

FINDINGS OF FACT AND RECORD OF DECISION

ENVIRONMENTAL ASSESSMENT WORKSHEET

For Brooklyn Center Opportunity Site #1

Location: 2500 CO and 5900 Shingle Creek Parkway, Brooklyn Center, Minnesota

Responsible Governmental Unit: City of Brooklyn Center

Responsible Governmental Unit

Contact Person City of Brooklyn Center
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Proposer

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Final action: Based on the Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision,” and related documentation for the above project, the City of Brooklyn Center concluded the following on June 13, 2022:

1. The Environmental Assessment Worksheet, including public comments and responses to comments, this “Findings of Fact and Record of Decision” document, and related documentation for the “Brooklyn Center Opportunity Site #1” were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700.
2. The Environmental Assessment Worksheet, including public comments and responses to comments, this “Findings of Fact and Record of Decision” document, and related documentation for the project have satisfactorily addressed all the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.4300 Subp. 3):
 - Type, extent, and reversibility of environmental effects.
 - Cumulative effects of related or anticipated future projects.
 - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.

- Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the project by the City and cannot be relied upon as an indication of such approval. This finding allows Alatus, LLC to formally initiate the City's and other agencies' processes for considering the specific permits and approvals necessary for development and operation of the project, and for the City in this process, informed by the record of the EAW, to identify and encourage conditions for compatible project construction, and assure their implementation at the project site.

Consequently, the City makes a Negative Declaration and does not require the preparation of an Environmental Impact Statement for the project.

I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION

The City of Brooklyn Center prepared a Mandatory Environmental Assessment Worksheet (EAW) for the Brooklyn Center Opportunity Site #1 according to the Environmental Review Rules administered by the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300 Subpart 14 Industrial, Commercial, and Institutional Facilities; and Subpart 19 Residential Development. The proposed project is a mixed-use site redevelopment in Brooklyn Center, Minnesota. The site would be developed with the construction of eight commercial and residential buildings; public plazas; park area; and stormwater ponds.

II. EAW NOTIFICATION AND DISTRIBUTION

On April 19, 2022, the City provided public notice of the EAW and distributed it to the EQB mailing list and to the project mailing list. The EQB published notice of availability in the *EQB Monitor* on April 19, 2022.

A notice was also posted on the city website and in the Sun Post. These notices provided information on where copies of the EAW were available, notified the public of a virtual community meeting, and invited the public to provide comments during the 30-day comment period, which ended on May 19, 2022.

III. COMMENT PERIOD, PUBLIC MEETING, AND RECORD OF DECISION

The official comment period on the EAW extended for 30 days, from April 19, 2022, to May 19, 2022.

During the public notice period 6 distinct comments were received from the public and agencies. A Response to Comment document was prepared. Appendix A includes a list of all the comments received. Appendix B contains the distinct comments received.

The Brooklyn Center City Council considered the EAW and "Findings of Fact and Record of Decision" during its June 13, 2022, meeting. Notification of this public meeting was distributed via the City's standard notification methods.

IV. COMMENTS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENTS

The City received 6 distinct comments during the public comment period. A list of the comments received is attached to the Response to Comment document as Appendix A.

The City analyzed the comment letters to identify individual comments that were substantive in nature and required a specific response. Responses were prepared for all comments in the Response to Comment document. The complete comments can be found as Appendix B to the Response to Comment document.

V. ISSUES IDENTIFIED IN THE EAW

The following factual discrepancies or impact issues were either identified during the EAW process, either during its development or public review. They are listed by the EAW item number.

6. The proposed project is listed in the incorrectly in the EAW as 25.7 acres. The total project size is 19.45 acres.
6. The EAW did not include the number of parking spaces for the Event Center. A total of 87 parking spaces are planned for the Event Center.

None of the comments received requested an EIS or additional analysis of specific impacts. The comments received are addressed in detail in the Responses to Public Comments and did not result in any change to the text of the EAW.

VI. COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the Minnesota Environmental Quality Board rules (4410.1700 Subp. 6 & 7) require the responsible governmental unit, the City in this case, to compare the impacts that may be reasonably expected to occur from the project with four criteria by which potential impacts must be evaluated. The following is that comparison:

A. Type, Extent, and Reversibility of Environmental Effects

The city finds that the analysis completed during the EAW process is adequate to determine whether the project has the potential for significant environmental effects. The EAW describes the type and extent of impacts anticipated to result from the proposed project. In addition to the information in the EAW, the public/agency comments received during the public comment period (see the Response to Comment document) were taken into account in considering the type, extent and reversibility of project impacts. None of the impacts considered raised to the level of significant and none of the environmental effects are irreversible.

B. Cumulative Effects of Related or Anticipated Future Projects

Cumulative effects of related or anticipated future projects include the development of the rest of the Brooklyn Center Opportunity Site. An AUAR or individual EAWs would be required for future development.

C. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

Alatus, LLC will acquire any required permit and approvals that may be required by federal, state and local agencies and implement any required conditions necessary, including those

that will reduce impacts and further protect the environment. Table 9-1 in the EAW lists the permits or approvals that may be required for project construction and operation. Depending on final design, it is expected that not all these permits will be required.

Alatus, LLC will be required to obtain a building permit from the City for the construction of the project. The city would be able to access the property during construction to determine if conditions are being met.

As discussed in the EAW, the proposed project will also require a Construction Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program and develop a Stormwater Pollution Prevention Plan (SWPPP) before starting construction. The project will adhere to the SWPPP to prevent stormwater runoff during construction of the project including the implementation of erosion and sediment control best management practices.

Other permits may be required once the project design is complete. These permits and approvals necessary to construct and operate the project will require enforceable measures and conditions that will further reduce environmental effects.

D. Extent to which Environmental Effects Can be Anticipated and Controlled as a Result of other Environmental Studies Undertaken by Public Agencies or the Project Proposer, or of Environmental Reviews Previously Prepared on Similar Projects.

Although not exhaustive, the City reviewed the following documents as part of the environmental analysis for the Project:

- Data presented in the EAW and their associated references
- Permits and environmental review of similar projects

The project is not to the final design stage and project elements would be reconsidered during further development to minimize impacts. The environmental effects of the Project have been assessed and the list of permits and approvals identified in Table 9-1 I in the EAW will require Alatus, LLC, to obtain approvals prior to construction. Alatus, LLC, would also be required to conform with regional and local plans. There are no elements of the Project that pose the potential for significant environmental effects.

VII. DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision,” and related documentation for this project, the City of Brooklyn Center, the responsible governmental unit (RGU) for this environmental review, concludes the following:

1. The Environmental Assessment Worksheet, this “Findings of Fact and Record of Decision” document, and related documentation for the Frontier Project were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700.
2. The Environmental Assessment Worksheet, this “Findings of Fact and Record of Decision” document, and related documentation for the project have satisfactorily addressed all the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):

- Type, extent, and reversibility of environmental effects.
- Cumulative effects of related or anticipated future projects.
- Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
- Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.

VIII. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the project by the City and cannot be relied upon as an indication of such approval. This finding allows Alatus, LLC to formally initiate the City's process for considering the specific permits and approvals necessary for development and operation of the project, and for the City in this process, informed by the record of the EAW, to identify and encourage conditions for compatible project construction, and assure their implementation at the project site.

Consequently, the City makes a Negative Declaration and does not require the preparation of an Environmental Impact Statement for the project.