

**UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**

RECORD OF DECISION

**DISPOSITION OF BUREAU OF MINES PROPERTY,
TWIN CITIES RESEARCH CENTER MAIN CAMPUS**

ENVIRONMENTAL IMPACT STATEMENT

Hennepin County, Minnesota

The National Park Service (NPS) has prepared this Record of Decision on the Disposition of Bureau of Mines Property, Twin Cities Research Center Main Campus, Hennepin County, Minnesota. The Record of Decision includes a description of the background of the project, a statement of the decision made and basis for decision, descriptions of other alternatives considered, a description of the environmentally preferable alternative, statements on the impairment of park resources and values, an overview of measures to minimize environmental harm, and a summary of public and agency involvement in the decision-making process.

BACKGROUND OF THE PROJECT

The Twin Cities Research Center (Center) property consists of 27.3 acres of land near the confluence of the Mississippi and Minnesota rivers. The property has been in federal ownership since 1805 and was once part of the much larger Fort Snelling Military Reservation. The former U.S. Bureau of Mines (USBM) began managing the property in 1949 and eventually constructed 11 buildings and associated infrastructure on the site. The property is located within the boundaries of the Mississippi River National River and Recreation Area (MNRRA), a unit of the National Park system.

The Center closed in 1996 after Congress abolished the USBM and the President signed the Balanced Budget Downpayment Act terminating funding for the USBM. Upon closing the Center, administration of the property remained with the U.S. Department of the Interior (Department) under USBM closure legislation (Pub. L. No. 104-134 [1996]).

In 2000, the Metropolitan Airports Commission (MAC) proposed to acquire the Center to protect the approach to runway 4-22 after that runway was to be extended to accommodate larger aircraft. The MAC withdrew its proposal in October 2001.

In 2002, the Department evaluated the cost to renovate the Center for use as a central campus for all Departmental agencies and operations in the Twin Cities area. The U.S. Fish and Wildlife Service (USFWS), through a local contractor, completed a space utilization study and associated master plan for needed improvements to the Center. After review of the plans, the Department determined the project was cost prohibitive and declined to move forward.

USBM closure legislation in 1996 provided the Secretary of the Interior with the authority to convey the Center to a university or government entity as the Secretary deems appropriate. In 2003, Congress included language and funding in the Department appropriations bill directing the NPS to lead the public planning process for disposition of the Center.

The NPS became the lead the agency in the preparation of the environmental impact statement (EIS) process. In 2004, the USFWS entered into a memorandum of agreement with the NPS as a cooperating agency to complete an environmental impact statement for disposition of the Center.

The purpose and need for the environmental impact statement is to identify the action necessary to dispose of the Center in accordance with the authority provided by Congress in legislation addressing the closure of the Center and to assess the environmental impacts of that action and alternatives.

DECISION (SELECTED ACTION) AND BASIS FOR DECISION

The Department has selected Alternative D, Modification of Land, Structures, or Other Improvements by the Federal Government Prior to Conveyance or Retention of the Center, as the preferred alternative, as described in the *Final Environmental Impact Statement, Disposition of the Bureau of Mines Property, Twin Cities Research Center Main Campus* issued in December 2009.

Under selected Alternative D, the Department would manage and bear the cost of modification for all or part of the land, structures, or other improvements prior to conveyance or retention of the Center. Following completion of the modifications, the Department would dispose of the Center property through a transfer to a university or nonfederal government entity without conditions, transfer to a university or nonfederal government entity with conditions, or by retention by the federal government. The Department also selected one of three land use scenarios considered in the environmental impact statement. The Department selected the Open Space / Park scenario that will convert the Center property to open space and natural areas where the focus would be on restoration and use of the natural environment. This would be accomplished by removing some or all buildings, structures, and roadways. Nonnative plant species would be identified and removed. Native vegetation would be planted and the site naturalized to recreate the historic characteristics of an open oak savanna, prairie-type setting typical to this vicinity.

In evaluating the environmental impacts of alternative futures for the site, the focus was placed on future uses—and their environmental effects—and not on future owners. The three conceptual land use scenarios were developed to address a range of potential development options that may be feasible. It was not the purpose of the EIS to select a recipient but to inform the decision-maker about the impacts associated with the transfer, given that a variety of uses could result from a transfer to a non-federal recipient.

In establishing the process for determining the site's future, Congress authorized potential transfer of the site to a university or government entity. During the public review of the Draft

EIS, the NPS solicited written requests for proposals for future use of the Center property from universities and governmental entities. A broad list of potential recipients were contacted, and a request for proposals from all parties was included in the Federal Register notice announcing the availability of the draft EIS. The adjacent landowners to the Center, including the Minneapolis Park and Recreation Board, the Minnesota Historical Society and the Minnesota Department of Natural Resources, declined taking ownership of the property. Three federally-recognized tribes submitted separate requests that the property be retained in federal ownership and held in Trust for them.

Public comment received during the 60 day Draft EIS comment period strongly favored removal of the Center buildings and infrastructure and returning the property to a more natural condition. Each of the proposals for ownership from the three tribal governments contained requests that the Center buildings and infrastructure be removed at the federal government's expense prior to transfer and the site restored to natural condition. Studies for the reuse of the Center structures determined that the removal of hazardous materials and abatement of hazardous conditions and necessary building rehabilitation were negative factors leading to the conclusion that reuse of most of the existing structures was not a viable option. The EIS process indicated the long term environmental impacts of Alternative D, with the Open Space / Park land use scenario had generally minor to moderate and beneficial impacts.

Public involvement in preparation of the EIS and compliance with the National Historic Preservation Act, Section 106 process revealed that the Center property is a special place to many people. The four federally-recognized Dakota tribes in Minnesota—the Upper Sioux Indian Community, the Lower Sioux Indian Community, the Prairie Island Indian Community, and the Shakopee Mdewakanton Sioux Community—declared Coldwater Spring and the surrounding area central to their history. The Lower Sioux Indian Community declared Coldwater Spring sacred under Executive Order 13007. Individual members of the Ojibwa and other tribes have also shown an interest in the spring.

A key aspect of Fort Snelling's history is the fort's role as a center for meetings between the U.S. and the Dakota and Ojibwa who visited the post. Members of both tribes undoubtedly camped at and around spring.

The property is also historically significant in American history and the history of Minnesota. To many, Fort Snelling and the Camp Coldwater settlement that grew up around it are considered the birthplace of Minnesota. Coldwater Spring became the water supply for the Fort Snelling Upper Post from the late 1870s through early 20th century. Because of the history that occurred there, the Center property falls within the Fort Snelling National Historic Landmark and National Historic District and the Old Fort Snelling State Historic District. Although it gets less attention, the Center accomplished such nationally and internationally significant work that it has been determined eligible for the National Register as a Historic District (USBM Twin Cities Research Center Historic District), despite the fact that some portions are less than 50 years old.

Public comment during the EIS process showed that since the late 1990s, the spring and reservoir have become spiritually and environmentally significant to many individuals and groups. Some use the site for meditation and a source of inspiration. Many of these individuals and groups

have also been active proponents of protecting the spring and reservoir by supporting and assuring the passage of legislation to protect the flow of water to and from the spring.

Public comment on the EIS and Section 106 processes revealed that while there is disagreement as to who should own the property, there is agreement that Coldwater Spring and the area around it need to be protected and that public access is essential. Other public comment received noted that the NPS is uniquely suited to manage the site since its mission is to protect and interpret America's greatest places, providing access for all.

The Department, after consideration of the findings of the environmental impact statement, the review of responses received on the request for proposals for future use of the Center property, and the fact that the Center property is located within the MNRRRA boundary, has determined that future management authority will be transferred to the National Park Service.

OTHER ALTERNATIVES CONSIDERED

Alternative A: No Action—Retention of the Center by the Federal Government

The Secretary of the Interior is authorized, but not directed, to convey the Center. Accordingly, the Center could have been retained by the federal government. Under the no-action alternative, the conditions as they exist today would continue at the Center. Disposition of the Center to a university or nonfederal government entity would not occur and the Center would continue in caretaker status under control of the federal government. Currently, the public has unrestricted access to the Center property, and under alternative A, this would not change. The buildings would continue to be vacant, except for occasional permitted special use. Maintenance would consist of lawn care, security patrols to ensure the buildings remain locked, inspecting the fence surrounding the site and repairing breaks, maintaining power and phone service for the existing alarm system, and boarding up broken windows. The USFWS is currently responsible for maintenance of the Center. The Center would remain available for future disposal or use by the federal government.

The no-action alternative does not preclude short-term minor repair or improvement activities that would be part of routine maintenance of the Center. No plans currently exist, however, for improvement or renovation of the buildings. The no-action alternative would not include use of the buildings for anything other than short-term, special, permitted use. The no-action alternative was used to compare baseline conditions at the Center with potential impacts that could result from implementing Alternatives B, C and D.

Alternative B: Convey the Center without Conditions to a University or Nonfederal Government Entity

Under alternative B, the Center would be conveyed to a university or nonfederal government entity with no conditions imposed on the future use of the Center or the land, except for those restrictions on use that currently exist for the property and arise out of applicable laws and regulations. Under alternative B, a recipient would have no restrictions on subsequent transfer or sale of the property. Therefore, any future owner under this alternative would be free to

subsequently use, sell, or transfer the Center property to a private entity for use or development. Except for the restrictions on future use outlined in existing federal, state, and local laws and regulations, the actual use or combination of uses of the Center would be determined by the recipient.

Alternative C: Convey the Center with Condition(s) to a University or Nonfederal Government Entity

Alternative C would be the transfer of the Center to a university or nonfederal government entity, however, transfer of the Center would be subject to conditions that would limit the recipient's use of the property or create affirmative obligations to be carried out by the recipient. Examples of restrictions that could be placed on the transfer include building or redevelopment restrictions, restrictions on use of resources, or restrictions on operations or types of uses. Affirmative obligations that may be placed on the transfer include those that create a duty in the recipient to manage or maintain the Center or its resources in a specific way. For example, the federal government could convey with conditions designed to protect natural, historic, cultural resources, or with conditions designed to ensure compliance with various authorities that may apply to the recipient. These examples, however, do not limit the types or subject matter of conditions available for use by the federal government in the actual transfer of the Center. Preservation and protection of Center resources upon transfer could be accomplished by applying restrictions to the transfer agreement or by retaining title to a portion of the property. Methods by which restrictions on use of the Center might be imposed by the transfer agreement include the use of various types of defeasible estates, covenants, or easements, including conservation easements. The legislation that authorizes the disposal of the Center limits the transfer to either a nonfederal government entity or university. Therefore, the federal government would impose conditions on the transfer of the Center based on the types of recipients that could receive the property to reflect the proposed use of the property.

CONCEPTUAL LAND-USE SCENARIOS

Three conceptual land use scenarios were developed to address a range of potential land use development options that may be feasible under alternatives B, C, and D.

The environmental impacts of alternatives B, C, and D depend on how a future owner would use the Center, and on the activities associated with that use. However, neither the future owner nor the future use of the Center could be identified until after the EIS was completed. Therefore, the EIS analyzed the impacts of alternatives B, C, and D in terms of a reasonable range of potential uses of the Center by a future owner under three conceptual land-use scenarios. The conceptual land-use scenarios reflected potential uses of the Center suggested in public comments during the scoping process, and encompass a reasonable range of activities.

Open Space / Park

Under this conceptual scenario, the Center property would be converted to open space and natural areas where the focus would be on restoration and use of the natural environment. The Center property would become a park or be used as open space. This could be accomplished by

removing some or all buildings, structures, and roadways. Nonnative plant species could be identified and removed. Native vegetation could then be planted and the site naturalized to recreate the historic characteristics of an open oak savanna, prairie-type setting. This scenario is part of the Department's preferred alternative.

Interpretive / Nature / History Center

Under this conceptual scenario, some portion of the Center would represent a natural environment, while development and structures would be used in conjunction with the natural environment for learning and interpretation. New structures could be built at the Center, and all or a portion of the existing structures could be demolished. New construction would be limited by applicable federal, state, and local laws and regulations. Most of the existing buildings at the Center have the potential for reuse; however, some are in better condition and more readily lend themselves to reuse. Most of the existing infrastructure is not reusable in its current condition; improvements would be required if reuse is desired.

Training Center / Office Park

Under this conceptual scenario, the focus of the Center would be the built environment and active reuse of the Center. Under this scenario uses could include the total reuse of existing structures, reuse of as few as one building, or all new construction. Most of the existing buildings at the Center have the potential for reuse; however, some are in better condition and more readily lend themselves to reuse. Most of the infrastructure is not reusable in its current condition; improvements would be required. New construction would be limited by applicable federal, state, and local laws and regulations.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The environmentally preferable alternative is defined as the alternative that will promote the national environmental policy as expressed in section 101 of the National Environmental Policy Act. Ordinarily, the environmentally preferable alternative under section 101 is that alternative which causes the least environmental impact to the biological and physical environment. It also means the environmentally preferable alternative may also be that alternative which best protects, preserves and enhances the historic, cultural, and natural resources (Council on Environmental Quality, Forty Questions, 1981.)

The environmentally preferable alternative is Alternative D, Modification of Land, Structures, or Other Improvements by the Federal Government Prior to Conveyance or Retention of the Center, with the Open Space / Park scenario. This alternative best meets the range of national environmental policy goals as stated in NEPA's Section 101. This alternative preserves, enhances and restores important historic, cultural and natural resources; maintains an environment that supports the diversity of public interests and special considerations for the Center property; improves the access for, safety of, and the cultural and aesthetic setting for Center property visitors and; improves the resource's sustainability for future generations.

Alternative A, No Action and retention of the Center by the federal government established a baseline condition for the evaluation of other alternatives. Alternative A is the least

environmentally preferable alternative as it does not adequately address the preservation, enhancement and restoration of important historic, cultural and natural resources.

Alternative B would result in the transfer of the Center property without conditions to a university or nonfederal government entity. Such a transfer would allow the future owner to subsequently use, sell or transfer the Center property to a private entity for use and development. The ability to control the preservation, enhancement and restoration as well as provide public access to a culturally and historically important place would be lost.

Alternative C would allow protections and conditions to be placed on the Center property prior to transfer to a university or nonfederal government entity. The ability to influence the preservation, enhancement and restoration and continued public access to a culturally and historically important property could be maintained. Under such conditions, Alternative C would be more environmentally acceptable; however there would be a limit to the ability of the federal government to control actions taken by subsequent owners based upon the instruments needed to ensure preservation, enhancement and restoration. Those efforts could have been less than successful.

FINDINGS ON IMPAIRMENT OF PARK RESOURCES AND VALUES

The Center property is located within the boundaries of the Mississippi River National River and Recreation Area, a unit of the National Park system. The NPS may not allow the impairment of park resources and values unless directly and specifically provided for by the legislation or proclamation establishing the park. The prohibited impairment would occur when, in the professional judgment of the responsible NPS manager, the integrity of park resources or values would be harmed. Any effect on a resource or value could be an impairment, but impairment would be most likely if it would result in a major or severe adverse effect on a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park,
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified as a goal in the park's general management plan or other relevant NPS planning documents as being of significance (*NPS Management Policies 2006*, section 1.4.5)

This policy does not prohibit all impacts to park resources and values. The NPS has the discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impacts do not constitute an impairment. Moreover, "an impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated" (*NPS Management Policies 2006*, section 1.4.5).

While the eleven buildings and related structures of the Center are contributing elements of the U.S. Bureau of Mines Center Historic District and the selected action calls for modification or removal of some or all of the structures, an analysis of the threshold impacts for context, intensity and duration indicate that the removal or modification of the buildings and structures is necessary to preserve, enhance and restore the integrity of the attendant cultural and natural resource values of Center property as outlined in the Final EIS.

After analyzing the environmental impacts described in the Final EIS for the disposition of the Center and public comments received, the NPS has determined that implementation of the selected action alternative will not constitute an impairment to MNRRRA resources and values.

MEASURES TO MINIMIZE ENVIRONMENTAL HARM

Three historic districts and a national historic landmark overlap on the Center property. The NPS has coordinated and is completing the process to comply with Section 106 requirements of the National Historic Preservation Act (NHPA). The resulting Memorandum of Agreement (MOA) will address the documentation and data collection for the removal or modification of some or all of the Center buildings and structures. Protection measures to avoid and minimize impacts to other cultural and historical resources such as Coldwater Spring and reservoir during restoration of the Center property under the selected action are also addressed in the MOA.

The NPS will adhere to all policies and applicable federal laws and regulations, recommended best management practices during removal or modification of the Center buildings and structures and during the subsequent land restoration to an open space / park. Additionally, state and local laws, regulations and policies that are directly applicable to NPS actions will be followed, especially if by doing so, it will result in outcomes appropriate to implementing the selected action in environmentally appropriate manner. Specific measures and actions to avoid and minimize the environmental impacts as identified in the Final EIS associated with implementing the selected action will be addressed in a subsequent Center site development plan.

PUBLIC AND AGENCY INVOLVEMENT

The Final EIS incorporates the input and ideas presented by American Indian tribes, the public, the NPS, and other federal, state, and local governments. Consultation and coordination among the tribes, agencies, and the public were vitally important throughout the planning process.

Public Meetings and Outreach

Public meetings and newsletters were used to keep the public informed and involved in the planning process for the park. A postal mailing list and an email notification list was compiled consisting of American Indian tribes, governmental agencies, nongovernmental organizations, businesses, legislators, local governments, and interested citizens.

EIS Scoping and Public Involvement

A notice of intent to prepare an environmental impact statement was published in the *Federal Register* on January 28, 2005 and on the MNRRA website. News releases, mailings and website notices were used to announce the public scoping meetings. Meetings were held on March 30 and 31, 2005 and were attended by over 70 people and 107 comments were received during the public scoping period. A written report on the results of the public scoping comments received was issued in July 2005.

Draft EIS and Public Involvement

Preparation for data collection, analysis and alternative formation to complete a draft EIS on the Center property began in April 2005. A consultant assisted the NPS in managing the workload and producing a draft document. A draft EIS was completed in July 2006 with a Notice of Availability published in the *Federal Register* on August 23, 2006. Public open house meetings on the draft EIS were held on September 24 and 25, 2006. Requests to extend the 30 day official comment period, set to expire on October 24, 2006, were made by the Shakopee Mdewakanton Sioux Community and other interested parties. The NPS notified the U.S. Environmental Protection Agency that the comment period would be extended 30 days through November 27, 2006. At the close of the official comment period, a total of 509 responses on the draft EIS were received via oral comments, written letters, email and through the NPS Planning, Environment, and Public Comment (PEPC) internet-based system. Respondents provided comment on future management authorities, addressing impacts to cultural and historical resources, interpretation of the site's history, and restoration of the site to more natural conditions, as well as pointing out factual errors and short-comings of the draft EIS. A comment analysis report was compiled in January 2007 which summarized and categorized all public comment received on the draft EIS.

Request for Proposals for Transfer of the Center Property

The Notice of Availability in the *Federal Register* for the draft EIS also solicited written proposals for the future use of the Center property. Public Law 104-134 addressed the disposition of Bureau of Mines properties across the United States and included provisions which would allow the transfer of the Center property to a state, local or tribal government or university entity. State, local and tribal governments and universities within the immediate Center region were notified by letter.

At the close of the comment period, six written proposals from qualified entities were received for the transfer of the Center property. Responding were the USFWS, the Minnesota Department of Natural Resources, the Lower Sioux Indian Community, the Prairie Island Indian Community, the Shakopee Mdewakanton Sioux Community, and the Minnehaha Creek Watershed District

Coordination with Federally Recognized Indian Tribes

Coordinating with interested federally-recognized American Indian tribes was an on-going effort throughout the EIS process. A total of 20 federally-recognized American Indian tribes have been contacted. The four recognized tribes in Minnesota, the Lower Sioux Indian Community, the

Prairie Island Indian Community, the Shakopee Mdewakanton Sioux Community, and the Upper Sioux Indian Community, have been the most active in expressing their interests in the Center property.

Ethnography

An ethnographic resources study was conducted at the Center to document tribal use and perceptions of the Center, and to assess whether Camp Coldwater Spring constituted a Traditional Cultural Property under NHPA section 106 (16 U.S.C. 470f) or a sacred site under Executive Order 13007. The study consisted of consultation, archival research, and interviews. Consultation specific to this study was conducted with the four federally-recognized Dakota communities in Minnesota--Lower Sioux Indian Community, Prairie Island Indian Community, Shakopee Mdewakanton Sioux Community, and Upper Sioux Indian Community. In addition, other tribes that participated in the study included the Sisseton-Wahpeton Sioux Tribe and the White Earth Band of Chippewa. Twenty three individuals were interviewed for the study including 11 official federally-recognized tribal representatives, seven key cultural experts (six Dakota and one Ojibwe), and five others with knowledge of the history and past use of the Center.

Cultural Resources Consultation and Section 106

The NPS used comments received at or as a result of an open house held on February 23, 2009 to write a Memorandum of Agreement (MOA). The NPS then circulated the MOA to all the consulting parties for their review and comment. The NPS provided comments from the public meeting and on the MOA to the Minnesota SHPO and met with the SHPO to discuss further revisions to the MOA. The final version of the MOA reflects this consultation process. The MOA incorporates the selected action that the Center property is retained by the federal government and managed by the NPS as a unit of the MNRRA.

Endangered or Threatened Species Consultation

In accordance with section 7 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*), the NPS contacted the USFWS by letter on April 21, 2005 to initiate informal consultation. A response letter, dated June 8, 2005, was received stating that: "...Because of the location and type of activity proposed, we concur with your determination that this project is not likely to adversely affect any federally listed or proposed threatened or endangered species or their critical habitat."

Wetlands and Floodplains Consultation

In June 2005, wetlands on the Center site were delineated using the routine methodology described in the U.S. Army Corps of Engineers *Wetlands Delineation Manual* (USACE 1987). A panel of 18 technical experts in wetlands delineation conducted onsite field review of the delineation. In June 2005, the USACE responded to the NPS confirming the wetlands report performed at the Center site. However, nothing has been accomplished as yet in terms of consideration of impact mitigation to wetlands since the owner of the property was not determined until this time. Additional work may be necessary to prevent or mitigate impacts to

the wetlands on the property, and that work will be accomplished within the site development plan.

Final EIS and Public Involvement

The Notice of Availability for the Final EIS was published in the Federal Register on December 11, 2009, and the 30-day no action period ended on January 11, 2010. Public comment received during the no-action period were similar to those expressed during the review and comment period for the Draft EIS and those received during the open house meeting addressing Section 106 and the preferred alternative.

CONCLUSION

The Department has selected the preferred alternative, Alternative D, Modification of Land, Structures, or Other Improvements by the Federal Government Prior to Conveyance or Retention of the Center, with the land use scenario Open Space / Park, for the final disposition of the Center property, as described in the Final EIS. In addition, the Department has determined that the future management authority will be transferred to the National Park Service. The selected alternative represents the alternative that best meets national environmental policy goals (environmentally preferable), Department and NPS policy and management objectives, and balances the public interest in the Center property. The selected alternative will not result in the impairment of resources and values as defined by NPS policy.

Approved: Ernest Quintana Date: 1-15-2010
Ernest Quintana
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