

METROPOLITAN AIRPORTS COMMISSION

In the Matter of an Environmental Assessment
Worksheet (EAW) for the
Minneapolis–St. Paul International Airport (MSP)
Hotel and Skyway Project

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

This matter came before the Metropolitan Airports Commission (MAC), the responsible governmental unit (RGU) for the proposed Minneapolis-St. Paul International Airport (MSP) Hotel and Skyway Project, under the Minnesota Environmental Policy Act (MEPA), Minn. Stat. ch. 116D. Based on the MAC’s files and records related to this matter, the MAC hereby finds, concludes, and orders as follows:

FINDINGS OF FACT

1. This matter involves review of an Environmental Assessment Worksheet (EAW) for the proposed hotel and skyway at Minneapolis-St. Paul International Airport, Minneapolis, Minnesota (the “Project”), to determine the need for an environmental impact statement (EIS) for the Project. A proposed project requires an EIS only if the project has the potential for significant environmental effects. The EAW for the Project does not identify any potential for significant environmental effects. To evaluate the adequacy of the EAW and conclude that the Project does not require an EIS, the MAC must determine whether environmental review of the Project meets the requirements set forth in MEPA, Minn. Stat. ch. 116D, and the Minnesota Environmental Quality Board (EQB) rules, Minn. R. ch. 4410, implementing MEPA.

2. The Project is located on a vacant (previously developed) parcel to the east/southeast of the current airport post office at Terminal 1-Lindbergh, and includes

construction of a hotel and a skyway connection to Terminal 1-Lindbergh at the Minneapolis-St. Paul International Airport (MSP).

3. The hotel will be approximately 12 stories tall with 300 rooms, including conference and spa facilities, with a pedestrian skyway connection to the Concourse A/C rotunda's upper level of Terminal 1-Lindbergh. Some demolition of concrete and removal of remnant building materials from the previous structure will precede construction.

4. The Project requires connection to utilities at MSP. These include water supply (fire & domestic), sanitary sewer, storm sewer, electrical, communications, IT and natural gas. Service connections may be independent of, or require modification to, existing onsite MSP utilities. Connection to the MSP roadway system is required for access by hotel patron's privately owned vehicles as well as hotel delivery and service vehicles. Limited onsite parking will be constructed. Most parking will require valet service in adjacent ramps.

5. The MAC prepared the EAW because the Project meets the criteria for preparation of an EAW for MAC capital projects under Minn. Stat. § 473.614, subd. 2.

6. An EAW is a brief document prepared in a worksheet format that is designed to rapidly assess the environmental effects associated with a proposed project. The EQB has created a form worksheet for EAWs under MEPA.

7. The EAW concludes that the Project does not have any potential for significant environmental effects. According to the EAW, the Project: (a) will not affect fish, wildlife, and ecologically sensitive resources; (b) will not have any physical impacts on water resources; (c) will not create significant additional demands on the public water supply; (d) does not involve a shoreland zoning district, a delineated 100-year flood plain, or a state or federally designated wild or scenic river land use district; (e) will not affect surface water use; (f) will not

significantly increase traffic to Terminal 1-Lindbergh; (g) will not create any adverse visual impacts; (h) will not have a significant impact on infrastructure and public services; (i) is consistent with the Metropolitan Council's 2040 Transportation Policy Plan and with the planned uses needed to support Terminal 1-Lindbergh customer service levels as detailed in the MAC's 2030 Long-Term Comprehensive Plan for Minneapolis-St. Paul International Airport; (j) will not significantly increase vehicle-related air emissions and will have a minimal increase in stationary source air emissions; (k) will result in an insignificant increase in impervious surface area at MSP; and (l) will have a storm water regime that will resemble the drainage situation when the Project site was previously occupied by Building B. The EAW also discusses the measures that the Project Proposer will take in the event of encountering impacted soils, asbestos containing material from previous structures on the Project site, and measures to control temporary erosion, noise, dust, and traffic impacts during construction. The EAW also discusses the measures that the Project Proposer will take to ensure that the structure is capable of maintaining acceptable interior noise levels, as well as efforts to implement a Spill Prevention, Control and Countermeasure (SPCC) Plan for the Project.

8. The EAW analyzes the Project's potential for cumulative effects and concludes that there is no potential for significant environmental effects as a result of cumulative impacts. The anticipated future projects at Terminal-1-Lindbergh include parking ramp construction, roadway realignment, and terminal improvements including vertical circulation enhancements, lobby and baggage claim improvements, and arrivals curb expansion. The only potential cumulative effect of the Project and the anticipated future expansion relates to construction effects. The MAC anticipates that the construction of the Terminal 1-Lindbergh projects may overlap construction of the proposed Project. However, the EAW concludes there is no potential

for significant environmental effects as a result of cumulative construction impacts because such impacts would be temporary and localized in the immediate area of the Terminal 1-Lindburgh, and would be in the form of noise and fugitive dust. Noise and fugitive dust from construction will be minimized by the use of construction best management practices detailed in the EAW and in the Environmental Assessment/Environmental Assessment Worksheet for the 2020 MSP Improvements project.

9. The MAC published notice of the availability of the EAW in the August 3, 2015, edition of the *EQB Monitor*, and accepted comments on the EAW until September 9, 2015. The MAC also held a public hearing on the EAW, as Minn. Stat. § 473.614, subd. 3, requires. The MAC published notice of the public hearing in the *Minneapolis Star Tribune* and the *St. Paul Pioneer Press* on August 3, 2015, and held the public hearing on September 8, 2015. There were no oral comments submitted at the public hearing. A transcript of the public hearing is found in the Hearing Officer's Report, attached to these Findings as Exhibit A.

10. During the EAW public comment period, the MAC received written comments from the Minnesota Pollution Control Agency (MPCA), the Metropolitan Council, the Minnesota Department of Transportation, the Minnesota Department of Health, the Lower Minnesota River Watershed District, and Hennepin County. The MAC responded to these comments, as required by Minn. R. 4410.1700. A copy of the MAC's written Response to Comments on the EAW is found in the Hearing Officer's Report, attached to these Findings as Exhibit A.

CONCLUSIONS OF LAW

1. The MAC, the RGU for the Project, has complied with the requirements set forth in MEPA, Minn. Stat. ch. 116D, and the EQB rules implementing MEPA, Minn. R. ch. 4410, for preparing, circulating, and publishing the EAW.

2. The MAC has complied with the requirements set forth in MEPA, Minn. Stat. ch. 116D, and the EQB rules implementing MEPA, Minn. R. ch. 4410, for receiving and responding to public comments on the EAW.

3. MEPA requires an EIS only if a project has the potential for significant environmental effects. Minn. Stat. § 116D.04, subd. 2a; Minn. R. 4410.1700, subp. 1. The EQB rules establish four criteria that an RGU must use to evaluate a project's potential for significant environmental effects. These factors are:

- A. [the] type, extent, and reversibility of environmental effects;
- B. [the] cumulative potential effects of related or anticipated future projects;
- C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

Minn. R. 4410.1700, subp. 7.

4. The EAW evaluates the type, extent, and reversibility of environmental effects associated with the Project, including but not limited to effects on: (a) nearby resources; (b) surface water and wetlands; (c) wildlife habitat; (d) ecologically sensitive resources; (e) water

use; (f) erosion and sedimentation; (h) traffic; (i) air quality; (j) infrastructure and public services; and (k) visual impacts. Based upon the evaluation in the EAW, the MAC concludes that the type, extent, and reversibility of the Project's impacts do not pose the potential for significant environmental effects.

5. The EAW also evaluates the cumulative potential effects of the Project and related or anticipated future projects. Based upon the evaluation in the EAW, the MAC concludes that the cumulative potential effects of the Project and the anticipated Terminal 1-Lindbergh projects do not have the potential for significant environmental effects.

6. In addition, the EAW considers the extent to which the Project's environmental effects are subject to mitigation by ongoing public regulatory authority. Based upon the evaluation in the EAW, the MAC concludes that steps may be taken to mitigate at least some of the environmental effects of the Project and that such steps will be taken where required by ongoing public regulatory authority or where otherwise reasonable.

7. The EAW evaluates the categories of environmental effects that MEPA and the EQB rules require, and establishes that the Project does not have the potential for significant environmental effects. MEPA, therefore, does not require an EIS for the Project.

8. Any Finding more properly considered a Conclusion shall be considered a Conclusion. Any Conclusion more properly considered a Finding shall be considered a Finding.

ORDER

The Environmental Assessment Worksheet prepared for the Hotel and Skyway Project at the Minneapolis-St. Paul International Airport adequately assesses the environmental effects of the Project under the Minnesota Environmental Policy Act, Minn. Stat. ch. 116D. The Project does not have the potential for significant environmental effects and an Environmental Impact Statement

need not be prepared for the Project. The MAC will provide copies of these Findings of Fact, Conclusions of Law, and Order, as well as copies of the MAC's responses to comments on the Environmental Assessment Worksheet for the MSP Hotel and Skyway Project, to all persons designated by Minn. R. 4410.1700, subp. 5, within the period set forth in the rule.

DATED: 10/19/2015

METROPOLITAN AIRPORTS COMMISSION

A handwritten signature in black ink, appearing to read 'D. Boivin', is written over a horizontal line.

Daniel Boivin
Chair