



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

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March 17, 2021

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

Dear Hilary:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

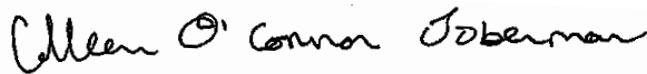
As discussed above, the UHT area is already burdened with disproportionately poor environmental conditions. Noise, air quality, access to green space, health impacts, and other disparities are well-documented.

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

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

Thank you for your consideration.

Sincerely,

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

Colleen O’Connor Toberman  
River Corridor Program Director