

CHAPTER 1: PURPOSE AND NEED

INTRODUCTION

This draft environmental impact statement (EIS) was prepared for the proposed disposition of the U.S. Bureau of Mines Twin Cities Research Center Main Campus (Center), in accordance with the National Environmental Policy Act of 1969, Public Law (Pub. L.) 93-205, 87 Stat. 884, 16 *United States Code* (U.S.C.) § 4321 *et seq.* (NEPA); regulations of the Council on Environmental Quality (CEQ) 40 *Code of Federal Regulations* [C.F.R.] 1500 *et seq.*, and the National Historic Preservation Act, as amended, Pub. L. 89-665, 80 Stat. 915, 16 U.S.C. § 470 *et seq.*; and 36 C.F.R. 18, 60, 61, 63, 68, 79, 800 (NHPA). The Center lies within the boundaries of the Mississippi National River and Recreation Area (MNRRA). The National Park Service (NPS) is the lead agency for this draft EIS.

This chapter addresses the following topics:

- Background on the Center
- Authority for Disposition of the Center
- Purpose and Need
- Previous Planning Efforts
- Relationship with Other Laws, Regulations, and Planning Documents
- Scoping
- Issues and Impacts Topics

Subsequent chapters of this draft EIS discuss the proposed action and alternatives, including the no-action alternative, affected environment, environmental consequences associated with each alternative, a list of preparers of this document, and references used.

BACKGROUND ON THE CENTER

The 27.32-acre area of the Center is located within the boundaries of the historic Fort Snelling Military Reservation in Hennepin County, Minnesota. The Center is within the congressionally designated 72-mile boundary of the MNRRA, a unit of the national park system. The property consists of a partially wooded area adjacent to Fort Snelling State Park near the intersection of State Highways (SH) 62 and 55 (Hiawatha Avenue) in the Twin Cities metropolitan area (figure 1). The day-to-day management responsibility for the Center has been assumed by the U.S. Fish and Wildlife Service (USFWS).

Activities of the U.S. Bureau of Mines (USBM) in the Twin Cities area began in 1915 with congressional authorization for a metallurgical research station (known as the Lake Superior Station) located on the University of Minnesota main campus. In 1949, the Veterans Administration agreed to transfer 43 acres of land under their jurisdiction to the USBM. The land was subsequently transferred through the 1951 General Appropriations Act (Pub. L. No. 759, 64 Stat. 595, 1950) (Ollendorf and Godfrey 1996). The original intent of this acquisition was to erect a new storage facility for cores drilled by the USBM and private companies in their assessments of mineral deposits, primarily in the north-central part of the country. The storage facility was erected in 1949, and became the first building constructed on lands that would later become the Center (figure 2). Between 1949 and 1953, three more buildings were erected on the site. In late 1957, Congress appropriated funds to the USBM to design and construct a new research center to consolidate the research efforts of the Lake Superior region. The construction efforts included the addition of three more buildings, which were completed by 1959. The completion of these buildings consolidated USBM activities in the Twin Cities area in one location with approximately 100 employees. The Center eventually employed up to 200 people and included 11 buildings (figure 3). The Center was consolidated to approximately 27 acres as a result of several land transfers with the Veterans Administration and the Minnesota Department of Natural Resources.

By the beginning of the 1990s, the Center was on the cutting edge of modern minerals technology. However, in 1994 the USBM proposed a major reorganization in response to an initiative from the Clinton administration to review the efficiency of federal agencies. The reorganization would have closed all but four USBM research facilities. The Center was one of four to remain open, but its focus would change from mining technology to environmental technology or research into measures to protect the environment during and after mining activities. Before this reorganization could be implemented, Congress abolished the USBM. President Clinton signed the Balanced Budget Downpayment Act I, dated January 26, 1996 (Pub. L. No. 104-99, 110 Stat. 26) (Thomas 2005), which terminated funding for the USBM. Three months later, the Center permanently closed.



Background Image: Digital Orthophoto, 2003, National Agricultural Imagery Program (NAIP), U.S. Department of Agriculture (USDA)
Boundary Data: MNRRA 2005

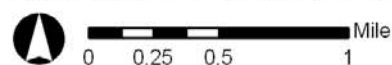


FIGURE 1: GENERAL LOCATION MAP



From U.S. Bureau of Mines Archives, date unknown

FIGURE 2: HISTORIC PHOTO OF FIRST BUILDING CONSTRUCTED AT THE CENTER

Upon closing the Center, administration of the property remained with the U.S. Department of the Interior (USDI) under the USBM closure legislation (Pub. L. No. 104-134 [1996]). The Metropolitan Airports Commission (MAC) considered purchasing the Center, but withdrew from the negotiations in October 2001. Since that time, the USDI considered reuse of the site and buildings as an office complex for its bureaus and offices, but concluded this proposal was not economically viable. The property has been vacant since 1996, except for occasional temporary use by other agencies or organizations.



FIGURE 3: GENERAL SITE MAP OF THE CENTER (WITH BUILDING LOCATIONS)

AUTHORITY FOR DISPOSITION OF THE CENTER

CENTER CONVEYANCE

Three federal appropriations acts authorize conveyance of the Center to any university or government entity deemed appropriate by the Secretary of the Interior (appendix A).

The U.S. Department of the Interior and Related Agencies Appropriations Act of 1996, Pub. L. No. 104-134 (1996), provides for the conveyance of certain USBM facilities to specific entities and concluded that section by stating

That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska, to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to the University of Alabama; in Rolla, Missouri, to the University of Missouri-Rolla; and in other localities to such university or government entities as the Secretary deems appropriate [emphasis added].

The Omnibus Consolidated Appropriations Act, Pub. L. No. 104-208 § 123 (1996), modifies the language to include the word “hereafter” after the word “authorized.”

The U.S. Department of the Interior and Related Agencies Appropriation Act of 2000, Pub. L. No. 106-113, gives the Secretary of the Interior authority to accept financial remuneration for the disposition of the Center and to distribute such funds to the MNRRA and the National Wildlife Refuge System for the benefit of their respective activities within the state of Minnesota, and in accordance with their legislative authorities. The language, contained in appendix C of the legislation, states

SEC. 140. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696: 16 U.S.C. 460zz.

Pub. L. No. 100-696, 16 U.S.C. 460zz, is the legislation that established the MNRRA. The information presented in this draft EIS is not intended to limit other available property disposal authorities available to the Secretary.

PLANNING PROCESS

To encourage and support the USDI disposition process, Congress included language and funding in the 2003 USDI appropriations bill (H.R. Rep. No. 107-564, p. 56 [2002]) for the National Park Service to lead the public planning process for disposition of the Center (appendix A).

The Committee has included \$750,000 in the planning portion of the Service's construction budget for the National Park Service to lead a public planning process associated with disposition of the former Twin Cities Bureau of Mines Research Center. After lengthy discussions with the Department of the Interior, the Metropolitan Airports Commission decided against acquiring the Center. The Committee is informed that the Department of the Interior has concluded that reuse of the center as an office complex for its bureaus and offices is not economically viable. The Committee agrees with this conclusion and with the decision of the Department to examine other options, including returning the site to natural conditions.

The Committee understands that while the responsibility for the site rests with the Secretary of the Interior, the National Park Service participated extensively and effectively in prior public efforts to determine the potential future uses of the site. The funds provided will allow the National Park Service to oversee the necessary studies and reviews associated with the potential disposal of Federal property. The Service should use the funds provided to obtain the necessary assistance for the studies and reviews, including contracting for services as appropriate.

Other Department of the Interior bureaus, including the U.S. Fish and Wildlife Service, should provide such assistance as is necessary to facilitate the Service's accomplishment of this work. The Committee does not intend for the Service's oversight of this process to disrupt or interfere with the ongoing operations at the Mississippi National River and Recreation Area (MNRRA), and thus provides the resources necessary to accomplish this workload.

While the Park Service is being asked to coordinate the process, it is imperative that other public interests, including the U.S. Fish and Wildlife Service and local and state governments, participate in the public review and comment periods. By requesting the Park Service to lead this process, it is not the Committee's intention that the site be transferred to MNRRA. The Committee understands that this option is inconsistent with MNRRA's comprehensive management plan.

COOPERATING AGENCIES

The National Park Service is the lead agency for this EIS, in cooperation with the USFWS. A memorandum of agreement (MOA) between the National Park Service and the USFWS was

signed in 2004 (appendix B). The MOA outlines roles and responsibilities for each agency in preparation of the EIS and an ensuing record of decision on the proposed disposition of the Center.

DECISION-MAKING PROCESS

While the National Park Service is authorized to conduct a public planning process for disposition of the Center, it does not have authority for actual conveyance of the Center. After the National Park Service completes the NEPA planning and environmental review process, it will then provide the final EIS to senior management at the USDI. The decision on the disposition of the Center will be made by the Secretary of the Interior, or his designee.

PURPOSE AND NEED

The proposed action is to dispose of the Center in accordance with authority provided by Congress in legislation addressing the closure of the Center. This authority is contained, in part, in the Department of the Interior and Related Agencies Appropriations Act of 1996, Pub. L. No. 104-134 (1996), which provides the Secretary of the Interior with authority to convey the Center directly to a university or government entity as the Secretary deems appropriate. The Secretary's overall authority for disposition of the Center under this EIS, however, should not be construed as being limited to the Department of the Interior and Related Agencies Appropriations Act of 1996, Pub. L. No. 104-134.

The proposed action is needed because the Center permanently closed after Congress abolished the USBM by enacting the Balanced Budget Downpayment Act I, dated January 26, 1996 (Pub. L. No. 104-99, 110 Stat. 26) (Thomas 2005). This authority terminated funding for the USBM.

PREVIOUS PLANNING EFFORTS

In 2000, the 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 their proposal in October 2001.

In 2002, the USDI evaluated the cost to renovate the Center for use as a central campus for all USDI agencies and operations in the Twin Cities area, to be known as the USDI Midwest Campus. The 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 USDI determined the project was cost prohibitive and declined to move forward.

In addition to proposals that specifically addressed the Center, planning for the realignment of SH 55 / Hiawatha Avenue in the vicinity of SH 62 brought attention to potential impacts on the flow and water quality of Camp Coldwater Spring as a result of the highway construction. An EIS for the reconstruction of SH 55 / Hiawatha Avenue from SH 62 to Interstate 94 was issued by the Minnesota Department of Transportation (MnDOT) in 1985, with construction beginning in 1988. Work on the section between East 54th Avenue and SH 62 began in 1998. Public concerns were expressed regarding the potential of highway work to occur within 500 feet of Camp Coldwater Spring. Minnesota Senate File (S.F.) 2049 was passed to protect flow to and from the spring (refer to the following section for additional details on this legislation). The SH 55 / Hiawatha Avenue realignment opened to traffic in October 2000 (MnDOT 2000).

RELATIONSHIP WITH OTHER LAWS, REGULATIONS, AND PLANNING DOCUMENTS

Following disposition of the Center, the future recipient would comply with applicable laws and regulations, including those related to protection of air quality, water quality, and wetlands. Applicable authorities typically would not preclude uses of the Center lands, but rather would require mitigative measures. There are several key authorities and planning documents that could preclude certain types of activities, development, or uses of the Center. These authorities and planning documents are discussed below.

MISSISSIPPI RIVER CORRIDOR CRITICAL AREA (CRITICAL AREAS ACT OF 1973, EXECUTIVE ORDER 79-19, INTERIM DEVELOPMENT REGULATIONS)

The Critical Areas Act of 1973 (Minn. Stat. § 116G.01) was enacted by the Minnesota legislature to provide the state with a means to protect areas possessing important historical, cultural, or aesthetic values, or natural systems that perform functions of greater than local significance. The legislature found that the development of such areas could result in irreversible damage to these resources, decrease their value and utility for public purposes, or unreasonably endanger life and property. The act authorized the governor to establish a state “critical area” to provide protection of these special areas by means of an executive order.

The geographic area that in 1988 would become the federal MNRRA was previously designated as the state Mississippi River Corridor Critical Area (Critical Area) in 1976 by executive order of the governor. The order was renewed in 1979, and made permanent that same year by the Metropolitan Council. Purposes of designating the Mississippi River corridor as a state critical area include:

- protecting and preserving a unique and valuable state and regional resource for the benefit of the health, safety, and welfare of the citizens for the state, region, and nation
- preventing and mitigating irreversible damage to this resource
- preserving and enhancing its natural, aesthetic, cultural, and historical value for public use
- protecting and preserving the river as an essential element in the national, state, and regional transportation, sewer and water, and recreational systems
- protecting and preserving the biological and ecological functions of the corridor

In 1991, the Minnesota legislature reinforced the state’s interest in protecting the river corridor by designating the MNRRA as a state critical area. Local units of government and regional agencies are required to adopt critical area plans and regulations that comply with Executive Order 79-19. The standards in Executive Order 79-19, as well as Minnesota statutes

and Minnesota rules, are required to be followed by all local units of government in the corridor when preparing or modifying plans and regulations. Critical area standards and guidelines include, but are not limited to: protecting aesthetic qualities; preserving riverbanks, bluffs, and scenic overlooks in their natural state; and minimizing interference with views of and from the river.

The Critical Area contains four land-use districts and the Center is located within the Urban Open Space District. The executive order states this district “. . .shall be managed to conserve and protect the existing and potential recreational, scenic, natural, and historic resources and uses. . . for the use and enjoyment of the surrounding region.”

Local units of government and regional and state agencies shall permit development in the corridor only in accordance with adopted plans and regulations or the interim development regulations that are found within the executive order. Because the Center does not lie within any municipality, the local government responsible for enforcing Critical Area standards for the site is Hennepin County. All lands within the Critical Area under Hennepin County’s jurisdiction are state or federally owned, so the state has never required the county to adopt a critical area ordinance. As a result, the executive order’s interim development regulations would have jurisdiction over future land uses by any nonfederal owner. Because the MNRRA comprehensive management plan (CMP) embraces the executive order, and the MNRRA enabling legislation provides a framework for federal undertakings to achieve conformance with the MNRRA plan, the interim development regulations would also influence any future federal agency that may manage the Center.

The interim development regulations would allow a variety of uses of the Center. Site disturbance would be limited, and slopes over 18% would have to be left in a natural state. Any new structures would need to be set back 40 feet from the top of all slopes over 18%, and any new structures could not exceed 35 feet in height.

MNRRA ENABLING LEGISLATION AND THE MNRRA COMPREHENSIVE MANAGEMENT PLAN

As previously discussed, the Center is located entirely within the MNRRA. On November 18, 1988, Pub. L. 100-696, 16 U.S.C. 460zz, established the MNRRA as a unit of the national park system to:

- Protect, preserve, and enhance the significant values of the waters and land of the Mississippi River corridor within the St. Paul-Minneapolis metropolitan area.
- Encourage adequate coordination of all governmental programs affecting the land and water resources of the Mississippi River corridor.
- Provide a management framework to assist the state of Minnesota and its units of local government in the development and implementation of integrated resource management programs for the Mississippi River corridor in order to assure orderly

public and private development in the area consistent with the findings of the MNRRA legislation (appendix C).

The MNRRA includes 72 miles of the Mississippi River and 4 miles of the Minnesota River. It encompasses approximately 54,000 acres of public and private land and water in five Minnesota counties stretching from the cities of Dayton and Ramsey to just south of Hastings. Unlike many units of the national park system that have extensive federal land ownership, the MNRRA owns and directly manages less than 50 acres within its administrative boundary. Congress charged the Secretary of the Interior, through the MNRRA, with coordinating the efforts of federal, state, and local governments to keep this 72-mile section of the Mississippi River corridor in good condition and enhance its resources (NPS 1995).

The MNRRA enabling legislation required that a comprehensive plan for land and water use measures for the area be developed that was to be implemented by the responsible federal agencies, the state of Minnesota, and local political subdivisions. The plan was to include, but not be limited to, the following:

- a program for management of existing and future land and water use
- a program providing for coordinated implementation and administration of the plan with proposed assignment of responsibilities to the appropriate governmental unit at the federal, state, regional, and local levels
- a coordination and consistency component that details the ways in which local, state, and federal programs and policies may best be coordinated to promote the purposes of the MNRRA
- a program for the coordination and consolidation, to the extent feasible, of permits that may be required by federal, state, and local agencies having jurisdiction over land and water within the area

To satisfy this mandate, the MNRRA CMP was completed in 1994 and signed by the Secretary of the Interior in 1995 (NPS 1995).

Under the CMP, protection of scenic and natural resource values is largely the responsibility of local government partners through special zoning controls. In the same geographic area that would later become the MNRRA corridor, the state of Minnesota has had special land-use rules in effect since 1976. Where a state critical area is designated, the Critical Areas Act of 1973 requires affected local governments to prepare plans and ordinances consistent with certain standards. Compliance with the Critical Area standards is the first line of protection for the MNRRA under the CMP; therefore, the National Park Service believes that any future use of the Center should comply with those requirements. In addition to compliance with the Critical Area standards, the CMP contains a number of policy statements that could affect reuse of the Center, depending on the type of use proposed.

Land ownership and management by the National Park Service is addressed in the CMP. The MNRRA is a partnership park in a largely developed urban area and, as such, the CMP does not anticipate the National Park Service becoming a major landowner. The CMP anticipates acquisition that would be limited to a site for an education center adjacent to Lilydale-Harriet Island Regional Park. Under certain conditions and subject to congressional appropriation, the MNRRA enabling legislation provides the Secretary of the Interior with condemnation authority in order to protect an important sensitive area threatened with irretrievable loss. There is also provision in the CMP for the National Park Service to receive land donated by a unit of government, although the CMP anticipates that the National Park Service would never own more than 50 acres in the entire corridor, including the minimal acreage it now owns.

Because it is not the intent of the National Park Service to acquire land, the CMP embraces the Critical Area's land-use controls as the primary means of protecting resources within the MNRRA. However, it is important to note that the National Park Service has no approval authority for specific land-use decisions in the MNRRA, except on the small amount of federally owned property that it directly manages. The MNRRA CMP states:

[The Comprehensive Management Plan] is not a regulatory document and does not mandate actions by non-NPS entities. The National Park Service and the commission do not have approval authority over local plans and ordinances, and they do not have authority to approve or deny project-specific land use decisions. The MNRRA legislation specifies that NPS regulatory authority in the Code of Federal Regulations, 36 C.F.R., only applies to lands that the National Park Service owns—envisioned in this plan to be less than 50 acres (NPS 1995).

According to the CMP, the National Park Service is the primary advocate for national interests within the corridor and has mandated review responsibility for federally funded or permitted activities.

MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT (WOLD-CHAMBERLAIN FIELD) ZONING ORDINANCE (AIRPORT ZONING ORDINANCE)

The Wold-Chamberlain Field Joint Zoning Board adopted an airport zoning ordinance in January 1984, and subsequently restated and amended said ordinance on April 29, 2004. The airport zoning ordinance was adopted pursuant to the authority of Minnesota law (Minn. Stat. § 360.061–360.074). The purpose of the airport zoning ordinance is to establish a mechanism for prevention of creation or establishment of airport hazards and for elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards. The Joint Zoning Board that amended the airport zoning ordinance in 2004 was comprised of representatives of municipalities containing airport hazard areas in the vicinity of the Minneapolis-St. Paul International Airport. These municipalities include the MAC, which owns the airport; Hennepin County; and the cities of Eagan, Mendota, Mendota Heights, Richfield, Bloomington, Minneapolis, and St. Paul.

The airport zoning ordinance was established by the Joint Zoning Board with oversight from the MnDOT, Office of Aeronautics and Aviation. The Office of Aeronautics and Aviation is

charged with, among other things, ensuring that local airport zoning ordinances comply with Minnesota laws and regulations regarding airport zoning. The Office of Aeronautics and Aviation is also responsible for general oversight of zoning ordinance enforcement and review of variances to airport zoning ordinances. Local enforcement of airport zoning ordinances is accomplished through airport zoning administrators.

Airport zoning, as presented in the airport zoning ordinance, includes airspace obstruction zoning, land-use safety zoning, and permitting requirements, including maximum allowable height restrictions that do not require a permit.

Airspace Obstruction Zone

The airspace obstruction zone identifies airspace lying beneath precision instrument approach zones for each runway, and the height at which this approach zone projects outward from the runway. The airspace obstruction zoning indicates that “except as otherwise provided in this MSP Zoning Ordinance, and except as necessary and incidental to Airport operations, no new Structure shall be constructed or established; no existing Structure shall be altered, repaired, replaced, or replanted in any Airspace Zone so as to project above any Airspace Surface. Nor shall any equipment used to accomplish any of the foregoing activities be allowed to project above any Airspace Surface. Where a Lot is beneath more than one Airspace Surface, the height of the more restrictive (lower) Airspace Surface shall control ”(JZB 2004).

The Joint Zoning Board has imposed special airport zoning that affects areas near the airport, including all property of the Center. An airspace obstruction zone (figure 4) limits the topographic elevation of the highest point of structures erected in areas off the ends of a runway on a gradually rising plane; the farther a site is from the runway, the taller new structures could be. The entire Center is affected by this structure height standard, which would limit new structures on Center property to an elevation of no more than approximately 872 feet at the highest point of the building. This translates to limiting new building construction to no greater than 40 to 60 feet in height, depending on the existing topography.

Land-use Safety Zoning

There are also three safety zones that affect land use; their application to the Center is displayed in figure 5. Safety Zone A is the most restrictive and allows no new structures or trees. Safety Zone B allows new structures, but limits their use; a lengthy list of land uses are prohibited, including residential use. Safety Zone C allows all types of land use, but prohibits uses that create or cause interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between airport and aircraft. Zone C also prohibits uses that make it difficult for pilots to distinguish between airport lights and other lights; that result in glare in the eyes of pilots using the airport; that impair the visibility in the vicinity of the airport; or otherwise endangers landings, take offs, or maneuvering the aircraft.

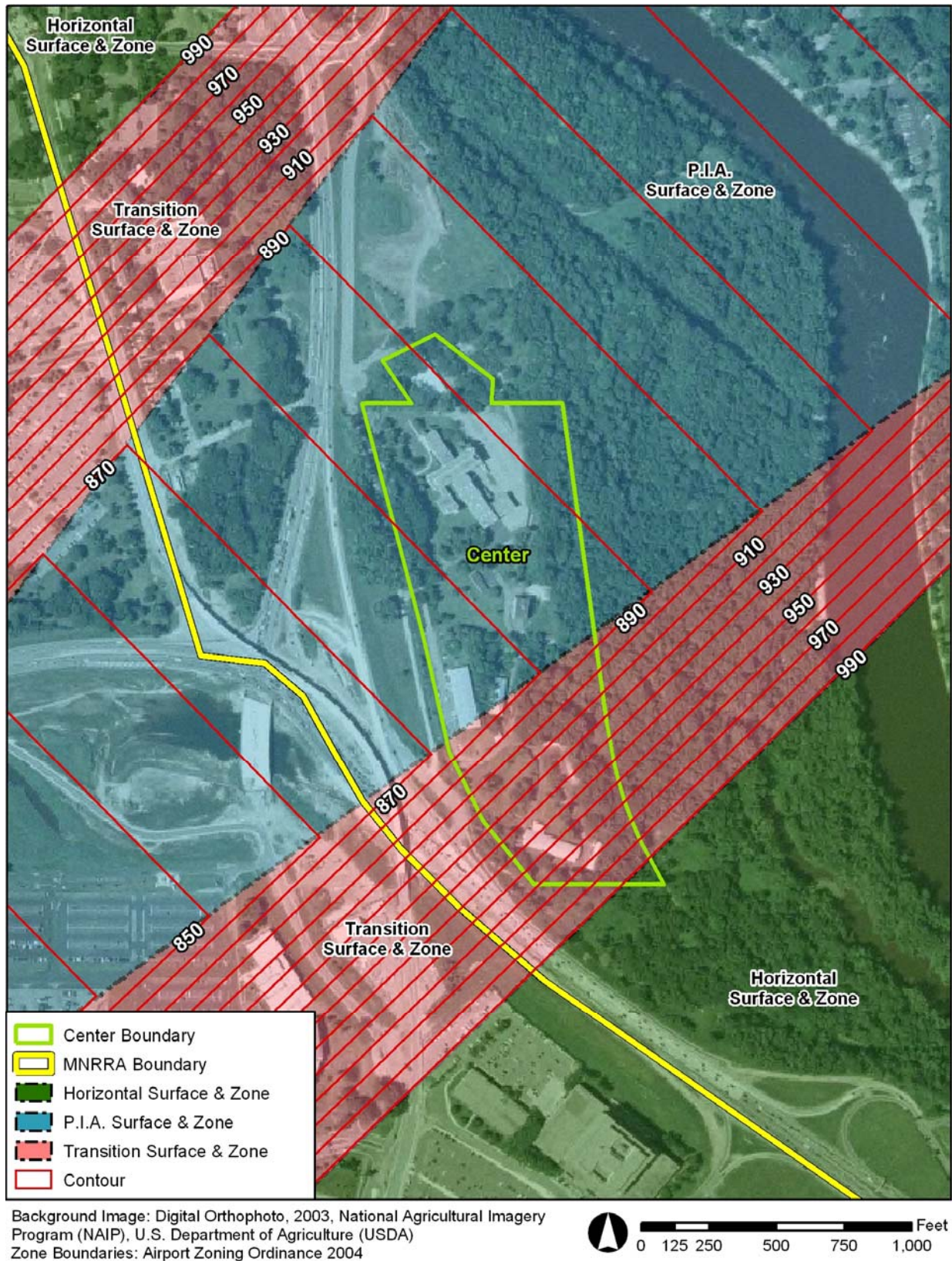


FIGURE 4: MAXIMUM BUILDING ELEVATIONS

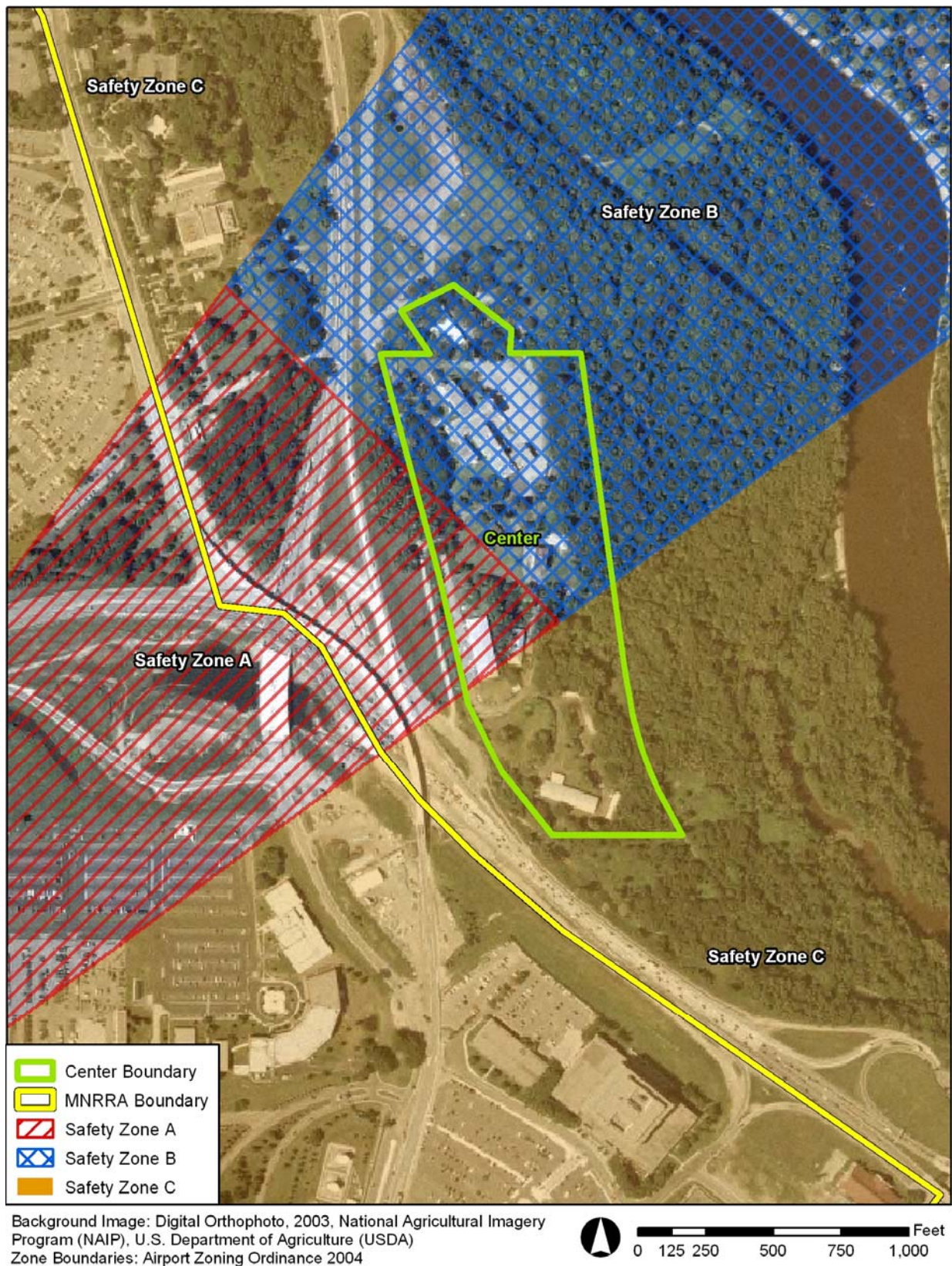


FIGURE 5: AIRPORT SAFETY ZONES

Permitting Requirements

Any future landowner would be subject to airport zoning requirements for activities that may occur within the airport safety zones. According to the airport zoning ordinance, an airport zoning permit may not be required for new structures to be built or otherwise established, or for existing structures to be altered, changed, rebuilt, or replaced, if the highest point on the structure or on any equipment used to accomplish any of these activities, whichever is higher, measured in feet from curb level or from natural grade at a point 10 feet away from the front center of the structure, whichever is lower, does not exceed the maximum construction height aboveground. However, any activities not consistent with these conditions may require an airport zoning permit. Therefore, any future owner of the Center would have to comply with all applicable airport zoning ordinance and permit requirements. Figure 6 illustrates the maximum construction heights for the Center and vicinity.

Airport Zoning and the Center

The various buildings located within the Center boundary are identified in figure 3. Buildings 4 and 11 are located in the area of the Center that falls in Safety Zone A.

The airport zoning ordinance parallels the Federal Aviation Administration's (FAA) authority and rules designed to prevent obstructions to the navigable airspace around the airport runways. The FAA rules found in 14 C.F.R. part 77, "Objects Affecting Navigable Airspace," require the proponent of certain construction or alteration projects to first notify the FAA administrator. The notice requirements are applicable to certain proposed projects that would be certain distances from the ends of runways, and that extend a certain distance into the air. Specific requirements for notice are enumerated in 14 C.F.R. part 77. Any future owner of the Center must comply with the FAA notice requirements prior to beginning any alteration or construction project that may fall under FAA review authority. The FAA notice rules would apply to any owner of the Center, whether federal, state, or private. Any future owner would need to coordinate any proposed use or construction and acquire permits deemed necessary with the authorities having jurisdiction over the airport and air space.

Buildings 1, 2, 3, and 9 are located in Safety Zone B. Building 1 is the tallest building on the Center with an approximate height of 59.5 feet. The penthouse roof beam of Building 1 is at an elevation of 860 feet (USFWS). The most restrictive airspace surface over the Center is the precision instrument approach surface (see figure 4). The lowest contour over the Center is between 870 and 880 feet above sea level. Therefore, Building 1 appears to conform to the requirements of the airspace obstruction zone because it is less than 870 feet in elevation. However, the maximum construction height without a permit for the majority of the Center is 30 feet; therefore, an airport zoning permit may be required for Building 1 prior to any alteration or addition.



FIGURE 6: MAXIMUM CONSTRUCTION HEIGHT WITHOUT PERMIT UNDER AIRPORT ZONING ORDINANCE

Building 2 is approximately 38 feet high. The ground elevation for other buildings in the vicinity of Building 2 is approximately 800 feet. Therefore, the top of Building 2 is at an elevation of 838 feet above sea level. Building 2 is well below the precision instrument approach surface, and therefore appears to conform to the airspace obstruction zone requirements. However, Building 2 appears to exceed the maximum construction height of 30 feet and, as such, may require a permit prior to being altered, changed, rebuilt, repaired, or replaced.

Buildings 3 and 9 are single-story structures with heights well below the precision instrument approach surface and, therefore appear to conform to the requirements of the airspace obstruction zone. Building 3 is not greater than 30 feet high and would not require a permit for any additions or renovations as long as the height of the structure is not increased above the precision instrument approach surface. Building 9 is located in an area of the Center where the maximum construction height is 60 feet, and as a single-story structure, is well below the requirement for a permit for additions or renovations.

Buildings 5, 6, 7, 8, 9, and 10 are not located in any identified safety zone; however, they are in the airspace obstruction zone identified as the transition zone. The lowest contour of transition surface over the southern third of the Center is approximately 872 feet above sea level. These buildings are all approximately one story, and with a ground elevation of approximately 800 feet, all conform to airspace obstruction zone requirements. The maximum construction height for this area is 30 feet. All of the buildings are less than 30 feet high and, therefore, do not exceed the maximum construction height. Consequently, it appears that a permit would not be required for additions or renovations to these buildings.

CAMP COLDWATER SPRING PROTECTION LEGISLATION – MINNESOTA SENATE FILE 2049 AND MINNESOTA HISTORIC SITES ACT

The state of Minnesota enacted legislation in 2001 to protect the flow of groundwater to and from Camp Coldwater Spring. The legislation, sometimes referred to as S.F. 2049, dated May 15, 2001 (2001 Minn. Sess. L. Serv. ch. 101), states:

Neither the state, nor a unit of metropolitan government, nor a political subdivision of the state may take any action that may diminish the flow of water to or from Camp Coldwater Springs [sic]. All projects must be reviewed under the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act with regard to the flow of water to or from Camp Coldwater Springs [sic].

Camp Coldwater is designated as a state historic site under the Minnesota Historic Sites Act, Minn. Stat. §§ 138.661 – 138.669 (see § 138.662, subdivision 6). The state, state departments, agencies, and political subdivisions, including the Board of Regents of the University of Minnesota, have a responsibility under the Minnesota Historic Sites Act to protect the physical features and historic character of properties designated under either the Minnesota Historic Sites Act or the NHPA. The duty of state entities to protect the physical features and historic character of state or federally designated historic properties is outlined in the Minnesota Historic Sites Act as follows:

Before carrying out any undertaking that will affect designated or listed properties, or funding or licensing an undertaking by other parties, the state department or agency shall consult with the Minnesota Historical Society pursuant to the society's established procedures to determine appropriate treatments and to seek ways to avoid and mitigate any adverse effects on designated or listed properties (Minn. Stat. §§ 138.665, Subd. 2).

As a result of the Camp Coldwater Spring groundwater flow protection afforded by S.F. 2049, and the designation of Camp Coldwater under the Minnesota Historic Sites Act, any Minnesota state government entity that were to receive the Center would be required to consult with the Minnesota State Historic Preservation Office (SHPO) prior to any undertakings that would affect Camp Coldwater, as defined by the Minnesota State Historic Sites Act, and associated physical features, such as the spring.

NATIONAL HISTORIC PRESERVATION ACT

The NHPA (Pub. L. No. 102-575, 16 U.S.C. 470) (NHPA) directs federal agencies to take a leadership role in the nation's preservation efforts, and to make informed decisions about the administration of federally owned or controlled historic properties. The NHPA includes a number of directives to federal agencies, the primary of which are subsumed under section 106 (16 U.S.C. 470f) and section 110 (16 U.S.C. 470h).

Section 106 (16 U.S.C. 470f)

Section 106 (16 U.S.C. 470f) of the NHPA states:

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation...a reasonable opportunity to comment with regard to such undertaking.

In short, section 106 (16 U.S.C. 470f), and its implementing regulations (36 C.F.R. part 800) requires federal agencies to consider the effects of their undertakings on historic properties prior to implementation.

Section 301(7) of the NHPA defines an undertaking as any "project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency," but also states that an undertaking only requires review under section 106 if it is the "type of activity that has the potential to cause effects on historic properties" (36 C.F.R. 800.3[a]). The NHPA defines "historic property" as any prehistoric or historic district, site, building, or

structure included or eligible for inclusion in, the National Register of Historic Places (NRHP), including related artifacts, records, and material remains. Traditional, religious, and cultural properties holding significance for American Indian tribes, Alaska Natives, and Native Hawaiian organizations may also be considered eligible for inclusion in the NRHP. In general, undertakings that have the potential to affect historic properties are those that involve modifications to land or buildings/structures, including everything from construction, grading, excavation, maintenance, rehabilitation, and renovation, to the sale or lease of a historic property.

Applicability. The proposed action outlined in this draft EIS constitutes an undertaking and has the potential to cause effects on historic properties. The area in the vicinity of the Center contains a number of previously recorded historic properties, including the Fort Snelling National Historic District and National Historic Landmark, the USBM Twin Cities Research Center Historic District, and the Old Fort Snelling State Historic District (figure 7). There are no independently NRHP-eligible buildings or structures located at the Center.

Two locations, or zones, within the Center have been identified as archeologically sensitive (Clouse 2001). Zone I, as defined by and according to Clouse (2001), requires further testing to determine if the area contains cultural materials that would contribute to the Fort Snelling National Historic District and National Historic Landmark, should future undertakings require ground disturbance in this area. Also according to Clouse (2001), Zone II contains in situ cultural deposits that correspond to the period of significance of the national historic landmark and national historic district, and should be included within the boundaries of the Fort Snelling National Historic Landmark.

Under section 106 of the NHPA, the National Park Service reviews the potential effects of the actions outlined in the EIS on the historic properties that lie within the undertaking's area of potential effect. This review must be coordinated with the Minnesota SHPO, tribal representatives of federally recognized American Indian tribes with ancestral lands that intersect the area of potential effect, and any interested parties. For an undertaking having an adverse effect on any historic property, consultation would occur with the aforementioned consulting parties and the Advisory Council on Historic Preservation (ACHP), as appropriate, to either alter the undertaking to avoid or minimize the adverse effect, or to identify measures to mitigate the adverse effect.

An additional resource, Camp Coldwater Spring and Reservoir, is of historic importance for its association with the Fort Snelling National Historic District and National Historic Landmark, Old Fort Snelling State Historic District, and the USBM Twin Cities Research Center Historic District. Four federally recognized Dakota tribes in Minnesota—the Upper Sioux Indian Community, Lower Sioux Indian Community, Prairie Island Indian Community, and Shakopee Mdewakanton Sioux Community—have also declared Camp Coldwater Spring and Reservoir and the surrounding area central to their history, stating “it is well established that the Coldwater Springs area and the area where the Minnesota and Mississippi rivers converge hold significant cultural importance to the Dakota people (Dakota Tribes 2000). In 2001, the federally recognized Iowa Tribe of Oklahoma issued a resolution stating that Camp Coldwater is a sacred site and requesting the USDI to designate Camp Coldwater as a traditional cultural property (TCP) (Iowa Tribe of Oklahoma 2001).

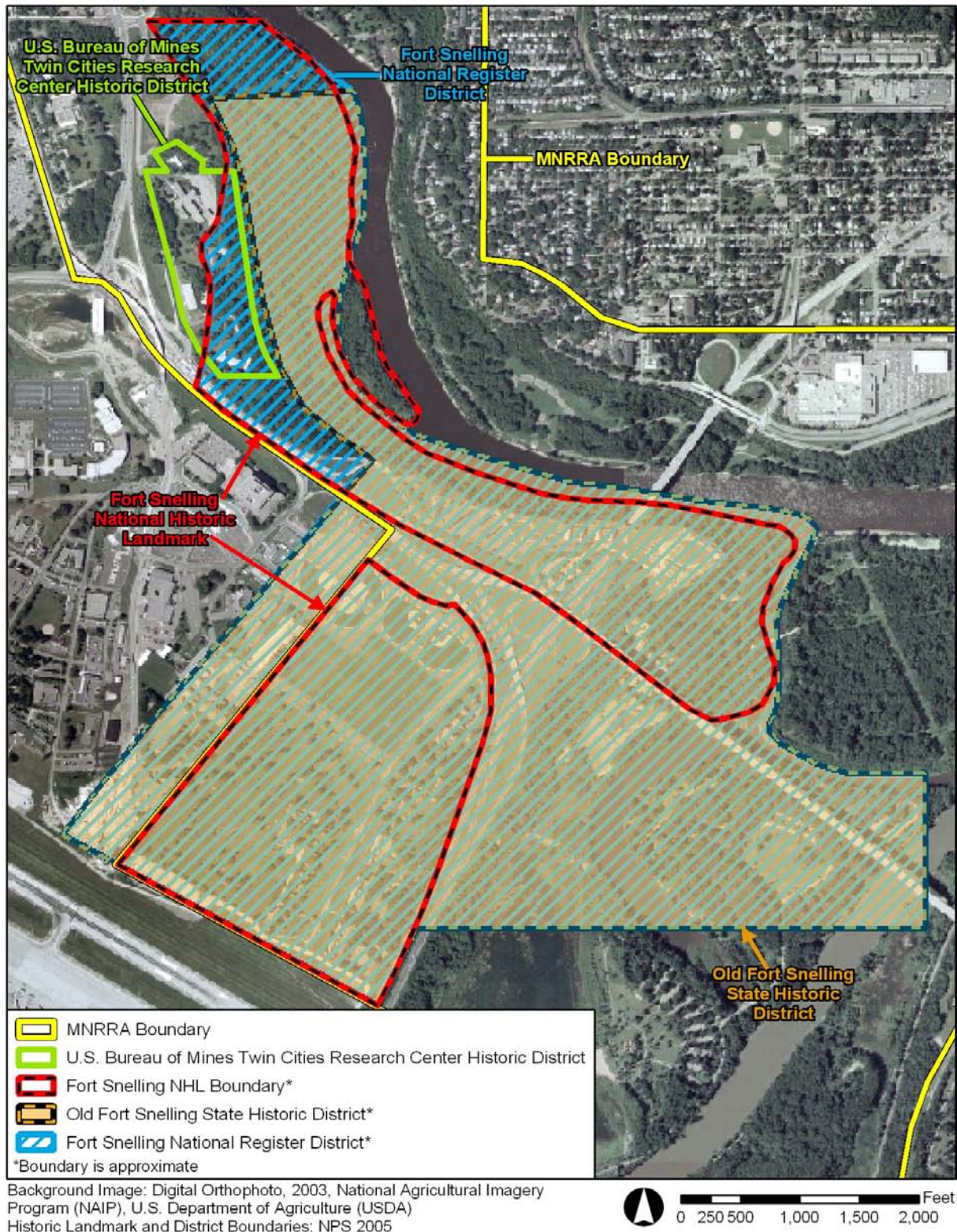


FIGURE 7: FORT SNELLING NATIONAL HISTORIC DISTRICT AND NATIONAL HISTORIC LANDMARK BOUNDARY, OLD FORT SNELLING STATE HISTORIC DISTRICT BOUNDARY, AND U.S. BUREAU OF MINES TWIN CITIES RESEARCH CENTER HISTORIC DISTRICT

In support of the EIS planning process, an ethnographic resources study was completed at the Center (Terrell et al. 2005). The primary focus of this study was to document tribal use and perceptions of this area, to assess whether Camp Coldwater Spring constitutes a TCP under NHPA section 106 (16 U.S.C. 470f) or a sacred site under Executive Order 13007 (*Indian Sacred Sites*), and to identify any additional ethnographic resources present within the area of potential effect of the proposed action and alternatives being assessed in this draft EIS. A TCP is generally defined as a property that “is eligible for inclusion in the NRHP because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community” (Parker and King 1998).

After review of the study, the National Park Service has determined that Camp Coldwater Spring does not meet the criteria listed in the NRHP for designation as a TCP. However, Camp Coldwater Spring and Reservoir are culturally important to some Indian people for ritual and ceremonial reasons. The importance ascribed to this area, including the spring and reservoir and the subsequent need for protection, is addressed in the alternatives presented in this draft EIS. A copy of the draft ethnography report was also provided to the Indian tribes and interviewees that participated in the study by the National Park Service. The ethnographic resources study will be sent to the Minnesota SHPO as part of the section 106 process occurring concurrently with this draft EIS.

Section 110 (16 U.S.C. 470h)

Section 110 of the NHPA (16 U.S.C. 470h) delineates affirmative federal agency responsibilities with respect to historic properties under the agency’s stewardship. Of specific relevance to the actions outlined in this draft EIS is the responsibility of federal agencies that

... historic properties under the jurisdiction or control of the agency are identified, evaluated, and nominated for the NRHP; and that such properties under the jurisdiction or control of the agency as are listed in or may be eligible for the NRHP are managed and maintained in a way that considers the preservation of their historic, archeological, architectural, and cultural values in compliance with section 106 of this act and gives special consideration to the preservation of such values in the case of properties designated as having national significance (16 U.S.C. 470h-2(a)(2)).

Also relevant is the NHPA section 110 requirement that federal agencies document historic properties that would be altered or destroyed as a result of agency actions.

Applicability. This section of the NHPA is particularly applicable because Fort Snelling National Historic Landmark is a known historic property that encompasses the Center. Therefore, any future actions at the Center that could affect Fort Snelling National Historic Landmark or any other identified historic properties would need to take into account the management of such properties in accordance with NHPA section 110. Furthermore, if the proposed action outlined in this draft EIS were to result in the alteration or destruction of any identified historic properties, the National Park Service would give consideration to the NHPA section 110 requirements for documenting such properties prior to implementing the actions.

Documentation completed to the standards established by the Historic American Buildings Survey (HABS) and Historic Architecture Engineering Record (HAER) may be considered an appropriate measure to mitigate adverse effects on historic properties.

The proposed action described in this draft EIS has the potential to affect Fort Snelling National Historic Landmark. In addition to reviewing effects to the national historic landmark as a historic property under NHPA section 106, it is important to note that NHPA section 110 expressly states that

Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking (16 U.S.C. 470 h-2(f)).

The National Park Service, therefore, is the reviewer for determining whether the proposed action and alternatives outlined in this draft EIS may have an adverse effect on Fort Snelling National Historic Landmark. The National Park Service is meeting this requirement through the section 106 process that is taking place concurrently with the draft EIS planning process.

AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978 AND EXECUTIVE ORDER 13007 (INDIAN SACRED SITES)

The American Indian Religious Freedom Act (Pub. L. No. 95-341, 42 U.S.C. 1996 and 1996a) was passed on August 11, 1978, and amended in 1996. In this act, the United States made it a policy to protect and preserve the inherent right of freedom of religion for American Indians, Alaska Natives, and Native Hawaiians. This right includes, but is not limited to, access to sites, use and possession of sacred objects, and the freedom to practice ceremonies and traditional rites. Federal agencies were directed to review their policies and procedures to see if changes were necessary in order to protect and preserve American Indian religious cultural rights and practices.

Executive Order 13007 (*Indian Sacred Sites*) was signed by President Clinton on May 24, 1996. The executive order directs federal agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. The executive order defined two key terms: “Indian tribe” and “sacred site.” For purposes of the executive order, “Indian tribe” means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that has been federally recognized under Pub. L. No. 103-454, 108 Stat. 4791, with “Indian” meaning a member of such a federally recognized tribe. “Sacred site” is defined as any specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has

informed the agency of the existence of such a site. The executive order does not create any rights, benefits, or trust responsibilities.

Applicability. Four recognized Dakota tribes in Minnesota—the Upper Sioux Indian Community, Lower Sioux Indian Community, Prairie Island Indian Community, and Shakopee Mdewakanton Sioux Community—have declared Camp Coldwater Spring and Reservoir and the surrounding area central to their history. A September 13, 2000, letter to the National Park Service from the elected chairs of the four federally recognized Dakota Indian tribes in Minnesota (Shakopee Mdewakanton Sioux Community, Lower Sioux Indian Community, Prairie Island Indian Community, Upper Sioux Indian Community) stated “it is well established that the Coldwater Springs and the area where the Minnesota and Mississippi rivers converge hold significant cultural importance to the Dakota people” (Dakota Tribes 2000). The letter further stated that “because of its important use and cultural connection, we feel that the protection of the site from any development is critical.”

In February 2005, the National Park Service officially initiated the NHPA section 106 process via letters to federally recognized tribes and the Minnesota SHPO from the MNRRA superintendent. The superintendent in March of 2005 made follow-up telephone calls to the four federally recognized Minnesota Dakota tribes and the Iowa Tribe of Oklahoma, also federally recognized. Letters inviting tribal participation in the ethnography study commissioned by the National Park Service as part of the EIS process were sent in April 2005, and a site visit to the property with tribal representatives from three federally recognized Minnesota Dakota tribes was conducted during May 2005. On July 14, 2005, NPS officials held a consultation meeting with representatives from the Lower Sioux Indian Community and the Shakopee Mdewakanton Sioux Community, both of which are federally recognized. Many telephone calls have been made by the NPS project manager and the MNRRA superintendent inviting tribal participation in the EIS process. In addition, the MNRRA superintendent met with members of the Minnesota Indian Affairs Council (MIAC) on April 26, 2005, and the chairman of the Upper Sioux Indian Community on August 18, 2005, in St. Paul, Minnesota.

The Iowa Tribe of Oklahoma has stated that Camp Coldwater is sacred. In July 1999, the tribe sent a letter to the Honorable Mike Anderson, Deputy Assistant Secretary of the Interior (letter from Marianne Long, the then director of tribal operations / historic preservation, dated July 30, 1999), protesting a proposed re-route of SH 55 through the Camp Coldwater area by the MnDOT, a project not associated with the proposed action discussed in this draft EIS. In the letter, Ms. Long notes that, “the waters in this location have been important to tribal traditions and ceremonies for centuries. . . burials are located near the many beautiful trees.” The tribe requested a cultural resources survey of the re-route and preparation of an EIS prior to any further action on the proposed re-route. In 2001, the tribe issued a resolution requesting the USDI to designate Camp Coldwater as a TCP (Resolution I-01-27, March 19, 2001). This resolution stated “Camp Coldwater is a sacred site for the Iowa Tribe and other Native American groups.” The director of the TCRC Closure Team sent letters to the Chairman of the Iowa Tribe of Oklahoma on January 8, 2001, and July 2, 2001, requesting additional information from the tribe. As part of the scoping process for this draft EIS, the MNRRA contacted the Iowa Tribe of Oklahoma on several occasions to gain additional information

on the resolution and the tribes' concerns regarding Camp Coldwater and the associated spring and reservoir; no response was received from the tribe. Specific attempts to contact the tribe included:

- a letter to the Iowa Tribe of Oklahoma inviting participation in the Center EIS planning process (02/18/05)
- a National Park Service scoping newsletter/comment card faxed and mailed to the Iowa Tribe of Oklahoma (03/15/05)
- a letter to 11 federally recognized tribes, including the Iowa Tribe of Oklahoma, inviting participation in the Center EIS / section 106 process (04/06/05)
- a letter to 16 federally recognized tribes, including the Iowa Tribe of Oklahoma, inviting participation in the ethnographic study (including TCP and sacred site analysis) (04/11/05)

PUBLIC INVOLVEMENT

The CEQ regulations for implementing procedural provisions of NEPA state that, “there shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping” (40 C.F.R. § 1501.7). NEPA’s public involvement process requires agencies to involve the public in NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons or agencies who may be interested or affected (40 C.F.R. § 1506.6). The scoping process should identify the public and agency concerns; clearly define the environmental issues and alternatives to be examined in the EIS, including the elimination of nonsignificant issues; identify related issues that originate from separate legislation, regulation, or executive order (e.g., historic preservation or endangered species concerns); and identify state and local agency requirements to be addressed.

Internal scoping for this draft EIS began with interdisciplinary team meetings including staff from the National Park Service Midwest Regional Office, the MNRRA staff, and USFWS staff. This interdisciplinary process defined the purpose and need for the proposed action, identified potential actions to address the need, and identified likely issues and impact topics. The following section presents a time line of key public involvement and scoping dates associated with the EIS process:

- January 18, 2005. The Web page for this draft EIS was launched on the MNRRA Web site (<http://www.nps.gov/miss/bom>).
- January 28, 2005. The *Federal Register* “Notice of Intent to Prepare an EIS” was published.
- January 31, 2005. The National Park Service distributed a news release.
- March 11, 2005. The National Park Service distributed a newsletter inviting public participation in the scoping process for this draft EIS. The newsletter provided background on the planning process; the dates, locations, and times of the public scoping meetings; and included an opportunity to provide comment via a self-addressed comment card.
- March 21, 2005. Legal notices announcing the start of the public scoping meetings were printed in the *St. Paul Pioneer Press* and the *Minneapolis Star Tribune*.
- March 28, 2005. The National Park Service distributed a news release.
- March 30–31, 2005. A total of four separate public scoping meetings were held on March 30 and 31, 2005, from 1:00 p.m. until 3:00 p.m. and from 6:00 p.m. until 9:00 p.m. each day at the Four Points Sheraton Hotel in St. Paul, Minnesota. The public scoping meetings were held in an open house format. Four different information stations provided background and information on NEPA and the Center planning

process; details of the Center, the MNRRA, and the National Park Service; and cultural and historic resources. Handouts and maps were available at each station.

In all, the National Park Service issued two news releases and a newsletter to a mailing list of over 500 individuals, organizations, agencies, Indian tribes, and media outlets. Of that total, 20 copies were sent to federally recognized Indian tribes; 12 copies were sent to colleges and universities in the Twin Cities area; copies were faxed to Minnesota U.S. Senators Mark Dayton and Norm Coleman, and to Minnesota U.S. Representatives Martin Olav Sabo and Betty McCollum; 12 copies were sent to various National Park Service offices and to the General Services Administration; and 35 copies were sent to other federal agency offices. The newsletter was also posted on the MNRRA Web site (www.nps.gov/miss), distributed upon request, and made available at public meetings.

Public scoping meetings provided information on the Center EIS planning process. The public scoping meetings were attended by federal agency officials, local government representatives, neighborhood organization representatives, elected officials, organizations, tribal members, developers, and the general public. A total of 70 people attended the public scoping meetings over the two-day period. In addition to the scoping meetings, the MNRRA staff contacted and conducted numerous meetings with potentially interested federal, state, and local government entities, as well as Indian tribes and other interested parties.

A total of 107 comments were received during the scoping period, including 24 letters, 37 e-mails, and 46 comment cards. In general, comments received fell into three broad categories—ownership/stewardship, values, and amenities/uses. Many respondents suggested potential parties as owners or stewards of the Center as part of their overall site concept. Values included aspects, features, or qualities of the Center that respondents indicated were worthy of protection or restoration. Although a large number of respondents expressed a desire to protect the site, particularly the Camp Coldwater Spring area, letters indicated a desire for some type of site development or use ranging from recreational use to light manufacturing to a museum and cultural center. The scoping comments provided input in evaluating the range of potential alternatives for the Center. A copy of the scoping report describing the range of comments is included as appendix D. Copies of the consultation letters sent to various federal, state, and local agencies and to American Indian tribes are included in appendix E.

ISSUES AND IMPACT TOPICS

Issues and impact topics affecting the disposition of the Center were identified from past planning efforts and input obtained from the public scoping effort, as well as National Park Service and USFWS knowledge of the Center, and applicable laws and regulations. Some public comments received during scoping were used to identify issues or areas of concern. Some public concerns focused on protecting the site, in particular, cultural and historic resources associated with Camp Coldwater Spring, and protection of the flow of the spring. The public also expressed a desire to restore native vegetation to the site and to remove some or all of the buildings. The public indicated a desire for public access to the site and to visit Camp Coldwater Spring. Concerns were expressed over potential existing environmental contamination of the site that would inhibit future development. Public comments included a number of potential uses for the site, primarily involving general public access, outdoor recreation, and little or no industrial use.

The following topics were selected for detailed analysis in this draft EIS on the basis of federal laws, regulations, executive orders, NPS expertise, and concerns expressed by other agencies or members of the public during the scoping process.

IMPACT TOPICS INCLUDED IN THIS DOCUMENT

Archeological Resources	Water Quality
Historic Structures and Districts	Wetlands
Ethnographic Resources	Socioeconomics
Soils	Health and Safety
Vegetation	Land Use
Wildlife	Public Use and Experience
Hydrology	Visual Resources

IMPACT TOPICS DISMISSED FROM FURTHER ANALYSIS

The following topics are not analyzed in detail, and the rationale for not including these topics is presented below.

Museum Collections

Museum collections can include prehistoric and historic objects, artifacts, works of art, archival documents, and natural history specimens. They can be threatened by fire, vandalism, natural disasters, and careless acts. The preservation of museum collections is the ongoing process of preventive conservation, supplemented by conservation treatment, when necessary. There are currently manuscripts, files, and other documents related to the Center's operation.

Other museum collections, if found, would be packed, moved, and stored in accordance with appropriate standards and guidelines. Therefore, there would be no impact to museum collections and the impact topic of museum objects was dismissed from further analysis.

Air Quality

The Clean Air Act of 1990 (Pub. L. No. 360, 69 Stat. 322, 42 U.S.C. § 7401 *et seq.*), as amended, provides that the federal land manager has an affirmative responsibility to protect the Center's air quality-related values (including visibility, plants, animals, soils, water quality, cultural and historic resources, and visitor health) from adverse air pollution impacts. Section 118 of the Clean Air Act requires the Center to meet all federal, state, and local air pollution standards. Section 176(c) of the Clean Air Act requires all federal activities and projects to conform to state air quality implementation plans to attain and maintain national ambient air quality standards.

The impacts to air quality from the alternatives under consideration in this draft EIS would result in temporary, minor impacts to air quality through dust and vehicle emissions during construction or demolition. Increased traffic to the site could also result in minor long-term air quality impacts. Because the Center is located within the Minneapolis-St. Paul urban area, impacts to air quality are expected to be negligible compared with the overall regional air quality. Heavy industrial use is not expected for the Center so industrial impacts to air quality are not anticipated. Therefore, the impact topic of air quality was dismissed from further analysis.

Geology

Although ground-disturbing activities could occur under the alternatives, impacts to geology in the area are not anticipated because excavation into bedrock is not expected. Therefore, the impact topic of geology was dismissed from further analysis.

Threatened and Endangered Species, Species of Concern, and Designated Critical Habitat

The Endangered Species Act of 1973, as amended (Pub. L. No. 93-205, 87 Stat. 884, 16 U.S.C. § 1531 *et seq.*), requires an examination of impacts on all federally listed threatened or endangered species and designated critical habitat. The USFWS was contacted for a list of special-status species and designated critical habitat at the Center and replied in a letter dated June 8, 2005. No threatened and endangered species or species of concern or designated critical habitat would be affected by the proposed action (appendix F) (USFWS 2005). Therefore, the impact topic of threatened and endangered species, species of concern, and designated critical habitat was dismissed from further analysis.

Wild and Scenic Rivers

The Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271-1287) calls for the identification of potential wild, scenic, and recreational river areas within the nation:

In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic, and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potential. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic, and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved (16 U.S.C. § 1276[d]).

The stretch of the Mississippi River between the St. Croix River and Lock and Dam 1, including the river reach east of the Center, is listed on the Nationwide Rivers Inventory maintained by the National Park Service. This 36-mile stretch of the Mississippi River was placed on the Nationwide Rivers Inventory in 1982 (NPS 2005c). An August 2, 1979, presidential directive requires all federal agencies, as part of their normal planning and environmental review process, to “take care to avoid or mitigate adverse effects on rivers listed in the Nationwide Inventory,” and to “consult with the Heritage Conservation and Recreation Service prior to taking actions that could effectively foreclose wild, scenic, or recreational river status on rivers in the Inventory.” Functions of the former Heritage Conservation and Recreation Service, including administration of the Nationwide Rivers Inventory, were transferred to the National Park Service through Secretary’s Order 3060 on February 19, 1981.

The Center property does not include the slopes going down to the river and the river is screened from view by vegetation. Despite the fact that the scenarios presented under the range of alternatives in this draft EIS may involve new construction or expansion of existing developments, because the Center is screened from view from the river and tall structures that could be visible are prohibited by airport zoning, there would not be any impacts to the Nationwide Rivers Inventory-listed stretch of the Mississippi River. Therefore, the topic of wild and scenic rivers was dismissed from further analysis.

Executive Order 11988 (Floodplain Management)

The Center is located on the bluffs above the gorge of the Mississippi River. According to maps produced by the Federal Emergency Management Administration, the Center is not in a floodplain of the Mississippi River; therefore, the impact topic of floodplains was dismissed from further analysis.

Prime and Unique Farmlands

In 1980, the CEQ directed federal agencies to assess the effects of their actions on farmland soils classified as prime or unique by the U.S. Department of Agriculture, Natural Resources

Conservation Service. Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water. Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops (7 C.F.R. 657.5). The majority of soil types within the Center are not classified by the Natural Resources Conservation Service as prime farmlands (NRCS 2004). One area in the northern part of the Center consists of Forada sandy loam (0% to 2% slopes), which is considered prime farmland if it is drained and if it is available for these uses. There is a road running through this area of the Center, impacting its availability for farmland use; therefore, this land is not considered prime farmland. Lands of the Center are not considered unique farmlands because they do not produce economically sustained high quality and/or high yields of crops such as tree nuts, olives, cranberries, citrus, and other fruits, or vegetables. Therefore, the impact topic of prime and unique farmlands was dismissed from further analysis.

Ecologically Critical Areas

No areas within the Center are designated as ecologically critical areas, nor do any areas within the Center qualify as ecologically unique based on vegetation or soils. Therefore, the impact topic of ecologically critical areas was dismissed from further analysis.

Wilderness Areas

Wilderness areas are managed in a manner that will leave them unimpaired for future use and enjoyment as wilderness. None of the lands located within the Center are designated wilderness, nor are there any designated wilderness areas in the vicinity. The Center is located in an urban setting; therefore, the impact topic of wilderness areas was dismissed from further analysis.

Environmental Justice

Executive Order 12898 (*General Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*) 1996, requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing the disproportionately high and/or adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities. According to the U.S. Environmental Protection Agency (EPA), environmental justice is the

...fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and

commercial operations or the execution of federal, state, local, and tribal programs and policies.

The goal of fair treatment is not to shift risks among populations, but to identify potentially disproportionately high and adverse effects and identify alternatives that may mitigate these impacts.

The Twin Cities metropolitan area contains both minority and low-income populations and communities; however, there are no minority or low-income populations that are present in the area to be affected by the proposed alternatives (within the Center boundary). Under the proposed alternatives to dispose of the Center, any potential environmental impacts would be localized on the Center, and it would be unlikely that such potential impacts would extend off the Center property. Therefore, the proposed alternatives would not result in any disproportionate adverse human health effects to minority or low-income populations. The impacts on the natural environment that would occur due to implementation of any alternative would not disproportionately affect any minority or low-income population or community. The proposed alternatives would not result in any identified effects that would be specific to any minority or low-income community. Therefore, the impact topic of environmental justice was dismissed from further analysis.

Noise

Physically, there is no distinction between sound and noise. Sound is a sensory perception and the complex pattern of sound waves is labeled (e.g., noise, music, speech). Noise is defined as any sound that is undesirable because it interferes with communication, is intense enough to damage hearing, or is otherwise annoying. Human response to noise varies according to the source type, characteristics of the noise source, distance between source and receptor, receptor sensitivity, and time of day. Federal and local governments have established noise guidelines and regulations for the purpose of protecting citizens from potential hearing damage and from various other adverse physiological, psychological, and social effects associated with noise.

The Center is located in a highly urbanized area, and is particularly impacted by the traffic noise from SH 55, which runs directly adjacent to the site (see the description of roads and highways under the transportation heading below). Any construction associated with implementation of the alternatives, e.g., the hauling of material or the operation of construction equipment, could result in dissonant noise, but these sounds would not be unlike the heavy traffic noise already associated with the area. In addition, the Center is nearby and lies within the flight path of the Minneapolis-St. Paul International Airport—noise from low flying commercial aircraft is prevalent. Because traffic and aircraft noise is already pervasive in the area, any noise impacts from any of the alternatives would be negligible or less. Therefore, the impact topic of noise was dismissed from further analysis.

Lightscares

Natural ambient lightscares are natural resources and values that exist in the absence of human-caused light. Since the Center is located within the Minneapolis-St. Paul metropolitan area, there are no natural ambient lightscares that are currently unaffected by the lights of the city; nor could any of the alternatives prevent the Center from being impacted by existing light sources. Therefore, the impact topic of lightscares was dismissed from further analysis.

Indian Trust Resources

Secretarial Order 3175 requires that any anticipated impacts to Indian trust resources from a proposed project or action by USDI agencies be explicitly addressed in environmental documents. The federal Indian trust responsibility is a legally enforceable fiduciary obligation on the part of the United States to protect tribal lands, assets, resources, and treaty rights, and represents a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes. There are no Indian trust resources in the area of the Center, which is federal property and was, prior to the closure of the USBM in 1996, used for federal offices and laboratories. The lands comprising the Center are not held in trust by the Secretary of the Interior for the benefit of Indians due to their status as Indians. Therefore, the impact topic of Indian trust resources was dismissed from further analysis.

Transportation

Vehicular access to the Center is via Minnehaha Avenue South that parallels SH 55. Minnehaha Avenue is accessed from East 54th Street, east of the intersection of SH 55 and East 54th Street. The southern entrance to Minnehaha Park lies east of Minnehaha Avenue South. The site is in close proximity to light rail and transit routes. The Metro Transit Hiawatha line (SH 55) connects downtown Minneapolis to a park-and-ride facility at Fort Snelling (950 spaces). In December 2004, the line was extended through the airport to the Mall of America in Bloomington, Minnesota. The nearest station to the Center is at the entrance to the Veterans Administration Medical Center on Hiawatha Avenue. Transit planners consider a radius of 0.25 to 0.5 mile to be the influence area of the light rail stop. Although the Center lies within that distance to the stop, it is separated from the light rail station by SH 55. Transit bus routes 436 and 446 also serve the local area.

Use from any of the scenarios described under the alternatives could potentially result in increased traffic to the Center. However, any impacts to transportation would be minor due to availability and capacity of existing transportation systems in the area. Furthermore, significant traffic volume increases to the Center are not anticipated under any of the land-use scenarios being contemplated for each alternative to the proposed action. Therefore, the impact topic of transportation as an individual impact topic was dismissed from further analysis. Potential transportation impacts are discussed, however, as a subcomponent of the socioeconomic impacts sections of this draft EIS.

Hazardous Materials and Waste Management

After closing the Center in 1996, the federal government performed a wide range of environmental investigations on the Center to identify and abate any environmental issues that could potentially have an adverse impact on human health and the environment. These actions were taken pursuant to section 120(h) of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. § 9620[h]) and EPA rules at 40 C.F.R. part 373. During these actions, the TCRC Closure Team elected to place the Center in the Voluntary Investigation and Cleanup Program of the Minnesota Pollution Control Agency. The objectives of placing the Center in the Voluntary Investigation and Cleanup Program were to obtain an independent review of the data gathered during the investigation and abatement actions and to obtain written concurrence that the investigation and abatement actions were completed and were sufficient to protect human health and the environment (TCRC Closure Team 1997).

After an independent review by the Minnesota Pollution Control Agency (MPCA) of the data gathered during the investigation and abatement actions at the Center, MPCA did not recommend any further investigation or remedial actions with respect to the Center property (MPCA 1998).

A building and infrastructure removal cost estimate report prepared for the Center indicates that additional environmental issues such as asbestos, polychlorinated biphenyls (PCBs) in fluorescent light ballasts, or mercury in switches may be present in some buildings (Innovar 2006) (appendix G). If the buildings were removed prior to conveyance, the federal government would address those issues in accordance with applicable federal, state, and local requirements.

If the Center is conveyed in its current condition with buildings and infrastructure intact, the transferee would receive the applicable disclosure statements required by law. Due to the previous efforts to identify and abate hazardous materials at the Center, and the substantial reports that were produced incident to those efforts, the National Park Service is including in the administrative record of this EIS the previous reports produced by the TCRC Closure Team to provide the public with the information regarding these efforts. Therefore, the impact topic of hazardous materials was dismissed from further analysis.