



Environmental Quality Board
520 Lafayette Road North
Saint Paul, MN 55155

VIA E-MAIL (cover letter & petition)
U.S. MAIL (cover letter & petition)

January 20, 2015

Hilary Dvorak
City of Minneapolis
250 South 4th Street, Room 300
Minneapolis, MN 55415

RE: Petition for an Environmental Assessment Worksheet for Downtown East Commons Urban Park

Dear Ms. Dvorak:

The Environmental Quality Board (EQB) has received a petition requesting that an Environmental Assessment Worksheet (EAW) be prepared for the project described in the petition, and has determined that the City of Minneapolis is the appropriate governmental unit to decide the need for an EAW.

The requirements for environmental review, including the preparation of an EAW, can be found in the Minnesota Rules, chapter 4410. The procedures to be followed in making the EAW decision are set forth in part 4410.1100. Key points in the procedures include:

1. No final government approvals may be given to the project named in the petition, nor may construction on the project be started until the need for an EAW has been determined. Project construction includes any activities which directly affect the environment, including preparation of land. If the decision is to prepare an EAW, approval must be withheld until either a Negative Declaration is issued or an Environmental Impact Statement (EIS) is completed (see part 4410.3100, subpart 1).
2. A first step in making the decision regarding the need for an EAW would be to compare the project to the mandatory EAW, EIS, and Exemption categories listed in parts 4410.4300, 4410.4400, and 4410.4600, respectively. If the project should fall under any of these categories, environmental review is automatically required or prohibited. If this should be the case, proceed accordingly.
3. If preparation of an EAW is neither mandatory nor exempted, the RGU has the option to prepare an EAW. The standard to be used to decide if an EAW should be done is given in part 4410.1100, subp. 6. Note that this requires that a Record of Decision, including specific findings of fact, be maintained.

Ms. Hilary Dvorak

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4. You are allowed up to 30 working days (Saturdays, Sundays, and holidays do not count) for your decision if it will be made by a council, board, or other body which meets only periodically, or 15 working days if it will be made by a single individual. You may request an extra 15 days from the EQB if the decision will be made by an individual.
5. You must notify, in writing, the proposer, the petitioners' representative, and the EQB of your decision within 5 working days. I would appreciate if you would send a copy of your Record of Decision on the petition along with notification of your decision for our records. This is not required, however.
6. If for any reason you are unable to act on the petition at this time (e.g., no application has yet been filed or the application has been withdrawn or denied), the petition will remain in effect for a period of one year, and must be acted upon prior to any final decision concerning the project identified in the petition.

Notice of the petition and its assignment to your unit of government has been published in the EQB Monitor on Monday, January 19, 2015.

If you have any questions or need any assistance, please do not hesitate to call me. The telephone number is 651-757-2873.

Sincerely,



Caroline Magnuson
Planner
Environmental Quality Board

CM:bt

Enclosure

cc: Jerold Bahls, Petitioner's Representative(s) (email only)
Will Seuffert, EQB Executive Director (email only)

RECEIVED
JAN 13 2015

Citizen Petition for Environmental Assessment Worksheet for Downtown East Commons/Urban Park Project

The organizations Audubon Chapter of Minneapolis, Minnesota Citizens for the Protection of Migratory Birds, and MN Legal Defense Fund for Migratory Birds, Inc, along with the attached signatories, petition for an Environmental Assessment Worksheet (EAW) for the proposed Downtown East Commons/Urban Park Project, located in Minneapolis, Minnesota. Petitioners' representative is Jerold Bahls.

This petition is submitted pursuant to Minnesota Statutes sec. 116D.04(2a)(c), which provides that the appropriate Responsible Governmental Unit must prepare an EAW if a petition that meets procedural requirements "demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects." Petitioners do not bear the burden of showing that there will be significant effects; that is the purpose of the environmental review they are petitioning for. They only need show that there *may be potential* for significant effects. The Downtown East Commons/Urban Park has been proposed by the City of Minneapolis in an agreement with Ryan Companies US Inc. and the Minnesota Sports Facilities Authority (MSFA), and with a Memorandum of Agreement that the property be transferred to the Minneapolis Park & Recreation Board and leased back to the City. We submit that the park will be adjacent to the MSFA stadium that contains highly transparent and highly reflective glass that is known to result in bird-window collisions that result¹ in migratory bird deaths. In addition this proposed park property will be acquired land that is part of an industrial development district intended to address blight caused by marginal property and thus must be investigated for the presence of potential hazardous materials.

A. Project Description

The scope of the project is thoroughly described in Minneapolis Park and Recreation Board **Resolution 2014-371** dated December 17, 2014 which also contains the Memorandum of Agreement (Downtown East Commons) (MOU) between the Minneapolis Park and Recreation Board dated December 17, 2014 and the City of Minneapolis. See Attachment 1. Further descriptions of the project are found in the Development Agreement (the "DTE Development Agreement") dated February 10, 2014 among City of Minneapolis, Ryan Companies US, Inc. ("Ryan") and Minnesota Sports Facilities Authority ("MSFA"). See Attachment 2. The Legal Description of the Green Space Property is Tracts B and C, Registered Land Survey No. 1824, Hennepin County, Minnesota. The general design is described in the following paragraph from the above stated MOU. –

"Design; Construction. The design for Enhancements (as defined below), if any, to the Property will be subject to the following conditions: (i) the design will be comparable to the standards for Gold Medal Park, including mature trees, seating, lighting, and pavement treatments, but without the mound as developed in Gold Medal Park; (ii) the design will provide for flexible programming of the space with an open core, locating any permanent structures on the perimeter; and (iii) the design may, but is not required to, include a playing field with high quality durable turf. The design work by the consultant(s) to be selected pursuant to the RFP may, subject to available funding, be incorporated into the Turnkey Improvements to be completed by Ryan

prior to the "Green Space Delivery Date" under the DTE Development Agreement (the "Interim Enhancements") and/or improvements to the Property after the Green Space Delivery Date (the "Ultimate Enhancements") (collectively with the Interim Enhancements, the "Enhancements"). City (and/or its agents) will manage the design and construction of the Enhancements, if any. City staff will collaborate with MPRB staff during the design of such Enhancements, if any, by including an MPRB staff in membership on a technical advisory committee that will advise City on the design, development and operations process for the Property (the "Technical Advisory Committee"). City will provide opportunities for public engagement as part of the design process which will be publicized on the City's website. City will have final design approval."

B. Project Proposer

The Project Proposer is the City of Minneapolis (Lessee). The contact person is:

Paul Aasen
City Coordinator
City of Minneapolis
City Hall Room 301M
350 South Fifth Street
Minneapolis, MN 55415

Electronically contact him through the website <http://www.minneapolismn.gov/coordinator/>. His phone number is (612) 673-2032.

The Project must be approved by the Minneapolis Park and Recreation Board (the Lessor). The MPRB contact person is Jayne Miller.

Jayne Miller
Superintendent
Minneapolis Park & Recreation Board
2117 West River Road
Minneapolis, MN 55411

Her email address is jmiller@minneapolisparcs.org. Her phone number is 612-230-6404.

C. Petitioners' Representative

The Petitioners' Representative is:

Jerold Bahls
7514 Alden Way
Fridley, MN 55432

His email address is jobaud@comcast.net. His phone number is 763 572-2333.

D. Potential environmental effects of the project

This project has the potential to release potential hazardous materials from, around and under the many buildings that will be demolished. Also it is not known what materials were released in this area by its occupants in the many years that they were occupied. The Minneapolis Water Management Organization budget for 2015 has a potential line item for \$800,000 for storm water mitigation and infrastructure for trees for the Vikings Stadium. Some of these funds will probably be used for the proposed park. The fact this is a blighted area of marginal properties speaks of the need to investigate the area.

Also the construction of a building containing about 190,000 sq. ft. of highly transparent and reflective glass^{2,7} adjacent to this proposed park in one of the largest migratory bird flyways in the world is a matter of very grave concern. Much evidence^{3,12} is published about the danger that highly reflective AND highly transparent glass poses to migratory birds. Birds do not perceive the glass^{4,6} because they can't detect it. They only see the objects beyond the glass or the reflected image of the environment they have just been in. The consequence is that it is estimated that as many as a billion⁵ migratory birds are killed each year from collisions with windows.

Migratory birds need rest areas and feeding areas¹ along their migratory route to be able to survive the flight. The Mississippi River in Minneapolis provides many such areas along it. Natural areas and parks constitute many of these areas. The proposed park is within a half mile of the Mississippi River and when completed will attract many migrating birds to it. The mature trees planned for the park will be natural rest structures for the birds as well as feeding stations that will harbor insects that nearly all migratory birds need to fuel their trip. Buildings with highly transparent and reflective windows that have these parks adjacent to them have been shown to have significantly higher collisions^{1,13} than those that do not. Intermediate sized buildings¹ such as the MSFA stadium have been shown to have the highest potential for bird-window collisions, making the proposed park even more dangerous for migratory birds.

A white paper, "**White Paper on Birds and Window Collisions (BWC)**" (see Attachment 3) published recently discusses extensively the reasons buildings with highly transparent and reflective glass pose a hazard to migratory birds. The paper conservatively estimates that the MSFA Stadium with the adjacent Downtown East Commons/Urban Park will cause the deaths of up to 1,000 migratory birds per year when the Park has matured and contains mature trees.

While the MSFA has supposedly agreed (no agreement document is in the public record) to abide by Bird-Safe lighting guidelines¹⁰, no such agreement has been extended to the adjacent Downtown East Commons/Urban Park, which will be used by the MSFA for about 40 days per year during the fall migratory bird period in Minnesota. Nor has the City of Minneapolis agreed to the bird-safe lighting guidelines for the park the rest of the year. Lights can attract birds migrating at night to any structure^{9,11}, whether or not it had windows, and using these lighting guidelines has resulted in reductions⁹ in bird collisions at many buildings, but it has not eliminated them. Lighting is totally independent of the threat to birds posed by reflective glass, particularly during daytime.¹⁴

Petitioners feel strongly that the public should have the opportunity to learn more about effects this park will have on the MSFA stadium bird-window collisions. The November 2012 "People's Stadium Environmental Impact Statement" contained no public environmental review of this proposed park in relation to the stadium and its potential for many migratory birds dying from collisions with the stadium glass. This lack of review has resulted in a situation where there has been little outreach to the public, at a time when concern about the potential has been widely publicized, and in spite of being advised of the potential problem as early as November 2012 and told explicitly by Audubon Minnesota in July 2013. The migratory birds of concern here are not just a Minnesota resource, but a national and international resource as well. They belong to everyone, and we all have the right to know about potential threats to any of them.

E. Attached Supporting Evidence

Attachment 1: Minneapolis Park and Recreation Board **Resolution 2014-371** dated December 17, 2014 (Electronic version: http://minneapolisparksmn.iqm2.com/Citizens/Detail_Meeting.aspx?ID=1344_Resolution_Printout [Snapshot-8502.pdf])

Attachment 2: Development Agreement (the "DTE Development Agreement") dated February 10, 2014 among City of Minneapolis, Ryan Companies US, Inc. ("Ryan") and Minnesota Sports Facilities Authority ("MSFA") (Electronic version: http://minneapolisparksmn.iqm2.com/Citizens/Detail_Meeting.aspx?ID=1344_Urban_Park_Use_Agreement_Final_Snapshot-8510.pdf)

Attachment 3: "White Paper on Birds and Window Collisions (BWC)", Jerry Bahls, Ph.D., Elise Morton, Ph.D., and James V. Gambone, Ph.D. (Electronic version: (Electronic version: http://audubonchapterofminneapolis.org/wp-content/uploads/2014/11/WhitePaper_BWC_2014.pdf)

Please note that Attachment 2 is not included due to the size of the document. The project proposer has these documents in their possession.

F. Bibliography

1. Gelb, Y. and N. Delacretaz. 2006. Avian window strike mortality at an urban office building. *Kingbird* 56(3):190-198.
2. Hager, S.B., H. Trudell, K.J. McKay, S.M. Crandall, L. Mayer. 2008. Bird density and mortality at windows. *Wilson Journal of Ornithology* 120(3):550-564.
3. Banks, R. C. 1976. Reflective plate glass - a hazard to migrating birds. *BioScience* 26(6):414.
4. Johnson, R. E. and G. E. Hudson. 1976. Bird mortality at a glassed-in walkway in Washington State. *Western Birds* 7:99-107.
5. KLEM, D., Jr. 1990. Collisions between birds and windows: mortality and prevention. *Journal of Field Ornithology* 61: 120-128.

6. Martin, G.R. 2011. Understanding bird collisions with man-made objects: a sensory ecology approach. *Ibis* 153:239-54.
7. Borden, W.C., O.M. Lockhart, A.W. Jones and M.S. Lyonn, 2010. Seasonal, taxonomic and local habitat components of bird-window collisions on an urban campus in Cleveland, OH. *Ohio J Sci* 110(3):44-52.
8. Evans-Ogden, L. P. 1996. Collision course: the hazards of lighted structures and windows to migrating birds. World Wildlife Fund Canada and the Fatal Light Awareness Program. 46 pp.
9. Evans-Ogden, L.J., 2002. Summary Report on the Bird Friendly Building Program: Effect of Light Reduction on Collision of Migratory Birds. Special Report for the Fatal Light Awareness Program (FLAP) (available from FLAP). 29 pages.
10. Fatal Light Awareness Program (FLAP) website, updated in 2012. <http://flap.org/>
11. Haupt, H. and U. Schillemeit, 2011. Skybeamer und Gebäudeanstrahlungen bringen Zugvögel vom Kurs ab: Neue Untersuchungen und eine rechtliche Bewertung dieser Lichtanlagen. *NuL* 43 (6), 2011, 165-170 [Search/spot Lights and Building Lighting Divert Migratory Birds Off Course: New investigations and a legal evaluation of these lighting systems]
12. Johnson, R. E. and G. E. Hudson. 1976. Bird mortality at a glassed-in walkway in Washington State. *Western Birds* 7:99-107.
13. Snyder, L. L. 1946. "Tunnel fliers" and window fatalities. *Condor* 48(6):278.
14. OGDEN, L.J.E. 1996. Collision course: the hazards of lighted structures and windows to migrating birds. World Wildlife Fund and Fatal Light Awareness Program Special Report.



Resolution 2014-371

Resolution Approving the Memorandum of Understanding and Lease Between the City of Minneapolis and the Minneapolis Park and Recreation Board for the Downtown East Commons

Whereas, The Minneapolis Park and Recreation Board (MPRB) was created by the Minnesota Legislature in April 1883 and has the authority to manage and operate park facilities;

Whereas, The Minneapolis Park & Recreation Board (MPRB) is the steward of Minneapolis parks;

Whereas, In December 2013 the City of Minneapolis approved the Downtown East Development which included a two block parcel with 1 full block and 2/3 of the second block designated a public park near the new Vikings Stadium with specified terms:

Whereas, An Urban Park Use Agreement was executed in February 2014 between Ryan Companies and the Minnesota Sports Facilities Authority (MSFA) based on the terms agreed to by the City of Minneapolis in December 2013;

Whereas, The term of the agreement is for 30 years plus an additional 20 years or 50 years and coincides with the Stadium Use Agreement between the Vikings and the MSFA;

Whereas, This public park is part of a 5 block mixed-use project that will include office space, a parking ramp, multi-family housing, retail space, skyway connections and a park/plaza/open space and Ryan Companies has agreed to convey the portion of the development that is legally described as "Urban Park" to the City or to its designee;

Whereas, The City has agreed to accept a conveyance of the Urban Park (or its designee to accept a conveyance of the Urban Park), subject to the use rights granted to MSFA and other terms and conditions set forth in the Urban Park Use Agreement;

Whereas, The MPRB did a thorough analysis of the Urban Park Use Agreement, and as a result of the analysis of the agreement, the MPRB, as the operator, would face conflicts with existing MPRB permitting policies, and would face significant financial challenges in finding development and operations funding that would not negatively affect all other existing park priorities especially in racially diverse underserved areas;

Whereas, The MPRB analysis estimated Turnkey (basic park) development at \$6,000,000 and complete development of the enhanced park at \$20,000,000;



Whereas, Turnkey operating and maintenance costs would be close to \$500,000 annually, with annual operating and maintenance costs for the enhanced park running between \$2,000,000 and \$3,000,000;

Whereas, Conflicts with park permitting policies; limited opportunities for the MPRB to generate revenue to assist with the development, operation, and maintenance costs for the park; the MPRB does not believe it is in the best interest of the public or the MPRB to be involved in developing the park or serving as the Operator of the park at this time;

Whereas, On August 6, 2014 the Board of Commissioners resolved that with the current Urban Park Use Agreement in place, with prior control given to both the MFSA and the Vikings, does not allow this space to truly qualify as a public park;

Whereas, On August 6, 2014 the Board of Commissioners determined that the Minneapolis Park & Recreation Board will not be involved in the development, maintenance or operation of the "Downtown East Urban Park" given that at this time 1) there is no funding for the development and annual operating and maintenance costs that does not supplant development, operations, or maintenance funding for other MPRB properties currently under the authority of the MPRB, 2) there is no opportunity to generate enough income to fund development and annual operating and maintenance costs under the Urban Park Use Agreement terms, and 3) the same terms preclude the space from following MPRB permitting policies;

Whereas, On August 6, 2014 the Board of Commissioners released the City from further discussion with the MPRB regarding ownership and operation of the space;

Whereas, The City is now referring to the "Urban Park" as the Downtown East Commons;

Whereas, The City requested that the MPRB enter into a Memorandum of Understanding (MOU) and lease with the City to establish a framework for how the City and MPRB will cooperate in the ownership and operation of the Property, which could include a third party conservancy, in order to promote the public interest and ensure compliance with state law and the City Charter; and

Whereas, The Park Board President, Superintendent and legal counsel, and City staff drafted the attached Memorandum of Understanding and lease for Downtown East Commons;

RESOLVED, That the Board of Commissioners approve the Memorandum of Understanding and lease between the City of the Minneapolis and the Minneapolis Park and Recreation Board for the Downtown East Commons; and



RESOLVED, That the President of the Board and Secretary to the Board are authorized to take all necessary administrative actions to implement this resolution.



TO: Administration & Finance Committee

FROM: Jayne Miller, Superintendent

DATE: December 17, 2014

SUBJECT: Resolution Approving the Memorandum of Understanding and Lease Between the City of Minneapolis and the Minneapolis Park and Recreation Board for the Downtown East Commons

BACKGROUND

In December 2013 the City of Minneapolis approved the Downtown East Development. Included in the development project is a two block parcel with 1 full block and 2/3 of the second block designated a public park near the new Vikings Stadium with specified terms. An Urban Park Use Agreement was executed in February 2014 between Ryan Companies and the Minnesota Sports Facilities Authority (MSFA) based on the terms agreed to by the City of Minneapolis in December 2013.

The term of the agreement is for 30 years plus an additional 20 years for a total of 50 years and coincides with the Stadium Use Agreement between the Vikings and the MSFA. This public park is part of a 5 block mixed-use project that will include office space, a parking ramp, multi-family housing, retail space, skyway connections and a park/plaza/open space. Pursuant to a separate agreement, Ryan Companies has agreed to convey the portion of the development that is legally described as "Urban Park" to the City or to its designee, possibly the Minneapolis Park & Recreation Board (MPRB). The City has agreed to accept a conveyance of the Urban Park (or its designee to accept a conveyance of the Urban Park), subject to the use rights granted to MSFA and other terms and conditions set forth in the Urban Park Use Agreement.

Per the City Charter, the Minneapolis City Council and the MPRB have the authority to purchase land for parks. The City Charter gives the MPRB the authority to devise, operate and maintain parks and to designate property to be appropriated for such purposes in the City of Minneapolis. The City Charter does not give the City Council authority to devise, operate and maintain parks. As a result of court proceedings, the City took action agreeing to work with the MPRB to find a solution regarding the development and operation of the public park.

MPRB staff did a thorough analysis of the Urban Park Use Agreement and that analysis, spelled out the terms of the complex agreement and the implications of the agreement for the "Operator" of the park, in particular with the MPRB serving as the Operator. It is the terms of this agreement which inhibit the feasibility of the MPRB owning and operating this public park.



As a result of the analysis of the agreement, the MPRB, as the operator, would face conflicts with existing MPRB permitting policies, and would face significant financial challenges in finding development and operations funding that would not negatively affect all other existing park facilities. Currently there is no designated funding for the development, maintenance and operation of the park. In today's dollars, Turnkey development will cost \$6,000,000 and complete development of the enhanced park would cost \$20,000,000. Again, in today's dollars, Turnkey operating and maintenance costs would be close to \$500,000 annually. Annual operating and maintenance costs for the enhanced park will run between \$2,000,000 and \$3,000,000.

With the conflicts with MPRB park permitting policies; limited opportunities for the MPRB to generate revenue to assist with the development, operation, and maintenance costs for the park; and the lack of funding designated for the development, operations and maintenance of the park, the MPRB does not believe it is in the best interest of the public or the MPRB to be involved in developing the park or serving as the Operator of the park at this time. In addition, with the current Urban Park Use Agreement in place, with prior control given to both the MFSA and the Vikings, this space does not follow MPRB permitting policies.

On August 6, 2014 the MPRB Board of Commissioners passed Resolution 2014-259 which states that the MPRB not be involved in the development, maintenance or operation of the "Downtown East Urban Park". This decision was based on the fact that there is, at this time, no funding for the development and annual operating and maintenance costs that does not supplant development, operations, or maintenance funding for other MPRB properties currently under the authority of the MPRB. Additionally, there is no opportunity to generate enough income to do so under the Urban Park Use Agreement terms, and the same terms do not follow MPRB permitting policies. The action also released the City from further discussion with the MPRB regarding ownership, development, and operation of the space.

The City is now referring to the "Urban Park" as the Downtown East Commons. The City subsequently requested that the MPRB enter into a Memorandum of Understanding (MOU) and lease with the City to establish a framework for how the City and MPRB will cooperate in the ownership and operation of the Property in order to promote the public interest and ensure compliance with state law and the City Charter, without financial investments or risk on the part of the MPRB during the terms of the existing covenants. The Park Board President, Superintendent and MPRB legal counsel along with the City drafted the attached MOU and lease for the Downtown East Commons and are requesting Board action on the proposed MOU and lease.

RECOMMENDATION



It is recommended that the Board of Commissioners approve the Memorandum of Understanding and lease between the City of Minneapolis and the Minneapolis Park and Recreation Board for Downtown East Commons.

HISTORY:

12/03/14

Administration & Finance Committee

ADOPTED

ATTACHMENTS:

- DTE Commons MOU-Lease 12-1-14 REVISED (PDF)
- DTE Commons MOU-Lease 12-1-14 REVISED Redlined (PDF)
- DTE Commons MOU-Lease 12-1-14 (PDF)
- Urban Park Use Agreement Final (PDF)

Prepared By: Jayne Miller, Superintendent, Superintendent's Office

Review:

Jayne Miller Completed 12/02/2014 9:29 AM

Administration & Finance Committee Completed 12/03/2014 5:40 PM

Minneapolis Park and Recreation Board Pending 12/17/2014 5:00 PM



Prepared for the Minnesota Legal Defense Fund for Migratory Birds

by Jerry Bahls, Ph.D., Elise Morton, Ph.D., and James V. Gambone, Ph.D.



The photos shown are courtesy of Stephanie Beard— one of the many courageous volunteers who collect dead and injured birds in Minneapolis and St. Paul. All birds in these photos collided with windows (in buildings or skyways) within the vicinity of the new Vikings’ stadium.

Executive Summary

We estimate that **several hundred to over 1,000 migratory birds** will be killed annually in glass collisions with the new Vikings' stadium.

Background

Since there are no empirically tested bird-glass collision predictive models for individual buildings, an estimate of annual bird mortality resulting from collisions with the new Vikings stadium should it be built with the current choice of highly reflective and unfritted glass. The following estimate was generated based on (1) partial count data for bird window collisions (BWC) for several Minneapolis buildings and (2) count data for other urban buildings that share similar qualities with the stadium.

With the unprecedented nature of the stadium featuring approximately 200,000 ft² of highly reflective (30% reflectivity – close to mirror quality) glass positioned at a height demonstrated to pose increased risks for birds; coupled with the adjacent 4.6 acre park that will attract birds to the immediate vicinity, we are prepared to make a conservative estimate that close to 1,000 birds are likely to die or be seriously injured annually by colliding with the stadium during migration on the Mississippi Flyway.

Note: This Paper does not include other birds that will be killed or maimed outside migratory months.

Assumptions

1. The primary factors leading to high numbers of bird-window collisions (BWC) are:
 - A. **Tunneling:** the effect created by glass-faced buildings coupled with interior illuminated objects like scoreboards and large video screens (Klem et al., 2009 and Martin, 2011).
 - B. **Transparency:** birds cannot detect the presence of glass and attempt to fly through (Johnson and Hudson, 1976).
 - C. **Reflectivity:** glass reflects habitat and open space causing collisions (Banks, 1976)
 - D. **Adjacent habitat:** attracts birds and is reflected in buildings (Gelb and Delacretaz, 2006). A 4.6 acre park makes this stadium different from most downtown buildings and will attract more migrating birds to a glass colliding death.
 - E. **Migration:** increases the number of birds which pass through an area exponentially, particularly birds that are not adapted for urban buildings (Codoner, 1995 and Collins et al., 2008). This stadium is closer to the Mississippi River corridor than buildings downtown.
2. Highly reflective, transparent glass kills migratory birds (J. Harden, 2002 and Klem, 1989, Loss et al., 2014) and fritted glass significantly reduces such collisions (Klem et al., 2009).
3. Turning out building lights can reduce the bird-window collisions occurring at night (Evans-Ogden, L.J., 2002). However, the Vikings Stadium is planned to be used for events at night so that any "lights out/lights down when possible" policy will be less effective at reducing deaths of migratory birds because the stadium will be in use with lights on a great amount of the time.

4. We have access to 3 years of data summarizing the number of birds that have been killed and injured after colliding with several Minneapolis buildings (Zink and Eckles, 2010). Because volunteers counted birds only once a day and several times a week, this is likely a marked underestimate of actual mortality, particularly those arising from diurnal collisions, (Klem et al., 2004 and Hager et al, 2012) as birds which were removed by cleaning crews, the public, or scavengers were not included with these data.
5. Minneapolis and other cities monitor many “skyscrapers,” though less than 1% of mortality is estimated to occur at “high rises,” compared to 56% at “medium-rise,” non-residential buildings such as the stadium (Loss et. al. 2014). Unlike the buildings on the Bird-Safe routes, there are several buildings that begin to approach the stadium in terms of magnitude and/or empirically demonstrated BWC risk qualities for which long-term quantitative data of BWC mortalities are available: McCormicks Place (L = unknown, A = 1.3 million ft²; BWC = 1500-2000/yr), World Trade Center Twin Towers (L = 1664 ft; A = 80,000 ft²; BWC >350/yr), and the Metropolitan Museum of Art (L = 180 ft; A = N/A; BWC = 120/yr). L = length of windows in collision zone, A = building area with windows (Gelb and Delacretaz, 2006 and Sloan, 2007).
6. Bird populations are experiencing significant declines with over half of North American Birds being predicted for extinction by the end of the century if we don't prioritize their conservation (North American Bird Conservation Initiative, 2014). Migratory birds are at a particular risk, in part due to the expansive range of habitat on which they depend. Window collisions along migration routes was proposed as a potential reason for the observed annual reduced survival in birds for which loss of crucial breeding and overwintering habitat could not explain (Vernouillet et al., 2014).

The Analysis

Based on the above assumptions, we have developed a predictive estimate of annual BWC mortalities caused by the new Vikings stadium. We know from sparse bird-window collisions data available for one Minneapolis building there were 250 bird deaths that occurred during the migration seasons from 2007–2009. The top 5 buildings accounted for 662 BWC mortalities. It is important to note that all of these surveyed buildings exhibit qualities A–E of assumption #1 to a markedly lesser extent than the proposed stadium. For example, on the stadium, half of the 200,000 ft² of glass will be positioned to directly reflect habitat of the 4.6 acre adjacent park and the remaining glass will be positioned such that the park is visible on the other side of the stadium, creating the deadly illusion that direct passage from the river to the park is possible.

In addition and in contrast to the buildings surveyed on the Bird Safe route, there are several examples of well-monitored buildings that approach the new stadium with respect to bird collision risk factors. These buildings (noted in assumption #5) kill at least 350–2000 birds annually during migration.

Based on these data, we estimate that in the absence of modifications to the current glass choice, the new Vikings stadium will kill in the range of **1,000 migratory birds per year**.

We also emphasize that this is a conservative number and will likely increase depending on the effect of synergy between the above assumptions once the stadium and the park space are complete.

We sincerely urge there be careful monitoring of the BWC around the stadium—if the glass remains unchanged—to determine the death toll on protected migratory and other birds.

Implications

The Minnesota Sports Facility Authority (MSFA) has not acknowledged that significant numbers of migratory birds will be killed with their transparent and reflective glass. The reason they will not admit this is because migratory birds are protected by international, federal, and state environmental laws. This Paper shows migrating birds are in imminent danger of being killed or severely injured unless the MSFA is held accountable and made to obey the law. Change the glass now!

About the Authors

Jerry Bahls – received a BS in Chemistry from the University of Wisconsin-Madison, and a Ph.D. in Organic Chemistry from the University of Minnesota-Twin Cities. He has been a member of the National Audubon Society for more than 30 years and is currently the President of the Audubon Chapter of Minneapolis.

Elise Morton – received a BS in Animal and Veterinary Science at West Virginia University and a Ph.D. in Microbiology and Genetics from Indiana University. She is currently a Postdoctoral Research Associate at the University of Minnesota and a Conservation Chair for the Audubon Chapter of Minneapolis.

James Gambone – received a BA in History and Philosophy from Duquesne University, and an MA in Inter-American Studies and Ph.D. in Sociology and Education from the University of New Mexico. Currently he is a part-time Graduate Faculty Member and Dissertation Mentor at Capella University – School of Public Service Leadership.

References

Banks, R. C. 1976. Reflective plate glass - a hazard to migrating birds. *BioScience* 26(6):414.

Codoner, N. A. 1995. Mortality of Connecticut birds on roads and at buildings. *Connecticut Warbler* 15(3):89-98.

Collins, K. A. and D. J. Horn. 2008. published abstract. Bird-window collisions and factors influencing their frequency at Millikin University in Decatur, Illinois. Bird-window collisions and factors influencing their frequency at Millikin University in Decatur, Illinois 101(supplement):50.

Evans-Ogden, L.J., 2002. Summary Report on the Bird Friendly Building Program: Effect of Light Reduction on Collision of Migratory Birds. *Special Report for the Fatal Light Awareness Program (FLAP)* (available from FLAP). 29 pages.

Hager, Stephen B., Bradley J. Cosentino and Kelly J. McKay, 2012. Scavenging effects persistence of avian carcasses resulting from window collisions in an urban landscape. *J. Field Ornithol.* 83(2) 203-211.

Harden, J. 2002. An overview of anthropogenic causes of avian mortality. *Journal of Wildlife Rehabilitation* 25(1):4-11.

Johnson, R. E. and G. E. Hudson. 1976. Bird mortality at a glassed-in walkway in Washington State. *Western Birds* 7:99-107.

Klem, D., Jr. 1989. Bird-window collisions. *Wilson Bulletin* 101(4):606-620.

Klem, D. Jr., D. C. Keck, K. L. Marty, A. J. Miller Ball, E. E. Niciu, C. T. Platt. 2004. Effects of window angling, feeder placement, and scavengers on avian mortality at plate glass. *Wilson Bulletin* 116(1):69-73.

Klem, D. Jr., C. J. Farmer, N. Delacretaz, Y. Gelb and P.G. Saenger, 2009. Architectural and Landscape Risk Factors Associated with Bird-Glass Collisions in an Urban Environment. *Wilson Journal of Ornithology* 121(1): 126-134.

Klem, D. Jr. 2009. Preventing Bird-Window Collisions. *Wilson Journal of Ornithology* 121(2):314-321.

Ley, H.W. 2006. Experimental examination of the perceptibility of patented bird-protecting glass to a sample of Central European perching birds. Max Planck Institute for Ornithology, unpublished report [English translation available from ABC].

Loss, Scott R., Tom Will, Sara S. Loss and Peter P. Marra, 2014. Bird-building collisions in the United States: Estimates of annual mortality and species vulnerability. *Condor* 116:8-23. DOI: 10.1650/CONDOR-13-090.1.

Martin, G.R. 2011. Understanding bird collisions with man-made objects: a sensory ecology approach. *Ibis* 153:239-54.

North American Bird Conservation Initiative, U.S. Committee. 2014. The State of the Birds 2014 Report. U.S. Department of Interior, Washington, D.C.

Sloan, Allison, 2007. Migratory bird mortality at the World Trade Center and World Financial Center, 1997-2001: A deadly mix of lights and glass. *Transactions of the Linnaean Society of NY* 10:183-204.

Vernouillet, A., Villard, M. A., & Haché, S., 2014. ENSO, Nest Predation Risk, Food Abundance, and Male Status Fail to Explain Annual Variations in the Apparent Survival Rate of a Migratory Songbird. *PLoSone*, 9(11), e113844.

Zink, R.M. and J. Eckles, 2010. Twin Cities Bird-Building Collisions: A Status Update on "Project Birdsafe". *The Loon* 82(1):34-37.



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| Number | Name | Address (Full Street, City, and Zip Code) | Signature |
|--------|--------------------|--|-----------|
| 1 | JIM BAMBINE | 1360 N. ARM DRIVE ORONO, MN 55364 | |
| 2 | Kathleen Johnson | 5200 LINCOLN ST EDINA MN 55436 | |
| 3 | MONA CHARLON | 6 PARTRIDGE LN ST. PAUL, MN 55127 | |
| 4 | Dawn Vogel | 1280 Grand Ave #305 St. Paul, MN 55105 | |
| 5 | Michele Lamson | 4409 Claremore Dr. mn Edina 55435 | |
| 6 | Arlene Kriebel | 1109 Xerxes S | |
| 7 | Doug Cain | 2536 30th Ave S. Mpls | |
| 8 | Sinda Berg | 4315 Xerxes Ave S | |
| 9 | MARK ZIMMERMAN | 215 10th AVE S, UNIT 409 MPLS, MN 55415 | |
| 10 | JOHN EBEL | 5008 EDgewater Blvd | |
| 11 | Richard Faber | 7180 Riverview Ter. Fridley 55432 | |
| 12 | Melina Garcia | 3585 Owasso St #112 55126 | |
| 13 | STEPHEN GREENFIELD | 3429 Girard Mpls 55408 | |
| | | | |
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|--------|---------------------|--|-------------------------------|
| 1 | ANN LAUGHLIN | 4804 Dowling St Mpls 55406 | Ann Laughlin |
| 2 | Mary Ann May | 3929 543 rd Ave Mpls | Mary Ann May |
| 3 | Wynne V. Swanson | 3249 2 nd Ave S Mpls 55408 | Wynne V. Swanson |
| 4 | Howard Zimmer | 2071 HIGHLAND PKWY/AVENUE ST PAUL 55114 | Howard Zimmer |
| 5 | Shyllis Kahn | 115 W. Island Ave Mpls 55404 | Shyllis Kahn |
| 6 | Tom Clarke | 3000 West River Pkwy #305 Mpls 55406 | Thomas H Clarke |
| 7 | BONNIE RAE | 3535 15 th Ave So, Mpls 55407 | Bonnie Rae |
| 8 | John Karrigan | 3537A - 15 th Ave S. Mpls 55407 | John Karrigan |
| 9 | Lisa Hakanson | 601 Main St SE Apt 303 55414 | Lisa Hakanson |
| 10 | Andie Breedlove | 2133 W. Broadway #706 55411 | Andie Breedlove |
| 11 | Jay Star | 1916 - 1 st Ave. S. | Jay Star |
| 12 | Constance Pipin | 4051 Zenith Ave | Constance Pipin |
| 13 | Janelle Hamer | 2638 California St. NE | Janelle Hamer |
| 14 | Melissa Hochstetler | 3120 Raleigh Ave, apt 205, St Louis Park 55416 | Melissa Hochstetler |
| 15 | Robert Moeft | 610 4TH ST NE | Robert Moeft - Park paper.com |

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| Number | Name | Address (Full Street, City, and Zip Code) | Signature |
|--------|----------------------|--|----------------------|
| 1 | Wendy Huan | 3824 47 th Ave So Mpls, MN 55406 | Wendy Huan |
| 2 | Ameyo Baranku | 3219 18th Ave S Mpls MN 55407 | Ameyo Baranku |
| 3 | CURT RAWN | 4536 Rosewood Ln N 55442 | C. Rawn |
| 4 | LISA BRYANT | 7920 HEATHSIDE AVE S #313 COTTAGE GROVE, MN 55016 | Lisa Bryant |
| 5 | LINDA MEYERS | 35 SPACER W LANE NORTHDAK | Linda Meyers |
| 6 | Rachel Oberg-Hausser | 611 Monroe St NE, MPLS 55413 | Rachel Oberg-Hausser |
| 7 | Ser Verush | 3249 2 nd Ave npls | Ser Verush |
| 8 | Irene Rodig | 216 6th Ave. NE MPLS | Irene Rodriguez |
| 9 | Elizabeth K. Heenan | 215 10 th Ave S Unit 409 Mpls | Elizabeth K. Heenan |
| 10 | Margaret Forber | 7180 Riverview Terrace, Fridley | Margaret Forber |
| 11 | Jason McBrath | 2308 E 35 th St, Mpls 55406 | Jason McBrath |
| 12 | Kelvin Guackles | 2123 W Broadway Mpls 55411 | Kelvin Guackles |
| 13 | Sara K. Graffunder | 3828 Pillsbury Ave 55409 | Sara K. Graffunder |
| 14 | Ruth V. Jones | 2950 DEAN PKWY #1504 MPLS 55416 - H 393 | Ruth V. Jones |
| 15 | PAVE Logsdon | 2113 Minneapolis Ave mpls | PAVE Logsdon |

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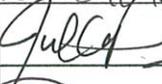
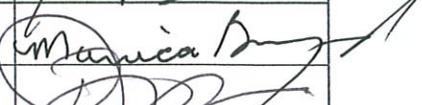
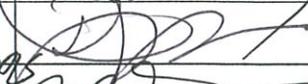
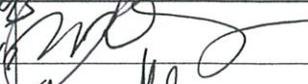
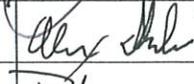
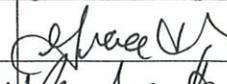
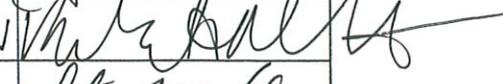
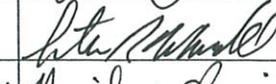
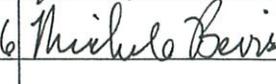
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| 2 | Julie Pierson | 6124 Morgan St - Mpls MN |  |
| 3 | Monica Bryan | 122 W Winifred St Paul |  |
| 5 | Diane Jackson | 11342 Edgewood Ave |  |
| 6 | Donna Brandler | 5609 Bloomington Mpls 55406 |  |
| 7 | Alex Ibele | 5608 Edgewater Blvd |  |
| 8 | REBECCA NASH | 4632 COLUMBUS AVE |  |
| 9 | Grace Davies | 3733 46 th Ave S. Mpls MN |  |
| 10 | Meleah Houseknecht | 3201 30 th Ave S Mpls MN |  |
| 11 | Steve Wardell | 3442 35 th Ave S. Mpls MN |  |
| 12 | Michele Bevis | 3442 35 th Ave S. Mpls MN 55406 |  |
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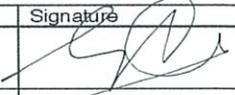
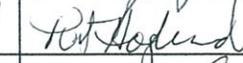
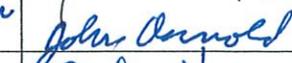
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|--------|-----------------|--|---|
| 1 | Gary Cagle | 1391 Brompton St Paul |  |
| 2 | Sally Cagle | 1391 Brompton St. Paul |  |
| 3 | Marie Johnson | 7570 Murray Ave Spring Lake MN 55732 |  |
| 4 | Pat Hoglund | 11721 Erskin Cir NE Blaine ⁵⁵⁴⁴⁹ |  |
| 5 | Connie Arnold | 4839 4th St. NE. Co. Wt. |  |
| 6 | Dave Shallow | 5418 Twin Lake Terr Crystal Lake |  |
| 7 | Sylvia Thompson | 6337 Orchard ^{Blaine} |  |
| 8 | John Arnold | 24595 Essex Ave. ^{Farmington, MN 55024} |  |
| 9 | Rudie Hamm | 563 Janesville St. NE ^{Fridley MN} |  |
| 10 | Don Sahl | 7514 Alden Way NE ^{Fridley MN} |  |
| 11 | Jean Johnson | 3505 Shelden Ave. ^{Walters} |  |
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| 1 | Betty Tisel | 4155 Garfield Ave So | Betty Tisel |
| 2 | Michelle Schroeder | 601 Ridgewood Ave #103 ⁵⁵⁴⁰³ | Michelle Schroeder |
| 3 | TRISH Stachelski | 2809 37th Ave. S. | Trish Stachelski |
| 4 | Susan Jeffrey | 1063 Autoinette to ⁵⁵⁴⁰² | Susan Jeffrey |
| 5 | Claudia Egelhoff | 404 Sheridan Ave So ⁵⁵⁴⁰⁵ | Claudia Egelhoff |
| 6 | Cynthia Larson-Cox | 16944-2nd Ave E. South Haven ⁵⁵³⁸² | Cynthia Larson-Cox |
| 7 | Mark Crawford | 16944 2nd Ave E ^{So} Haven | Mark Crawford |
| 8 | Tan Bergstrom | 17147 40th St ^{So} New Haven | Tan Bergstrom |
| 9 | JUDY CHUCKER | 2260 RINDLE DR S. ST. LOUIS ⁵⁵⁴¹⁶ PK | Judy Chucker |
| 10 | Deborah Fellows | 750 85th Lane NW Coon Rapids, MN | Deborah Fellows |
| 11 | Herb Dingmann | 1412 White Dr St Cloud MN 56303 | Herb Dingmann |
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|--------|-------------------|---|-------------------|
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| 2 | Peter Haan | 15320 80th St S Hastings | Peter Haan |
| 3 | Jerry Wilson | 3224 31 Ave S mpls | Jerry Wilson |
| 4 | Sharon Erickson | 282 Janice Ave, Shoreview | Sharon Erickson |
| 5 | Michele Benis | 3442 35th Ave S, Mpls | Michele Benis |
| 6 | Jana Bouknight | 2025 25th Ave | Jana Bouknight |
| 7 | BRUCE Blacher | 1823 15th Ave S, mpls MN | Bruce Blacher |
| 8 | Marianne Turnbull | 1234 W Minnehaha Ave 5507 | Marianne Turnbull |
| 9 | Joe Welch | 1300 Powderhorn Ten #31 | Joe Welch |
| 10 | Jan Mansel | 410 Quant Ave mos mo | Jan Mansel |
| 11 | Danell Schmidt | 1410 Quant Ave mo, mn | Danell Schmidt |
| 12 | Tracy Whattman | 1804 6th St NE, Mpls, MN | Tracy Whattman |
| 13 | Paul Looney | 2190 Park Av St. P | Paul Looney |
| 14 | Jesse Belter | 3824 47th Ave S Mpls, MN 55406 | Jesse Belter |
| 15 | Nacmi Schoenberg | 3824 47th Ave S. Mpls 55406 MN | Nacmi Schoenberg |

Emails on the back

Petition for an EAW (Environmental Assessment Worksheet) for the Downtown East Commons/Urban Park Project

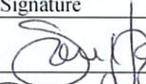
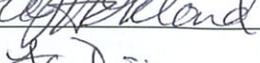
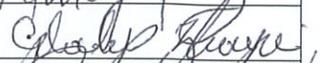
We, the undersigned, live in and/or own property in the state of Minnesota and have concerns about the potential environmental effects of the project titled: Petition for Downtown East Commons/Urban Park Project, located in Minneapolis, Minnesota. There is pending action for the city to develop this property into a public park and possibly include mature trees, seating, lighting, and pavement treatments, but without the mound as developed in Gold Metal Park; (ii) the design will provide for flexible programming of the space with an open core, locating any permanent structures on the perimeter; and (iii) the design may, but not required to, include a playing field with high quality durable turf and other "Enhancements" as of yet undefined by the City of Minneapolis. We request that an Environmental Assessment Worksheet be completed prior to a decision to spend public funds and staff time developing the Downtown East Commons/Urban Park Project. Our request is based on the potential for significant environmental impacts as listed below and fully explained on the attached submitted petition.

Summary of Environmental Concerns (see attached case and supportive documents)

The stadium, due to the current glass choice and the proposed adjacent Downtown East Commons/Urban Park, will cause the guaranteed deaths of legally protected migratory birds.

Twice a year, over half of all North American birds use the Mississippi River Flyway for migration. This proposed park and the stadium are not separate entities – in fact, to birds, they are inseparable. The park creates part of a perfect storm for bird-window collisions. The attached White Paper on Bird Window Collisions (page 1) lists the five primary building features contributing to bird window collisions. 1D highlights adjacent habitat. The proposed Downtown East Commons/Urban Park, which coupled with the other 4 factors: tunneling, transparency, reflectivity, and migration; will contribute to the unnecessary death and maiming of legally protected birds. This proposed park will be a very attractive stopover site for migrating birds. But instead of creating a supportive habitat, we are creating a deceptively attractive death trap for migratory birds.

The current EIS was limited to the stadium site alone. As such, it is an inaccurate estimation of the magnitude and scope of the stadium's environmental effects on legally protected migratory birds. The proposed park has not been subjected to any environmental review, and at the very least an EAW needs to occur before any agreement is made to the fate of this land. We feel a mandatory EAW is required under 4410.4344 as the property is an expansion of a Sports facility covered under Subp.34.

| Number | Name | Address | Signature |
|--------|------------------------|---|---|
| 1 | Sam Knoss | 627 Summer St. NE |  |
| 2 | Rachel Wallner | 3712 Polk Street NE |  |
| 3 | John Lutzke | 3712 Polk St. NE ^{Minneapolis} |  |
| 4 | AJ Hokland | 3501 Pierce St NE ^{Minneapolis} |  |
| 5 | Justin Whitman | 2522 California St NE #2 |  |
| 6 | Dustin Steele | 209 5th Street SE #105 |  |
| 7 | Nancy Fez | 52030 Kerry St. St. Francis ^{#205} |  |
| 8 | Gladys Zragapi | 3400 Columbus Av. S |  |
| 9 | Ramon Luis Torres-Abre | 342 Lyndale Ave. S. #32 Mpls 55408 |  |
| 10 | Kate Langley | 12 River Terrace Ct. #206 ^{Mpls 55414} |  |
| 11 | Lynn Balvin | 207 2nd Ave NE Mpls 55418 |  |

FINAL MITIGATION PLAN

This Final Mitigation Plan is submitted as part of the Final AUAR to provide reviewers and regulators with an understanding of the actions which are advisable, recommended, or necessary to protect the environment and minimize the potential impacts caused by the proposed Development Scenarios. This Final Mitigation Plan has been revised and updated based on comments received during the Draft AUAR comment period (see **Appendix A**).

The mitigation plan is intended to satisfy the AUAR rules that require the preparation of a mitigation plan that specifies measures or procedures that will be used to avoid, minimize, or mitigate the potential impacts of development within the AUAR Study Area. Although mitigation strategies are discussed throughout the AUAR document, this plan will be formally adopted by the City of Minneapolis as their action plan to prevent significant environmental impacts.

The primary mechanism for mitigation of environmental impacts is the effective use of ordinances, rules, and regulations. The plan does not modify the regulatory agencies' responsibilities for implementing their respective regulatory programs, nor create additional regulatory requirements. The mitigation plan specifies the legal and institutional arrangements that will assure that the adopted mitigation measures are implemented.

There were no impacts identified in Sections 10, 11, 12, 14, 15, 18, 19, 22, 23,, 26, 27, 29, or 30; therefore, these areas require no mitigation and are not included in the Final Mitigation Plan. The remaining sections have identified regulatory requirements and/or mitigation measures that reduce the level of potential impact of development within the Study Area. The plan is formatted consistent with the sections of the AUAR for ease of reference.

Section 8. Permits and Approvals Required

| Unit of Government | Type of Application | Status |
|---|---|---|
| Federal | | |
| Federal Aviation Administration | Airspace hazard permit (for any structures more than 200 feet above ground level) | To be applied for |
| State | | |
| Minnesota Department of Health | Abandonment of Water Wells | To be applied for |
| | Water Main Installation Permit | To be applied for, if needed |
| | Drainage Permit | To be applied for, if needed |
| Minnesota Department of Natural Resources | Groundwater Appropriation Permit | To be applied for, if needed |
| Minnesota Historical Society | Minnesota Historic Sites Act Minnesota Field Archaeology Act | Provisions will be met during construction, as applicable |
| Minnesota Pollution Control Agency | NPDES/SDS Construction Stormwater Permit | To be applied for |
| | Sanitary Sewer Extension Permit | To be applied for, if needed |
| | Soil and Groundwater Remediation Plan Approval | To be applied for, if needed |
| | Storage Tank Registration | To be applied for, if needed |
| | Intent to Perform a Demolition | Notification |
| | Asbestos Related Work | Notification, if needed |
| Regional | | |
| Metropolitan Council | Sanitary Sewer Extension Permit | To be applied for, if needed |
| Middle Mississippi River Watershed Districted (which defers to the City of Minneapolis for permitting) | No formal review process | NA |
| Local | | |
| City of Minneapolis | Building permits | To be applied for |
| | Demolition permit | To be applied for |
| | Emergency Generator Fuel Storage Permit | To be applied for |
| | Erosion and Sedimentation Control Plan Approval and Permit | To be applied for |
| | Stormwater Management Plan Approval | To be applied for |
| | Planned Unit Development Review and Approval | To be applied for |
| | Land Subdivision | To be applied for |
| | 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 |
| | Right-of-Way Excavation Permit | To be applied for, if needed |
| | Encroachment Permit | To be applied for, if needed |
| Utility Repair Permit | To be applied for, if needed | |

| Unit of Government | Type of Application | Status |
|--------------------|---|------------------------------|
| | Utility Connection Permits | To be applied for, if needed |
| | Sidewalk Construction Permit | To be applied for, if needed |
| | Testing and Inspection Agreement | To be applied for, if needed |
| | General Obligation Bonds for Blocks 4 and 5 | To be applied for |
| | Department of Employment and Economic Development grants for redevelopment, and for demolition and clean up | To be applied for |
| | Final AUAR and Mitigation Plan | In process |

Section 9. Land Use

Potential impacts and mitigation measures are the same under both Development Scenarios for land use.

Potential Impacts

- Zoning inconsistencies for either Development Scenario, such as floor area ratio or building height, may occur.
- The Phase I ESA identified 26 petroleum underground storage tanks (USTs) and six above ground storage tanks (ASTs) in the Study Area.
- Four releases from the USTs were reported; two on Block 3 and two on Block 5, and all four have been closed by the Minnesota Pollution Control Agency (MPCA). There are also three listings for Blocks 3 and 4 which are reported as closed on the MPCA SPILLS database.
- According to the MPCA's *What's in My Neighborhood?* database, there are 10 potentially contaminated sites within the AUAR Study Area. Two are active sites, and eight are inactive.

Mitigation Strategies

- 9.1 A zoning change may be requested for the five blocks within the Study Area boundary. This will be coordinated through the City of Minneapolis Planned Unit Development (PUD) process, if required.
- 9.2 Removal of all tanks and associated piping will occur in accordance with state and federal laws.
- 9.3 Mitigation measures for environmental contamination in the State of Minnesota will be undertaken, as necessary, in coordination with the MPCA. Mitigation measures for known and unknown contamination are addressed under Section 20.

How Mitigation Will be Applied and Assured

Mitigation will be regulated through the City's development review process. Proposed PUD and/or site plans must address relevant mitigation measures prior to final approval by the City.

Involvement by Other Agencies, if applicable

Mitigation measures to address site contaminants will be undertaken in coordination with MPCA.

Section 13. Water Use

Potential impacts and mitigation measures are the same under both Development Scenarios for water use.

Potential Impacts

- Abandonment of two on-site wells.
- Temporary dewatering may occur during construction of the buildings.

Mitigation Strategies

- 13.1 If any additional wells are encountered during construction, they will be relocated (if necessary) or capped and sealed according to Department of Health regulations.
- 13.2 Water pumped during construction dewatering activities will be tested for contaminants to determine if discharge can be to sanitary or storm sewer system.
- 13.3 Obtain a National Pollutant Discharge Elimination System (NPDES) permit.

How Mitigation Will be Applied and Assured

Mitigation will be regulated through the City's development review process. Proposed PUD and/or site plans must address relevant mitigation measures prior to final approval by the City.

Involvement by Other Agencies, if applicable

All water pumped during construction dewatering activities will be discharged in compliance with the City and Minnesota Department of Natural Resources (DNR) requirements and the NPDES permit.

Section 16. Erosion and Sedimentation

Potential impacts and mitigation measures are the same under both Development Scenarios for erosion and sedimentation.

Potential Impacts

- Construction activities that involve moving soil and/or excavation may cause erosion and sedimentation impacts to storm sewer infrastructure or surface waters.

Mitigation Strategies

- 16.1 Require project proposers to acquire NPDES General Stormwater Permit for Construction Activity from the MPCA prior to initiating earthwork for each phase of the project. This permit requires that the MPCA's Best Management Practices be used to control erosion and that all erosion controls be inspected after each significant rainfall.
- 16.2 Require project proposers to meet the erosion and sediment control regulations in all applicable regulations, ordinances, and rules of the City and MPCA.

How Mitigation Will be Applied and Assured

Mitigation will be regulated through the City's development review process. Proposed PUD and/or site plans must address relevant mitigation measures prior to final approval by the City.

Involvement by Other Agencies, if applicable

The developer must apply for and MPCA must issue an NPDES permit.

Section 17. Water Quality: Surface Water Runoff

Storm water runoff from the Study Area will be reduced under both Development Scenarios with development of two blocks as public plaza/park.

Potential Impacts

- No impacts were identified assuming water quality management standards are implemented.

Mitigation Strategies

- 17.1 Require stormwater management systems to be developed in accordance with City of Minneapolis code, MPCA, and Mississippi Water Management Organization, as needed.

How Mitigation Will be Applied and Assured

Mitigation will be regulated through the City's development review process. Proposed PUD and/or site plans must address relevant mitigation measures prior to final approval by the City.

Involvement by Other Agencies, if applicable

The developer must apply for and MPCA must issue an NPDES permit.

Section 20. Solid Waste, Hazardous Waste, Storage Tanks

The potential to encounter contaminants is the same under both Development Scenarios.

Potential Impacts

- It is estimated that the demolition would generate 50,000 tons of concrete/asphalt debris and 5,000 tons of miscellaneous construction debris.
- The Phase I ESA found that 26 petroleum underground storage tanks (USTs) were reported to have been previously removed from the Study Area according to the MPCA registered tank files. Six above ground storage tanks (ASTs) were reported as inactive. Several leak sites were also reported, as noted in Section 9.

Mitigation Strategies

- 20.1 A Pre-Demolition Survey has been completed for the three buildings to be removed from the Study Area to determine if any regulated materials are present. An Abatement Plan is being prepared to address removal and proper disposal of any regulated materials identified in the Pre-Demolition Survey.
- 20.2 The project will be enrolled in the MPCA's Voluntary Investigation and Cleanup (VIC) Program and Petroleum Brownfields Program (PBP) and all investigation and remediation activities will be consistent with the VIC Program's policies and procedures.
- 20.3 A Phase II Environmental Site Assessment (Phase II ESA) is now being completed for the Study Area. Based upon the results of the Phase II ESA and previously conducted environmental investigations within the Study Area, a Response Action Plan (RAP) will be prepared and submitted to the VIC and PBP Programs for review and approval to address proper handling and treating of contaminated soil and/or groundwater within the context of, and consistent with, the proposed redevelopment activities.
- 20.4 A Construction Contingency Plan (CCP) will be developed and submitted to the MPCA with the RAP to address proper handling, treating, storing, and disposing of solid wastes, hazardous materials, petroleum products, and other regulated materials/wastes that are used or generated during construction.
- 20.5 There will be a corporate recycling program established in the two office buildings and a recycling program for the residential component. There will be a dedicated storage/trash area in the loading dock area that will be used for recycling management and pickup.

20.6 It is estimated that up to 90 percent of the solid wastes generated during demolition will be recycled. The remainder will be disposed at a state permitted landfill. Construction-related waste materials such as wood, packaging, excess materials, and other wastes, will be either recycled or disposed in the proper facilities.

How Mitigation Will be Applied and Assured

Mitigation will be regulated through the City's development review process. Proposed PUD and/or site plans must address relevant mitigation measures prior to final approval by the City.

Involvement by Other Agencies, if applicable

The developer will coordinate with the MPCA regarding the required plans, material handling and disposal of demolition materials, and operate consistent with the VIC Unit's policies and procedures relating to the investigation and remediation of hazardous substances, if any are identified.

Section 21. Traffic

Potential Impacts

Minimum Development Scenario Impacts:

For the Baseline Roadway Network the following impacts were identified:

- Near-capacity operations at the Washington Avenue/11th Avenue intersection in the AM peak, in addition to the operational issues identified in the No Build scenario in the PM peak.
- Increased delay on northbound 11th Avenue at 6th Street due to the impact of left-turning vehicles in the PM peak.

Maximum Development Scenario Impacts:

Under the Maximum Development Scenario, two additional intersections are impacted.

The AUAR is intended to capture the likely minimum and maximum development size. As the project details are determined through the development process, changes are likely to occur; however, the Minimum and Maximum Scenarios evaluated within the traffic study are expected to capture the range of impacts that may occur. As site plans are developed, land uses and trip generation difference will be compared to the traffic analysis to confirm the mitigation measures needed.

How Mitigation Will be Applied and Assured

Mitigation will be regulated through the City's development review process. Proposed PUD and/or site plans must address relevant mitigation measures prior to final approval by the City. The design of the proposed public plaza/park should provide access to the stadium in a way that reduces pedestrian/vehicle conflict for major events at the new Minnesota Multi-Purpose Stadium.

Involvement by Other Agencies, if applicable

Coordination with Hennepin County, MSFA, Metro Transit, and the City of Minneapolis will continue.

Mitigation Strategies

Table 21-11. Mitigation Strategies Summary and Potential Impacts of Mitigation Strategies

| Mitigation Strategy | | Baseline Roadway Network Option | | Potential Impacts of Mitigation Strategy | Potential Secondary Mitigation Strategies | Estimated Cost |
|---------------------|--|---------------------------------|------------------|--|---|------------------------|
| | | Min ^a | Max ^b | | | |
| 21.1 | Add northbound left turn lane at 6th St / 11th Ave | X | X | <ul style="list-style-type: none"> Lane alignment on 11th Ave Potential widening of 11th Ave due to addition of southbound right turn lane at 6th St as part of Stadium project | Coordination needed with Stadium roadway design | \$80,000 to \$125,000 |
| 21.3 | Reduce LRT green time at 5 th St and Park Ave | | X | <ul style="list-style-type: none"> Impacts to LRT delay and schedule | Installation of LRT detection on 5 th St at Park Ave | \$35,000 to \$55,000 |
| 21.11 ^c | Add second northbound left turn lane at 11th Ave/ Washington Ave | | X | <ul style="list-style-type: none"> Restrict or eliminate on-street parking Potential signal phasing changes such as protected only or split phasing, which would necessitate signal equipment changes | | \$100,000 to \$165,000 |
| 21.12 ^c | Add second southbound left turn lane at 11th Ave/ Washington Ave | | X | <ul style="list-style-type: none"> Restrict or eliminate on-street parking Potential signal phasing changes such as protected only or split phasing, which would necessitate signal equipment changes | | \$100,000 to \$165,000 |

^a Minimum Development Scenario

^b Maximum Development Scenario

^c Requires modification to bike lane, either remove or share with through lane

Section 24. Odors, Noise, and Dust

Potential impacts and mitigation measures are the same under both Development Scenarios for traffic and construction Noise.

Potential Impacts

- Construction noise will occur during demolition and construction.
- Traffic noise increases will be less than three dBA at most receptors, and therefore barely perceptible to the human ear. Noise barrier mitigation is not feasible in the downtown streetscape.

Mitigation Strategies

- 24.1 Construction hours will follow City code (limited to Monday through Friday, 7:00 a.m. to 10:00 p.m., unless and after hours work permit is secured from the City).

How Mitigation Will be Applied and Assured

Mitigation will be regulated through the City's development review process. The developer's agreement will address relevant mitigation measures prior to final approval by the City.

Involvement by Other Agencies, if applicable

Not applicable.

Section 25. Nearby Resources

Potential impacts and mitigation measures are the same under both Development Scenarios for historic resources and trails.

Potential Impacts

- Known properties listed on the National Register of Historic Places (NRHP) in the vicinity of the AUAR boundary include: Minneapolis Armory (500 6th Street S); Minneapolis City Hall (350 5th Street S); Grain Exchange Building (400-412 4th Street S); Northern Implement Co. (616 3rd Street S); and Advanced Thresher/Emerson Newton Co. (700-08 3rd Street S).
- The main building at 425 Portland Avenue was identified in the early 1980s as a potential local historic resource. In 2011, a City-sponsored Historic Resources Inventory was completed by Mead & Hunt and recommended 425 Portland Avenue along with 62 other properties in the Central Core Survey Area, as good candidates for intensive-level research to determine eligibility for local and/or National Register designation.

Mitigation Strategies

- 25.1 Demolition permits will be requested for the existing buildings on site.

How Mitigation Will be Applied and Assured

Proposed PUD, land use and/or site plans must address relevant mitigation measures prior to approval by the City. The Star Tribune building is located on a block (Block 5) which may be considered part of the "stadium infrastructure" by the Minnesota Sports Facility Authority within the meaning of the Minnesota Multi-Use Stadium Act (Laws 2012, Chapter 299).

Involvement of Other Agencies, if applicable

Not applicable.

Section 28. Impact on Infrastructure and Public Services

Potential impacts and mitigation measures are the same under both Development Scenarios for public services.

Potential Impacts

- Development would increase the residential population, as well as increase the number of employees and public plaza/park users, which may increase the demand for transit, emergency medical and public safety services.

Mitigation Strategies

28.1 Discussions will take place with Metro Transit and City during site planning regarding bus and other public services.

How Mitigation will be Applied and Assured

To be determined after site plans are submitted.

Involvement by Other Agencies, if applicable

To be determined after site plans are submitted.

APPENDIX A

RESPONSE TO COMMENTS ON THE DRAFT AUAR

Minnesota Department of Natural Resources

Central Region
16543 Haven Road
Little Falls, Minnesota 56345
(320) 616-2450 Ext. 248



August 26, 2013

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

RE: Downtown East Draft Alternative Urban Area Review

Dear Ms. Dvorak:

The Department of Natural Resources (DNR) Central Region has reviewed the Draft AUAR for the Downtown East redevelopment project. We have no comments to offer at this time.

A Thank you for the opportunity to review this project and the Draft AUAR.

If you have any questions about these comments, please call me at 320-616-2450 ext 248, or by e-mail at michael.north@state.mn.us.

Sincerely,

A handwritten signature in cursive script that reads 'Michael R. North'.

Michael R. North
Environmental Assessment Ecologist

CC: Randall Doneen, Liz Harper
Bob Patton (EQB)

ERDB #20130334

A: Comment noted. Thank you for your review.



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

September 18, 2013

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

Re: Downtown East Development Draft Alternative Urban Areawide Review

Dear Ms. Dvorak:

Thank you for the opportunity to review and comment on the Draft Alternative Urban Areawide Review (AUAR) for the Downtown East Development project (Project) located in the city of Minneapolis, Minnesota. The Project consists of a residential, office, and retail development with a public park/plaza. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Permits and Approvals (Item 8)

- A • Table 8.1 in this section of the EAW lists a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater (CSW) Permit. Please note that this project will require coverage under the new permit that became official on August 1, 2013. The new permit has significantly more stringent requirements for permanent stormwater treatment than the current permit in situations regulated under Appendix A of the permit (within a mile of special or impaired waters). It also affects projects not regulated under Appendix A (projects outside of the one mile radius from impaired or special waters), for which there will now be required treatment for 1 inch of runoff, as opposed to 0.5 inches, per acre of new impervious surface. Information on the new CSW Permit is available on the MPCA website at: <http://www.pca.state.mn.us/y3dqf96>. Questions regarding CSW Permit requirements should be directed to Roberta Getman at 507-206-2629.
- B • Table 8.1 also lists Storage Tank Registration; however, the Draft AUAR does not mention the need for storage tanks for the planned future uses. Please clarify if the existing Aboveground Storage Tanks will be removed and if new storage tanks are planned.

Solid Wastes, Hazardous Wastes, Storage Tanks (Item 20)

- C Regarding the demolition of the existing buildings, please note that a "Notification of Asbestos Related Work" must be submitted to the Minnesota Department of Health by a licensed asbestos inspector 10 working days prior to conducting abatement activities, if abatement of 160 square feet, 260 linear feet, or 35 cubic feet of RACM is required. A "Notification of Intent to Perform a Demolition" must be submitted to the MPCA 10 working days prior to the commencement of demolition. Flaking lead based paint that may be present on the structure should be encapsulated or removed and properly disposed of offsite at the appropriate disposal facility prior to demolition activities. Any lead based paint chips that are present on the ground following demolition should also be removed and properly disposed of offsite at the appropriate disposal facility. If you have any questions regarding demolition issues or asbestos and lead paint abatement, please contact Sean O'Connor in our St. Paul office at 651-757-2620.

- A:** The Draft AUAR (page 15, Table 17-1) acknowledged the August 1, 2013 rule changes and subsequent requirements. The stormwater management criteria table in the Final AUAR has been updated to remove references to current and future CSW permit conditions, and now references the August 1, 2013 requirements as the "current requirement." Specific reference is made to the volumes of treatment and detention.
- B:** Storage tank installation is noted on page 20 of the Draft AUAR. No storage tanks are known to exist within the AUAR Study Area. If any tanks are encountered, state requirements for tank removal will be followed.
- C:** The notification requirements provided by the MPCA have been added to Table 8-1 in the Final AUAR.

Low Impact Design

The MPCA advocates the use of Low Impact Design (LID) practices to aid in the minimization of stormwater impacts. LID is a stormwater management approach and site-design technique that emphasizes water infiltration, values water as a resource, and promotes the use of natural systems to treat water runoff. Examples include:

- special ditches, arranged in a series, that soak up more water
- vegetated filter strips at the edges of paved surfaces
- trees or swales between rows of cars
- residential or commercial rain gardens designed to capture and soak in stormwater
- porous pavers, concrete and asphalt for sidewalks and parking lots
- narrower streets
- rain barrels and cisterns
- green roofs

LID concepts may be found in the *State of Minnesota Stormwater Manual*, dated November 2005 located on the MPCA website at: <http://www.pca.state.mn.us/water/stormwater/stormwater-manual.html>.

In addition, the MPCA LID webpage provides a description and examples of LID features such as permeable pavement, rain gardens, and green roofs. Links to other resources on LID are available as well. The website is located at: <http://www.pca.state.mn.us/water/stormwater/stormwater-lid.html>.

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 Draft AUAR, please contact me at 651-757-2508.

Sincerely,



Karen Kromar
Planner Principal
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Craig Affeldt, MPCA, St. Paul
Doug Wetzstein, MPCA, St. Paul
Roberta Getman, MPCA, Rochester

D: The stormwater BMPs for the project will include infiltration measures recognizing that water is a valuable resource, and the design will incorporate natural systems as a means to treat stormwater runoff. This approach is in line with the goals of LID practices.



6. Response to Comments on the Draft EIS

6.1 Opportunities for Public Comment and Guidelines for Responding to Comments

A notice of availability of the Draft EIS was published in the *EQB Monitor* on April 29, 2013, and in local media sources. The document was distributed to agencies and organizations on the official EQB distribution list, additional agencies and organizations that had requested a copy of the document, and agencies, organizations, and individuals who had commented on the Scoping Environmental Assessment Worksheet (EAW)/Draft Scoping Decision Document (SDD). It was also posted on the MSFA website (www.msfa.com). A public open house was held on May 22, 2013, from 5:00-7:00 pm at the Hubert H. Humphrey Metrodome – Vikings Lounge. Twenty-eight individuals signed in at the meeting.

The comment period extended from April 29 to June 6, 2013. Comments were received in writing by email, US mail, or submittal directly to the MSFA at the public open house. Verbal comments were also received at the public open house and were transcribed by a court reporter.

A total of 19 comment letters/emails and one oral comment were received from government agencies and private citizens during the comment period. Consistent with state environmental review rules, the written responses to all substantive comments are included as part of this Final EIS. Written responses have been provided for all comments pertaining to the environmental analysis conducted for and documented in the Draft EIS. Additional responses have been prepared for statements noting incorrect or unclear information or content requirements. A written response was not provided for comments agreeing with the Draft EIS information, general opinions, statements of fact, or statements of preference. A copy of each comment letter followed by responses to comments is included in Section 6.2.

6.2 Agency, Organization, and Individual Comments and Responses

Comment letters were received from the following governmental agencies:

- Minnesota Department of Health
- Minnesota Department of Natural Resources
- Minnesota Department of Transportation
- Minnesota Pollution Control Agency
- State Historic Preservation Office
- Metropolitan Council
- Hennepin County
- City of Minneapolis

The following private citizens provided written comments on the Draft EIS:

- Tom Becker
- James Glockner



- Phillip Koski
- Willard Shapira
- Brad Worcester
- Alex Adams
- Debra Adams
- Suzanne Begin
- Claudia Fuglie
- Kathy Gyro
- Jordan Moulton

One anonymous individual provided an oral comment at the public open house on May 22, 2013.

The remainder of this section presents each comment letter with each comment for which a response has been prepared highlighted and numbered. The response to each numbered comment is included on the page following the comment.



6.2.2 Minnesota Department of Natural Resources

2

Minnesota Department of Natural Resources

Central Region
1200 Warner Road
Saint Paul, Minnesota 55106
(651) 259-5738



TRANSMITTED VIA E-MAIL

June 6, 2013

Steve Maki, Project Manager
Minnesota Sports Facilities Authority
900 South 5th Street
Minneapolis, Minnesota 55415
Steve.maki@msfa.com

RE: Minnesota Multi-Purpose Stadium Draft Environmental Impact Statement (DRAFT EIS)

Dear Mr. Maki:

The Department of Natural Resources (DNR) Central Region has reviewed the Draft EIS for the proposed construction of the Minnesota Multi-Purpose Stadium and associated infrastructure located in the City of Minneapolis, Hennepin County. The DNR offers the following comments for your consideration.

Pertaining to Section 3.2 Water Use, the current lack of a DNR Water Appropriations permit should not be assumed to indicate that the volumes pumped are under the threshold that requires a permit to authorize the dewatering. The elevation of the water table and bedrock aquifers in the downtown area may be significantly higher than when the Metrodome was constructed due to a more recent statutory prohibition of once-thru heating and cooling systems using ground water.

← 2-1

In order to determine if a DNR Water Appropriations permit is necessary; an engineering analysis of the water table and bedrock aquifer water levels compared to proposed bottom elevations of the proposed stadium should be conducted. Part of that study could include monitoring the existing Metrodome groundwater interception system until demolition of the stadium. Parameters included should be the discharge volume and rate of ground water that is dewatered. If it is determined that a DNR Water Appropriations permit is not necessary at this time, the DNR recommends that the groundwater interception system continue to be metered for the new stadium to be sure discharge rates stay below 10,000 gallons per day and under 1 million gallons per year.

In October 2012, the DNR provided comments during the Scoping EAW and Draft Scoping Decision Document review. One comment stated the DNR encouraged project designers to consider bird-friendly building designs to help reduce the potential for bird collisions to

← 2-2



- 2-1:** Section 3.2.2.1 of the Final EIS provides additional information regarding groundwater pumping rate estimates.



Minnesota Multi-Purpose Stadium Draft EIS
DNR Comments
June 6, 2013

occur. The DNR is aware that project designers have been meeting with Audubon Minnesota to discuss bird-friendly project design considerations. Mitigation measures identified as a result of coordination with the Audubon Society should be included in the Final EIS.

Thank you for the opportunity to review the Draft EIS for the proposed construction of the Minnesota Multi-Purpose Stadium. If you have any questions about these comments, please call Melissa Doperalski, Regional Environmental Assessment Ecologist, at 651-259-5738, or by e-mail at melissa.doperalski@state.mn.us.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Doperalski".

Melissa Doperalski
Regional Environmental Assessment Ecologist

CC: Randall Doneen, Steve Colvin, Chris Niskanen, Liz Harper, Lisa Joyal, Central Region REAT and Technical Reviewers (DNR)
Bob Patton (EQB)

MSFA MN Stadium_Draft EIS_DNR Comments_06June2013.doc
ERDB #20130099-0004



- 2-2:** The MSFA has met with representatives from the Audubon Society to discuss potential mitigation measures to minimize bird impacts by this project. The MSFA will implement operational measures to minimize interference with migrating birds, such as turning off stadium lighting during the overnight hours in spring and fall.



6.2.6 Metropolitan Council

6

Metropolitan Council

June 5, 2013

Steve Maki, Director of Facilities & Engineering
Minnesota Sports Facilities Authority
900 South 5th Street
Minneapolis, MN 55415

RE: Minnesota Multi-Purpose Stadium – Draft Environmental Impact Statement (DEIS)
City of Minneapolis, Hennepin County, Minnesota
Metropolitan Council Review File No. 21040-2
Metropolitan Council District 8

Dear Mr. Maki:

The Metropolitan Council received the Draft Environmental Impact Statement (DEIS) for the Minnesota Multi-Purpose Stadium project in Minneapolis on April 26, 2013. The proposed project includes the construction of a new stadium on the current Hubert H. Humphrey Metrodome site. The project includes demolition of the existing Metrodome and construction of a new 65,000-seat stadium facility (with expansion of to 73,000 seats, and associated infrastructure improvements and changes in the surrounding area.

Metropolitan Council staff completed its review of the DEIS to determine its accuracy and completeness in addressing regional concerns. Staff offers the following technical comments concerning issues that need to be addressed or clarified in the Final DEIS.

Section 3.4 – Water Quality, Surface Water Runoff (Jim Larsen, 651-602-1159)

The DEIS indicates that currently there is little pre-treatment of stormwater runoff on the project’s 46+ acre site, with over 91 percent impervious cover. In addition, all four downstream stormwater conveyance systems (the 11th Avenue, Chicago Avenue, Portland Avenue, and MnDOT tunnels) serving the site have capacity constraints, and most also have condition issues. The DEIS estimates that the proposed project will add 1.3 acres of impervious surface to the current 43+ acres of impervious area on the site.

This construction project presents an opportunity to mitigate for a large amount of runoff volume on a scale that will not likely be realized elsewhere in the area for decades to come. The document indicates that stormwater best management practices will be designed with a goal of maintaining existing discharge rates where practicable in each of the sub-watersheds on the site. The Council encourages the MSFA, the City, the Mississippi WMO, MnDOT, and the MPCA to work together to achieve the *maximum* amount of stormwater runoff volume and pollutant reduction possible within the site – reducing peak discharges, runoff volumes, and pollutant constraints where possible.

←6-1

Section 3.5.1.2 – Water Quality, Wastewaters (Roger Janzig, 651-602-1119)

The DEIS indicates that “estimated peak sanitary sewer flow generated by the new Stadium is 2,000 gpd.” This appears to be a typo and should be corrected to read 2,000 gallons per minute, rather than per day.

←6-2

Section 3.7 – Transportation (Mark Filipi, 651-602-1725)

The DEIS includes a project description indicating that the proposed stadium will have 65,000 seats with expansion up to 73,000 seats. In Section 2.2.1, the description of the No Action Alternative assumes continued use of the Metrodome by the Minnesota Vikings and other uses, with a maximum seating capacity of 63,962. Table 3.7-2 of the DEIS indicates that the stadium capacity of the No Action Alternative is 65,000 attendees, which is also reiterated in Section 3.7.1.5 on the Freeway Network – Event Analysis.

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- 6-1:** To achieve the water quality requirements for the site, the current design includes underground infiltration practices. Through this method of stormwater management, volume reduction is also provided. Other infiltration practices will be explored as the design progresses.

Section 3.4 has been updated from the Draft to Final EIS to reflect advancement in the new Stadium design plans. Section 3.4.1.3 concludes that "with the implementation of the BMPs, it is expected that the Proposed Project will reduce runoff volumes and discharge rates below those of the No Action Alternative."

- 6-2:** Correction made to text of Section 3.5 as noted in comment.



Steve Maki, Director of Facilities & Engineering
June 5, 2013
Page 2

While the difference between 63,962 (the existing stadium seating capacity as listed in Section 2.2.1) and 65,000 (the base seating capacity of the new stadium) is minimal, the comparison of changes in the levels-of-service at the various intersections evaluated may understate the impacts to those intersections. As such, some of the mitigation efforts may also be understated. If the No Action Alternative that is referenced in the intersection analysis tables is the current Metrodome but with 65,000 seats and 5th Street closed, then the comparison is not accurate, and a No Build comparison should be added to the DEIS.

←6-3

Section 3.7.1.3 states that the current volume on the segment of 5th Street, proposed to be closed, is 2,900. The MnDOT AADT maps (currently publicly accessible on the MnDOT website) indicate a 2011 volume of 3,300.

←6-4

The combination of the actual AADT of the segment of 5th Street next to the Metrodome being almost 14% higher than cited in the DEIS and the use of the lower range build alternative for comparisons is a methodology issue that needs to be addressed. The evaluation of the transportation impacts needs to use the most current available data, and the impacts of the build alternative need to be compared to the true No Build (the current stadium with seating of 63,962 and 5th Street open to traffic).

←6-5

Section 3.7 – Transit & Pedestrian Access (James Harwood, 612-349-7339)
Section 3.7.1.2, Assumptions and Methodology, does not include an analysis of traffic and other issues at the intersection of 4th Street and Chicago Avenue. In the Council's letter dated October 30, 2012, regarding the Scoping EAW and Scoping Decision Document (SDD), the Council requested that this analysis be included. The DEIS does not include this for either the event or non-event scenarios.

←6-6

Section 3.7.1.8, Traffic Mitigation Strategies, states that LRT operations will not be significantly impacted due to traffic signal timing changes under mitigation option #1 and #2. Although an LOS-analysis is included in the DEIS, this is a rough tool for use when estimating impacts to transit service and the customers using the service. A better and more thorough analysis and understanding of impacts to the transit level of service is required for the Council to assess impacts to the transit system.

←6-7

Section 3.7.1.8 refers to the development of a Traffic Management Plan. A detailed analysis of pedestrian connection from points of transit within the project area to stadium entrances/exits should be included as part of developing this plan.

←6-8

Section 3.7.2.1, Pedestrian Facilities, does not provide sufficient information regarding the impact of the pedestrian volumes crossing the intersection of 4th Street and Chicago Avenue, nor any specific mitigation measures to address the impacts. Additional analysis is required for traffic, transit (bus and LRT), and pedestrian impacts resulting from the proposed project. This also applies to the discussion of this intersection in the second full paragraph on page 3-57 of the document.

←6-9

Section 3.7.3.3 discusses the operational issues associated with the existing Downtown East transit station during events. The DEIS states that "the existing plaza area is not designed to conveniently and effectively accommodate queuing and loading of LRT passengers at the Downtown East Station." The DEIS goes on to discuss the anticipated increases in event ridership in both 2017 as well as in 2030 at full build out of the Blue Line and Green Line extensions representing "about 42 percent of Stadium capacity." However, the DEIS does not address the need for modifications to the existing station, platforms, and plaza area in order to accommodate this increased transit demand as a mitigation measure. The need for these modifications should

←6-10



- 6-3:** The No Action Alternative reflects the existing Metrodome capacity and the existing roadway network. The text and tables have been corrected in the Final EIS to reflect 63,962 seats under the No Action Alternative.
- 6-4:** The City of Minneapolis Traffic Count Management System shows that the most recent daily traffic count was conducted in 2010 and that the most recent turning movement counts along 5th Street were conducted in 2011. These are the most current available traffic counts and were used for the analysis.
- 6-5:** The most current traffic data and the existing Metrodome seating capacity were the basis for the analysis. 5th Street is closed during existing NFL events at the Metrodome; therefore, no analysis with 5th Street open during event conditions is needed.
- 6-6:** Section 3.7.3.1 and Section 3.7.3.3 of the Final EIS include discussion regarding potential impacts and proposed mitigation measures for the 4th Street/Chicago Avenue intersection under the Preferred Alternative. Section 3.7.3.3 specifically states, "As the design plans advance for the Proposed Project, the MSFA, in consultation with the City of Minneapolis, Metro Transit, and the Vikings will work to design plaza areas and infrastructure that effectively address the high pedestrian volumes in the plaza area and the potential conflicts at the 4th Street/Chicago Avenue intersection."
- 6-7:** Section 3.7.1.8 now includes the following statement, "The current phasing of the 5th Street/Park Avenue intersection limits the northbound Park Avenue approach to approximately 30 seconds because of the LRT and the resulting unique geometrics and phasing at the intersection. Signal timing adjustments at this intersection should be evaluated in detail during the development of the event signal timing plans, in order to best balance the needs of the vehicle traffic with LRT station-to-station progression."
- 6-8:** As stated throughout Section 3.7 of the Final EIS, a Traffic Management Plan will be prepared for the proposed project. The Traffic Management Plan would include additional pedestrian analysis and development of mitigation measures.
- 6-9:** As stated in The People's Stadium Scoping Decision Document (page C-3), "A qualitative assessment of pedestrian and bicycle facilities on the site, including from parking and transit facilities, and leading to the site will be conducted as part of the EIS." Section 3.7.3.1 of the Final EIS includes updated pedestrian analysis to reflect the advancement in the new Stadium design since the publication of the Draft EIS, as well as further evaluation of potential pedestrian impacts and proposed mitigation measures in response to comments provided on the Draft EIS.



Steve Maki, Director of Facilities & Engineering
June 5, 2013
Page 3

be clearly identified as a recommended mitigation measure in the Final EIS in order to accommodate the projected Stadium event ridership numbers assumed in the DEIS.

The Mitigation Measures included in Section 3.7.3.3 state: "As the design plans advance for the Proposed Project, pedestrian crossing of the LRT line at 4th Street/Chicago Avenue will be needed in order to efficiently move trains in and out of the station. This should be revised to state that "a grade-separated pedestrian crossing of the LRT" will be needed.

6-11

Section 3.15.1.2 discusses road closures due to construction. However, the DEIS does not identify impacts to existing transit service (both LRT and bus) that may occur during the construction. Because an active LRT line exists adjacent to the proposed stadium, all impacts to transit service due to construction access, staging, lay down areas; etc., should be identified in the document.

6-12

Section 5.1 – Coordination and Permits Required (Russ Owen, 651-602-1724)
The DEIS states that an airspace hazard permit will be needed. When construction begins, FAA form 7460-1 shall also be submitted to the FAA for airspace compliance.

6-13

Additional Concerns

An area of concern that needs to be addressed in the Final EIS that was not raised during the SDD, Scoping EAW, or the Draft EIS is the high probability that the new stadium structure will present a significant threat for bird strikes. This issue was not raised as one needing further analysis in the EIS documents at an earlier juncture because the idea that the future structure's design would consist of so much transparent glass or that its planned height would exceed that of the current facility by approximately 100 feet were unknown. The DEIS will need to be augmented to discuss this threat, and indicate what measures will be considered and incorporated to address this issue in the final project.

6-14

If you have any questions or need further information with respect to these matters, please contact the technical reviewer indicated in a particular section or contact me at (651) 602-1895.

Sincerely,

LisaBeth Barajas, Manager
Local Planning Assistance

- CC: Julie Monson, MHFA
- Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
- Adam Duinick, Metropolitan Council District 8
- Michael Larson, Sector Representative
- Raya Esmacili, Reviews Coordinator

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- 6-10:** The MSFA is the “proposer” of and the “responsible governmental unit” for the new Stadium “project,” as those terms are defined in MEPA and Minnesota Rules Chapter 4410. The new Stadium project does not include any physical changes to the Downtown East LRT station, which is operated by Metro Transit, an operating division of the Metropolitan Council. The MSFA is not responsible for LRT passenger queuing and loading and has no authority to upgrade or modify the Downtown East LRT station. However, the MSFA will encourage the Metropolitan Council to ensure that the Downtown East LRT station is able to conveniently and efficiently accommodate the queuing and loading of LRT passengers. In addition, the new Stadium project will expand the existing plaza area on the west side of the Metrodrome stadium, near the Downtown East LRT station. The expanded new Stadium plaza should improve pedestrian movement in the vicinity of the LRT station.
- 6-11:** Section 3.7.3.3 of the Final EIS reflects refinements to the proposed mitigation measures since the publication of the Draft EIS.
- 6-12:** See response to Comment 6-10.
- 6-13:** **Table 5.1-1** has been modified to reflect the preparation of FAA Form 7460-1.
- 6-14:** The MSFA has met with representatives from the Audubon Society to discuss potential mitigation measures to minimize bird impacts by this project. The MSFA will implement operational measures to minimize interference with migrating birds, such as turning off stadium lighting during the overnight hours in spring and fall.



6.2.10 James Glockner

From: JimGlockner
Sent: Wednesday, May 22, 2013 6:34 PM
To: Steve Maki
Subject: New Vikings Stadium - Bird impact

10

Hello Steve

I would like to express my concern with the new stadium and it's proposed structure in regards to the glass doors / walls and the threat this would have on our birds. There are many examples throught our country not too mention the world for deaths due to birds that fly into our glass structures. Pls help reduce our human inprint by allowing a more friendly structure that will allow our bird friends avoid death and injury.

10-1

thank you
James Glockner



- 10-1:** The MSFA has met with representatives from the Audubon Society to discuss potential mitigation measures to minimize bird impacts by this project. The MSFA will implement operational measures to minimize interference with migrating birds, such as turning off stadium lighting during the overnight hours in spring and fall.