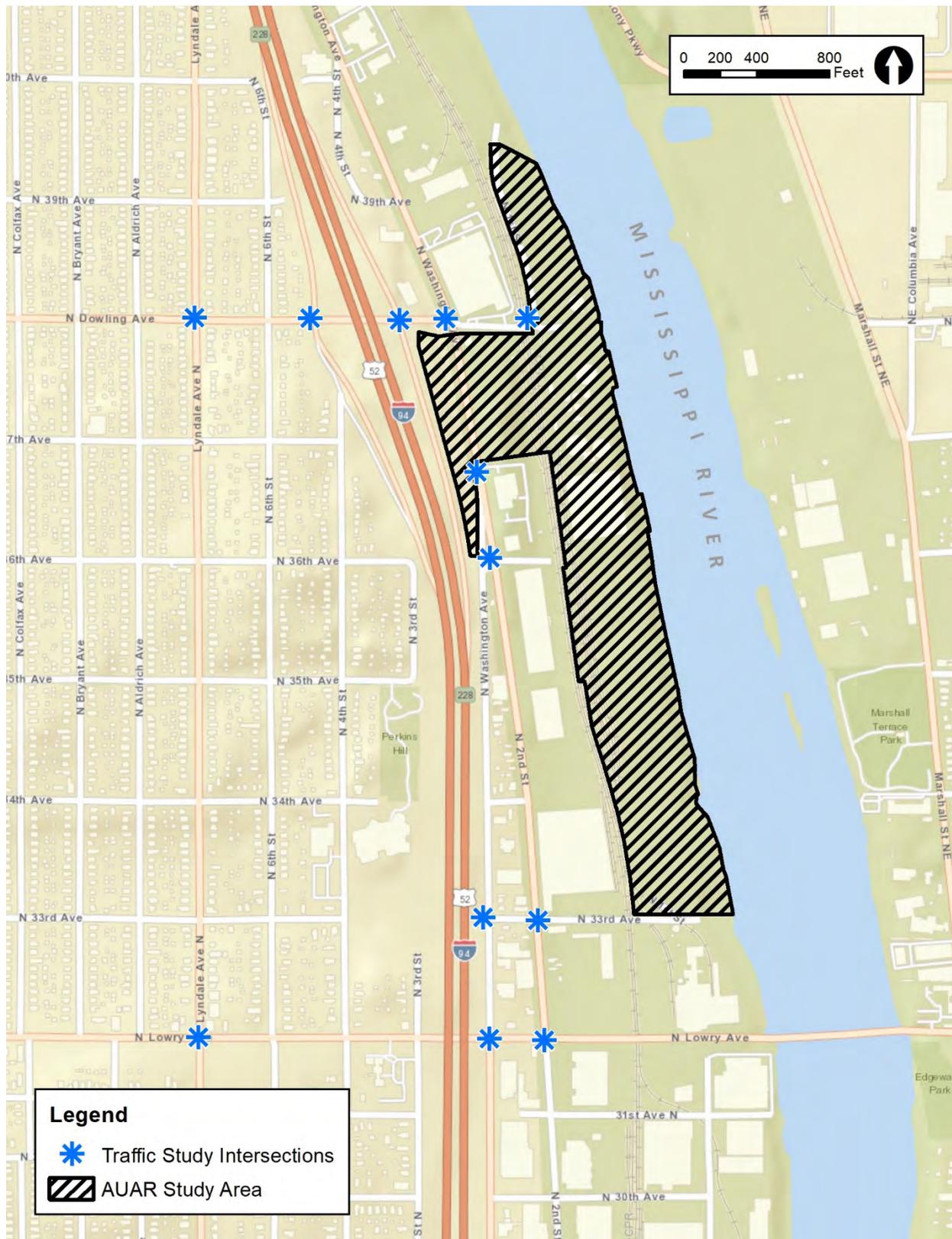
There are several plans to improve bicycle, pedestrian, and transit access to the site:

- A design concept for 33<sup>rd</sup> Avenue North includes the construction of walking, biking, and rolling infrastructure along 33<sup>rd</sup> Avenue North from 2<sup>nd</sup> Street North to the Upper Harbor Terminal site.
- The proposed park will include pedestrian and bike trails connecting to existing city sidewalks and trails.
- The City will continue to work with Metro Transit to coordinate improvements that support existing and future transit service upgrades.

**c. Identify measures that will be taken to minimize or mitigate project related transportation effects.**

The AUAR will address any mitigation measures identified through the traffic analysis.

Figure 12: Study Intersections



## 19. CUMULATIVE POTENTIAL EFFECTS

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*AUAR Guidance: Because the AUAR process by its nature is intended to deal with cumulative potential effects from all future developments within the AUAR area, it is presumed that the responses to all items on the EAW form automatically encompass the impacts from all anticipated developments within the AUAR area.*

*However, the total impact on the environment with respect to any of the items on the EAW form may also be influenced by past, present, and reasonably foreseeable future projects outside of the AUAR area. The cumulative potential effect descriptions may be provided as part of the responses to other appropriate EAW items, or in response to this item.*

**a. Describe the geographic scales and timeframes of the project related environmental effects that could combine with other environmental effects resulting in cumulative potential effects.**

Cumulative effects are defined as the “effect on the environment that results from the incremental effects of a project in addition to other projects in the environmentally relevant area that might reasonably be expected to affect the same environmental resources, including future projects actually planned or for which a basis of expectation has been laid, regardless of what person undertakes the other projects or what jurisdictions have authority over the projects.”<sup>3</sup> The geographic areas considered for cumulative effects are those areas adjacent to the AUAR study area, and the timeframe considered includes projects that would be constructed in the reasonably foreseeable future.

**b. Describe any reasonably foreseeable future projects (for which a basis of expectation has been laid) that may interact with environmental effects of the proposed project within the geographic scales and timeframes identified above.**

There are three reasonably foreseeable projects that may interact with environmental effects of the proposed project:

- Upper Dowling – This project includes corridor improvements on Dowling Avenue North between Lyndale Avenue North and the Upper Harbor Terminal site to improve safety conditions for pedestrian, bicycle, and vehicular traffic. The City of Minneapolis is completing a separate environmental review for this roadway project. Construction is anticipated to begin in 2022.
- 33<sup>rd</sup> Avenue North Reconstruction – This project includes the construction of walking, biking, and rolling infrastructure along 33<sup>rd</sup> Avenue North from 2<sup>nd</sup> Street North to the Upper Harbor Terminal site. This project improves access to the Upper Harbor Terminal site near Lowry Avenue North and facilitates coordination with CP to make improvements to the two CP railroad crossings.

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<sup>3</sup> Minnesota Rules, part 4410.0200, subpart 11a

- Xcel Power – There are currently 115 kv double unit overhead electrical transmission lines and structures that are located on the Upper Harbor Terminal site between the CP rail line and the river and that cross to the east bank of the Mississippi River. The transmission lines and poles are planned to be relocated to the rail corridor to facilitate site redevelopment. Xcel is in the process of completing an environmental review and will obtain any necessary permits or approvals for the transmission line relocation.

**c. Discuss the nature of the cumulative potential effects and summarize any other available information relevant to determining whether there is potential for significant environmental effects due to these cumulative effects.**

The cumulative potential effects of the projects identified above will be addressed in the AUAR.

## 20. OTHER POTENTIAL ENVIRONMENTAL EFFECTS

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**If the project may cause any additional environmental effects not addressed by Items 1 to 19, describe the effects here, discuss the how the environment will be affected, and identify measures that will be taken to minimize and mitigate these effects.**

The items described below are potential environmental effects specific to this project that are not covered under the other items in the AUAR.

### *Railroad Coordination*

A CP rail line runs north-south through the AUAR study area and continues to provide rail shipping service to properties south of the Upper Harbor Terminal site. Railroad coordination and applicable approvals will be discussed in the AUAR.

### *Emergency Services*

The City's Emergency Response Plan (fire/police/EMS) for the redevelopment of the Upper Harbor Terminal site will be coordinated through the City's Public Works Department and Fire Department to identify any potential access issues for the site. This plan will be prepared as part of the Preliminary Development Review (PDR) process and will be reviewed by the City's Public Works Department and Fire Department. An Event Management Plan will also be developed for the amphitheater as part of the PDR process and will include access for fire/police/EMS services. No further analysis will be included in the AUAR.

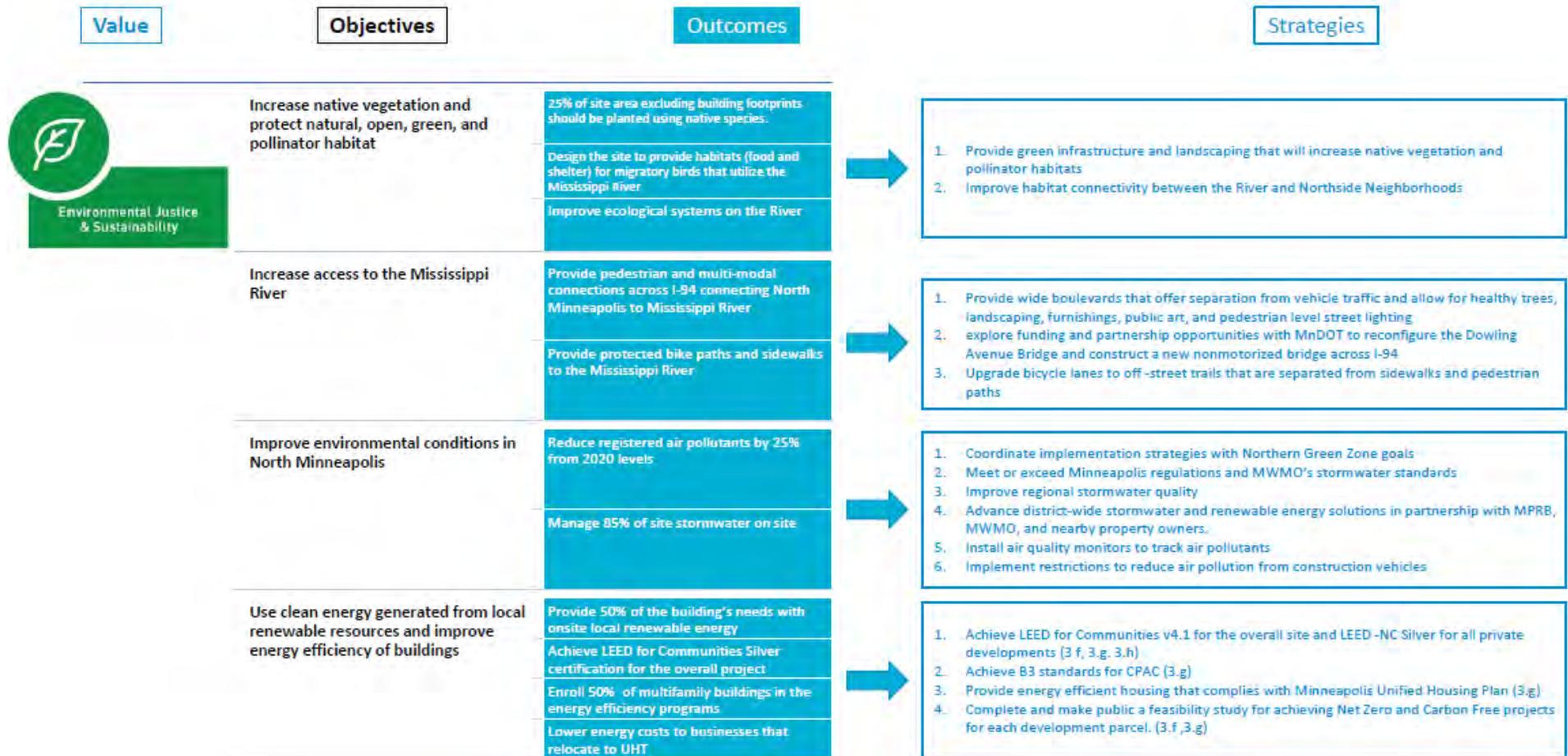
### *Sustainability*

One of the goals of Scenario 1 (the Coordinated Development Plan) is to "significantly advance community-wide efforts to repair environmental injustices, particularly to Northside residents, and more specifically to the Northside's Black community" through sustainable development. The Coordinated Development Plan outlines specific objectives, outcomes, and strategies in accomplishing this (see Figure 13).

*Environmental Justice*

The AUAR will include a demographic analysis of the Census Block Groups within and adjacent to the AUAR study area. It will also include a summary of the public engagement that has been conducted for the Coordinated Development Plan and will list development solutions identified in the Coordinated Development Plan intended to benefit Black, Indigenous, and People of Color (BIPOC) residents.

Figure 13: Sustainability Measures from the Coordinated Development Plan



# ATTACHMENT B



IN REPLY REFER TO:

1.A.1

## United States Department of the Interior

NATIONAL PARK SERVICE  
Mississippi National River and Recreation Area  
111 E. Kellogg Blvd., Ste 105  
St. Paul, Minnesota 55101-1256

March 18, 2021

Hilary Dvorak  
Principal City Planner  
Community Planning and Economic Development  
City of Minneapolis  
Public Service Building  
505 Fourth Ave. S, 320  
Minneapolis, MN 55415

Upper Harbor Terminal AUAR Scoping Document

Dear Hilary Dvorak:

The National Park Service (NPS) is pleased to provide comments on the Alternative Urban Area-wide Review (AUAR) Scoping Document for the Upper Harbor Terminal (UHT) Development. The proposed project would lie mostly within the boundary of the Mississippi National River and Recreation Area (NRRA). Congress established the Mississippi NRRA in 1988 to preserve, protect, and enhance the significant values of the Mississippi River Corridor in the Twin Cities metropolitan area.

The redevelopment of the UHT is a unique opportunity to improve the environment and livability of the North Minneapolis riverfront. Transitioning from a shipping terminal to an activated mixed-use residential community with significant riverfront parkland is a laudable goal. This such redevelopment will have an impact on the Mississippi River resources, natural, historic, and scenic. The AUAR for the UHT should recognize the unique relationship of the property to the river and address potential effects.

Section 9 of the Scoping Document discusses the various overlay districts within the UHT, one of which is the Mississippi River Corridor Critical Area (MRCCA). The MRCCA establishes building heights for the Urban Mixed district of 65 feet. This height standard for the UHT should be maintained. The UHT re-development will set a precedent for future development along this stretch of the river.

Several Public River Corridor Views (PRCV) in the City of Minneapolis' 2040 Comp Plan are identified within or near the UHT site. One view, the Saint Anthony Parkway, has views of downtown Minneapolis. Taller buildings on the UHT would detract and perhaps block downtown views. The unique character of the Saint Anthony Parkway PRCV may be impacted

by blocking, and the potential removal, of the “visually-interesting structures” located at Upper Harbor Terminal as well. The UHT AUAR should address any impacts to the PRCVs along this stretch of river.

Section 10 of the Upper Harbor Terminal AUAR Scoping document addresses the steepness of the riverbank. The transition from industrial shipping terminal to parkland will require considerable restoration and stabilization. We recommend the use best management practices to restore the riverbank using natural materials and native vegetation. Hard armoring with riprap or other man-made materials should be avoided wherever possible.

The Mississippi River should be more fully addressed in the Water Resources Section of the Scoping document. There is nearly 1-mile of riverfront at the UHT site. Erosion control and hazardous material abatement must be addressed during the redevelopment and rehabilitation of the site using best management practices. A .57-acre wetland was identified in the Scoping document that appears to have been converted into a paved parking lot. If this location was a natural wetland at one point that was removed, it should be remediated in the development elsewhere to make up for the loss of wetland habitat. Later in this section, the river wall removal is mentioned, but will not take place in this phase of the development. Foreseeable actions, such as the possible removal of the river wall should be addressed in the Scoping document and subsequent AUAR. As removal could have an impact on river resources such as water quality and bank stability.

A heron rookery is in close proximity to the music venue. The river islands near UHT are nesting grounds for herons and other species of birds. These birds nest from late March until late June. Our concerns are from any lasers, flashing lights, and pyrotechnics employed during concerts. These devices are also used to displace birds and wildlife from unwanted areas such as airports and golf courses. The use of these devices have the potential to displace the herons during nesting which would be a hazard to their offspring and would over time impact the population locally. The Mississippi River corridor is a major migratory flyway, these devices may also impact wildlife living and passing through this area. The design of the music venue, scheduling of shows, or allowance of these devices during this time of the year should address these impacts. Limiting use, or design of the concert venue to contain the use of these devices may be the best option to mitigate the wildlife disturbance within the Mississippi River migratory corridor. Disturbance of the heron rookery would impact several PRCVs that are viewing locations for the wildlife at these islands. Marshall Terrace Park and the Lowry Bride Lookout PRCVs include the island. The rookery is an important element in the description of these views. Marshall Terrace Park lists itself as a destination for birdwatchers, while the view from Lowry describes the islands as “bird sanctuaries”. The impacts to the heron rookery would impact both these important views as well as reduce the experience for those visiting Marshall Terrace Park.

Potential impacts to mussel species in the vicinity of the UHT and those further downstream in the Saint Anthony Falls Pool are a concern. The Scoping document lists black sandshell, MN species of special concern, within one mile of the project area. Our mussel surveys from 2015-2017 also list fawnsfoot, a MN threatened species, found at the same sampling site as black sandhell within 1 mile of the project area. There are also two other species within the Saint Anthony Pool that are of special status with the State of MN. Wartyback, MN threatened, and

rock-pocketbook, MN endangered, are both located in the same pool system further downstream. Special care should be taken to maintain a healthy environment for these species to continue to maintain their populations near the project area. With the amount of clean-up and significant amount of riverfront property at the UHT Development, great care and monitoring should be considered during the soil disturbance and restoration portions of this project to ensure no harm is done. Consideration must be given to best management practices which treat stormwater on site and practices which control erosion and runoff during construction.

The Mississippi NRRRA appreciates that the City of Minneapolis is going to address measures to avoid and minimize adverse effects to the historic property. The basic premise of the plan is adversely affecting the historic resources and we would like to see development of a robust mitigation plan which provides for interpreting and educating the public about the history of the current site and the riverfront location more broadly.

If you any questions regarding these comments, please contact my staff, Adam Muilenburg at [adam\\_muilenburg@nps.gov](mailto:adam_muilenburg@nps.gov) or by calling 651-293-8440.

Sincerely,

Craig Hansen  
Acting Superintendent



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MN 55101-1678

FEBRUARY 24, 2021

Regulatory File No. MVP-2021-00259-BBY

City of Minneapolis – Community Planning and Economic Development  
c/o Hilary Dvorak  
505 4th Avenue South, #320  
Minneapolis, Minnesota 55415

Dear Ms. Dvorak:

This letter is in response to correspondence we received from Lisa Baldwin regarding the Upper Harbor Terminal project. This letter contains our initial comments on this project for your consideration. The purpose of this letter is to inform you that based on the Draft Order for the Alternative Urban Areawide Review (AUAR) of the Upper Harbor Terminal project, a Department of the Army (DA) permit might be required for your proposed activity.

If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). The proposed project will take place adjacent to the Mississippi River, a Section 10 water. Any work in, over, or under the Mississippi River would likely require a DA permit. Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

The AUAR indicates that a 0.57 acre wetland may be located in the study area. The jurisdictional status of this possible wetland is unknown at this time. If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

The Corps evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental

Regulatory Branch (File No. MVP-2021-00259-BBY)

consequences” (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps’ decision whether there is a less damaging practicable alternative to the proposal.

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

If you have any questions, please contact me in our St. Paul office at (651) 290-5975 or [Brian.B.Yagle@usace.army.mil](mailto:Brian.B.Yagle@usace.army.mil). In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

Brian Yagle  
Lead Project Manager

cc:  
Lisa Baldwin – City of Minneapolis

**From:** Collins, Melissa (DNR) <Melissa.Collins@state.mn.us>  
**Sent:** Wednesday, March 17, 2021 2:37 PM  
**To:** Dvorak, Hilary A. <Hilary.Dvorak@minneapolismn.gov>  
**Cc:** Brandon Champeau <brandon.champeau@uproperties.com>  
**Subject:** [EXTERNAL] Upper Harbor Terminal - DNR Comments

Dear Ms. Dvorak,

Thank you for the opportunity to review the Upper Harbor Terminal Scoping Document in preparation for the upcoming Alternative Urban Areawide Review (AUAR). The DNR respectfully submits the following comments for your consideration:

1. Page 13, Permits and Approvals. Some design concepts that would require DNR involvement include: river-focused amenities such as a walkway or access point, and stormwater outfall.
2. Page 17, Parks and Trails. The DNR appreciates the proposed open park space along the river's edge with restored vegetation that will increase the public's connection to the river. We recommend incorporating as much native landscaping as possible into the park design to support pollinators such as the federally endangered Rusty-patched Bumble Bee, as well as to limit the amount of fertilizer and nutrients that could runoff into the river.
3. Page 26, Groundwater. It is possible that there are unknown wells on the site. These wells will need to be sealed in accordance with the regulations of the Minnesota Department of Health.
4. Page 28, Stormwater. If possible, stormwater should be used to irrigate the on-site landscaping.
5. Page 30, Contamination. The pumping of polluted groundwater in volumes that exceed 10,000 gallons per day, or one million gallons per year, will require approval under a DNR Water Appropriation Permit.
6. Page 35, Dust and Odors. The taking of water from Shingle Creek or the Mississippi River for the purpose of dust control in volumes that exceed 10,000 gallons per day, or one million gallons per year, will require approval under a DNR Water Appropriation Permit.
7. Page 35, Dust and Odors. The DNR requests that calcium chloride not be used for dust control in areas that drain to Public Waters. Chloride released into local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants.

Thank you again, and please let me know if you have any questions.

Sincerely,

**Melissa Collins**

Regional Environmental Assessment Ecologist | Ecological and Water Resources

Pronouns: She/her

**Minnesota Department of Natural Resources**

1200 Warner Road

St. Paul, MN 55106

Phone: 651-259-5755

Email: [melissa.collins@state.mn.us](mailto:melissa.collins@state.mn.us)

[mndnr.gov](http://mndnr.gov)



[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.

March 17, 2021

Ms. Hilary Dvorak  
Principal City Planner  
City of Minneapolis  
250 South 4th Street, Room 300  
Minneapolis, MN 55415,

SUBJECT: MnDOT Review #**AUAR21-001**  
**Upper Harbor Terminal AUAR**  
SE Quad I-94 & Dowling Avenue North  
Minneapolis, Hennepin County

Dear Ms. Dvorak:

Thank you for the opportunity to review the **Upper Harbor Terminal AUAR**. MnDOT has reviewed the documents and has the following comments:

**Noise:**

MnDOT's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. This development includes an amphitheater which is also a noise-sensitive facility. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities having the authority to regulate land use shall take all reasonable measures to prevent the establishment of land use activities, listed in the MPCA's Noise Area Classification (NAC), anywhere that the establishment of the land use would result in immediate violations of established State noise standards.

MnDOT policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such developed areas. The project proposer is required to assess the existing noise situation and take the action deemed necessary to minimize the impact to the proposed development from any highway noise.

If you have any questions regarding MnDOT's noise policy please contact Natalie Ries in Metro District's Noise and Air Quality Unit at 651-234-7681 or [Natalie.Ries@state.mn.us](mailto:Natalie.Ries@state.mn.us).

An equal opportunity employer

***Pedestrian/Bicycle:***

MnDOT supports the additions and improvements to the bicycle and pedestrian network mentioned in the AUAR. Feel free to contact MnDOT Pedestrian/Bicycle office when crossing MnDOT Right-of-Way/facilities to help improve pedestrian and bicycle safety entering this site.

For assistance in regards to these comments, contact Jesse Thorsen, Metro Multimodal, at [Jesse.Thorsen@state.mn.us](mailto:Jesse.Thorsen@state.mn.us) or 651-234-7788.

***Review Submittal Options***

MnDOT's goal is to complete reviews within 30 calendar days. Review materials received electronically can be processed more rapidly. Do not submit files via a cloud service or SharePoint link. In order of preference, review materials may be submitted as:

1. Email documents and plans in PDF format to [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us). Attachments may not exceed 20 megabytes per email. Documents can be zipped as well. If multiple emails are necessary, number each message.
2. PDF file(s) uploaded to MnDOT's external shared internet workspace site at: <https://mft.dot.state.mn.us/metrodevreviews.dot@state.mn.us>. Contact MnDOT Planning development review staff at for uploading instructions, and send an email listing the file name(s) after the document(s) has/have been uploaded.

If you have any questions concerning this review, please contact me at (651) 234-7797.

Sincerely,



Cameron Muhic  
Senior Planner

**Copy sent via E-Mail:**

Buck Craig, Permits  
Jason Swenson, Water Resources  
Andrew Lutaya, Area Engineer  
Doug Nelson, Right-of-Way  
Mackenzie Turner Bargaen, Multimodal  
Patrick Phenow, Ports and Waterways  
Russell Owen, Metropolitan Council

Lance Schowalter, Design  
Eric Lauer-Hunt, Traffic  
Natalie Ries, Noise  
Jason Junge, Transit  
Jesse Thorsen, Multimodal  
Rick Bruss, Surveys

March 16, 2021

Hilary Dvorak  
Principal City Planner  
City of Minneapolis  
505 4<sup>th</sup> Avenue South, Room 320  
Minneapolis, MN 55415

Re: Upper Harbor Terminal Environmental Assessment Worksheet Scoping Document

Dear Hilary Dvorak:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) Scoping Document for an Alternative Urban Areawide Review (AUAR) for the Upper Harbor Terminal project (Project) in the city of Minneapolis, Hennepin County, Minnesota. The Project consists of mixed-use redevelopment of the Upper Harbor Terminal site. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

**Water Resources (Item 11)**

- The AUAR should discuss how stormwater will be managed during and after construction in the redevelopment and new development areas. The Mississippi River segment has construction-related impairments that need to be addressed through use of additional erosion and sediment control best management practices (BMPs) during construction.
- The AUAR should provide information on the cumulative environmental effects of adding additional impervious area in the shoreland of the Mississippi River such as increased downstream flooding, increases in water pollutants and what will be done to minimize and mitigate these effects.
- The City will be required to provide stormwater management for both new and redevelopment areas. A volume reduction method such as infiltration is required unless prohibited for one of the reasons identified in the National Pollutant Discharge Elimination System/State Disposal System General Construction Stormwater Permit. If infiltration is prohibited, the City is strongly urged to require other volume reduction practices to reduce stormwater discharges to the river, such as stormwater harvest and reuse for toilet flushing and irrigation, installing green roofs to capture stormwater, reducing impervious surfaces and/or using permeable pavements, use of tree trenches within paved areas, minimizing turf and incorporating native vegetation where possible. Please direct questions regarding Construction Stormwater Permit requirements to Roberta Getman at 507-206-2629 or [Roberta.Getman@state.mn.us](mailto:Roberta.Getman@state.mn.us).

**Contamination/Hazardous Materials/Waste (Item 12)**

- The AUAR should discuss the hazardous materials inspection, demolition, and disposal of buildings currently located on the Project site that are planned for demolition.

**Noise (Item 17)**

- The MPCA appreciates the attention to construction noise in the EAW Scoping Document. Our only further recommendation would be to ensure that all equipment used in the potential construction phases of the Project be muffled, and to utilize quieter backup alarms as appropriate.

- As to traffic noise and expected noise generated from the amphitheater, the MPCA encourages the City to consider both existing residential areas adjacent to the proposed Project and the planned residential units. Doing so can help identify any noise mitigation and attenuation that could be incorporated into the building plans for those new residences.
- The MPCA also wants to remind the City that the planned green space surrounding the buildings would be considered under the second-strictest Noise Area Classification (NAC), NAC 2. This may be relevant when determining the effects of amplified noise from the proposed amphitheater, particularly for any shows or concerts that would go past 10:00 pm (into the night). Further, given the amphitheater's proximity to the river, the Project proposer may want to include receptors on the east side that may be impacted by noise traveling over the water. This could include the Marshall Terrace Park, for example.
- Any noise generated by the amphitheater may also impact the heron rookery, which exists on an island in the middle of the river; consideration should be given to the impacts to the birds that use that island for nesting. Amplified noise would be new to their environment, though they may be accustomed to other existing sources. For noise related questions, please contact Fawkes Char at 651-757-2327 or [Fawkes.Char@state.mn.us](mailto:Fawkes.Char@state.mn.us).

We appreciate the opportunity to review this Project. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW Scoping Document, please contact me by email at [Karen.kromar@state.mn.us](mailto:Karen.kromar@state.mn.us) or by telephone at 651-757-2508.

Sincerely,

***Karen Kromar***

*This document has been electronically signed.*

Karen Kromar  
Project Manager  
Environmental Review Unit  
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul  
Roberta Getman, MPCA, Rochester  
Fawkes Char, MPCA, St. Paul

March 16, 2021

VIA E-MAIL

Hilary Dvorak  
Principal City Planner  
City of Minneapolis  
CPED – Land Use, Design and Preservation  
250 South 4<sup>th</sup> Street, #300  
Minneapolis, MN 55415

RE: Upper Harbor Terminal Development Scoping Document  
Minneapolis, Hennepin County  
SHPO Number: 2020-2763

Dear Ms. Dvorak:

Thank you for the opportunity to comment on the Scoping Document for the proposed Upper Harbor Terminal Development. According to the Scoping Document, United Properties, in partnership with First Avenue Productions, the City of Minneapolis, and the Minneapolis Park and Recreation Board (MPRB), is proposing to redevelop the 53-acre Upper Harbor Terminal site, which was formerly used as a barge shipping terminal. The proposed development would include residential, hospitality, retail/service, office/employment, light industrial, an outdoor amphitheater, and recreational land uses.

As noted under **Item 14. Historic Properties**, our office has been consulting with the City of Minneapolis and its consultants regarding the National Register eligibility of the Upper Harbor Terminal Historic District. In our most recent letter to the City dated February 5, 2021, we agreed with the consultant's recommendation that the **Upper Harbor Terminal Historic District** is not *individually eligible* for listing in the National Register of Historic Places (NRHP). We also agreed that the Monolithic Domes within the Upper Harbor Terminal Historic District are likely significant for their engineering under National Register Criterion C but are unlikely to meet the exacting requirements of National Register Criterion Consideration G. Therefore, we do not consider the domes eligible for listing in the NRHP at this time but recommend that they be reevaluated in 2032. We also agreed that the Grain Elevator, Storage Bins, Control House, and Warehouse within the Upper Harbor Terminal Historic District do not need individual property evaluation.

However, based on information that is available to us at this time, we have determined that the **Upper Harbor Terminal Historic District** is a *contributing* element to the larger **Upper Harbor Historic District**, which we recommend is *eligible* for listing in the NRHP. The Upper Harbor Historic District is a 1.5 mile section of harbor containing a collection of bridges and shipping terminal facilities at the northern end of the Upper Harbor. The Upper Harbor Historic District is a component of the larger Upper Mississippi Harbor Development, which is significant for its association with the extension of the original 1937 nine-foot channel. The Upper Mississippi Harbor Development allowed for the expanded shipping terminal facilities above St. Anthony Falls in Minneapolis. Resources associated with the Upper Mississippi Harbor Development include but are not limited to, the Mississippi River, the Lower Lock and Dam, the Upper

Lock and Dam, bridges and navigation utilities constructed or altered to facilitate the use of the river, and public and private industrial and terminal facilities constructed to take advantage of the newly expanded commercial opportunities. Based on the information provided to date, we concluded that the period of significance for the Upper Harbor Historic District begins in 1948, the year dredging began to extend the nine-foot channel, and ends in 2015, when the locks and dams ceased transportation operations.

While we understand that this may be out of scope for this project, we recommend that a comprehensive reevaluation be completed for the Upper Mississippi Harbor Development as defined by the U.S. Army Corp of Engineers in 1937. The boundaries defined for this development area extends upriver from the Northern Pacific Railway Bridge (Bridge #9) below St. Anthony Falls to the Soo Line Railway Bridge near the Minneapolis city limits, a total distance of 4.3 miles.

Regarding archaeological resources, we agree with the consultant's recommendation that a Phase I archaeological survey be completed prior to development. The survey scope and methods outlined in the Phase Ia Archaeological Literature Review by Nienow Cultural Consultants (June 25, 2020) are appropriate. The recommended survey methods include a combination of remote sensing and targeted shovel testing depending on the terrain, surface conditions, and plans for future ground disturbance.

We look forward to further consultation with the City and other consulting parties as planning for the Upper Harbor Terminal Development proceeds. Please contact Kelly Gragg-Johnson in our Environmental Review Program at [kelly.graggjohnson@state.mn.us](mailto:kelly.graggjohnson@state.mn.us) if you have any questions regarding our comments.

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

March 18, 2021

Hilary Dvorak, Principal City Planner  
City of Minneapolis  
505 4th Avenue South, Rm 320  
Minneapolis, MN 55415

**RE: City of Minneapolis – Upper Harbor Terminal Scoping AUAR**  
Metropolitan Council Review File No. 22537-1  
Metropolitan Council District No. 7

Dear Ms. Dvorak:

The Metropolitan Council received the Upper Harbor Terminal Scoping Alternative Urban Area Review (Scoping AUAR) on February 16, 2021. The study area encompasses approximately 53 acres, including nine existing tax parcels and public and private infrastructure, located north of Lowry Avenue between I-94 and the Mississippi River. Proposed development would include residential, hospitality, retail/service, office/employment, light industrial, and recreational land uses, as well as an outdoor amphitheater.

The following sections offer comments regarding issues that the Council requests be addressed either in the forthcoming Alternative Urban Areawide Review (AUAR) or through other means.

**9. Land Use - Parks** (*Colin Kelly, 651-602-1361*)

The Scoping AUAR correctly identifies a 19.5-acre portion of the study area as public park or recreation. However, the AUAR should specifically acknowledge and reference the master plan for the Above the Falls Regional Park, which was adopted by the Metropolitan Council on February 24, 2021 and governs the development of this 19.5-acre area.

**9. Land Use – Comprehensive Plan** (Todd Graham, 651-602-1322)

The City's adopted comprehensive plan does not allocate sufficient growth to the study area's transportation analysis zones to accommodate either development scenario. Most of study area falls within TAZ #1189 (north of Dowling Avenue) and TAZ #1190 (south of Dowling Avenue). The City's comprehensive plan allocates +209 jobs, +10 households, and +27 population to these TAZs through 2040. Staff recommend that the AUAR identify the need for a communitywide forecast increase including an increase in forecast allocations to TAZs #1189 and #1190. This would occur through a comprehensive plan amendment.

Should development in the study area proceed based on Scenario 1 (*Upper Harbor Coordinated Development Plan*), Council staff would recommend the following forecast changes. Please contact Met Council Research staff to discuss this or other scenarios.

- Communitywide forecast increase of +500 households and +1000 population, with 50% allocation of each of TAZ #1189 and TAZ #1190.
- Communitywide forecast increase of +200 jobs allocated to TAZ #1190.

**11. Water Resources - Wastewater** (Roger Janzig, [roger.janzig@metc.state.mn.us](mailto:roger.janzig@metc.state.mn.us))

The AUAR should identify Metropolitan Council Interceptor (1-MN-310), which runs north to south through the study area. The interceptor was built in 1936 and is a 54-inch Reinforced Concrete Pipe.

The Scoping AUAR references the relocation of Xcel Energy overhead electrical transmission lines and structures to the rail corridor. The AUAR should identify the need to design and enter into an Encroachment Agreement with the Metropolitan Council should these transmission lines occupy air space above our interceptor system.

The AUAR should also note the specific processes that must be followed before encroachment on our property or a direct connection to our Interceptor can be made. For future reference, to obtain a Sewer Connection Permit or Encroachment Application, please contact Tim Wedin, Interceptor Engineering Assistant Manager (651-602-4571).

**18. Transportation** (Victoria Dan, 612-349-7648)

Metro Transit is interested in how the City will determine the mode split for trip generation for either scenario, which should be articulated in the AUAR. Given the evolving transit landscape, with Phase 1 anticipated to commence in 2023, it will be important for Metro Transit to understand the range of possible transit impacts and opportunities.

Metro Transit is interested in knowing how railroad coordination will impact crossings in the study area. The City has shared some information with Metro Transit about how often trains use crossings in the Upper Harbor Terminal study area. The AUAR should analyze potential impacts in terms of duration and times of day that trains are expected to use the crossings.

**20. Other Potential Environmental Effects – Emergency Services**

(Victoria Dan, 612-349-7648)

The Scoping AUAR states that the City will develop an Event Management Plan and Emergency Response Plan as part of its Preliminary Development Review process. The Scoping AUAR also states that the AUAR will not include any further analysis. Metro Transit would like to review both documents, as these are opportunities for coordination with Metro Transit Street Operations and the Metro Transit Police Department.

This concludes the Council's review of the Scoping EAW. If you have any questions or need further information, please contact Michael Larson, Principal Reviewer, at 651-602-1407.

Sincerely,



Angela R. Torres, AICP, Manager  
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division  
Robert Lilligren, Metropolitan Council District No. 7  
Judy Sventek, Water Resources Manager  
Michael Larson, AICP, Sector Representative/ Principal Reviewer  
Reviews Coordinator

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# HENNEPIN COUNTY

## MINNESOTA

Ms. Hilary Dvorak  
Principal City Planner  
City of Minneapolis  
250 South 4th Street, Room 300  
Minneapolis

March 18, 2021

Re: Hennepin County staff comments on the Alternative Urban Areawide Review (AUAR) Draft Order and Scoping for Large Project for the Upper Harbor Terminal Site as advertised in the EQB Monitor February 16, 2021

Project Description: The AUAR study area encompasses an area totaling approximately 53 acres along the west bank of the Mississippi River in north Minneapolis. United Properties, in partnership with First Avenue Productions, the City of Minneapolis, and the Minneapolis Park and Recreation Board (MPRB), is proposing to redevelop the 53-acre Upper Harbor Terminal site, which was formerly used as a barge shipping terminal and is currently made up of city-owned land and quasi-public entities, including utilities and Canadian Pacific (CP) rail lines. The proposed development has two scenarios would include varying amounts of residential, hospitality, retail/service, office/employment, light industrial, an outdoor amphitheater, and recreational land uses.

Dear Ms. Dvorak:

We offer the following staff comments on the scope of the AUAR for the above-mentioned project:

- Need to traffic model both development scenarios that include the following intersections:
  - 33<sup>rd</sup> Ave N and Washington Ave N
  - 2<sup>nd</sup> Street and Washington Ave N
  - Lowry Ave and Washington Ave N
  - Lowry Ave and 2<sup>nd</sup> Street
  - Dowling Ave and Washington Ave (plus adjacent signalized intersections at Interstate 94 along Dowling Ave for coordination purposes)
- Modelling Timeframes for both development scenarios:
  - No Build (use anticipated year of opening)
  - No Build (20 years, assuming traffic forecast & sensitivity analysis)
  - Build (use anticipated year of opening)
  - Build Out (20 years, assuming traffic forecast & sensitivity analysis)
- Have traffic modeling match along Dowling for:
  - Currently proposed lane geometry



- Associated two-way bikeway phasing (are there going to be separate bike signal phases?)
- Transit Plans:
  - Are there plans for transit advantages such as Transit Signal Priority (TSP)? This would impact the software used.
  - If transit is not planned, this limits the modes available and thus needs to be accounted for in traffic modeling break down for mode shares.
- Event Management Planning should be discussed in the AUAR

We appreciate your consideration of Hennepin County comments and look forward to your response. If you have any questions, please contact myself Dave Jaeger at 612-348-5714/david.jaeger@hennepin.us or Jason Gottfried, at (612) 596-0394 /jason.gottfried@hennepin.us.

Thank you for your consideration,

David Jaeger

David Jaeger  
Environmental Specialist  
Hennepin County

March 15, 2021

Hilary Dvorak, Principal City Planner  
Community Planning and Economic Development  
505 4th Avenue South, Rm 320  
Minneapolis, MN 55415

Dear Ms. Dvorak,

The Northside Green Zone Task Force is pleased to be writing with two objectives surrounding the Upper Harbor Terminal development. First, given that this redevelopment project will take place within our Northside Green Zone, we should be an integral part of the decision-making process. The Concept Plan listed us as collaborators, but as of yet, no one has collaborated with us since the passing of it. This is concerning, and we'd like to set up a meeting with City Council members and staff to discuss this project that will impact our community for decades to come. We meet the first Tuesday of every month at 5:00 p.m., and we could also set up a special meeting if needed to accommodate as many of your schedules as possible. Please respond to our staff Kelly Muellman, so that she can schedule the meeting for us.

We strongly feel that redevelopment of any site in this corridor, particularly a publicly owned site, must be consistent with the Northern Green Zone's Work Plan recommendations and the City's Climate Action Plan. Before we meet, we want to let you know about a few points that are particularly important to us, so we can all be better prepared for our discussion:

- 1. Assessment and Reduction of Cumulative Impacts.** A development site cannot be reviewed in isolation - if the health of the community is to be protected, it must be reviewed within the context of the pollution corridor in which it is situated. As studies have shown, the cumulative pollution of particulate matter (PM/PM10/PM2.5), Volatile Organic Compounds (VOCs), Hazardous Air Pollutants (HAPs) and other toxic air pollutants, has resulted in increased infant mortality, lung disease, asthma, cancer risk, and other developmental issues for residents surrounding industrial corridors. Environmental pollution drivers of these 'underlying health conditions' are also now linked directly to increased death rates and risk to COVID-19, which is hitting black and brown communities disproportionately harder here in our city and state. An expanded cumulative impacts analysis of current pollution sources (surrounding facilities, I-94, etc.) must be conducted to assure a reduction in the cumulative pollution legacy in this area. Doing an overall cumulative impact assessment is particularly important as the UHT site neighbors' facilities, such as GAF, do not have to undergo permit review (since they are grandfathered in). We would like to know how the City is assessing the cumulative impacts of this development and assuring the community that a reduction and net benefit is occurring during any project's construction, remediation, and operation.
- 2. People-centered Development.** Plans for the site should prioritize healing and investing in people in the surrounding community that have borne the legacy of the UHT operations along a heavily industrial corridor. The Dakota and Ojibwe Nations of Minnesota should be integral in any planning in order to help begin to address the historic injustices from the City's settlement patterns. The Upper Terminal site should be dedicated to green industry with housing benefitting already overburdened and unhoused populations. Displacement and gentrification pressures from the development should be assessed and concretely mitigated.
- 3. Correlation with the City and State's Climate Goals.** The City should fully assess the impacts from the project's construction and operation on energy consumption and climate change, and in particular, on the State's and City's climate mitigation goals. There should be an analysis of how to reduce greenhouse gas emissions from construction and operation, with an adherence to low-carbon green building design principles. How the buildings will be heated and the materials used are all important factors. There should also be a much better understanding of semi-truck parking and a site transit plan than "We'll figure it out later..."
- 4. Repair the Ecosystem.** There is concern over the regional environmental impact on the Mississippi River ecosystem given the location of UHT and the likelihood of contaminated soil (such as arsenic and dissolved lead in surface water, as one example). Given the potential for soil erosion into the Mississippi River, there are serious concerns about contaminants in the soil being released into water and air, impacting the ecology and human health. Minimal wildlife habitats and native plant species currently exist on site which should be remediated with habitat/native plant communities re-established with pollinator habitat/native plant species.

Second, we submit the following comments in response to the Alternative Urban Areawide Review (AUAR) Scoping Document of the Upper Harbor Terminal redevelopment project. The Northside Green Zone Task Force appreciates the City of

Minneapolis completing this necessary environmental review and the opportunity to provide comment. Here are our recommendations and the questions we have when there are gaps in the Scoping Document:

- **Mississippi River Critical Area Overlay:** Development height is limited to 65 feet, and 35 feet when 300 feet from shore. The Northern Green Zone Task Force believes the City should comply with the standards set by the Mississippi River Critical Area Overlay rather than apply for Conditional Use Permits.
- **Contamination of Site:** According to the Scoping Document, the massive contamination is not going to be a part of the AUAR. We ask why. As of yet, there has been no remediation, and the scoping document says the developer/City will need to work with the MPCA. What does this mean? What kind of work will you do with the MPCA? The contaminants at the site are many and not limited to: petroleum contaminated soil and groundwater, former aboveground storage tanks (AST), Diesel Range Organics (DRO) contaminated soil and groundwater, and arsenic and dissolved lead in surface water. How will you store the contaminants, and where? Is it possible to safely dispose of any of these contaminants?
- **Unidentified Mitigation Strategies:** The Scoping Document says these strategies will be identified in the AUAR, even though the City is asked to identify them in the AUAR Scoping Document. We'd like to know what the answers are now: 1. What are the mitigation strategies for protecting the impaired waters one mile away: Mississippi River and Shingle Creek? 2. What are the mitigation strategies for the stormwater impacts?
- **Cumulative Impacts:** What are the cumulative impacts of the three proposed future projects? Those should be given now rather than in the AUAR. The Clark-Berglin Law protects the neighborhood of East Phillips and creates a different set of standards for their community when looking at projects such as this. The Northside, and the Northside Green Zone in particular, should be protected in the same way. Neighborhoods who suffer environmental injustices should have a higher set of standards for developers to meet.
- **Stationary Source Emissions:** We **highly recommend** completing air monitoring at GAF. If there is still a proposal for housing along our Mississippi River, then we must guarantee that it's safe for the community members who live there to safely breathe the air.
- **Endangered Species:** How will the AUAR study the impacts on the four state and federal listed endangered species within a mile of the site, and what will those impacts be?
- **Wetlands:** Where are the wetlands, and how are they going to be protected?
- **AUAR vs. EAW:** We prefer that the City complete a more extensive and rigorous environmental review. Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS) are much more extensive, and especially given all of the environmental impacts at this site that could affect those who will live there for generations to come, we believe it's important for you to voluntarily include the same kind of detailed information in this AUAR.

In summary, the Northside Green Zone Task Force appreciates the opportunity to submit these comments to the City of Minneapolis and looks forward to continued dialogue on these important issues. The Northside Green Zone was designated by the Minneapolis City Council, and the community is eager to see the City take action in accordance with the values and goals established by the Green Zone resolution to protect the health and wellbeing of overburdened residents. Council members and staff, please reach out to Kelly Muellman ([kelly.muellman@minneapolismn.gov](mailto:kelly.muellman@minneapolismn.gov)) to set up a meeting with us by Wednesday, March 31. We look forward to having this conversation with each and every one of you!

Sincerely,  
Minneapolis Northside Green Zone Task Force

Adopted: March 15, 2021

CC: Minneapolis City Council  
Mayor Jacob Frey  
Minneapolis Sustainability Division

March 18, 2021

Hilary Dvorak  
Principal City Planner  
Community Planning and Economic Development  
City of Minneapolis

Dear Ms. Dvorak:

Audubon Chapter of Minneapolis (ACM) appreciates the opportunity to submit comments on the Upper Harbor Terminal (UHT) Alternative Urban Areawide Review (AUAR) draft scoping document. We are concerned that certain elements of the UHT project will have negative impacts that are not adequately assessed by the draft document. We urge you to revise the following sections of the AUAR scoping to address these concerns.

### **6. Project description**

The scoping document should include a variety of development scenarios to assist in determining the impact of specific elements. The draft scoping document, however, presents two development scenarios that contain virtually identical components. Alternative scenarios should be included to incorporate community requests such as more mixed use housing and parkland, including “Nature First” areas for intact wildlife habitat in this critical migratory corridor. At a minimum, development scenarios excluding the concert venue should be included. Community members and other commenters have expressed continuing concern over potential impacts of the venue related to noise, light pollution, vehicle emissions and increased traffic on humans and wildlife.

### **9. Land Use**

The majority of the AUAR study area is located within the Mississippi River Corridor Critical Area (MRCCA). The city’s MRCCA ordinance was approved in December 2020, with environmental protections for the river corridor. ACM expects that the AUAR will rigorously apply the MRCCA requirements to all UHT development scenarios, particularly with regard to structure placement, height standards, and protections for birds and other wildlife. These protections include requirements governing exterior lighting and construction during nesting and bird migration seasons. In mid-2021, the city will incorporate additional requirements for bird-safe buildings and lighting and bird-friendly habitat, and all development scenarios must be assessed for compliance with these anticipated requirements.

Primary conservation areas (PCAs) are natural and cultural resources with rules and local zoning regulations that provide protection from development, vegetation removal and land alteration activities. The draft scoping document does not map all of the PCAs documented in the city’s MRCCA Plan. Please revise the AUAR to map, describe and assess impacts to all Plan-identified PCAs that may be present at the UHT site, including the colonial waterbird nesting site on the islands identified as Shore Impact Zones in Figure 9: MRCCA Boundary.

### **13. Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)**

#### **a. Describe fish and wildlife resources as well as habitats and vegetation on or near the site.**

This subsection states “Minimal wildlife habitat is located within the AUAR study area due to the prior extent of continued ground disturbance and minimal natural vegetation. Wildlife that can be found within the study area include birds and small mammals that have adapted to the highly disturbed urban environment.”

Many more species than birds and small mammals can be found within the study area than the draft document identifies, including an array of fish and aquatic species. The Mississippi River comprises a complex ecosystem that is essential to the ecological health of the North American continent. The scoping document should assess impacts on the river environment as home to an array of plant and animal species.

The scoping document also ignores the study area’s location in the Mississippi Flyway, a major migratory corridor used by more than 325 bird species and millions of birds during their epic round trip journeys to and from their breeding grounds. This section should reference the Mississippi Flyway and address potential impacts to birds and other wildlife that use the Mississippi River corridor for migration and nesting.

Bird populations are declining due to growing threats, including loss of habitat, collisions with buildings, climate change, and light pollution. In 2019, the Twin Cities region was named one of the [worst urban areas in the country for migrating birds](#) by the Cornell Lab of Ornithology, as a result of bright artificial light at night (ALAN) and the city’s location in the Mississippi Flyway. It is crucial that Minneapolis protect birds and other wildlife and their habitat in order to ensure ecosystem health, which benefits both humans and animals. The scoping document should assess the impacts of potential or probable increases in light pollution.

This subsection also fails to acknowledge the Great Blue Heron colony located on two islands in the Mississippi River directly across from the project site. These islands are included in the National Wetlands inventory area in Figure 8: Cover Types.

While this colony may so far have survived the “highly disturbed urban environment” as it currently exists, further disruption of this environment could be catastrophic for the colony. According to the [Minnesota Department of Natural Resources](#), “Because colonial waterbirds nest in groups, disturbance in a colony has the potential to interfere with reproductive success of many individuals, sometimes thousands of nesting pairs. Their foraging habits have been threatened by wetland drainage development and recreation.” Nest failure and colony abandonment have been documented at rookeries in Minnesota and elsewhere as a result of human disturbance. The AUAR must identify and consider the impacts of such disturbances on the colony and identify mitigation steps. As noted in section 9, above, the heron colony is within the MRCCA, and the city code imposes restrictions on construction and other activities during nesting and migration seasons.

**b. Describe rare features such as state-listed (endangered, threatened, or special concern) species, native plant communities, Minnesota County Biological Survey Sites of Biodiversity Significance, and other sensitive ecological resources on or within close proximity to the site.**

This subsection acknowledges four relevant species and features within one mile of the AUAR study area: the black sandshell mussel, the rusty patched bumble bee, the peregrine falcon and the above-mentioned colonial waterbird nesting site. The AUAR should assess the impacts to these species and address mitigation strategies.

This subsection also requires acknowledgment of “other sensitive ecological resources.” Again, because the study area is located in the Mississippi Flyway, this section should address potential impacts to birds and other wildlife that use the Mississippi River corridor for migration and nesting.

**16. Air**

Air quality in the UHT area is already negatively impacted by the surrounding freeway and industrial development. ACM questions why the city does not intend to conduct further air quality analysis for the AUAR, given that the project anticipates adding even more traffic, industry and other pollution sources to the site. Because the AUAR process is designed to consider the cumulative impacts of the project, ACM urges you to conduct a complete assessment of air quality for the project.

**17. Noise**

The scoping document states that no circumstances have been identified that would call for a detailed construction noise analysis. However, AUAR guidelines call for discussion of noise ordinances in effect in the study area. The AUAR must address the MRCCA ordinance requirements governing construction and wildlife. Section 551.1870 of the ordinance states:

- (a) *General design standards.* All public facilities must be designed and constructed to:
  - (5) Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish, birds, and wildlife are not spawning or nesting; and
  - (6) During bird migration times, schedule construction, or implement mitigation measures, to minimize disturbance in primary conservation areas.

With regard to project-related noise, the scoping says the AUAR will assess noise impacts from the concert venue to the “closet residential area.” Because the concert venue is proposed to be located directly adjacent to the river, sound will travel differently over the river and may affect other residential areas in North and Northeast Minneapolis, which must be considered. In addition, the heron colony nesting site is directly across from the proposed concert venue and must also be considered when assessing noise impacts.

Any negative impacts on birds and other wildlife will reduce biodiversity and harm our environment and livability in numerous ways. Please revise the draft AUAR scope to ensure identification of cumulative environmental and climate impacts of the project on birds and other wildlife.

Thank you for your consideration,

Keith Olstad  
Chair, Audubon Chapter of Minneapolis  
[Klbolstad2@gmail.com](mailto:Klbolstad2@gmail.com) 612.940.1534



*Working to protect the Mississippi River  
and its watershed in the Twin Cities area.*

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Suite 2000  
Saint Paul, MN 55101

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March 17, 2021

Hilary Dvorak, Principal City Planner  
Community Planning and Economic Development  
City of Minneapolis

Dear Hilary:

Friends of the Mississippi River (FMR) appreciates the opportunity to share our comments on the Upper Harbor Terminal (UHT) Alternative Urban Areawide Review (AUAR) draft scope.

As you know, FMR has been involved in planning for the future of UHT for decades. We have substantial principled objections to the city's draft coordinated development plan, including concerns about its environmental impacts. We hope that the AUAR process will be expansive and transparent in responding to community questions about how the proposed development will impact the health and quality of life of nearby residents, the river, and all plants and animals with whom we share this land.

We recognize that some elements of the UHT development will likely improve certain environmental conditions. Vegetation and shoreline restoration, park development, and new stormwater management systems will all be positive changes.

However, other elements of the project might have harmful impacts. We are concerned that some proposed sections of the AUAR scope fall short in assessing these potential impacts. As proposed, the study will not fully respond to the questions and concerns we've heard community members raise about the project, and it may not fully address well-documented environmental justice issues.

Given the existing pollution and environmental disparities around UHT, and the site's presence in the Northern Green Zone, the AUAR ought to be conducted as comprehensively and transparently as possible. Yet the draft AUAR scope is inadequate in some significant ways, particularly when it comes to cumulative environmental and climate impacts.

FMR requests changes to the following sections of the AUAR scope to address community environmental concerns.

## **6. Project description: development scenarios lack distinction**

We are very disappointed by the relative similarity of the two development scenarios proposed for study; the two scenarios include all of the same components. This makes it clear that the city has no real intention of considering alternative development options even if the AUAR shows significant impacts.

A more thorough AUAR would consider a range of development scenarios that make it easier to assess the impacts of individual elements of the project. For instance, we have heard a lot of community concern about the impacts of the concert venue, particularly related to noise, vehicle emissions, and traffic. As designed, the AUAR will make it difficult to assess these impacts because the concert venue is included in both scenarios. And there's no opportunity to consider whether a different plan, without a concert venue, would have lesser impacts.

We request that the city add at least one additional development scenario that is more distinctly different from those proposed. This scenario could include some of the other community ideas for the site, such as a development more focused on mixed-use housing and commercial development, along with more parkland, and without a concert venue or industrial space.

## **9. Land use: strengthen review of Mississippi River Corridor Critical Area**

The draft scope notes that most of the study area is located within the Mississippi River Corridor Critical Area (MRCCA). However, it does not map all of the Primary Conservation Areas clearly documented in the city's MRCCA Plan. We would like the AUAR to map, describe, and assess impacts to all Plan-identified Primary Conservation Areas that may be present at UHT:

- Shore impact zones
- Significant existing vegetative stands
- Floodplains and wetlands
- Unstable soils and bedrock (per the city's MRCCA Plan, Hennepin County is compiling this information and should be consulted)

We do appreciate that Plan-identified Public River Corridor Views are currently discussed in the draft scope.

The city's MRCCA ordinance was just added to the city's code two months ago. If the ordinance is to be properly upheld for years to come, the city must commit to actually

following it and protecting the river's unique resources. Mapping all MRCCA Primary Conservation Areas in all environmental reviews is an important practice and precedent.

The discussion of Primary Conservation Areas should include a thorough evaluation of current conditions as well as opportunities for restoration and protection. (We are not advocating that all existing MRCCA resources be preserved as-is; for instance, we understand that many of the vegetative areas at UHT are not high-quality and that the shoreline is not in a natural state.)

We also request that the AUAR include a comprehensive analysis of whether the development scenarios could meet MRCCA ordinance requirements, which are intended as environmental protections.

For instance, the draft UHT Coordinated Plan states the city's intention to request Conditional Use Permits (CUPs) for additional building height. The MRCCA ordinance has significantly stronger criteria for CUPs than what is required in other areas of the city.

Given that the city's MRCCA ordinance also includes standards for bird-safe lighting and is anticipated to include additional bird-safe building standards in mid-2021, the development scenarios should also be assessed for their ability to meet these requirements, including the ability to meet CUP approval criteria if a CUP may be required (such as for entertainment venue lighting).

#### **16. Air: existing environmental burden merits fuller review**

We are very disappointed at the city's statement that it does not plan to conduct any air quality analysis in the AUAR. This area is part of the Northern Green Zone where air quality issues, and the resulting health impacts, are well-documented. Environmental racism has led to many BIPOC and low-income residents living in the neighborhoods surrounding UHT, where they must already contend with the air quality impacts of I-94, the GAF plant, and other industrial development.

If the air quality were excellent around UHT, perhaps it would be appropriate to assume that UHT will not create any serious air quality risks. However, AUARs must address *cumulative* potential effects, and that means that existing conditions must be considered. It's not acceptable to add more traffic, industry, and other potential sources of air pollution to an already-burdened area without a full, transparent assessment.

This is especially true because of the event-related traffic that UHT might experience at the concert venue. As of yet, we have not seen any plan for how 7,000-10,000 people will get to and from a concert venue in an area lacking transit. Many will likely travel by either car or shuttle bus; both of these might result in significant vehicle idling during vehicle loading and

traffic jams. If the anticipated development traffic were moving to and from the site equally throughout the day, there might be less idling and fewer air-quality impacts. But both development scenarios include significant event-based traffic whose impacts might be very different from that. Residents deserve to know what those air quality impacts could be, and that requires more detail beyond simply “above or below MnDOT state standards.”

We would also like the AUAR to include an air-quality impact analysis of the proposed industrial uses. Even if the site only contains “light” industrial use, this may include significant truck traffic. Truck emissions, both due to the nature of the vehicles as well as idling during loading/unloading, are usually more significant than emissions from a passenger vehicle. Again, this is another way in which simply relying on MnDOT’s average traffic volumes is inadequately nuanced for the proposed development scenarios. A fuller assessment should be included in the AUAR.

### **17. Noise: expanded assessment area needed**

We are concerned that the draft scope says that potential noise impacts from the concert venue will only be assessed at the “closest residential area.” In this location, geographic proximity may not be the best way to evaluate who is most impacted by noise. The residential areas closest to the venue already experience significant noise from I-94; the freeway noise may drown out concert noise. However, sound travels differently across water, and so the residential areas in across the river in Northeast Minneapolis might actually experience more noise impacts than neighborhoods closer to the venue. We would like the AUAR to evaluate noise impacts in the residential areas nearest the venue in *both* North and Northeast Minneapolis.

As with air quality, the presence of I-94 already contributes significant noise pollution to North Minneapolis neighborhoods near the site. Because AUARs are intended to study *cumulative* impacts, we expect that the AUAR will assess the existing negative impacts of noise in the area and recommend mitigation strategies should the UHT development add to this environmental burden.

We have also heard many questions from community members about whether concert noise could have any impacts (above and beyond existing city noise impacts) on the birds who nest at the nearby heron rookery. This question should be responded to in the AUAR so that those who have raised the question receive the information they have long sought.

### **19. Cumulative potential effects: current conditions must be included**

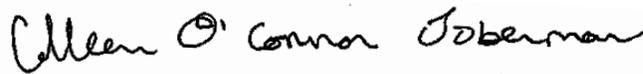
As discussed above, the UHT area is already burdened with disproportionately poor environmental conditions. Noise, air quality, access to green space, health impacts, and other disparities are well-documented.

We are disappointed to see that in part C of this section, the draft scope states that “the cumulative potential effects of the [future] projects identified above will be addressed in the AUAR.” There is no mention of cumulative effects from existing development, but UHT and other future developments do not exist in a vacuum. **Existing cumulative impacts must be addressed throughout the AUAR.**

The draft scope also lacks any commitment to studying the project’s potential climate impacts, including cumulative impacts. The AUAR should include a review of the development scenarios’ compatibility with the city’s Climate Action Plan and Transportation Action Plan.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Colleen O'Connor Toberman". The signature is written in a cursive, flowing style.

Colleen O’Connor Toberman  
River Corridor Program Director

Leslie Davis and Earth Protector Companies  
P.O. Box 11688  
Minneapolis, MN 55411  
612-529-5253

March 18, 2021

Ms. Hilary Dvorak, Principal City Planner  
City of Minneapolis  
505 - 4<sup>th</sup> Avenue South  
Room 320  
Minneapolis, MN 55415

Re: Comments on the Upper Harbor Terminal Alternative Urban Areawide Review (AUAR)

Dear Ms. Dvorak:

There was a problem with my earlier remarks and I apologize for that and have enclosed them below.

For the past twenty years, I have been a resident and business owner in the Mckinley Neighborhood of Minneapolis, where the Upper Harbor Terminal (UHT) is located, and I have commented several times previously to the Minneapolis City Council and Minneapolis City Staff regarding the illegality and impropriety of the projects proposed at the UHT and my opposition to them.

I will briefly mention my concerns below for inclusion in your AUAR preparation and you can refer to my previous comment letters sent to the City Council and City of Minneapolis staff last year.

To begin with, the Pohlad and Frank families illegally obtained control of the UHT through their insider participation on the Park Foundation Board (a separate entity from the Park and Recreation Board) where they gave cash bribes to the Park and Recreation Board for more than a million dollars to gain their UHT Development Agreement. Then the Park and City of Minneapolis illegally gave 19+ acres of land rightfully owned by the people of Minneapolis, to the Park and Recreation Board for an unneeded park a short distance from a huge under-used sixty two acre park with many amenities.

Therefore your AUAR review is not only improper and inappropriate, it is illegal due to bribery.

The City of Minneapolis alleges that they gave notice to the community offering to hear Qualifications to develop the UHT but I can assure you that as a resident and business owner with an office on Lowry Avenue for twenty years, I never received notice of any kind whatsoever, whether by mail, flyer, phone call, email, or notice of any kind asking for Qualifications to develop the UHT.

The UHT is an important industrial and commercial property that should be used to produce lucrative jobs and generational wealth through indoor growing and processing of PRE-SOLD hydroponically grown organic products ranging from vegetables to herbs to hemp to bamboo and more. Having 19+ acres of vacant land dedicated to a park a short distance from an under-used sixty two acre park would deprive my community of needed jobs and wealth generation in order to benefit a group of racist downtown Minneapolis developers who bribed their way into the theft of the property.

My proposed “New Community UHT Development” will require significant amounts of electricity that will be met using modern wind, water, and solar technologies. These modern and efficient technologies would range from hydro water wheels to bladeless wind generators.

Housing for families at the UHT would not be appropriate due to the toxic air emissions from the GAF shingle manufacturing facility that would waft over the UHT many months of the year when the wind blows from the south as it currently does. Even if GAF installs their promised thermal oxidizer the formaldehyde and other toxic air emissions, in addition to the proposed newly added thousands of cars emitting additional emissions, renders the UHT unhealthy regardless if GAF emissions meet or don’t meet Minnesota air quality standards which are not based on hundreds of young children living under a constant plume of toxic air.

A liquor bar with music at the UHT is too senseless to debate, but I will comment. According to the Police Department, when downtown Minneapolis liquor bars, such as those operated by the Frank family, release their highly intoxicated patrons in the middle of the night, they frequently urinate publicly because they are shoved out the door right after their last drink, and then after urinating they seek prostitutes of either gender as they lurk about in the neighborhood. This disgusting practice is not what North Minneapolis needs nor are the part-time low-paying jobs they create. And the payoffs of a ticket toke attached to each liquor bar ticket to allow the whore-masters to invade my neighborhood is typical of the behavior Frank displayed by the bribery to obtain the Development Agreement along with Pohlad in the first place. We would like Pohlad and Frank to keep their whores and customers at their current establishments. Or they can invite them to their homes if they like...not ours.

**LASTLY – WHERE WILL THE MUSIC VENUE FIND 11 ACRES AT THE UHT TO PARK THE CARS OF THEIR PATRONS?**

I have more to discuss on the UHT but I want you to have this information this morning.

Thank you for the opportunity to comment on this AUAR.

Respectfully,

*s/ Leslie Davis*

Leslie Davis, McKinley Resident

and

President of the Earth Protector Companies

# ATTACHMENT C

## OVERVIEW

Pursuant to Minnesota Rules, part 4410.3610, subpart 5a(C), the purpose of the comments on a Scoping Document for an Alternative Urban Areawide Review (AUAR) is to suggest additional development scenarios and relevant issues to be analyzed in the review. Comments may suggest alternatives to the specific large project or projects proposed to be included in the review, including development at sites outside of the proposed geographic boundary. The comments must provide reasons why a suggested development scenario or alternative to a specific project is potentially environmentally superior to those identified in the Responsible Governmental Unit's (RGU's) draft order.

During the public comment period, comments were received from eight government agencies, one community task force, two non-profit organizations, and one member of the public. Responses to substantive comments on the AUAR are included below. Copies of the comment letters are included in Attachment B.

### 1. NATIONAL PARK SERVICE

Comment	Response
Section 9 of the Scoping Document discusses the various overlay districts within the UHT, one of which is the Mississippi River Corridor Critical Area (MRCCA). The MRCCA establishes building heights for the Urban Mixed district of 65 feet. This height standard for the UHT should be maintained. The UHT re-development will set a precedent for future development along this stretch of the river.	The City will evaluate proposed building heights in accordance with applicable regulations. An increase in building height may be allowed through a variance or conditional use permit consistent with the MRCCA regulations.
Several Public River Corridor Views (PRCV) in the City of Minneapolis' 2040 Comp Plan are identified within or near the UHT site. One view, the Saint Anthony Parkway, has views of downtown Minneapolis. Taller buildings on the UHT would detract and perhaps block downtown views. The unique character of the Saint Anthony Parkway PRCV may be impacted by blocking, and the potential removal, of the "visually-interesting structures" located at Upper Harbor Terminal as well. The UHT AUAR should address any impacts to the PRCVs along this stretch of river.	The Public River Corridor Views (PRCV) as identified in the 2040 Comprehensive Plan and the MRCCA Plan will be studied in the AUAR.
Section 10 of the Upper Harbor Terminal AUAR Scoping document addresses the steepness of the riverbank. The transition from industrial shipping terminal to parkland will require considerable restoration and stabilization. We recommend the use best management practices to restore the riverbank using natural materials and native vegetation. Hard armoring with riprap or other man-made materials should be avoided wherever possible.	Comment noted. This information will be taken into consideration during the design of the shoreline restoration plans.

Comment	Response
<p>The Mississippi River should be more fully addressed in the Water Resources Section of the Scoping document. There is nearly 1-mile of riverfront at the UHT site. Erosion control and hazardous material abatement must be addressed during the redevelopment and rehabilitation of the site using best management practices. A .57-acre wetland was identified in the Scoping document that appears to have been converted into a paved parking lot. If this location was a natural wetland at one point that was removed, it should be remediated in the development elsewhere to make up for the loss of wetland habitat. Later in this section, the river wall removal is mentioned, but will not take place in this phase of the development. Foreseeable actions, such as the possible removal of the river wall should be addressed in the Scoping document and subsequent AUAR. As removal could have an impact on river resources such as water quality and bank stability.</p>	<p>Erosion control and hazardous material abatement best management practices will be addressed in the AUAR.</p> <p>As noted, the 0.57-acre wetland is no longer present within the Upper Harbor Terminal AUAR Study Area. This will be addressed in the AUAR. Prior to the razing of the Upper Harbor Terminal site, the wetland area was in a previously developed area.</p> <p>Plans to modify the shoreline will be addressed in the AUAR.</p>
<p>A heron rookery is in close proximity to the music venue. The river islands near UHT are nesting grounds for herons and other species of birds. These birds nest from late March until late June. Our concerns are from any lasers, flashing lights, and pyrotechnics employed during concerts. These devices are also used to displace birds and wildlife from unwanted areas such as airports and golf courses. The use of these devices have the potential to displace the herons during nesting which would be a hazard to their offspring and would over time impact the population locally. The Mississippi River corridor is a major migratory flyway, these devices may also impact wildlife living and passing through this area. The design of the music venue, scheduling of shows, or allowance of these devices during this time of the year should address these impacts. Limiting use, or design of the concert venue to contain the use of these devices may be the best option to mitigate the wildlife disturbance within the Mississippi River migratory corridor. Disturbance of the heron rookery would impact several PRCVs that are viewing locations for the wildlife at these islands. Marshall Terrace Park and the Lowry Bride Lookout PRCVs include the island. The rookery is an important element in the description of these views. Marshall Terrace Park lists itself as a destination for birdwatchers, while the view from Lowry describes the islands as “bird sanctuaries”. The impacts to the heron rookery would impact both these important views as well as reduce the experience for those visiting Marshall Terrace Park.</p>	<p>Lighting and compatibility with the MRCCA ordinance will be discussed in the AUAR.</p>

Comment	Response
<p>Potential impacts to mussel species in the vicinity of the UHT and those further downstream in the Saint Anthony Falls Pool are a concern. The Scoping document lists black sandshell, MN species of special concern, within one mile of the project area. Our mussel surveys from 2015-2017 also list fawnsfoot, a MN threatened species, found at the same sampling site as black sandhell within 1 mile of the project area. There are also two other species within the Saint Anthony Pool that are of special status with the State of MN. Wartyback, MN threatened, and rock-pocketbook, MN endangered, are both located in the same pool system further downstream. Special care should be taken to maintain a healthy environment for these species to continue to maintain their populations near the project area. With the amount of clean-up and significant amount of riverfront property at the UHT Development, great care and monitoring should be considered during the soil disturbance and restoration portions of this project to ensure no harm is done. Consideration must be given to best management practices which treat stormwater on site and practices which control erosion and runoff during construction.</p>	<p>Potential impacts to state-listed threatened and endangered species and species of special concern will be addressed in the AUAR. Erosion and sediment control best management practices will be described in the AUAR.</p>
<p>The Mississippi NRRRA appreciates that the City of Minneapolis is going to address measures to avoid and minimize adverse effects to the historic property. The basic premise of the plan is adversely affecting the historic resources and we would like to see development of a robust mitigation plan which provides for interpreting and educating the public about the history of the current site and the riverfront location more broadly.</p>	<p>A historic properties mitigation plan will be outlined in the AUAR.</p>

## 2. US ARMY CORPS OF ENGINEERS

Comment	Response
<p>The purpose of this letter is to inform you that based on the Draft Order for the Alternative Urban Areawide Review (AUAR) of the Upper Harbor Terminal project, a Department of the Army (DA) permit might be required for your proposed activity.</p> <p>If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). The proposed project will take place adjacent to the Mississippi River, a Section 10 water. Any work in, over, or under the Mississippi River would likely require a DA permit. Section 10 prohibits the construction, excavation, or deposition of materials in,</p>	<p>Comment noted. Wetlands and surface waters will be discussed in the AUAR and any work within the Mississippi River will be described.</p>

Comment	Response
<p>over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.</p> <p>The AUAR indicates that a 0.57 acre wetland may be located in the study area. The jurisdictional status of this possible wetland is unknown at this time. If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <a href="http://www.mvp.usace.army.mil/regulatory">http://www.mvp.usace.army.mil/regulatory</a>.</p> <p>The Corps evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).</p> <p>If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.</p> <p>If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.</p>	

### 3. MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Comment	Response
1. Page 13, Permits and Approvals. Some design concepts that would require DNR involvement include: river-focused amenities such as a walkway or access point, and stormwater outfall.	A DNR Public Waters Work Permit will be identified in the anticipated permits and approvals table in the AUAR.
2. Page 17, Parks and Trails. The DNR appreciates the proposed open park space along the river's edge with restored vegetation that will increase the public's connection to the river. We recommend incorporating as much native landscaping as possible into the park design to support pollinators such as the federally endangered Rusty-patched Bumble Bee, as well as to limit the amount of fertilizer and nutrients that could runoff into the river.	The AUAR will address potential sustainable landscaping to be incorporated into the development.
3. Page 26, Groundwater. It is possible that there are unknown wells on the site. These wells will need to be sealed in accordance with the regulations of the Minnesota Department of Health.	Potential unknown wells will be addressed in the AUAR.
4. Page 28, Stormwater. If possible, stormwater should be used to irrigate the on-site landscaping.	Stormwater reuse will be evaluated as site design progresses and as stormwater management strategies are finalized.
5. Page 30, Contamination. The pumping of polluted groundwater in volumes that exceed 10,000 gallons per day, or one million gallons per year, will require approval under a DNR Water Appropriation Permit.	A DNR Water Appropriation Permit will be identified in the anticipated permits and approvals table in the AUAR.
6. Page 35, Dust and Odors. The taking of water from Shingle Creek or the Mississippi River for the purpose of dust control in volumes that exceed 10,000 gallons per day, or one million gallons per year, will require approval under a DNR Water Appropriation Permit.	A DNR Water Appropriation Permit will be identified in the anticipated permits and approvals table if dewatering is needed for the proposed development.
7. Page 35, Dust and Odors. The DNR requests that calcium chloride not be used for dust control in areas that drain to Public Waters. Chloride released into local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants.	This request will be incorporated into the AUAR.

**4. MINNESOTA DEPARTMENT OF TRANSPORTATION**

Comment	Response
<b>Noise</b>	
<p>MnDOT's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. This development includes an amphitheater which is also a noise-sensitive facility. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities having the authority to regulate land use shall take all reasonable measures to prevent the establishment of land use activities, listed in the MPCA's Noise Area Classification (NAC), anywhere that the establishment of the land use would result in immediate violations of established State noise standards.</p> <p>MnDOT policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such developed areas. The project proposer is required to assess the existing noise situation and take the action deemed necessary to minimize the impact to the proposed development from any highway noise.</p>	<p>Background noise, which includes existing traffic noise, and noise related to the music venue will be addressed in the AUAR.</p>
<b>Pedestrian/Bicycle</b>	
<p>MnDOT supports the additions and improvements to the bicycle and pedestrian network mentioned in the AUAR. Feel free to contact MnDOT Pedestrian/Bicycle office when crossing MnDOT Right-of-Way/facilities to help improve pedestrian and bicycle safety entering this site.</p>	<p>Comment noted.</p>

## 5. MINNESOTA POLLUTION CONTROL AGENCY

Comment	Response
<b>Water Resources (Item 11)</b>	
The AUAR should discuss how stormwater will be managed during and after construction in the redevelopment and new development areas. The Mississippi River segment has construction-related impairments that need to be addressed through use of additional erosion and sediment control best management practices (BMPs) during construction.	Stormwater during and after construction and erosion control BMPs will be addressed in the AUAR.
The AUAR should provide information on the cumulative environmental effects of adding additional impervious area in the shoreland of the Mississippi River such as increased downstream flooding, increases in water pollutants and what will be done to minimize and mitigate these effects.	The potential for flooding and run-off issues will be addressed in the AUAR.
The City will be required to provide stormwater management for both new and redevelopment areas. A volume reduction method such as infiltration is required unless prohibited for one of the reasons identified in the National Pollutant Discharge Elimination System/State Disposal System General Construction Stormwater Permit. If infiltration is prohibited, the City is strongly urged to require other volume reduction practices to reduce stormwater discharges to the river, such as stormwater harvest and reuse for toilet flushing and irrigation, installing green roofs to capture stormwater, reducing impervious surfaces and/or using permeable pavements, use of tree trenches within paved areas, minimizing turf and incorporating native vegetation where possible.	Stormwater management will be addressed in the AUAR.
<b>Contamination/Hazardous Materials/Waste (Item 12)</b>	
The AUAR should discuss the hazardous materials inspection, demolition, and disposal of buildings currently located on the Project site that are planned for demolition.	Hazardous materials associated with building/structure demolition will be addressed in the AUAR.
<b>Noise (Item 17)</b>	
The MPCA appreciates the attention to construction noise in the EAW Scoping Document. Our only further recommendation would be to ensure that all equipment used in the potential construction phases of the Project be muffled, and to utilize quieter backup alarms as appropriate.	Comment noted. This will be addressed in the AUAR.

Comment	Response
<p>As to traffic noise and expected noise generated from the amphitheater, the MPCA encourages the City to consider both existing residential areas adjacent to the proposed Project and the planned residential units. Doing so can help identify any noise mitigation and attenuation that could be incorporated into the building plans for those new residences.</p>	<p>Background noise, which includes existing traffic noise, and noise generated from the music venue will be addressed in the AUAR.</p>
<p>The MPCA also wants to remind the City that the planned green space surrounding the buildings would be considered under the second-strictest Noise Area Classification (NAC), NAC 2. This may be relevant when determining the effects of amplified noise from the proposed amphitheater, particularly for any shows or concerts that would go past 10:00 pm (into the night). Further, given the amphitheater’s proximity to the river, the Project proposer may want to include receptors on the east side that may be impacted by noise traveling over the water. This could include the Marshall Terrace Park, for example.</p>	<p>A noise study for the music venue included receptors on the east side of the river. The results of the noise study will be summarized, and noise mitigation strategies will be addressed in the AUAR.</p>
<p>Any noise generated by the amphitheater may also impact the heron rookery, which exists on an island in the middle of the river; consideration should be given to the impacts to the birds that use that island for nesting. Amplified noise would be new to their environment, though they may be accustomed to other existing sources.</p>	<p>A noise study for the music venue included a receptor on the island in the river with the heron rookery. The results of the noise study will be summarized, and noise mitigation strategies will be addressed in the AUAR.</p>

## 6. STATE HISTORIC PRESERVATION OFFICE

Comment	Response
<p>As noted under Item 14. Historic Properties, our office has been consulting with the City of Minneapolis and its consultants regarding the National Register eligibility of the Upper Harbor Terminal Historic District. In our most recent letter to the City dated February 5, 2021, we agreed with the consultant’s recommendation that the Upper Harbor Terminal Historic District is not individually eligible for listing in the National Register of Historic Places (NRHP). We also agreed that the Monolithic Domes within the Upper Harbor Terminal Historic District are likely significant for their engineering under National Register Criterion C but are unlikely to meet the exacting requirements of National Register Criterion Consideration G. Therefore, we do not consider the domes eligible for listing in the NRHP at this time but recommend that they be reevaluated in 2032. We also agreed that the Grain</p>	<p>Comment noted. The National Register eligibility of historic properties will be summarized in the AUAR. A reevaluation of the Upper Mississippi Harbor Development as defined by the U.S. Army Corp of Engineers in 1937 will not be undertaken at this time.</p>

Comment	Response
<p>Elevator, Storage Bins, Control House, and Warehouse within the Upper Harbor Terminal Historic District do not need individual property evaluation.</p> <p>However, based on information that is available to us at this time, we have determined that the Upper Harbor Terminal Historic District is a contributing element to the larger Upper Harbor Historic District, which we recommend is eligible for listing in the NRHP. The Upper Harbor Historic District is a 1.5 mile section of harbor containing a collection of bridges and shipping terminal facilities at the northern end of the Upper Harbor. The Upper Harbor Historic District is a component of the larger Upper Mississippi Harbor Development, which is significant for its association with the extension of the original 1937 nine-foot channel. The Upper Mississippi Harbor Development allowed for the expanded shipping terminal facilities above St. Anthony Falls in Minneapolis. Resources associated with the Upper Mississippi Harbor Development include but are not limited to, the Mississippi River, the Lower Lock and Dam, the Upper Lock and Dam, bridges and navigation utilities constructed or altered to facilitate the use of the river, and public and private industrial and terminal facilities constructed to take advantage of the newly expanded commercial opportunities. Based on the information provided to date, we concluded that the period of significance for the Upper Harbor Historic District begins in 1948, the year dredging began to extend the nine-foot channel, and ends in 2015, when the locks and dams ceased transportation operations.</p> <p>While we understand that this may be out of scope for this project, we recommend that a comprehensive reevaluation be completed for the Upper Mississippi Harbor Development as defined by the U.S. Army Corp of Engineers in 1937. The boundaries defined for this development area extends upriver from the Northern Pacific Railway Bridge (Bridge #9) below St. Anthony Falls to the Soo Line Railway Bridge near the Minneapolis city limits, a total distance of 4.3 miles.</p>	
<p>Regarding archaeological resources, we agree with the consultant’s recommendation that a Phase I archaeological survey be completed prior to development. The survey scope and methods outlined in the Phase Ia Archaeological Literature Review by Nienow Cultural Consultants (June 25, 2020) are appropriate. The recommended survey methods include a combination of remote sensing and targeted shovel testing depending on the terrain, surface conditions, and plans for future ground disturbance.</p>	<p>Comment noted. The results of the Phase IA literature review will be summarized, and the recommended survey methods will be described in the AUAR.</p>

## 7. METROPOLITAN COUNCIL

Comment	Response
<b>9. Land Use – Parks</b>	
<p>The Scoping AUAR correctly identifies a 19.5-acre portion of the study area as public park or recreation. However, the AUAR should specifically acknowledge and reference the master plan for the Above the Falls Regional Park, which was adopted by the Metropolitan Council on February 24, 2021 and governs the development of this 19.5-acre area.</p>	<p>The Above the Falls Regional Park Master Plan will be described in the AUAR.</p>
<b>9. Land Use – Comprehensive Plan</b>	
<p>The City’s adopted comprehensive plan does not allocate sufficient growth to the study area’s transportation analysis zones to accommodate either development scenario. Most of study area falls within TAZ #1189 (north of Dowling Avenue) and TAZ #1190 (south of Dowling Avenue). The City’s comprehensive plan allocates +209 jobs, +10 households, and +27 population to these TAZs through 2040. Staff recommend that the AUAR identify the need for a communitywide forecast increase including an increase in forecast allocations to TAZs #1189 and #1190. This would occur through a comprehensive plan amendment.</p> <p>Should development in the study area proceed based on Scenario 1 (Upper Harbor Coordinated Development Plan), Council staff would recommend the following forecast changes. Please contact Met Council Research staff to discuss this or other scenarios.</p> <ul style="list-style-type: none"> <li>• Communitywide forecast increase of +500 households and +1000 population, with 50% allocation of each of TAZ #1189 and TAZ #1190.</li> <li>• Communitywide forecast increase of +200 jobs allocated to TAZ #1190.</li> </ul>	<p>The City will coordinate with the Metropolitan Council regarding the TAZ forecasts for the area. If any modifications are needed, those will be coordinated with the Metropolitan Council directly.</p>
<b>11. Water Resources – Wastewater</b>	
<p>The AUAR should identify Metropolitan Council Interceptor (1-MN-310), which runs north to south through the study area. The interceptor was built in 1936 and is a 54-inch Reinforced Concrete Pipe.</p>	<p>The AUAR will identify the Metropolitan Council interceptor located within the study area.</p>
<p>The Scoping AUAR references the relocation of Xcel Energy overhead electrical transmission lines and structures to the rail corridor. The AUAR should identify the need to design and enter into an Encroachment Agreement with the Metropolitan Council should these transmission lines occupy air space above our interceptor system.</p>	<p>Xcel Energy is in the process of completing an environmental review and will obtain any necessary permits or approvals for the transmission line relocation.</p>

Comment	Response
<p>The AUAR should also note the specific processes that must be followed before encroachment on our property or a direct connection to our Interceptor can be made. For future reference, to obtain a Sewer Connection Permit or Encroachment Application, please contact Tim Wedin, Interceptor Engineering Assistant Manager (651-602-4571).</p>	<p>A Sewer Connection Permit will be identified in the anticipated permits and approvals table in the AUAR. Xcel Energy will obtain any necessary permits or approvals needed for the transmission line relocation.</p>
<p><b>18. Transportation</b></p>	
<p>Metro Transit is interested in how the City will determine the mode split for trip generation for either scenario, which should be articulated in the AUAR. Given the evolving transit landscape, with Phase 1 anticipated to commence in 2023, it will be important for Metro Transit to understand the range of possible transit impacts and opportunities.</p>	<p>The AUAR will include the mode split used for the traffic analysis.</p>
<p>Metro Transit is interested in knowing how railroad coordination will impact crossings in the study area. The City has shared some information with Metro Transit about how often trains use crossings in the Upper Harbor Terminal study area. The AUAR should analyze potential impacts in terms of duration and times of day that trains are expected to use the crossings.</p>	<p>Railroad coordination and crossings will be discussed in the AUAR.</p>
<p><b>20. Other Potential Environmental Effects – Emergency Services</b></p>	
<p>The Scoping AUAR states that the City will develop an Event Management Plan and Emergency Response Plan as part of its Preliminary Development Review process. The Scoping AUAR also states that the AUAR will not include any further analysis. Metro Transit would like to review both documents, as these are opportunities for coordination with Metro Transit Street Operations and the Metro Transit Police Department.</p>	<p>Comment noted.</p>

**8. HENNEPIN COUNTY**

Comment	Response
<p>Need to traffic model both development scenarios that include the following intersections:</p> <ul style="list-style-type: none"> <li>• 33rd Ave N and Washington Ave N</li> <li>• 2nd Street and Washington Ave N</li> <li>• Lowry Ave and Washington Ave N</li> <li>• Lowry Ave and 2nd Street</li> <li>• Dowling Ave and Washington Ave (plus adjacent signalized intersections at Interstate 94 along Dowling Ave for coordination purposes)</li> </ul>	<p>The traffic analysis included the intersections listed and will be summarized in the AUAR.</p>
<p>Modelling Timeframes for both development scenarios:</p> <ul style="list-style-type: none"> <li>• No Build (use anticipated year of opening)</li> <li>• No Build (20 years, assuming traffic forecast &amp; sensitivity analysis)</li> <li>• Build (use anticipated year of opening)</li> <li>• Build Out (20 years, assuming traffic forecast &amp; sensitivity analysis)</li> </ul>	<p>The traffic analysis included the modeling timeframes listed and will be summarized in the AUAR.</p>
<p>Have traffic modeling match along Dowling for:</p> <ul style="list-style-type: none"> <li>• Currently proposed lane geometry</li> <li>• Associated two-way bikeway phasing (are there going to be separate bike signal phases?)</li> </ul>	<p>The proposed geometry of Dowling Avenue was informed by the traffic analysis. The bikeway phasing was not directly addressed in the traffic analysis. In the future, if two-way bikeway signal phasing becomes necessary, it will be analyzed in partnership with City and County staff.</p>
<p>Are there plans for transit advantages such as Transit Signal Priority (TSP)? This would impact the software used.</p>	<p>TSP is not proposed as part of the development. Synchro/SimTraffic was used for the traffic analysis.</p>
<p>If transit is not planned, this limits the modes available and thus needs to be accounted for in traffic modeling break down for mode shares.</p>	<p>The mode split reduction accounted for non-motorized modes of transportation.</p>
<p>Event Management Planning should be discussed in the AUAR.</p>	<p>Event Management Planning will be discussed in the AUAR.</p>

## 9. MINNEAPOLIS NORTHSIDE GREEN ZONE TASK FORCE

Comment	Response
<b>Comments Regarding the Northern Green Zone’s Work Plan Recommendations and the City’s Climate Action Plan</b>	
<p><b>1. Assessment and Reduction of Cumulative Impacts.</b> A development site cannot be reviewed in isolation - if the health of the community is to be protected, it must be reviewed within the context of the pollution corridor in which it is situated. As studies have shown, the cumulative pollution of particulate matter (PM/PM10/PM2.5), Volatile Organic Compounds (VOCs), Hazardous Air Pollutants (HAPs) and other toxic air pollutants, has resulted in increased infant mortality, lung disease, asthma, cancer risk, and other developmental issues for residents surrounding industrial corridors. Environmental pollution drivers of these ‘underlying health conditions’ are also now linked directly to increased death rates and risk to COVID-19, which is hitting black and brown communities disproportionately harder here in our city and state. An expanded cumulative impacts analysis of current pollution sources (surrounding facilities, I-94, etc.) must be conducted to assure a reduction in the cumulative pollution legacy in this area. Doing an overall cumulative impact assessment is particularly important as the UHT site neighbors’ facilities, such as GAF, do not have to undergo permit review (since they are grandfathered in). We would like to know how the City is assessing the cumulative impacts of this development and assuring the community that a reduction and net benefit is occurring during any project’s construction, remediation, and operation.</p>	<p>The AUAR will address cumulative potential effects of other projects in the AUAR study area vicinity that may interact with environmental effects of the development scenarios.</p> <p>The AUAR will address land use, contamination, and air quality for the proposed development scenarios including reviewing the existing conditions for each of those topics.</p>
<p><b>2. People-centered Development.</b> Plans for the site should prioritize healing and investing in people in the surrounding community that have borne the legacy of the UHT operations along a heavily industrial corridor. The Dakota and Ojibwe Nations of Minnesota should be integral in any planning in order to help begin to address the historic injustices from the City’s settlement patterns. The Upper Terminal site should be dedicated to green industry with housing benefitting already overburdened and unhoused populations. Displacement and gentrification pressures from the development should be assessed and concretely mitigated.</p>	<p>Comment noted. Part of the vision statement of the Coordinated Plan is to, “implement specific solutions with a focus on healing with historically Black/American Descendants of Slavery and American Indian/Indigenous communities, recognizing that the issues of anti-Blackness and Native sovereignty continue to perpetuate harm against all groups.”</p>

Comment	Response
<p><b>3. Correlation with the City and State’s Climate Goals.</b> The City should fully assess the impacts from the project's construction and operation on energy consumption and climate change, and in particular, on the State's and City's climate mitigation goals. There should be an analysis of how to reduce greenhouse gas emissions from construction and operation, with an adherence to low-carbon green building design principles. How the buildings will be heated and the materials used are all important factors. There should also be a much better understanding of semi-truck parking and a site transit plan than “We’ll figure it out later...”</p>	<p>The AUAR will include a discussion on sustainability and green infrastructure as outlined in the Draft Coordinated Plan.</p>
<p><b>4. Repair the Ecosystem.</b> There is concern over the regional environmental impact on the Mississippi River ecosystem given the location of UHT and the likelihood of contaminated soil (such as arsenic and dissolved lead in surface water, as one example). Given the potential for soil erosion into the Mississippi River, there are serious concerns about contaminants in the soil being released into water and air, impacting the ecology and human health. Minimal wildlife habitats and native plant species currently exist on site which should be remediated with habitat/native plant communities re-established with pollinator habitat/native plant species.</p>	<p>Contamination and erosion and sediment control BMPs will be addressed in the AUAR.</p> <p>Potential landscape areas and the proposed park and recreational area will be discussed in the AUAR.</p>
<p><b>Comments Regarding the AUAR Scoping Document</b></p>	
<p><b>Mississippi River Corridor Critical Area Overlay:</b> Development height is limited to 65 feet, and 35 feet when 300 feet from shore. The Northern Green Zone Task Force believes the City should comply with the standards set by the Mississippi River Critical Area Overlay rather than apply for Conditional Use Permits.</p>	<p>The MRCCA plan and building heights will be discussed in the AUAR.</p>
<p><b>Contamination of Site:</b> According to the Scoping Document, the massive contamination is not going to be a part of the AUAR. We ask why. As of yet, there has been no remediation, and the scoping document says the developer/City will need to work with the MPCA. What does this mean? What kind of work will you do with the MPCA? The contaminants at the site are many and not limited to: petroleum contaminated soil and groundwater, former aboveground storage tanks (AST), Diesel Range Organics (DRO) contaminated soil and groundwater, and arsenic and dissolved lead in surface water. How will you store the contaminants, and where? Is it possible to safely dispose of any of these contaminants?</p>	<p>Contamination and remediation strategies will be discussed in the AUAR.</p>

Comment	Response
<p><b>Unidentified Mitigation Strategies:</b> The Scoping Document says these strategies will be identified in the AUAR, even though the City is asked to identify them in the AUAR Scoping Document. We'd like to know what the answers are now: 1. What are the mitigation strategies for protecting the impaired waters one mile away: Mississippi River and Shingle Creek? 2. What are the mitigation strategies for the stormwater impacts?</p>	<p>Mitigation strategies for stormwater management and protection of identified impaired waters will be addressed in the AUAR.</p>
<p><b>Cumulative Impacts:</b> What are the cumulative impacts of the three proposed future projects? Those should be given now rather than in the AUAR. The Clark-Berglin Law protects the neighborhood of East Phillips and creates a different set of standards for their community when looking at projects such as this. The Northside, and the Northside Green Zone in particular, should be protected in the same way. Neighborhoods who suffer environmental injustices should have a higher set of standards for developers to meet.</p>	<p>The cumulative impacts of the projects identified in the Scoping Document will be addressed in the AUAR.</p>
<p><b>Stationary Source Emissions:</b> We highly recommend completing air monitoring at GAF. If there is still a proposal for housing along our Mississippi River, then we must guarantee that it's safe for the community members who live there to safely breathe the air.</p>	<p>Air quality will be discussed in the AUAR.</p>
<p><b>Endangered Species:</b> How will the AUAR study the impacts on the four state and federal listed endangered species within a mile of the site, and what will those impacts be?</p>	<p>The AUAR will discuss state listed threatened, endangered and species of special concern and potential impacts and mitigation strategies.</p>
<p><b>Wetlands:</b> Where are the wetlands, and how are they going to be protected?</p>	<p>Wetlands and surface waters will be discussed in the AUAR.</p>
<p><b>AUAR vs. EAW:</b> We prefer that the City complete a more extensive and rigorous environmental review. Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS) are much more extensive, and especially given all of the environmental impacts at this site that could affect those who will live there for generations to come, we believe it's important for you to voluntarily include the same kind of detailed information in this AUAR.</p>	<p>The AUAR will be prepared in accordance with Minnesota Rules, part 4410.3610 and guidance from the Minnesota Environmental Quality Board.</p>

## 10. AUDUBON CHAPTER OF MINNEAPOLIS

Comment	Response
<b>6. Project Description</b>	
<p>The scoping document should include a variety of development scenarios to assist in determining the impact of specific elements. The draft scoping document, however, presents two development scenarios that contain virtually identical components. Alternative scenarios should be included to incorporate community requests such as more mixed use housing and parkland, including “Nature First” areas for intact wildlife habitat in this critical migratory corridor. At a minimum, development scenarios excluding the concert venue should be included. Community members and other commenters have expressed continuing concern over potential impacts of the venue related to noise, light pollution, vehicle emissions and increased traffic on humans and wildlife.</p>	<p>In response to comments received to study a less intensive development, the AUAR will include a No Build Scenario in addition to the two development scenarios outlined in the Scoping Document. The No Build Scenario represents the existing conditions of the AUAR study area, and under this scenario no redevelopment would occur.</p>
<b>9. Land Use</b>	
<p>The majority of the AUAR study area is located within the Mississippi River Corridor Critical Area (MRCCA). The city’s MRCCA ordinance was approved in December 2020, with environmental protections for the river corridor. ACM expects that the AUAR will rigorously apply the MRCCA requirements to all UHT development scenarios, particularly with regard to structure placement, height standards, and protections for birds and other wildlife. These protections include requirements governing exterior lighting and construction during nesting and bird migration seasons. In mid-2021, the city will incorporate additional requirements for bird-safe buildings and lighting and bird-friendly habitat, and all development scenarios must be assessed for compliance with these anticipated requirements.</p>	<p>The AUAR will discuss the MRCCA plan and compatibility of the development scenarios with the MRCCA plan.</p>
<p>Primary conservation areas (PCAs) are natural and cultural resources with rules and local zoning regulations that provide protection from development, vegetation removal and land alteration activities. The draft scoping document does not map all of the PCAs documented in the city’s MRCCA Plan. Please revise the AUAR to map, describe and assess impacts to all Plan-identified PCAs that may be present at the UHT site, including the colonial waterbird nesting site on the islands identified as Shore Impact Zones in Figure 9: MRCCA Boundary.</p>	<p>The AUAR will discuss the PCAs as identified in the MRCCA plan.</p>
<p><b>13. Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)</b>  <b>a. Describe fish and wildlife resources as well as habitats and vegetation on or near the site.</b></p>	

Comment	Response
<p>This subsection states “Minimal wildlife habitat is located within the AUAR study area due to the prior extent of continued ground disturbance and minimal natural vegetation. Wildlife that can be found within the study area include birds and small mammals that have adapted to the highly disturbed urban environment.”</p> <p>Many more species than birds and small mammals can be found within the study area than the draft document identifies, including an array of fish and aquatic species. The Mississippi River comprises a complex ecosystem that is essential to the ecological health of the North American continent. The scoping document should assess impacts on the river environment as home to an array of plant and animal species.</p>	<p>The AUAR will discuss identified state listed species and the adjacent Mississippi River.</p>
<p>The scoping document also ignores the study area’s location in the Mississippi Flyway, a major migratory corridor used by more than 325 bird species and millions of birds during their epic round trip journeys to and from their breeding grounds. This section should reference the Mississippi Flyway and address potential impacts to birds and other wildlife that use the Mississippi River corridor for migration and nesting. Bird populations are declining due to growing threats, including loss of habitat, collisions with buildings, climate change, and light pollution. In 2019, the Twin Cities region was named one of the worst urban areas in the country for migrating birds by the Cornell Lab of Ornithology, as a result of bright artificial light at night (ALAN) and the city’s location in the Mississippi Flyway. It is crucial that Minneapolis protect birds and other wildlife and their habitat in order to ensure ecosystem health, which benefits both humans and animals. The scoping document should assess the impacts of potential or probable increases in light pollution.</p>	<p>The Mississippi River Flyway and lighting will be discussed in the AUAR.</p>
<p>This subsection also fails to acknowledge the Great Blue Heron colony located on two islands in the Mississippi River directly across from the project site. These islands are included in the National Wetlands inventory area in Figure 8: Cover Types.</p> <p>While this colony may so far have survived the “highly disturbed urban environment” as it currently exists, further disruption of this environment could be catastrophic for the colony. According to the Minnesota Department of Natural Resources, “Because colonial waterbirds nest in groups, disturbance in a colony has the potential to interfere with reproductive success of many individuals, sometimes thousands of nesting pairs. Their foraging habits have been threatened by wetland drainage development and recreation.” Nest failure and colony abandonment have been documented at rookeries in Minnesota and elsewhere as a</p>	<p>The heron rookery will be discussed in the AUAR.</p>

Comment	Response
<p>result of human disturbance. The AUAR must identify and consider the impacts of such disturbances on the colony and identify mitigation steps. As noted in section 9, above, the heron colony is within the MRCCA, and the city code imposes restrictions on construction and other activities during nesting and migration seasons.</p>	
<p><b>13. Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)</b>  <b>b. Describe rare features such as state-listed (endangered, threatened, or special concern) species, native plant communities, Minnesota County Biological Survey Sites of Biodiversity Significance, and other sensitive ecological resources on or within close proximity to the site.</b></p>	
<p>This subsection acknowledges four relevant species and features within one mile of the AUAR study area: the black sandshell mussel, the rusty patched bumble bee, the peregrine falcon and the above-mentioned colonial waterbird nesting site. The AUAR should assess the impacts to these species and address mitigation strategies.</p>	<p>The AUAR will discuss identified state listed species and other wildlife that may utilize the site. Potential impacts and mitigation will also be discussed.</p>
<p>This subsection also requires acknowledgment of “other sensitive ecological resources.” Again, because the study area is located in the Mississippi Flyway, this section should address potential impacts to birds and other wildlife that use the Mississippi River corridor for migration and nesting.</p>	<p>The Mississippi Flyway will be discussed in the AUAR.</p>
<p><b>16. Air</b></p>	
<p>Air quality in the UHT area is already negatively impacted by the surrounding freeway and industrial development. ACM questions why the city does not intend to conduct further air quality analysis for the AUAR, given that the project anticipates adding even more traffic, industry and other pollution sources to the site. Because the AUAR process is designed to consider the cumulative impacts of the project, ACM urges you to conduct a complete assessment of air quality for the project.</p>	<p>Air quality will be discussed in the AUAR.</p>
<p><b>17. Noise</b></p>	
<p>The scoping document states that no circumstances have been identified that would call for a detailed construction noise analysis. However, AUAR guidelines call for discussion of noise ordinances in effect in the study area. The AUAR must address the MRCCA ordinance requirements governing construction and wildlife. Section 551.1870 of the ordinance states:  (a) General design standards. All public facilities must be designed and constructed to:</p>	<p>A noise study was completed and will be summarized in the AUAR. Construction noise and compliance with City noise ordinances and the MRCCA plan will be discussed in the AUAR.</p>

Comment	Response
<p>(5) Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish, birds, and wildlife are not spawning or nesting; and</p> <p>(6) During bird migration times, schedule construction, or implement mitigation measures, to minimize disturbance in primary conservation areas.</p>	
<p>With regard to project-related noise, the scoping says the AUAR will assess noise impacts from the concert venue to the “closet residential area.” Because the concert venue is proposed to be located directly adjacent to the river, sound will travel differently over the river and may affect other residential areas in North and Northeast Minneapolis, which must be considered. In addition, the heron colony nesting site is directly across from the proposed concert venue and must also be considered when assessing noise impacts.</p> <p>Any negative impacts on birds and other wildlife will reduce biodiversity and harm our environment and livability in numerous ways. Please revise the draft AUAR scope to ensure identification of cumulative environmental and climate impacts of the project on birds and other wildlife.</p>	<p>A noise study for the music venue included a receptor on the island in the river with the heron rookery. The results of the noise study will be summarized, and noise mitigation strategies will be addressed in the AUAR.</p> <p>Wildlife habitat will be reviewed and addressed in the AUAR.</p>

## 11. FRIENDS OF THE MISSISSIPPI RIVER

Comment	Response
<p><b>6. Project description: development scenarios lack distinction</b></p>	
<p>We are very disappointed by the relative similarity of the two development scenarios proposed for study; the two scenarios include all of the same components. This makes it clear that the city has no real intention of considering alternative development options even if the AUAR shows significant impacts.</p> <p>A more thorough AUAR would consider a range of development scenarios that make it easier to assess the impacts of individual elements of the project. For instance, we have heard a lot of community concern about the impacts of the concert venue, particularly related to noise, vehicle emissions, and traffic. As designed, the AUAR will make it difficult to assess these impacts because the concert venue is included in both scenarios. And there’s no opportunity to consider whether a different plan, without a concert venue, would have lesser impacts.</p>	<p>In response to comments received to study a less intensive development, the AUAR will include a No Build Scenario in addition to the two development scenarios outlined in the Scoping Document. The No Build Scenario represents the existing conditions of the AUAR study area, and under this scenario no redevelopment would occur.</p>

Comment	Response
<p>We request that the city add at least one additional development scenario that is more distinctly different from those proposed. This scenario could include some of the other community ideas for the site, such as a development more focused on mixed-use housing and commercial development, along with more parkland, and without a concert venue or industrial space.</p>	
<p><b>9. Land use: strengthen review of the Mississippi River Corridor Critical Area</b></p>	
<p>The draft scope notes that most of the study area is located within the Mississippi River Corridor Critical Area (MRCCA). However, it does not map all of the Primary Conservation Areas clearly documented in the city’s MRCCA Plan. We would like the AUAR to map, describe, and assess impacts to all Plan-identified Primary Conservation Areas that may be present at UHT:</p> <ul style="list-style-type: none"> <li>• Shore impact zones</li> <li>• Significant existing vegetative stands</li> <li>• Floodplains and wetlands</li> <li>• Unstable soils and bedrock (per the city’s MRCCA Plan, Hennepin County is compiling this information and should be consulted)</li> </ul> <p>We do appreciate that Plan-identified Public River Corridor Views are currently discussed in the draft scope.</p> <p>The city’s MRCCA ordinance was just added to the city’s code two months ago. If the ordinance is to be properly upheld for years to come, the city must commit to actually following it and protecting the river’s unique resources. Mapping all MRCCA Primary Conservation Areas in all environmental reviews is an important practice and precedent.</p> <p>The discussion of Primary Conservation Areas should include a thorough evaluation of current conditions as well as opportunities for restoration and protection. (We are not advocating that all existing MRCCA resources be preserved as-is; for instance, we understand that many of the vegetative areas at UHT are not high-quality and that the shoreline is not in a natural state.)</p>	<p>The AUAR will discuss the MRCCA Plan and the Primary Conservation Areas as discussed in the plan.</p>

Comment	Response
<p>We also request that the AUAR include a comprehensive analysis of whether the development scenarios could meet MRRCA ordinance requirements, which are intended as environmental protections.</p> <p>For instance, the draft UHT Coordinated Plan states the city’s intention to request Conditional Use Permits (CUPs) for additional building height. The MRCCA ordinance has significantly stronger criteria for CUPs than what is required in other areas of the city.</p>	<p>The AUAR will discuss compatibility of the proposed development scenarios with the MRCCA ordinance.</p>
<p>Given that the city’s MRCCA ordinance also includes standards for bird-safe lighting and is anticipated to include additional bird-safe building standards in mid-2021, the development scenarios should also be assessed for their ability to meet these requirements, including the ability to meet CUP approval criteria if a CUP may be required (such as for entertainment venue lighting).</p>	<p>The AUAR will discuss compatibility of the proposed development scenarios with the MRCCA ordinance.</p>
<p><b>16. Air: existing environmental burden merits fuller review</b></p>	
<p>We are very disappointed at the city’s statement that it does not plan to conduct any air quality analysis in the AUAR. This area is part of the Northern Green Zone where air quality issues, and the resulting health impacts, are well-documented. Environmental racism has led to many BIPOC and low-income residents living in the neighborhoods surrounding UHT, where they must already contend with the air quality impacts of I-94, the GAF plant, and other industrial development.</p> <p>If the air quality were excellent around UHT, perhaps it would be appropriate to assume that UHT will not create any serious air quality risks. However, AUARs must address <i>cumulative</i> potential effects, and that means that existing conditions must be considered. It’s not acceptable to add more traffic, industry, and other potential sources of air pollution to an already-burdened area without a full, transparent assessment.</p> <p>This is especially true because of the event-related traffic that UHT might experience at the concert venue. As of yet, we have not seen any plan for how 7,000-10,000 people will get to and from a concert venue in an area lacking transit. Many will likely travel by either car or shuttle bus; both of these might result in significant vehicle idling during vehicle loading and traffic jams. If the anticipated development traffic were moving to and from the site equally throughout the day, there might be less idling and fewer air-quality impacts. But both development scenarios include significant event-based traffic whose impacts might be very</p>	<p>Air quality will be discussed in the AUAR.</p>

Comment	Response
<p>different from that. Residents deserve to know what those air quality impacts could be, and that requires more detail beyond simply “above or below MnDOT state standards.”</p> <p>We would also like the AUAR to include an air-quality impact analysis of the proposed industrial uses. Even if the site only contains “light” industrial use, this may include significant truck traffic. Truck emissions, both due to the nature of the vehicles as well as idling during loading/unloading, are usually more significant than emissions from a passenger vehicle. Again, this is another way in which simply relying on MnDOT’s average traffic volumes is inadequately nuanced for the proposed development scenarios. A fuller assessment should be included in the AUAR.</p>	
<p><b>17. Noise: expanded assessment area needed</b></p>	
<p>We are concerned that the draft scope says that potential noise impacts from the concert venue will only be assessed at the “closest residential area.” In this location, geographic proximity may not be the best way to evaluate who is most impacted by noise. The residential areas closest to the venue already experience significant noise from I-94; the freeway noise may drown out concert noise. However, sound travels differently across water, and so the residential areas in across the river in Northeast Minneapolis might actually experience more noise impacts than neighborhoods closer to the venue. We would like the AUAR to evaluate noise impacts in the residential areas nearest the venue in both North and Northeast Minneapolis.</p>	<p>A noise analysis was completed, which included noise receptors across the river, and will be summarized in the AUAR.</p>
<p>As with air quality, the presence of I-94 already contributes significant noise pollution to North Minneapolis neighborhoods near the site. Because AUARs are intended to study cumulative impacts, we expect that the AUAR will assess the existing negative impacts of noise in the area and recommend mitigation strategies should the UHT development add to this environmental burden.</p>	<p>A noise analysis was completed and will be summarized in the AUAR. Background noise will be reviewed and discussed in the AUAR.</p>
<p>We have also heard many questions from community members about whether concert noise could have any impacts (above and beyond existing city noise impacts) on the birds who nest at the nearby heron rookery. This question should be responded to in the AUAR so that those who have raised the question receive the information they have long sought.</p>	<p>A noise analysis will be completed and summarized in the AUAR. The island in the river that has been identified as the heron rookery will be included in the analysis.</p>
<p><b>19. Cumulative potential effects: current conditions must be included</b></p>	

Comment	Response
<p>As discussed above, the UHT area is already burdened with disproportionately poor environmental conditions. Noise, air quality, access to green space, health impacts, and other disparities are well-documented.</p> <p>We are disappointed to see that in part C of this section, the draft scope states that “the cumulative potential effects of the [future] projects identified above will be addressed in the AUAR.” There is no mention of cumulative effects from existing development, but UHT and other future developments do not exist in a vacuum. Existing cumulative impacts must be addressed throughout the AUAR.</p>	<p>The AUAR will address cumulative potential effects of other projects in the AUAR study area vicinity that may interact with environmental effects of the development scenarios.</p>
<p>The draft scope also lacks any commitment to studying the project’s potential climate impacts, including cumulative impacts. The AUAR should include a review of the development scenarios’ compatibility with the city’s Climate Action Plan and Transportation Action Plan.</p>	<p>The AUAR will discuss sustainability and green infrastructure strategies as described in the Draft Coordinated Plan.</p>

**12. LESLIE DAVIS**

Comment Summary	Response
<p>The comment expressed opposition to the development proposed as part of the Draft Coordinated Plan, including the parkland and residential uses, and concerns about air quality and event management.</p>	<p>In response to comments received to study a less intensive development, the AUAR will include a No Build Scenario in addition to the two development scenarios outlined in the Scoping Document. The No Build Scenario represents the existing conditions of the AUAR study area, and under this scenario no redevelopment would occur.</p> <p>Air quality and event management planning will be discussed in the AUAR.</p>