



**U.S. Department of Housing and Urban  
Development**  
451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://espanol.hud.gov)

## **Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58**

### **Project Information**

**Project Name:** Marshall-Flats

**HEROS Number:** 900000010009181

**Responsible Entity (RE):** MINNEAPOLIS, 301 M CITY HALL MINNEAPOLIS MN, 55415

**RE Preparer:** Matt Bower

**State / Local Identifier:**

**Certifying Officer:** Spencer Cronk

**Grant Recipient (if different than Responsible Entity):**

**Point of Contact:**

**Consultant (if applicable):**

**Point of Contact:**

**Project Location:** 2525 2nd St NE, Minneapolis, MN 55418

**Additional Location Information:**

N/A

**Direct Comments to:** [matthew.bower@minneapolismn.gov](mailto:matthew.bower@minneapolismn.gov)

### **Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

The applicant, Clare Housing, is proposing to construct a four-story, 51-foot tall, building with 36 studio apartments for men and women living with HIV/AIDS. The proposed use is supportive housing, a conditional use in the C2 District, which is defined as: A facility that provides housing for twenty-four (24) hours per day

and requires participation by residents in programs or services designed to assist residents with improving daily living skills, securing employment or obtaining permanent housing. The subject property was part of a larger site at the intersection of 2nd St NE and Lowry Ave. NE. The development site is on a parcel that was recently split off of a larger parcel at 201 Lowry Ave. NE. This portion of the property was used as an on-site parking lot serving Little Jax, a restaurant that is now closed. Neighboring properties at the intersection and 2nd St. NE and along Lowry Ave. NE are commercial and office uses, including a liquor store, hardware store and music store. 2nd St NE is a community corridor until Lowry Ave NE. Lowry Ave. NE is also a community corridor. The properties across 2nd St. NE are industrial, the properties to the north and east are low density residential.

**Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:**

Clare Housing believes all people deserve a chance to live their best lives, and every individual has a place and right to be cared for in society. It's that unwavering belief that guides every aspect of Clare Housing's vision for an AIDS free world built on a foundation of equitable access to housing and health care. Since the opening of its first community care home in 1987, Clare Housing has been on the front lines of providing quality supportive services and stable housing for people living with and impacted by HIV in our community. Today, Clare Housing is the largest licensed provider of supportive housing for people living with HIV in Minnesota. Marshall Flats will be a newly constructed, fully accessible 36-unit supportive housing apartment building. Many of the people served at Marshall flats will be formerly homeless and live significantly below the federal poverty line and are classified either as low or very low-income. All residents will have an HIV-diagnosis. Staff will provide a continuum of supportive care services which will include 24/7 care and support, homecare services, licensed nursing care, medication management and variety social services.

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

The subject property is on a parcel that was recently split off of a larger parcel at 201 Lowry Ave NE. This portion of the property was used as an on-site parking lot serving Little Jax, a restaurant that is now closed. The parking lot and building housing the restaurant are vacated. Properties around the development site are industrial to the west leading to the Mississippi River, the properties to the north and east are low density residential.

**Maps, photographs, and other documentation of project location and description:**

- [Marshall Flats renderings.pdf](#)
- [Marshall Flats Small Scale map.pdf](#)
- [Marshall Flats Large Scale map.pdf](#)
- [Marshall Flats site views.pdf](#)

**Determination:**

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

**Approval Documents:**

- [Marshall Flats Part 58 Signature Package.pdf](#)

**7015.15 certified by Certifying Officer on:**

**7015.16 certified by Authorizing Officer on:**

**Funding Information**

Grant Number	HUD Program	Program Name	Funding Amount
MNH15F001	CPD	Housing Opportunities for Persons With AIDS (HOPWA)	\$150,000.00

**Estimated Total HUD Funded Amount:** \$150,000.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$9,531,970.00

**Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities**

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.

<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b>		
<b>Air Quality</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.
<b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.
<b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found with the ESA. In March 2016, the Minnesota Pollution Control Agency issued an air monitoring study for the riverfront area to the west of the project site (North Minneapolis Air Monitoring Project). The area studied is to the south and west of Marshall Flats. The state's Total Suspended Particles (TSP) standard was being exceeded in an area west of the river that contains a mix of land uses, including metal recyclers, manufacturing uses and retail. The source of TSP of airborne particulates and heavy metals is being investigated. The PCA is working with area facilities and the city of Minneapolis to identify sources contributing to these elevated air pollution concentrations and to identify pollution reduction activities for implementation. The project will be installing upgraded air filtering products that should collect particles of the size discussed in the PCA study. The project is in compliance with contamination and toxic substances requirements.
<b>Endangered Species Act</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project will have No Effect on listed species because there are no listed species or designated critical habitats in

402		the action area. This project is in compliance with the Endangered Species Act.
<b>Explosive and Flammable Hazards</b> Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There is a current or planned stationary above ground storage container of concern within 1 mile of the project site. The Separation Distances from the project are acceptable. The project is in compliance with explosive and flammable hazard requirements.
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A Noise Assessment was conducted. The noise level was acceptable: 64.7 db. See noise analysis. The project is in compliance with HUD's Noise regulation.
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. The closest designated sole source aquifer is the Mille Lacs aquifer located approximately 75 miles north of the project site. See attached map of sole source aquifer detail.
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990.
<b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. The closest designated wild and scenic river to the City of Minneapolis is the St. Croix River located approximately 25 miles east of

		the city. See attached map.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]**

**Impact Codes:** An impact code from the following list has been used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	C2 Neighborhood Corridor Commercial District zoned. A conditional use permit required due to supportive housing use in C2 district. Approved by City Planning Commission April 25, 2016. The site is located within the boundaries of the Lowry Avenue Corridor Plan adopted by the City Council in 2002. There are no important elements of the city, such as parks, greenways, significant buildings, and water bodies, near the site that will be obstructed by the proposed building. • This building should have minimal shadowing effects on public spaces and adjacent properties. • This building has been designed to minimize the generation of wind currents at ground level.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	Soils, slope and drainage all appropriate for proposed development on the site. Planned use of rain water for required stormwater systems will be in place. During construction best management practices for control of erosion and sedimentation will be implemented as required by the Minneapolis	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
		Code of Ordinances. The City will also conduct on-site inspections throughout construction.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	No impacts anticipated. The site plan employs best practices to increase natural surveillance and visibility, to control and guide movement on the site, and to distinguish between public and non-public spaces. • The proposed site, landscaping, and buildings promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks. • The project provides lighting on site, at all building entrances, and along walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.	
Energy Consumption/Energy Efficiency	2	The project will comply with the City's policies that call for the maximization of energy efficiency.	
<b>SOCIOECONOMIC</b>			
Employment and Income Patterns	2	The project will provide additional opportunities for housing and associated construction jobs within the neighborhood.	
Demographic Character Changes / Displacement	1	Project will bring additional supportive housing opportunity to an underutilized site. No displacement associated with the development.	
<b>COMMUNITY FACILITIES AND SERVICES</b>			
Educational and Cultural Facilities (Access and Capacity)	2	Northeast Library is 1.2 miles away and a 10 minute transit ride. There are a variety of churches and places of worship within a 1 – 5 mile radius of Marshall Flats accessible via public transit. The Bottineau Recreation Center is approximately a ½ mile away; 10 minute walk or 5 minute bus ride	
Commercial Facilities (Access and Proximity)	2	Groceries: Eastside Coop – 1.1 miles; 8 minutes via transit Cub Foods – 2.3 miles; 20 minutes via transit Restaurants: Variety of restaurants can be found on Central Avenue, approximately 1 – 2 miles (walkable and/or a 8 – 10 minute bus ride) Pharmacy: There is a	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
		Cub Foods Pharmacy and Target Pharmacy within 2.3 miles; 20 minutes via transit. Most of Clare Housing residents access medications through their medical provider pharmacy; in addition for our home care residents, Clare Housing contracts with Geritom Pharmacy home delivery services.	
Health Care / Social Services (Access and Capacity)	2	The majority of Clare Housing residents access their health care services through Hennepin County Medical Center, Postive Care Center. This facility is approximately 3.5 miles from Marshall Flats and accessible via public transit – 30 minute bus ride. In addition, North Memorial Medical Center is approximately 3 miles from Marshall flats, accessible via a 12 minute bus ride.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	Building will be served by private hauler. Recycling area will be provided and a trash chute serves the building.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	Sanitary lines tied to Met Council system will be included in the project.	
Water Supply (Feasibility and Capacity)	2	City of Minneapolis Water will provide water to the building.	
Public Safety - Police, Fire and Emergency Medical	2	The nearest police precinct is located at 1911 Central Avenue, approximately 1.3 miles from Marshall Flats. The nearest fire station/emergency medical is located at 229 6th Street SE; approximately 2.4 miles from Marshall Flats	
Parks, Open Space and Recreation (Access and Capacity)	2	There are several parks within .5 to 2 miles of Marshall Flats, including Sheridan Memorial Park, Bottineau Park, Jackson Square Park, Dickman Park and BF Nelson Park	
Transportation and Accessibility (Access and Capacity)	2	The site is located within 100 yards of the bus stop at the northeast corner of Lowry Avenue NE and 2nd Street NE. The intersection is served by 2 major bus lines. The proposed use requires 9 off-street parking spaces, which are located in a surface lot behind the proposed building. The parking is accessed via curb cut along 2nd St NE. The applicant has indicated that very few	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
		<p>of their residents own a vehicle and the parking will be primarily for staff. The #11 bus runs north/south, including service to downtown Minneapolis. Buses are scheduled every 15 minutes during rush hour, every 30 minutes in off-peak hours. The #32 bus runs east/west and includes service to the North Memorial hospital campus and to Rosedale, with buses scheduled every 30 minutes. There is a limited stop Express Bus, route #824, which stops at University and Lowry Avenues NE, 1/10th of a mile from the site. The #824 runs from the Northtown Transit Center in Blaine to downtown Minneapolis during morning rush hour and the reverse route in evening rush hour. The #824 bus stops at University and Lowry Avenues NE, 1/10th of a mile from the site. There are designated bikeways three blocks away on 22nd Av NE and on 5th St NE. The site is four blocks from the Lowry Avenue bridge. Clare staff will assist individuals in arranging transportation to clinics, mental health providers and other supportive services. Besides mass transit, individuals will travel by specialized medical transportation and, when appropriate, taxi.</p>	
<b>NATURAL FEATURES</b>			
Unique Natural Features /Water Resources	2	No unique natural features on these vacant city lots.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	No unique natural features on these vacant city lots.	
Other Factors			

### Supporting documentation

#### Additional Studies Performed:

**Field Inspection [Optional]:** Date and completed by:

Matt Bower

3/31/2016 12:00:00 AM

[Marshall Flats site views.pdf](#)**List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:**

City of Minneapolis planning documents and public review actions; project application materials; MN SHPO; Phase I ESA (Thatcher Engineering), additional state and federal databases and sources.

**List of Permits Obtained:****Public Outreach [24 CFR 58.43]:**

Developer has held multiple meetings with local neighborhood association; City of Minneapolis and Minnesota Housing Finance Agency staff and officials.

**Cumulative Impact Analysis [24 CFR 58.32]:**

The proposed development would convert an underutilized parcel of land into a supportive housing facility that would serve 36 people living with HIV/AIDS. The surrounding area includes a diverse mix of land uses including residential, commercial and industrial. The proposed use will be located in a new residential structure that is compatible in scale to the surrounding structures. The City finds that the proposed use would not be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed use for the site is consistent with long range planning goals identified in the Lowry Avenue Corridor study.

**Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]****No Action Alternative [24 CFR 58.40(e)]**

If the project does not go forward, the project site is likely to remain in its current state as a vacant and vacated parking lot until a similar type of development is proposed. The site is assembled to accommodate a development of the proposed nature. The proposed use for the site is consistent with long range planning goals identified in the Lowry Avenue Corridor study.

**Summary of Findings and Conclusions:**

The proposed development would convert an underutilized parcel of land into a supportive housing facility that would serve 36 people living with HIV/AIDS. The applicant has submitted a management plan with details on staffing, coordinated entry and services provided on-site to residents. The surrounding area includes a diverse mix of land uses including residential, commercial and industrial. Staff finds that the proposed use will not be injurious to the use and enjoyment of other property in the vicinity. The previous use was a restaurant at the corner of Lowry Ave NE and 2nd St NE and this portion of the parcel was the on-site parking lot. The other

portion of the lot was recently sold and will likely be redeveloped. The parcel north of the subject property is also vacant and zoned for low-density residential. The proposed use will be located in a new residential structure that is incompatible in scale to the surrounding structures. Therefore, the proposed use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

**Mitigation Measures and Conditions [CFR 1505.2(c)]:**

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Complete
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**Mitigation Plan**

**Supporting documentation on completed measures**

## APPENDIX A: Related Federal Laws and Authorities

### Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

✓ No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

### Screen Summary

#### Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.

#### Supporting documentation

[Marshall Flats Large Scale map\(1\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

## Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

**1. Is the project located in a CBRS Unit?**

No

Document and upload map and documentation below.

Yes

### Compliance Determination

This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.

### Supporting documentation

[coastal barrier resources map.pdf](#)

### Are formal compliance steps or mitigation required?

Yes

No

## Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

No. This project does not require flood insurance or is excepted from flood insurance.

✓ Yes

**2. Upload a FEMA/FIRM map showing the site here:**

[FM27053C0219E-Marshall Flats.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

**Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?**

✓ No

Based on the response, the review is in compliance with this section.

Yes

### **Screen Summary**

#### **Compliance Determination**

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all

insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

✓ No

**Air Quality**

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

**1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

Yes

No

**Air Quality Attainment Status of Project’s County or Air Quality Management District**

**2. Is your project’s air quality management district or county in non-attainment or maintenance status for any criteria pollutants?**

No, project’s county or air quality management district is in attainment status for all criteria pollutants.

Yes, project’s management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

**Screen Summary**

**Compliance Determination**

The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

Marshall-Flats

Minneapolis, MN

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Yes

✓ No

## Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

**1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?**

Yes

✓ No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

### Screen Summary

#### **Compliance Determination**

This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.

#### **Supporting documentation**

[coastal barrier resources map\(1\).pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

✓ No

## Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

**1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.**

- American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)
- ASTM Phase II ESA
- Remediation or clean-up plan
- ASTM Vapor Encroachment Screening
- None of the Above

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

- No

**Explain:**

See attached Phase I ESA narrative report.

Based on the response, the review is in compliance with this section.

Yes

### Screen Summary

#### **Compliance Determination**

Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found with the ESA. In March 2016, the Minnesota Pollution Control Agency issued an air monitoring study for the riverfront area to the west of the project site (North Minneapolis Air Monitoring Project). The

area studied is to the south and west of Marshall Flats. The state's Total Suspended Particles (TSP) standard was being exceeded in an area west of the river that contains a mix of land uses, including metal recyclers, manufacturing uses and retail. The source of TSP of airborne particulates and heavy metals is being investigated. The PCA is working with area facilities and the city of Minneapolis to identify sources contributing to these elevated air pollution concentrations and to identify pollution reduction activities for implementation. The project will be installing upgraded air filtering products that should collect particles of the size discussed in the PCA study. The project is in compliance with contamination and toxic substances requirements.

**Supporting documentation**

[Marshall Flats Phase I ESA Narrative.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

**Endangered Species**

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402

**1. Does the project involve any activities that have the potential to affect species or habitats?**

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

- ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

**2. Are federally listed species or designated critical habitats present in the action area?**

- ✓ No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below. Documentation may include letters from the Services, species lists from the Services’ websites, surveys or other documents and analysis showing that there are no species in the action area.

Yes, there are federally listed species or designated critical habitats present in the action area.

**Screen Summary**

**Compliance Determination**

This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act.

**Supporting documentation**

[Endangered Species Act No Effect Determination-Marshall Flats.pdf](#)

[IPAC Trust resources list-Marshall Flats.pdf](#)

[Official Species List TWIN CITIES ESFO 16 Mar 2016.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

**1. Is the proposed HUD-assisted project a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals), i.e. bulk fuel storage facilities, refineries, etc.?**

No

Yes

**2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?**

No

Yes

**3. Within 1 mile of the project site, are there any current *or planned* stationary aboveground storage containers:**

- Of more than 100 gallon capacity, containing common liquid industrial fuels OR
- Of any capacity, containing hazardous liquids or gases that are not common liquid industrial fuels?

No

Yes

**4. Is the Separation Distance from the project acceptable based on standards in the Regulation?**

Yes

Based on the response, the review is in compliance with this section.

No

**Screen Summary**

**Compliance Determination**

There is a current or planned stationary above ground storage container of concern within 1 mile of the project site. The Separation Distances from the project are acceptable. The project is in compliance with explosive and flammable hazard requirements.

**Supporting documentation**

[AST Locations - Marshall Flats.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>

**1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?**

Yes

✓ No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

Project is located in an urbanized area exempt from the Farmland Protection Policy Act of 1981. See attached Urbanized Area Location map.

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

### Screen Summary

#### Compliance Determination

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.

#### Supporting documentation

[Urbanized Area Map.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

**1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]**

- 55.12(c)(3)
- 55.12(c)(4)
- 55.12(c)(5)
- 55.12(c)(6)
- 55.12(c)(7)
- 55.12(c)(8)
- 55.12(c)(9)
- 55.12(c)(10)
- 55.12(c)(11)
- None of the above

**2. Upload a FEMA/FIRM map showing the site here:**

[FM27053C0219E-Marshall Flats.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

**Does your project occur in a floodplain?**

- No

Based on the response, the review is in compliance with this section.

Yes

**Screen Summary**

**Compliance Determination**

This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

✓ No

**Historic Preservation**

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 “Protection of Historic Properties” <a href="http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html">http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html</a>

**Threshold**

**Is Section 106 review required for your project?**

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

**Step 1 – Initiate Consultation**

**Select all consulting parties below (check all that apply):**

- ✓ State Historic Preservation Offer (SHPO) Completed

Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

Other Consulting Parties

**Describe the process of selecting consulting parties and initiating consultation here:**

Outreach to SHPO.

Document and upload all correspondence, notices and notes (including comments and objections received below).

**Step 2 – Identify and Evaluate Historic Properties**

- 1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

**In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.**

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
-------------------------------	--------------------------	------------------	-----------------------

**Additional Notes:**

- 2. Was a survey of historic buildings and/or archeological sites done as part of the project?**

Yes

✓ No

**Step 3 –Assess Effects of the Project on Historic Properties**

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

**Document reason for finding:**

No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

**Screen Summary****Compliance Determination**

Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.

**Supporting documentation**

[MN SHPO determination - Marshall Flats.pdf](#)  
[Marshall Flats SHPO Package.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No



**Noise Abatement and Control**

General requirements	Legislation	Regulation
HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields”	Title 24 CFR 51 Subpart B

**1. What activities does your project involve? Check all that apply:**

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

None of the above

**4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000’ from a major road, 3000’ from a railroad, or 15 miles from an airport).**

**Indicate the findings of the Preliminary Screening below:**

There are no noise generators found within the threshold distances above.

- ✓ Noise generators were found within the threshold distances.

5. **Complete the Preliminary Screening to identify potential noise generators in the**

- ✓ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here: 64.7

Based on the response, the review is in compliance with this section. Document and upload noise analysis, including noise level and data used to complete the analysis below.

Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Unacceptable: (Above 75 decibels)

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels.

Indicate noise level here: 64.7

Document and upload noise analysis, including noise level and data used to complete the analysis below.

**Screen Summary**

**Compliance Determination**

A Noise Assessment was conducted. The noise level was acceptable: 64.7 db. See noise analysis. The project is in compliance with HUD's Noise regulation.

**Supporting documentation**

[Marshall Flats Noise Analysis.pdf](#)

**Are formal compliance steps or mitigation required?**

Marshall-Flats

Minneapolis, MN

900000010009181

Yes

✓ No

**Sole Source Aquifers**

General requirements	Legislation	Regulation
<p><b>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</b></p>	<p>Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)</p>	<p>40 CFR Part 149</p>

**1. Is the project located on a sole source aquifer (SSA)?**

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

✓ No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

**Screen Summary**

**Compliance Determination**

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. The closest designated sole source aquifer is the Mille Lacs aquifer located approximately 75 miles north of the project site. See attached map of sole source aquifer detail.

**Supporting documentation**

[Sole Source Aquifer MN Mille Lacs Map.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

**Wetlands Protection**

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service’s National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building’s footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order**

No

✓ Yes

**2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.**

**"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."**

✓ No, a wetland will not be impacted in terms of E.O. 11990’s definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990’s definition of new construction.

**Screen Summary**

**Compliance Determination**

The project will not impact on- or off-site wetlands. The project is in compliance with Executive

Order 11990.

**Supporting documentation**

[wetlandsMar162016112807GMT-0500.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

### 1. Is your project within proximity of a NWSRS river?

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

### **Screen Summary**

#### **Compliance Determination**

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. The closest designated wild and scenic river to the City of Minneapolis is the St. Croix River located approximately 25 miles east of the city. See attached map.

#### **Supporting documentation**

[Wild and Scenic Rivers MN St. Croix Map.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

No

**Environmental Justice**

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

**1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?**

Yes

✓ No

Based on the response, the review is in compliance with this section.

**Screen Summary**

**Compliance Determination**

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

✓ No



U.S. Department of Housing and Urban  
Development  
451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://espanol.hud.gov)

**Environmental Assessment  
Determinations and Compliance Findings  
for HUD-assisted Projects  
24 CFR Part 58**

**Project Information**

**Project Name:** Marshall-Flats

**HEROS Number:** 900000010009181

**Project Location:** 2525 2nd St NE, Minneapolis, MN 55418

**Additional Location Information:**

N/A

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

The applicant, Clare Housing, is proposing to construct a four-story, 51-foot tall, building with 36 studio apartments for men and women living with HIV/AIDS. The proposed use is supportive housing, a conditional use in the C2 District, which is defined as: A facility that provides housing for twenty-four (24) hours per day and requires participation by residents in programs or services designed to assist residents with improving daily living skills, securing employment or obtaining permanent housing. The subject property was part of a larger site at the intersection of 2nd St NE and Lowry Ave. NE. The development site is on a parcel that was recently split off of a larger parcel at 201 Lowry Ave. NE. This portion of the property was used as an on-site parking lot serving Little Jax, a restaurant that is now closed. Neighboring properties at the intersection and 2nd St. NE and along Lowry Ave. NE are commercial and office uses, including a liquor store, hardware store and music store. 2nd St NE is a community corridor until Lowry Ave NE. Lowry Ave. NE is also a community corridor. The properties across 2nd St. NE are industrial, the properties to the north and east are low density residential.

**Funding Information**

Grant Number	HUD Program	Program Name	Funding Amount
MNH15F001	CPD	Housing Opportunities for Persons With AIDS (HOPWA)	\$150,000.00

**Estimated Total HUD Funded Amount:** \$150,000.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$9,531,970.00

**Mitigation Measures and Conditions [CFR 1505.2(c)]:**

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition
---------------------------	---------------------------------

**Mitigation Plan**

**Determination:**

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

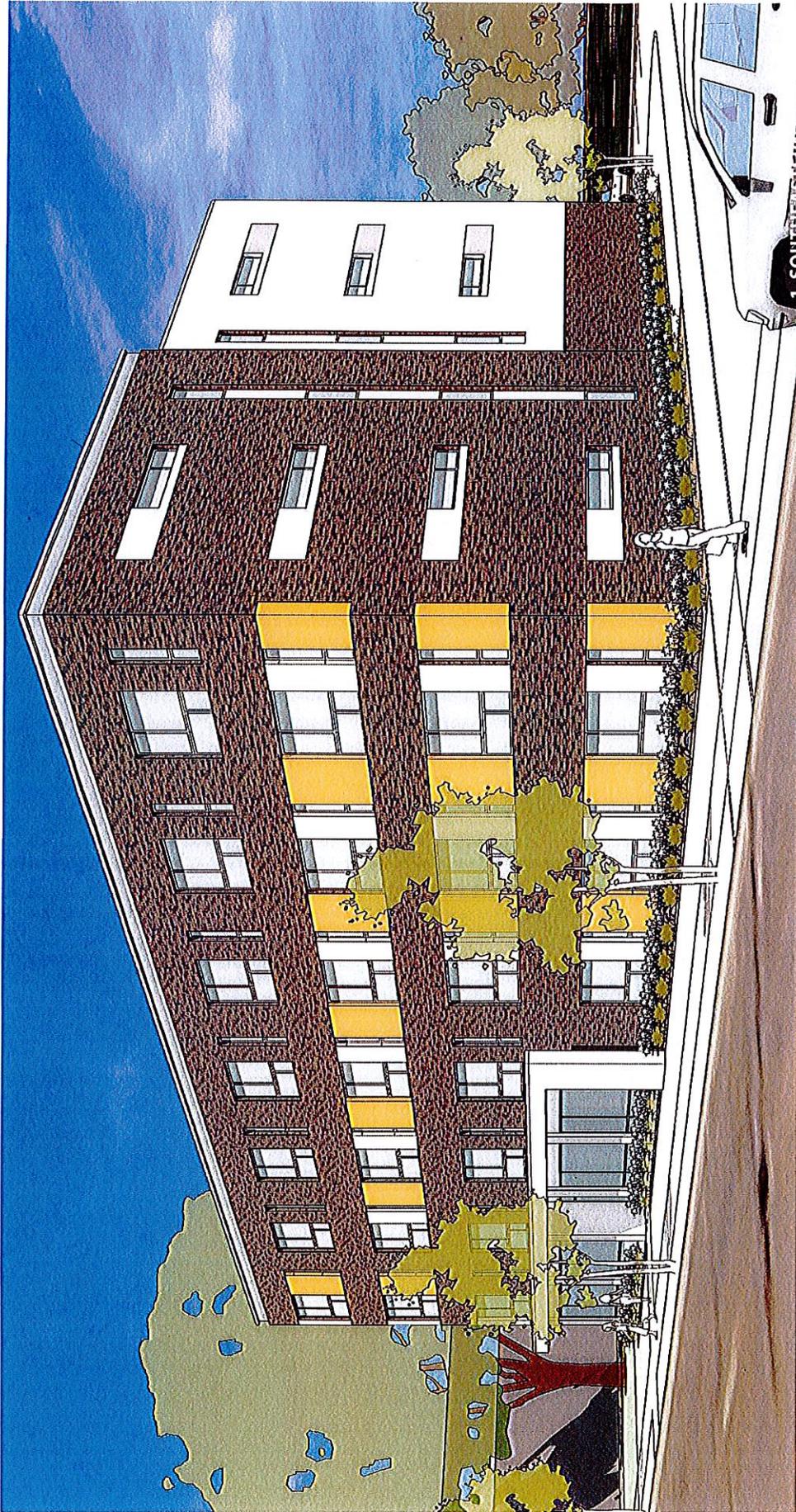
Preparer Signature: *Matt Bower* Date: 5/18/16

Name / Title/ Organization: Matt Bower / Manager, Resource Coordination / MINNEAPOLIS

Certifying Officer Signature: *Spencer Cook* Date: 5/18/16

Name/ Title: Spencer Cook City Coordinator

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environment Review Record (ERR) for the activity / project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

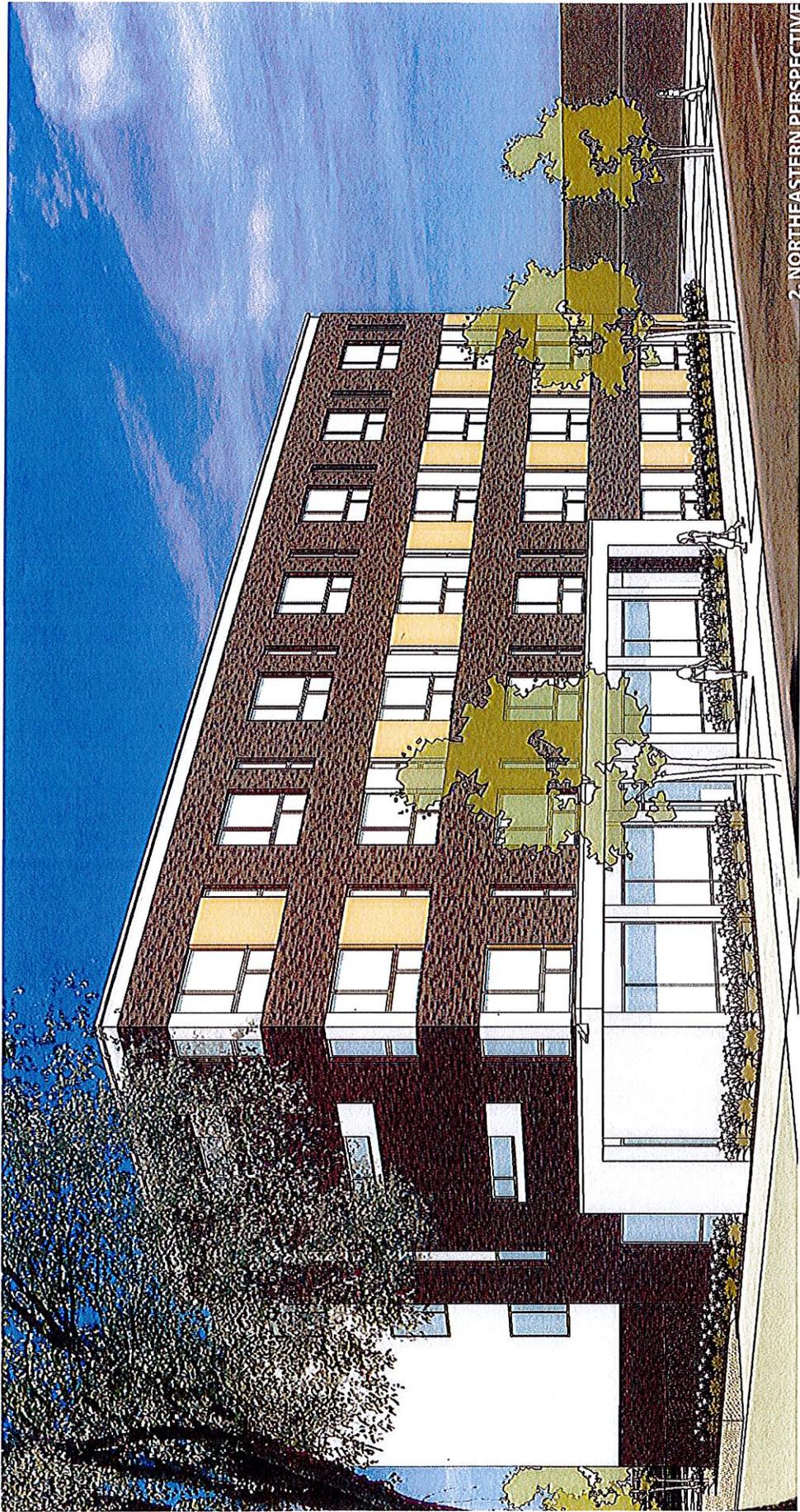


**MARSHALL FLATS**  
**CLARE HOUSING**  
02/12/2016



PAGE (11)

**CERMAK RHOADES ARCHITECTS**



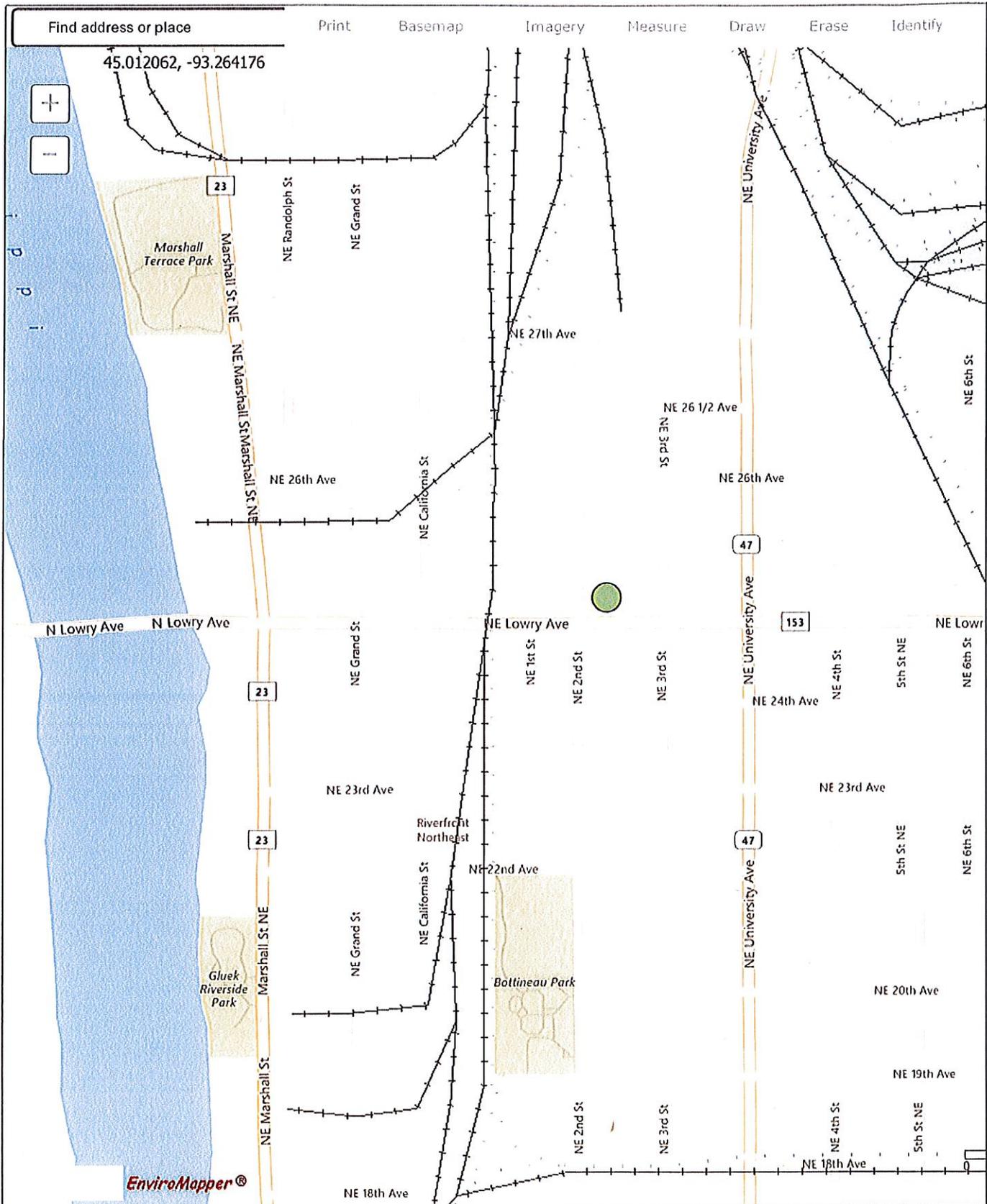
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**MARSHALL FLATS**  
**CLARE HOUSING**  
02/12/2016 PAGE (12)

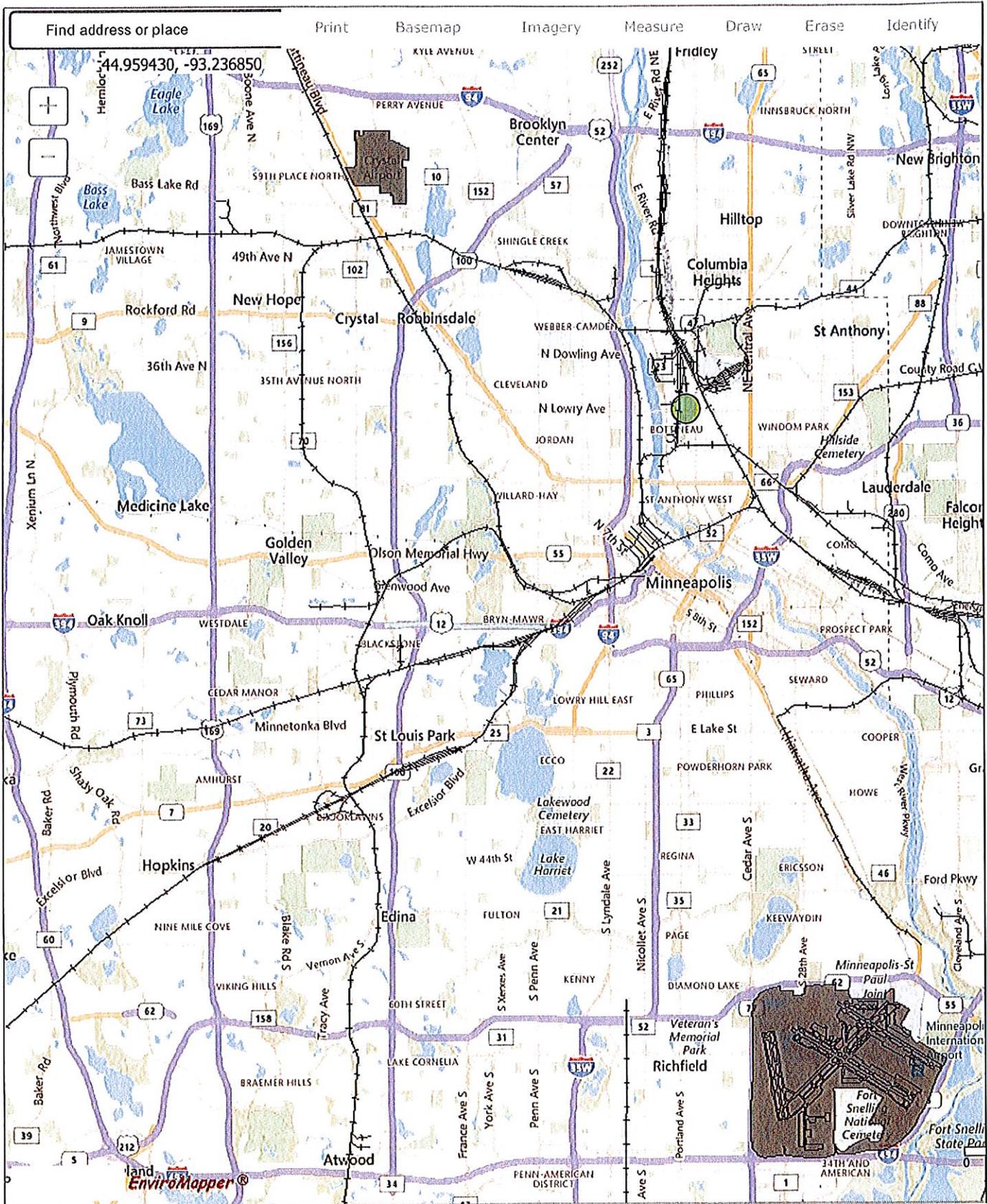


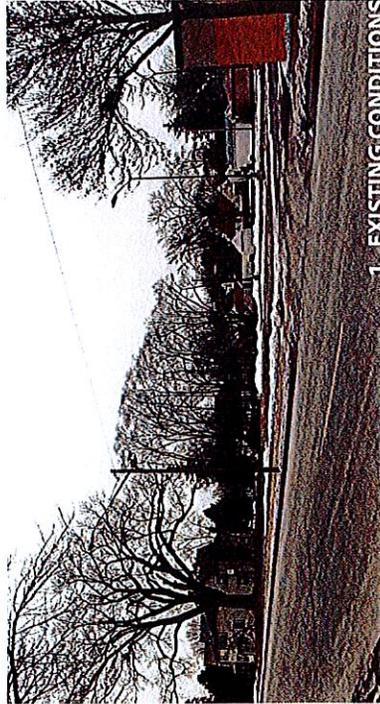
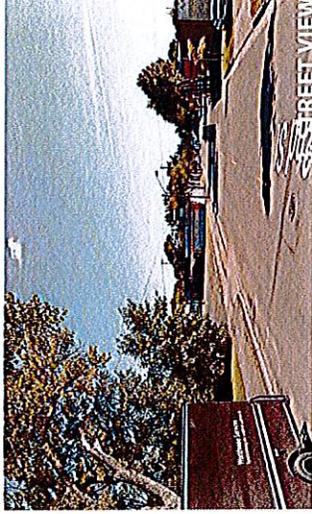
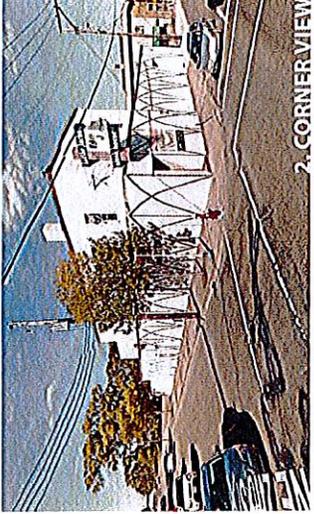
**CERMAK RHOADES ARCHITECTS**

# NEPAssist



# NEPAssist





**Coastal Barrier Resources System Mapper**

U.S. Fish and Wildlife Service

Measure | Streets | Imagery/Labels | Topo | USGS Topo

55415 Find Location

CBRS Enter CBRS unit number (e.g. 0017) Find CBRS

**Available Layers**

- CBRS Units

**CBRS Units**

**CBRS Units**

**About**

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- Meet the Biologist
- Contact Us
- Glossary

**Species**

- Endangered Species
- Candidate Conservation
- Foreign Species
- Marine Mammals

**Wildlife and Habitat Conservation**

- Wetlands
- Coastal Barrier Resources System
- Conservation Planning
- Natural Resource Damage Assessment
- Spill Response
- Contaminants

**Development and Energy**

- Transportation Planning
- Water Resource Development
- Energy

**FWS Regions**

- Pacific (Region 1)
- Southwest (Region 2)
- Great Lakes (Region 3)
- Southeast (Region 4)
- Northeast (Region 5)
- Mountain Prairie (Region 6)
- Alaska (Region 7)
- Pacific Southwest (Region 8)
- Headquarters

**Library**

- Ecological Services Documents
- Federal Register Notices

**Newsroom**

- News Stories
- Publications
- Stories from the Field


  
 SCALE 1" = 500'
   

  
 METERS

PANEL 0219E

**FIRM**

**FLOOD INSURANCE RATE MAP**

**HENNEPIN COUNTY,**

**MINNESOTA**

**(ALL JURISDICTIONS)**

**PANEL 219 OF 479**

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY NUMBER 27072

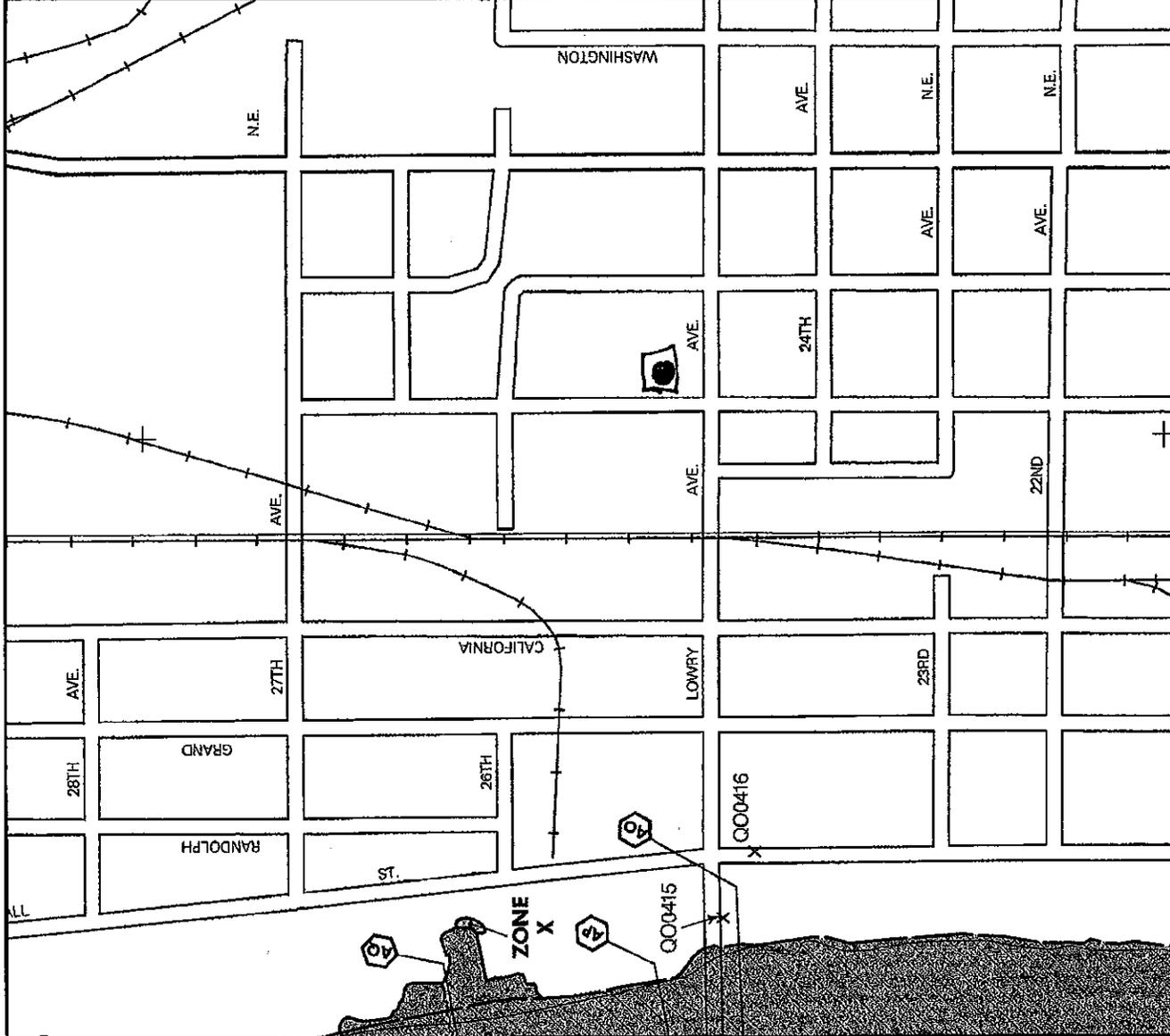
PANEL SUFFIX 029 E

MINNESOTA CITY OF


  
**MAP NUMBER**  
**270530219E**
  
**EFFECTIVE DATE**  
**SEPTEMBER 2, 2004**

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps, check the FEMA Flood Map Store at [www.nesc.fema.gov](http://www.nesc.fema.gov)



**Engineering and Environmental Solutions**  
Presented by Thatcher Engineering

**Phase I  
Environmental Site Assessment**

**Former Little Jack's Restaurant Parking Lot  
201 Lowry Ave. NE  
Minneapolis, MN 55418**

**PREPARED FOR:  
Clare Housing  
929 Central Ave. NE  
Minneapolis, MN 55413**

**February 3, 2015**



Thatcher Engineering, Inc.  
2055 Central Expressway, Suite 100  
Minneapolis, MN 55413  
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[www.thatchereng.com](http://www.thatchereng.com)



Phase I ESA for  
Former Little Jack's Restaurant Parking Lot  
201 Lowry Ave. NE, Minneapolis, MN 55418

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Appendix 8 ----- Completed Phase I ESA Questionnaires

Appendix 9 ----- Environmental Professional’s Resumes

## EXECUTIVE SUMMARY

Thatcher Engineering, Inc. (TEI) was retained on December 3, 2014 by Mr. Chuck Peterson of Clare Housing in Minneapolis, Minnesota to complete a Phase I Environmental Site Assessment (Phase I ESA) for Lots 18, 19, and 20 of Parcel A of the Former Little Jack's Restaurant property located at 201 Lowry Ave. NE., Minneapolis, MN 55418 (Site Property). The Site Property consists of a bituminous parking lot that comprises the 0.5 acre Parcel A located on the northern half of the property located on the northeast corner of Lowry Avenue and 2<sup>nd</sup> Avenue NE.

The Site Property is a part of a larger parcel and the Hennepin County Property ID Number is 11-029-24-23-0132. That larger parcel has then been divided into two smaller parcels, Parcel A and Parcel B. The Site Property comprises Parcel A -- lots 18, 19, and 20. There is no current structure on the Site Property. The Site Property is currently tax-forfeited land and is owned by the 201 Lowry Development LLC.

According to all information gathered, the Site Property has been undeveloped since at least 1912. The first apparent use of the Site Property as a parking lot was observed in 1966. There are two accesses to the parking lot from 2<sup>nd</sup> Ave. NE on the west side of the lot, and one on the east side from the adjacent alley way. The Mississippi River is approximately 1,935 feet to the west. See Figure 1 for the general location of the Site.

The work completed for this Phase I ESA includes a review of aerial photographs, historic topographic maps, city directories, State and Federal databases, interviews with municipal officials, comprehensive review of available files from municipal offices and a site reconnaissance. This Phase I ESA was completed in general conformance with ASTM E 1527-13 and MPCA guidelines for conducting such assessments.

In order for an environmental condition to be considered a Recognized Environmental Condition (REC) according to the ASTM E 1527-13 standard, the following must be true: The presence of a hazardous substance or petroleum product must either be known or likely. It must be likely that the environmental condition is present on a property under conditions that indicate an existing release, a past release, or a material threat of a release into structures on the property or into the ground, groundwater or surface water of the subject property.

Finally, the environmental condition must generally be a threat to human health or the environment and generally be subject to enforcement action if known by an enforcement agency. The term REC is not intended to include "de minimis" conditions that generally would not be subject of an enforcement action if brought to the attention of appropriate governmental agencies. De minimis conditions are not RECs.

No RECs were identified for this Site.

Thatcher Engineering, Inc. has performed a Phase I ESA of the subject property in conformance with ASTM E 1527-13. This assessment revealed no indications of

Recognized Environmental Conditions in connection with the site. Therefore, since no Recognized Environmental Conditions were found, no additional investigation of the Site Property is recommended at this time.

## 1.0 INTRODUCTION/PURPOSE

Thatcher Engineering, Inc. (TEI) was retained on December 3, 2014 by Mr. Chuck Peterson of Clare Housing in Minneapolis, Minnesota to complete a Phase I Environmental Site Assessment (Phase I ESA) for Lots 18, 19, and 20 of Parcel A of the Former Little Jack’s Restaurant property located at 201 Lowry Ave. NE., Minneapolis, MN 55418 (Site Property). The Site Property consists of a bituminous parking lot that comprises the 0.5 acre Parcel A located on the northern half of the property located on the northeast corner of Lowry Avenue and 2<sup>nd</sup> Avenue NE.

The Site Property is a part of a larger parcel and the Hennepin County Property ID Number is 11-029-24-23-0132. That larger parcel has then been divided into two smaller parcels, Parcel A and Parcel B. The Site Property comprises Parcel A – lots 18, 19, and 20. There is no current structure on the Site Property. The Site Property is currently tax-forfeited land and is owned by the 201 Lowry Development LLC.

According to all information gathered, the Site Property has been undeveloped since at least 1912. The first apparent use of the Site Property as a parking lot was observed in 1966. There are two accesses to the parking lot from 2<sup>nd</sup> Ave. NE on the west side of the lot, and one on the east side from the adjacent alley way. The Mississippi River is approximately 1,935 feet to the west. See Figure 1 for the general location of the Site.

The work completed for this Phase I ESA includes a review of aerial photographs, historic topographic maps, city directories, State and Federal databases, interviews with municipal officials, comprehensive review of available files from municipal offices and a site reconnaissance. This Phase I ESA was completed in general conformance with ASTM E 1527-13 and MPCA guidelines for conducting such assessments.

The purpose of this report is to describe the scope of the assessment, accumulate data on present conditions and historical uses of the subject site and nearby properties and to assess and render an opinion regarding the potential adverse environmental impact that these conditions and uses may have had on the site. More specifically, to assess whether or not conditions found at or near the property or potentially present represent a Recognized Environmental Condition (REC).

The term REC means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release into structures on the property or into the ground, ground water or surface water of the property. The term is not intended to include “de

minimis” conditions that generally would not be subject of an enforcement action if brought to the attention of appropriate governmental agencies. De minimis conditions are not RECs.

In addition, it is also our understanding that the purpose of completing this Phase I ESA is to satisfy one of the requirements to qualify for the innocent landowner defense to CERCLA liability, the contiguous property owner liability protection and/or the bona fide prospective purchaser liability protection, specifically, through performing all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice.

## **2.0 SCOPE/LIMITATIONS OF ASSESSMENT**

This Phase I ESA was completed to determine if available historical information, regulatory reporting and the present site conditions represent potential environmental impact concerns. This Phase I ESA was written in general compliance with the American Society for Testing and Materials (ASTM) Standard Practice for Phase I Environmental Site Assessment Process, E 1527-13. The work we completed for this Phase I ESA included:

1. A Site Reconnaissance of site property and structure.
2. Reasonable attempts to obtain interviews with the current owner, tenants of the property as well as with local, county, state and federal officials and others with knowledge of the property.
3. A review of reasonably available maps, plan drawings, aerial photographs, and databases, previously completed reports and other environmentally related documents and records.
4. Determine current uses and historical uses of the site property as well as the surrounding properties.
5. A review of County files, Fire Department records, City records and other records relating to the history of site.
6. Research available records to determine the ownership trail, environmental liens, and assessment of price relative to the market value.
7. Data review, data reduction and the completion of a Phase I ESA Report summarizing the work completed and offering our conclusions and recommendations.

Although we attempted to identify past and present contamination sources or potential contamination sources, hidden contamination may exist including buried drums, unreported

spills, unregistered or buried underground storage tanks (UST’s), or residual contamination from past spills.

This Phase I ESA relied upon reasonably ascertainable and reviewable reports, records, maps and other information, observations and information provided from interviews. This assessment relied on the information provided by the individuals interviewed and the available records. We are not responsible for omissions or errors in files or reports available and we did not verify the accuracy or completeness of the information received and reviewed.

This Phase I ESA was initiated with the understanding that no physical samples were to be collected and analyzed. No building material samples, soil samples or groundwater samples were collected or analyzed for this project. No roofs were accessed for this project.

No significant data gaps were found during the completion of this Phase I ESA.

The following are non-scope considerations per ASTM E 1527-13, not assessed or evaluated for this Phase I ESA:

- Radon
- Asbestos
- Lead based Paint
- Lead in Drinking Water
- Wetlands
- Industrial Hygiene
- Health and Safety
- Indoor Air Quality
- Cultural and Historic Resources
- Regulatory Compliance
- High Voltage Power lines

Wherever possible, it will be stated in this Phase I ESA where discussed items are located on the subject property or surrounding property. Any limitations to or exceptions from the scope of ASTM E 1527-13 are as stated in the body of this report. In this report, the terms “Site”, “site”, “site area”, “Site Property” and “subject property” will refer to the property listed as Parcel A with the address 201 Lowry Ave. NE, Minneapolis, MN 55418. Owner and Owner Representative will refer to Allan Coleman who represents Clare Housing.

### **3.0 PROPERTY SETTING AND SURROUNDING LAND USE**

The Site Property consists of a bituminous parking lot that comprises the 0.5 acre Parcel A located on the northern half of the property located on the northeast corner of Lowry Avenue and 2<sup>nd</sup> Avenue NE. The Site Property is a part of a larger parcel and the Hennepin County Property ID Number is 11-029-24-23-0132. That larger parcel has then been divided into two smaller parcels, Parcel A and Parcel B. The Site Property

comprises Parcel A. There is no current structure on the Site Property. A copy of the Hennepin County parcel data is included in Appendix 1.

The site is located on the United States Geological Survey (USGS) 7.5 Minute Series Topographic Maps – Minneapolis North Quadrangle in the SW ¼ of the SW ¼ of the NW ¼ of Section 11, Township 29N and Range 23W. The topography at the Site is relatively level with surface drainage generally flowing towards the west. See Figure 1 for the Site Property setting.

The land use of the area is a mix of industrial/commercial and residential. The site is bounded by the following properties:

- North: A residential property.
- East: Several residential properties.
- South: Commercial properties including the former Little Jack’s Restaurant building.
- West: A.A. Battery Company, a commercial property.
- Northwest: A mixed use industrial building.

#### **4.0 TOPOGRAPHIC, GEOLOGIC AND HYDROGEOLOGIC SETTING**

USGS Topographic Maps, Minnesota Geological Survey (MGS) Geologic Atlas of Hennepin County, and Minnesota Department of Health (MDH) well logs within one mile of the site were reviewed for this project. According to the 1993 Minneapolis, Minnesota 7.5 Minute Topographic map, the site is relatively flat and the elevation of the site is approximately 832 feet above mean sea level (MSL).

According to the well logs reviewed on sites within one mile of the site, the surficial geology of the site consists of a small layer of clay followed by sand and gravel. The first bedrock encountered under the site is the Platteville and Glenwood Formations, which is first encountered less than 50 feet below grade in the area around the Site.

The estimated water table elevation at the Site is within 12 feet of the surface elevation or, approximately 820 feet above MSL. According to the geologic materials reviewed, the flow direction of the surficial aquifer is southwest towards the Mississippi River.

#### **5.0 HISTORICAL RESEARCH**

The history of the site was ascertained from interviews with municipal officials and from a review of available property documents, maps, reports and aerial photographs of the site.

## 5.1 Sanborn Fire Insurance Maps Review

Environmental Data Resources Inc. (EDR) was retained to obtain available Sanborn Fire Insurance Maps (Sanborn Maps) of the site, which can be used to identify the previous activity at a property. Sanborn Maps were provided for the years 1912, 1950, 1952, and 1966. Copies of these Sanborn Maps are found in Appendix 2. The dates of the map as well as observations noted are summarized below:

- **1912** – There is a building located on the southwest corner of the southernmost parcel. There is no development shown on the parcel that consists of the Site Property. There are structures shown on properties adjacent to the southeast, and a structure on the adjacent property to the north.
- **1950** – The building – presumably the former Little Jacks Restaurant – is located on the southwest corner of the southern parcel. There are structures shown directly to the east of this building. There is no development or structures shown on the parcel that comprises the Site Property. There are additional structures shown adjacent to the Site Property to the east.
- **1952** – The building to the south of the Site Property has expanded. There is an additional structure developed to the east of the Site Property. There are no structure shown on the parcel that comprises the Site Property.
- **1966** – The Site Property remains undeveloped. The restaurant building adjacent on the southern parcel has expanded, and additional structures have also been developed to the east of that building. There is a machine shop shown adjacent to the Site Property to the west/southwest.

Based on a review of the Sanborn Maps, no RECs were observed on-site, adjacent to or up-gradient from the Site Property.

## 5.2 Aerial Photograph Review

Aerial photographs were obtained for the years of 1937, 1940, 1947, 1953, 1957, 1966, 1969, 1972, 1978, 1984, 1987, 1991, 1997, 2005, 2008, 2009, and 2010 and are found in Appendix 3. The dates of the photographs as well as observations noted during the review are summarized below.

- **1937** – The Site Property is undeveloped. The adjacent parcel to the south is developed with the restaurant building, along with some other properties immediately to the east of this building. There is residential development adjacent to the east and the north of the Site Property. The adjacent property to the west is undeveloped, with railroad tracks along the western edge of that property. Approximately 1,500 feet to the east of the Site Property there appears to be a tank farm alongside a set of railroad tracks. There is another tank farm approximately

1,000 feet southwest of the Site Property. The Mississippi River can be seen approximately 1,700 feet to the west of the Site Property.

- **1940** – No significant changes are apparent on the Site Property or adjacent properties.
- **1947** – There are additional residential developments adjacent to the Site Property to the east. Otherwise no significant changes are apparent on the Site Property.
- **1953** - There is what appears to be a parking area on the adjacent property northwest of the Site Property. There is also a commercial building located to the southwest of the Site Property. There are additional commercial properties developed along the railroad tracks to the west of the Site. The Site Property remains undeveloped.
- **1957** – The tank farm to the southwest of the Site has expanded. Otherwise no significant changes are apparent on the Site Property or adjacent properties.
- **1966** – The Site Property is now a paved parking lot for the restaurant located on the adjacent southern parcel. There is a commercial building located on the adjacent property to the west of the Site Property. The restaurant building on the south parcel has expanded, and additional buildings are now located to the east of the restaurant as well.
- **1969** – No significant changes are apparent on the Site Property or adjacent properties.
- **1972** – No significant changes are apparent on the Site Property or adjacent properties.
- **1978** – There is what appears to be material storage on the property to the northwest of the Site Property. There are no significant changes to the Site Property.
- **1984** – No significant changes are apparent on the Site Property or adjacent properties.
- **1987** – No significant changes are apparent on the Site Property or adjacent properties.
- **1991** – No significant changes are apparent on the Site Property or adjacent properties.
- **1997** – There is now a commercial building built on the adjacent property to the northwest of the Site Property. The tank farm located to the east of the Site Property is no longer there.
- **2005** – No significant changes are apparent on the Site Property or adjacent properties.

- **2008** – No significant changes are apparent on the Site Property or adjacent properties.
- **2009** – No significant changes are apparent on the Site Property or adjacent properties.
- **2010** – No significant changes are apparent on the Site Property or adjacent properties.

Based on a review of the historic Aerial Photographs, no RECs were observed on-site, adjacent to or up-gradient from the site.

### **5.3 Historical Topographic Maps**

Historical topographic maps were also reviewed to obtain information concerning the history of development on and near the site. Although usually made from aerial photographs, these are often time useful in visually comparing historic and current conditions. Historical Topographic Maps were available from 1902, 1952, 1958, 1967, 1972, 1980, and 1993 and are found in Appendix 4. These were reviewed and our observations from the review are summarized below

- **1902, Anoka, MN USGS 15 minute series Topographic Map:** The scale of the map makes it difficult to distinguish fine detail. There are no structures present in the vicinity of the Site Property. There are railroad corridors present to the east and west of the Site Property.
- **1952, Minneapolis Vicinity West, MN 7.5 minute series Topographic Map:** There are no structures present in the vicinity of the Site Property. The railroad corridors are still present to the east and west of the Site Property.
- **1958, Anoka, MN 15 minute series Topographic Map:** There are no structures present in the vicinity of the Site Property. The railroad corridors are still present to the east and west of the Site Property.
- **1967 Minneapolis North, MN 7.5 minute series Topographic Map:** There are structures present adjacent to the west of the Site Property. The railroad corridors are still present to the east and west of the Site Property.
- **1972, Minneapolis North, MN USGS 7.5 minute series Topographic Map:** This map appears similar to the 1967 topographic map.
- **1980, Minneapolis North, MN USGS 7.5 minute series Topographic Map:** This map appears similar to the 1972 topographic map.

- 1993, Minneapolis North, MN USGS 7.5 minute series Topographic Map: This map appears similar to the 1980 topographic map.

After reviewing the historic Topographic maps from the USGS, no RECs were observed on-site, adjacent to or up-gradient from the site.

#### 5.4 City Directories

EDR was retained to obtain available City Directories of the site. These are often useful in clarifying the uses of the buildings identified on the aerial and topographic maps. Historical records from the city directory were available for the vicinity of the site from the Minneapolis Directory Co. for the years 1920 through 1955, Polks City Directory for the years 1957 through 1999, and from Cole Information Services from 1999 through 2013. A summary of the listings for the Site and nearby properties is attached in Appendix 5. Below is a summary of site property listings, then listings for adjacent and nearby properties that may be of interest due to the assumed usage.

##### Site Property – 201 Lowry Ave. NE

1920 – Ptak Sebastian Soft Drinks  
1925 – Larson John lunch  
1930 – Vos Wm gro (possible grocery store)  
1935 – No Listing  
1940 – No Listing  
1946 – Reshetar Jack beverages  
1950 – Little Jacks Place beverages  
1955 – Little Jacks Tavern  
1957 – No Listing  
1960 – Little Jacks Steak House  
1962 – No Listing  
1966 – Little Jacks Steak House  
1970 – Little Jacks Steak House  
1971 – No Listing  
1975 – Little Jacks Steak House  
1976 – No Listing  
1979 – Little Jacks Steak House  
1985 – Little Jacks Steak House  
1988 – No Listing  
1989 – Little Jacks Steak House  
1993 – Little Jacks Steak House  
1999 – Little Jacks Steak House  
2005 – Little Jacks Restaurant/Jang One Inc.  
2008 – No Listing  
2013 – No Listing

**West Adjacent Property – 2512 2<sup>nd</sup> Street NE**

1966 – Tri Ko Mfg. Co. Inc. – Metal stamping  
1970 – Tri Ko Mfg. Co. Inc. – precision metal stamping  
1975 – Tri Ko Mfg. Co. Inc. – precision metal stamping  
1979 – Tri Ko Mfg. Co. Inc. – precision metal stamping  
1985 – Tri Ko Mfg. Co. Inc. – precision metal stamping  
1989 – Tri Ko Mfg. Co. – precision metal stamping  
1993 – AA Battery Co.  
2005 – AA Battery Co.  
2008 – AA Battery Co.  
2013 – AA Battery Co.

**Northwest Adjacent Property – 2540 2<sup>nd</sup> Street NE**

1993 – Grace Lee Products Inc.  
1999 – Twenty Five Forty Property – real estate agents/managers  
Grace Lee Products – soap and other detergents  
Three G Enterprises – svc. ind. mach.  
2005 – Meggitt Defense Systems Caswell/Caswell International Corp.  
2008 – Meggitt Defense Systems Caswell/Caswell International  
2013 – Caswell International Corporation.

**South Adjacent Property – 207 Lowry Ave NE**

1970 – Lowry Barber Shop  
1975 – Vacant  
1979 – Clip and Curl  
1985 – Clip and Curl  
1989 – Clip and Curl Beauty Parlor  
1993 – Clip and Curl Beauty Parlor  
1999 – Clip and Curl Beauty Salon  
2005 – Donald A Quinn Jr. DDS  
2008 – Donald A Quinn Jr. DDS  
2013 – Donald A Quinn Jr. DDS

After reviewing the City Directories provided, no properties in the vicinity of the Site were considered to be possible RECs.

**5.5 Well Log Search**

A well log search was performed using the Minnesota Department of Health (MDH) County Well Index (CWI) database to identify wells on or within one mile of the Site Property. There are no wells listed in the databases that are located on the Site Property. Several wells

exist in the area. There is a large cluster of wells to the north and northwest that are listed as monitoring wells, however the nearest of those wells is approximately one half mile away. There are other clusters of monitoring wells to the west and southwest. There are no wells within 500 feet of the Site Property.

## 6.0 REGULATORY RECORD REVIEW

Available Federal, State and local records and databases were searched for the presence of environmental concerns at and near the site. The search distances and types of records listed are per ASTM E 1527-13 requirements. See Appendix 6 for the GeoSearch Radius Report for the results of the database search within a one-mile radius of the site property. The Federal databases searched for this project consisted of the following:

- EPA - National Priority Lists (NPL)
- Resource Conservation and Recovery Information System (RCRIS)
- Superfund Permanent List of Priorities (SHWS/PLP)
- EPA - Comprehensive Environmental Response, Compensation, Liability Information System (CERCLIS)
- Federal Superfund Liens (NP Lien)
- Toxic Substance Control Act (TSCA)
- PCB Activity Data Base System (PADS)
- Corrective Action Report (CORRACTS)
- Facility Index System (FINDS)
- Material Licensing Correcting System (MLTS)
- Toxic Chemical Release Inventory System (PRIS)

The State databases searched consisted of the following:

- Hazardous Materials Information Recording System (HMIRS)
- Hazardous Waste Permit Unit Project Identification List
- Leak Sites (LUST)
- Superfund Permanent List of Priorities (SHWF)
- Permitted Solid Waste Facilities (SWF/LF)
- Closed Landfill Sites Undergoing Cleanup
- Underground Storage Tank Database (UST)
- Department of Agriculture Spills (AG SPILLS)
- Above Ground Storage Tanks (AST)
- 1980 Metropolitan Waste Disposal Site Inventory
- 1980 Statewide Open Dump Inventory
- Closed Landfills Priority List (LCP)
- RCRA Treatment, Storage and Disposal Facilities
- Generators Associated with Enforcement Laws (ENFORCEMENT)
- Active TSD Facilities (HAZWASTE PERMIT)

- Pesticide Dealers (PEST)
- Brownfields
- Minnesota No Further Action (MN-NFA) List
- Spills Logs (SPILLS)
- Voluntary Investigation and Clean-up Program (VIC)
- What’s In My Neighborhood (WIMN)

For this Phase I ESA, we only reviewed the Site Property, adjacent properties, or leak sites located within a quarter mile from the site. Any properties within a quarter mile of the site property that are listed only as a RCRA-CESQG/RCRA-CELQG/SQG/VSQG site, an ERNS site, FINDS or a site containing AST’s or UST’s do not present an environmental threat to the site in our opinion, as long as these sites have “no violations reported”. While these sites do have hazardous materials/wastes or petroleum products present on the premises, no leaks have been detected or no violations have been found.

As stated in Section 4.0, based on a review of geologic maps, the regional ground water flow direction is towards the southwest. Accordingly, we will only consider leak sites shown in the databases located on the site property, on adjacent properties, or within a quarter mile north-northeast from the site (up gradient), as a potential contamination threat to the Site.

The Site Property was not listed in the databases searched. There are six other properties that met the above criteria (adjacent to site or a leak site located within a quarter mile of site) as listed in the State or Federal database. These sites are summarized below:

#### **Adjacent and Nearby Properties**

- Hard Chrome Inc. – 2631 2<sup>nd</sup> Street NE; located approximately 628 feet north-northeast of the Site Property – The EDR database includes Hard Chrome Inc. on the RCRA-LQG, TRIS, FINDS, US AIRS, MN SRS, MN LS, MN LIENS, MN MANIFESTS, MN SPILLS, MN INST CONTROL, MN AIRS, MN TIER 2, MN WIMN, and MN Financial Assurance lists. A large quantity generator generates 1,000 kg or more of hazardous waste or 1 kg of acutely hazardous waste per calendar month, or generates more than 100 kg of an residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill of acutely hazardous waste during any calendar month, or generates 1 kg or less of acutely hazardous waste during any calendar month and accumulates more than 1 kilogram of acutely hazardous waste at any time; or generates 100 kilograms or less of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill into or on any land or water of acutely hazardous waste during any calendar month and accumulates more than 100 kilograms of the material at any time.. There have been several violations found for this property dating from 1999 to 2011. The types of violations include records/reporting, container use and management, pre-transport, and general. All violations noted are now in compliance with the Environmental

Protection Agency. There is no indication that these violations affected off-site areas.

Five spills are associated with this site. The first occurred in January 1995 and was the results of an equipment failure. 400 gallons of an unknown product was released. The second occurred in January 1996 and was the result of a leaking dumpster. No additional details were available regarding this spill. The third occurred in November 1996, was attributed to leaking ASTs in the facility. The compounds released included cyanide, hydrochloric acid, and water, and this spill affected the sewer and soils around the site. The fourth spill occurred in August 1998 and was the result of an equipment failure where a hose broke and 35 gallons of product was released. The material did not reach the storm sewer. The fifth spill occurred in April 2001, and was the result of an equipment failure. A 4” pipe came apart releasing approximately 10 gallons of rinse water containing cyanide into a containment area, however some splashed into the floor drain.

Hard Chrome is listed in the MN Site Remediation Section (SRS) database. Investigation of Hard Chrome has revealed that groundwater is contaminated with Cadmium and hexavalent Chromium, likely caused by a large hole that was found in the sewer line beneath the building. The failed portion of line was removed and replaced. A groundwater pump out system was put into place in May 2003 and is currently operating. The floors in the plating area of the facility have also been properly sealed. A restrictive covenant for the contaminated soil beneath the building was approved by the MPCA in June 2007. Hard Chrome submits reports on a quarterly basis.

In summary, contaminated groundwater from this site is being pumped out on a continuing basis. The site is located hydraulically cross-gradient from the Site Property so groundwater contamination is not likely to affect the Site Property. None of the hazardous waste violations have affected off-site areas. Spills have affected the on-site sewer. Therefore this listing is not considered a REC.

- Med-Tek, Inc. – 2639 2<sup>nd</sup> Street; located approximately 765 feet north of the Site Property. The EDR database includes Med-Tek Inc. on the MN AST, RCRA-SQG, WI MANIFEST, MN SPILLS, MN Financial Assurance, MN MANIFEST, MN TIER 2, and MN WIMN lists. There are a total of 7 above ground storage tanks (ASTs) on this site, however there have been no releases reported for any of the ASTs. Med-Tek is listed as a small quantity generator. A small quantity generator generates more than 100 and less than 1,000 kilograms of hazardous waste during any calendar month and accumulates less than 6,000 kilograms of hazardous waste at any time. There have been no violations found for this property. One spill was reported for this property, it occurred on April 25, 2005. It was the result of a capacitor that shorted out during routine maintenance. A small quantity (approximately 2 cups) of mineral oil was released and cleaned up. The spill closure describes a completed response for this spill on April 28, 2005. As there are no

hazardous waste violations and the spill was contained and did not affect off-site properties, this listing is not considered a REC.

- DJ Foreign Auto Repair – 2826 University Ave NE; located approximately 1025 feet northeast of the Site Property. Listed as LUST #19051. According to information in the EDR report, a release was reported at this address on March 12, 2013. The substance released was hydraulic fluid, and groundwater contamination was reported with the release. According the EDR report, no soil gas concentrations exceeded the 10X Industrial Intrusion Screening Values, and most were below Residential Intrusion Screening Values. The release was granted regulatory closure on April 22, 2013. Considering the above information, the distance from the Site Property of over 1,000 feet, and the closed regulatory status this site is not considered a REC.
- IFCO ICS – 215 27<sup>th</sup> Avenue NE; located approximately 1097 feet north of the Site Property. The EDR database includes IFCO ICS on the MN SRS, MN LS, MN MANIFESTS, MN VIC, MN ENF, and the MN WIMN lists. According to information in the EDR Database, this site was enrolled in the VIC program beginning on October 25, 2001, with an end date of July 10, 2003. The site was assigned project number VP15100. Diesel Range Organics and Gasoline Range Organics were released beneath this property. Soil cleanup was incomplete due to access issues since the contaminated soil is beneath the floor slab. The extent of contamination and effect on off-site receptors was not known. Considering the above information, the distance from the Site Property of over 1,000 feet, and the location being hydraulically cross gradient from the Site Property, this site is not considered a REC.
- Bemis Packaging Services Machinery – 315 27<sup>th</sup> Ave NE; located approximately 1171 feet north/northeast of the Site Property. The EDR database includes Bemis Packaging Services Machinery on the RCRA-SQG, MN SRS, MN LIENS, WI MANIFEST, MN MANIFEST, MN SPILLS, MN VIC, MN WIMN, and the MN Financial Assurance lists. Bemis Packaging is listed as a small quantity generator. A small quantity generator generates more than 100 and less than 1,000 kilograms of hazardous waste during any calendar month and accumulates less than 6,000 kilograms of hazardous waste at any time. There have been no violations found for this property.

Three spills are associated with this site. The first occurred in June 1997 and was the results of an overfill to a UST. Approximately 8 gallons of light fuel oil and diesel were released into the property parking lot and street. The second occurred in September 14, 2006 and was the result of a broken capacitor. Approximately 15 gallons of hydraulic oil was spilled, however the material was contained before it reached the storm sewer. The spill closure date for this spill was September 15, 2006 and is listed as a completed response. The third occurred in February 22, 2007 and was attributed to a broken line in a compactor. Approximately 30 cubic feet of

soil was affected by leaking hydraulic fluid. The spill response was completed on February 26, 2007.

The property is also listed Voluntary Investigation and Cleanup (VIC) Program as VIC Site ID VP30970. Solvents were detected in groundwater beneath the property. Both a Phase I and Phase II investigation was performed, and a No Association Determination letter was issued for the property. This indicates the contamination found in groundwater beneath the property originated from another site and was not associated with Bemis Packaging.

In summary, contaminated groundwater was found beneath the property, but the source of contamination is from another location and not associated with this property. As there are no hazardous waste violations and the spills were contained and did not affect off-site properties, this listing is not considered a REC.

- Wheeling Corrugating Company – 340 27<sup>th</sup> Ave. NE; located approximately 1,291 feet north/northeast of the Site Property. The EDR database includes Wheeling Corrugating Company on the RCRA-CESQG, MN SRS, MN LIENS, and MN VIC lists. Wheeling Corrugating Company is listed as a Conditionally Exempt Small Quantity Generator. A conditionally exempt small quantity generator generates 100 kg or less of hazardous waste per calendar month, and accumulates 1,000 kg or less of hazardous waste at any time. There have been no violations found for this property.

The property is also listed as VIC Site ID VP26740. Trichloroethylene was found in groundwater beneath the property. Wheeling Corrugating Company entered the VIC program on December 8, 2010, and was granted a letter of No Association Determination Issued on January 20, 2011. This indicates the contamination found in groundwater beneath the property originated from another site and was not associated with Wheeling Corrugating Company. As a result of this determination and the fact there have been no hazardous waste violations, this listing is not considered a REC.

## **7.0 LOCAL AND STATE GOVERNMENT RECORDS**

### **7.1 City File Review**

We requested historical information from the City of Minneapolis on January 15, 2015. The specific documents we requested included building plans, building permits and applications, inspection records, complaint notices, plats, maps and other related historic documents.

Steven Banovetz from Thatcher Engineering, Inc. reviewed the available building files that were available online at City of Minneapolis Online Property Information Database. In addition we contacted the City of Minneapolis through the Minneapolis 311 program to

retrieve any other documents related to the Site Property. No files or permits were found online or through the Minneapolis 311 program that would indicate any potential RECs associated with the Site Property.

## **8.0 CURRENT CONDITIONS - SITE RECONNAISSANCE**

### **8.1 General Information**

Steven Banovetz from Thatcher Engineering, Inc. conducted a visual assessment of the property on December 9, 2014. The weather was 15°F, mostly cloudy, and breezy during the assessment. The site reconnaissance consisted of a walk-over of the property outside, observing and making notes of obvious or potential contamination sources, including odors, pools of liquid, debris or unregulated dumps, spilled waste, etc. as specified in ASTM E 1527-13. See Appendix 7 for photographs taken during the site reconnaissance.

#### **8.1.1 External Layout**

The Site Property is a part of a larger parcel and the Hennepin County Property ID Number is 11-029-24-23-0132. That larger parcel has then been divided into two smaller parcels, Parcel A and Parcel B. The Site Property comprises Parcel A – lots 18, 19, and 20. There is no current structure on the Site Property. The Site Property consists of a bituminous parking lot that comprises the 0.5 acre Parcel A located on the northern half of the property located on the northeast corner of Lowry Avenue and 2<sup>nd</sup> Avenue NE.

#### **8.1.2 Internal Layout**

There are no structures on the Site Property.

### **8.2 Hazardous Substances or Containers**

No hazardous substances or containers were observed during the site reconnaissance.

### **8.3 Petroleum Products**

No petroleum products were observed during the site reconnaissance.

### **8.4 Storage Tanks/Heating/Cooling**

No storage tanks were observed on the Site Property during the site reconnaissance. There appeared to be a tank associated with the former restaurant building on the adjacent parcel to the south of the Site Property.

### **8.5 Drums**

No drums were observed during the site reconnaissance.

### **8.6 Odors**

No unusual odors were encountered during the site reconnaissance.

### **8.7 Pools of Liquid, Stained Surfaces and Stressed Vegetation**

No pools of liquid or stressed vegetation were identified.

### **8.8 Indications of PCB's**

No indications of PCB's were observed during the site reconnaissance.

### **8.9 Solid Waste and Debris Disposal**

No solid waste or other debris was observed at the site.

### **8.10 Sewer/Septic/Storm Sewers/Sumps/Vaults/Wells**

The property is not currently connected to municipal sewer and water systems as there are no structures present, however those connections are available. There were no concerns noted.

In summary, no RECs were visible during the walk-over of the Site Property.

## **9.0 INTERVIEWS**

### **9.1 Site Property Owner Representative – Mr. Allan Coleman**

We interviewed Mr. Allan Coleman, the Owner Representative, regarding the history of the site during the site visit on December 9, 2014. Mr. Coleman also completed the Environmental Questionnaire for the property. See Appendix 8 for a copy of the completed questionnaire. Mr. Coleman indicated that there is no evidence of contamination or potential sources of contamination at the property.

### **9.2 Minneapolis Fire Department**

We contacted the Minneapolis Fire Department through the Minneapolis 311 information line and requested a list of emergency responses in the area of the city where the Site Property is located. We did not receive any response from the City to our request.

## **10.0 FINDINGS AND OPINIONS**

Thatcher Engineering, Inc. has performed a Phase I ESA of the Site Property, located at 201 Lowry Street NE, Minneapolis, MN 55418 (Site Property). This work included a review of aerial photographs, historic topographic maps, city directories, State and Federal databases; interviews with City of Minneapolis officials and others familiar with or connected to the Site, review of available City of Minneapolis building permit records, and a site reconnaissance. This Phase I ESA was in general conformance with ASTM E 1527-13 and MPCA guidelines for conducting such assessments. No significant data gaps were found for this project.

In order for an environmental condition to be considered a Recognized Environmental Condition (REC) according to the ASTM E 1527-13 standard, the following must be true: The presence of a hazardous substance or petroleum product must either be known or likely. It must be likely that the environmental condition is present on a property under conditions that indicate an existing release, a past release, or a material threat of a release into structures on the property or into the ground, groundwater or surface water of the subject property.

Finally, the environmental condition must generally be a threat to human health or the environment and generally be subject to enforcement action if known by an enforcement agency. The term REC is not intended to include “de minimis” conditions that generally would not be subject of an enforcement action if brought to the attention of appropriate governmental agencies. De minimis conditions are not RECs.

No RECs were identified for this Site.

## **11.0 CONCLUSIONS AND RECOMMENDATIONS**

Thatcher Engineering, Inc. has performed a Phase I ESA of the subject property in conformance with ASTM E 1527-13. This assessment revealed no indications of Recognized Environmental Conditions in connection with the site. Therefore, since no Recognized Environmental Conditions were found, no additional investigation of the Site Property is recommended at this time.

## **12.0 GENERAL COMMENTS**

Thatcher Engineering, Inc. has performed this Phase I ESA in general compliance with ASTM E 1527-13 in a manner consistent with that level of skill and care ordinarily exercised by other members of the profession currently practicing in this area, under similar budgetary and time constraints. This report is intended as a limited assessment of the environmental conditions associated with the subject site at the time this work was performed. No warranties, expressed or implied, are intended or made.

An exhaustive site assessment was not performed for this project, rather a reasonable search of available information regarding the site history and potential environmental hazards. This assessment relied primarily upon readily available information, verbal and written reports of others, visual observations and analytical sampling results. Thatcher Engineering, Inc. does not warrant the work of regulatory agencies or other third parties supplying information, which may have been used during the preparation of this report.

### **13.0 SIGNATURES AND QUALIFICATIONS**

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in part § 312.10 of 40 CFR 312. We have the specific qualifications based on education, training and experience to assess a property of the nature, history and setting of the Site Property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

The following Environmental Professionals worked on the above Phase I ESA. Copies of their resumes are included in Appendix 9.

\_\_\_\_\_  
Steven M. Banovetz  
Environmental Scientist – Thatcher Engineering, Inc.

\_\_\_\_\_  
Date



## Endangered Species

Midwest

### S7 Consultation Technical Assistance Decision Process for "No Effect" Determinations

#### Projects within a Developed Area - Step 5

##### Step 5: "No Effect" Determination and Documentation

Your project will have "no effect" on federally listed species. A "No Effect" determination is appropriate because your project is:

- within a Developed Area (an area that is already paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping), and
- is not within or adjacent to any unlandscaped areas that support native vegetation (trees, shrubs, or grasses).

Since your project is not within suitable habitat for listed species, no listed species or designated critical habitat is anticipated to be directly or indirectly affected by this action.

To document your section 7 review and "no effect" determination, we recommend that you print this page (go to File > Print Preview), fill in the project name and date, attach your [species list](#), and file in your administrative record.

Project Name: *Marshall Flats*

Date: *3/16/16*

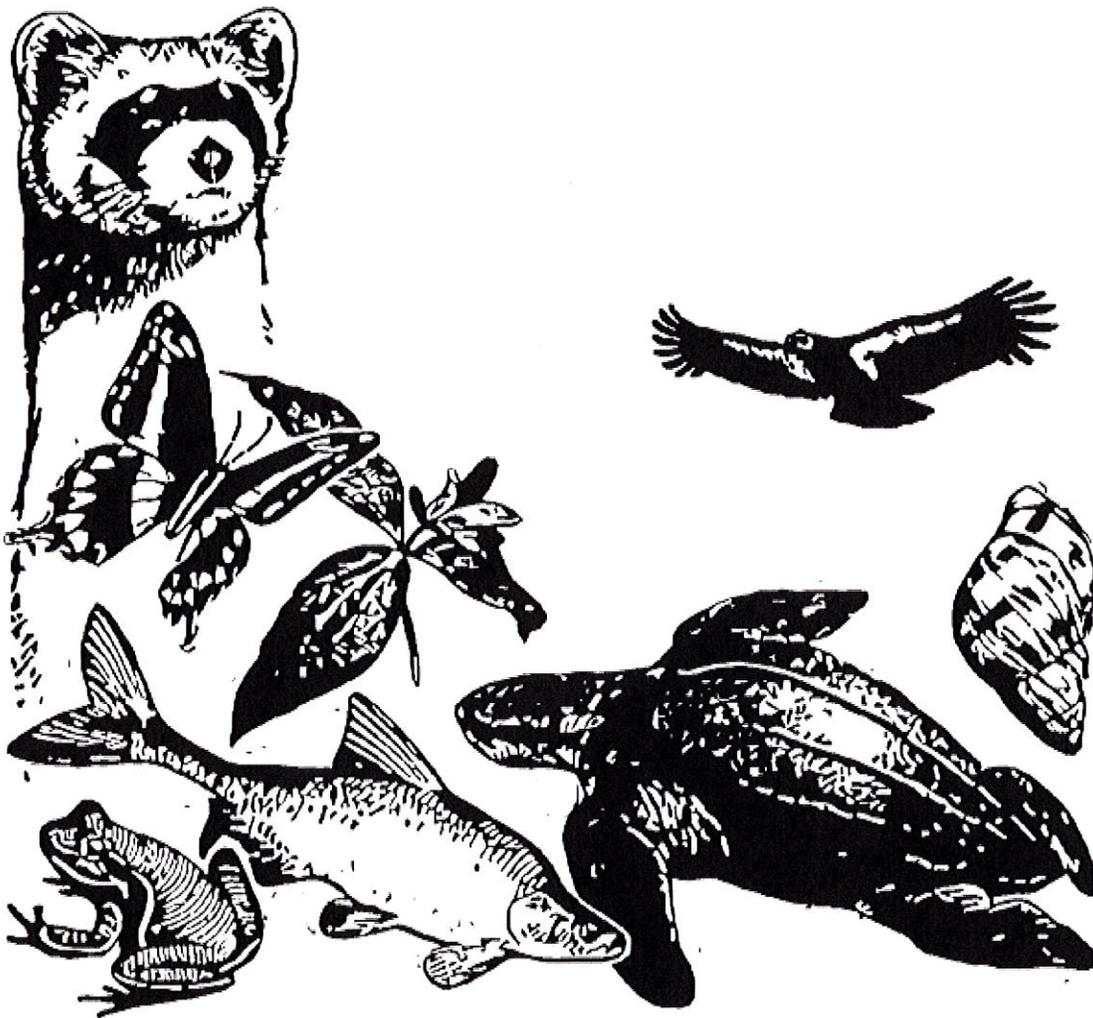
[Back](#)  
[Home - "No Effect" Determination Process](#)

# Marshall Flats

## *IPaC Trust Resources Report*

Generated March 16, 2016 10:57 AM MDT, IPaC v3.0.0

This report is for informational purposes only and should not be used for planning or analyzing project level impacts. For project reviews that require U.S. Fish & Wildlife Service review or concurrence, please return to the IPaC website and request an official species list from the Regulatory Documents page.



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# Endangered Species

Proposed, candidate, threatened, and endangered species are managed by the [Endangered Species Program](#) of the U.S. Fish & Wildlife Service.

**This USFWS trust resource report is for informational purposes only and should not be used for planning or analyzing project level impacts.**

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list from the Regulatory Documents section.

[Section 7](#) of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

**A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list either from the Regulatory Documents section in IPaC or from the local field office directly.**

The list of species below are those that may occur or could potentially be affected by activities in this location:

## Clams

**Higgins Eye (pearlymussel)** *Lampsilis higginsii* Endangered

CRITICAL HABITAT

No critical habitat has been designated for this species.

[https://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?sPCODE=F009](https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=F009)

**Snuffbox Mussel** *Epioblasma triquetra* Endangered

CRITICAL HABITAT

No critical habitat has been designated for this species.

[https://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?sPCODE=F03J](https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=F03J)

## Mammals

**Northern Long-eared Bat** *Myotis septentrionalis* Threatened

CRITICAL HABITAT

No critical habitat has been designated for this species.

[https://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?sPCODE=A0JE](https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=A0JE)

## Critical Habitats

**There are no critical habitats in this location**

# Migratory Birds

Birds are protected by the [Migratory Bird Treaty Act](#) and the [Bald and Golden Eagle Protection Act](#).

Any activity that results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish & Wildlife Service.<sup>[1]</sup> There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

---

1. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern  
<http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Conservation measures for birds  
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Year-round bird occurrence data  
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/akn-histogram-tools.php>

The following species of migratory birds could potentially be affected by activities in this location:

<b>American Bittern</b> <i>Botaurus lentiginosus</i> Season: Breeding <a href="https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0F3">https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0F3</a>	Bird of conservation concern
<b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i> Year-round <a href="https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B008">https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B008</a>	Bird of conservation concern
<b>Black Tern</b> <i>Chlidonias niger</i> Season: Breeding <a href="https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B09F">https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B09F</a>	Bird of conservation concern
<b>Black-billed Cuckoo</b> <i>Coccyzus erythrophthalmus</i> Season: Breeding <a href="https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0HI">https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0HI</a>	Bird of conservation concern

<b>Blue-winged Warbler</b> <i>Vermivora pinus</i> Season: Breeding	Bird of conservation concern
<b>Bobolink</b> <i>Dolichonyx oryzivorus</i> Season: Breeding	Bird of conservation concern
<b>Brown Thrasher</b> <i>Toxostoma rufum</i> Season: Breeding	Bird of conservation concern
<b>Cerulean Warbler</b> <i>Dendroica cerulea</i> Season: Breeding <a href="https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09I">https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09I</a>	Bird of conservation concern
<b>Dickcissel</b> <i>Spiza americana</i> Season: Breeding	Bird of conservation concern
<b>Least Bittern</b> <i>Ixobrychus exilis</i> Season: Breeding	Bird of conservation concern
<b>Loggerhead Shrike</b> <i>Lanius ludovicianus</i> Season: Breeding <a href="https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FY">https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FY</a>	Bird of conservation concern
<b>Marsh Wren</b> <i>Cistothorus palustris</i> Season: Breeding	Bird of conservation concern
<b>Peregrine Falcon</b> <i>Falco peregrinus</i> Season: Breeding <a href="https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FU">https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FU</a>	Bird of conservation concern
<b>Pied-billed Grebe</b> <i>Podilymbus podiceps</i> Season: Breeding	Bird of conservation concern
<b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i> Season: Breeding	Bird of conservation concern
<b>Short-eared Owl</b> <i>Asio flammeus</i> Season: Wintering <a href="https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HD">https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HD</a>	Bird of conservation concern
<b>Swainson's Hawk</b> <i>Buteo swainsoni</i> Season: Breeding <a href="https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B070">https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B070</a>	Bird of conservation concern
<b>Upland Sandpiper</b> <i>Bartramia longicauda</i> Season: Breeding <a href="https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HC">https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HC</a>	Bird of conservation concern
<b>Western Grebe</b> <i>aechmophorus occidentalis</i> Season: Breeding <a href="https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0EA">https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0EA</a>	Bird of conservation concern
<b>Willow Flycatcher</b> <i>Empidonax traillii</i> Season: Breeding <a href="https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F6">https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F6</a>	Bird of conservation concern

**Wood Thrush** *Hylocichla mustelina*  
Season: Breeding

Bird of conservation concern

## Wildlife refuges and fish hatcheries

**There are no refuges or fish hatcheries in this location**

## Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

### DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

### DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

**There are no wetlands in this location**



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Twin Cities Ecological Services Field Office  
4101 AMERICAN BLVD E  
BLOOMINGTON, MN 55425

PHONE: (612)725-3548 FAX: (612)725-3609

URL: [www.fws.gov/midwest/Endangered/section7/s7process/step1.html](http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html)

Consultation Code: 03E19000-2016-SLI-0131

March 16, 2016

Event Code: 03E19000-2016-E-00055

Project Name: Marshall Flats

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the action area &ndash; the area that is likely to be affected by your proposed project. The list also includes designated and proposed critical habitat that overlaps with the action area. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representatives) must consult with the Service if they determine their project may affect listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains

step-by-step instructions that will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within the action area.

Although no longer protected under the Endangered Species Act, be aware that bald eagles (*Haliaeetus leucocephalus*) are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles (*Aquila chrysaetos*). Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near a bald eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html>. The information available at this website will help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: Marshall Flats

## Official Species List

### Provided by:

Twin Cities Ecological Services Field Office

4101 AMERICAN BLVD E

BLOOMINGTON, MN 55425

(612) 725-3548

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

**Consultation Code:** 03E19000-2016-SLI-0131

**Event Code:** 03E19000-2016-E-00055

**Project Type:** Federal Grant / Loan Related

**Project Name:** Marshall Flats

**Project Description:** New construction of the Marshall Flats Clare Housing development located at 2525 2nd Street NE in the Marshall Terrace neighborhood of NE Minneapolis. The development site is currently a vacant piece of real estate (parking lot for commercial establishments at corner of Lowry Avenue and 2nd Street NE).

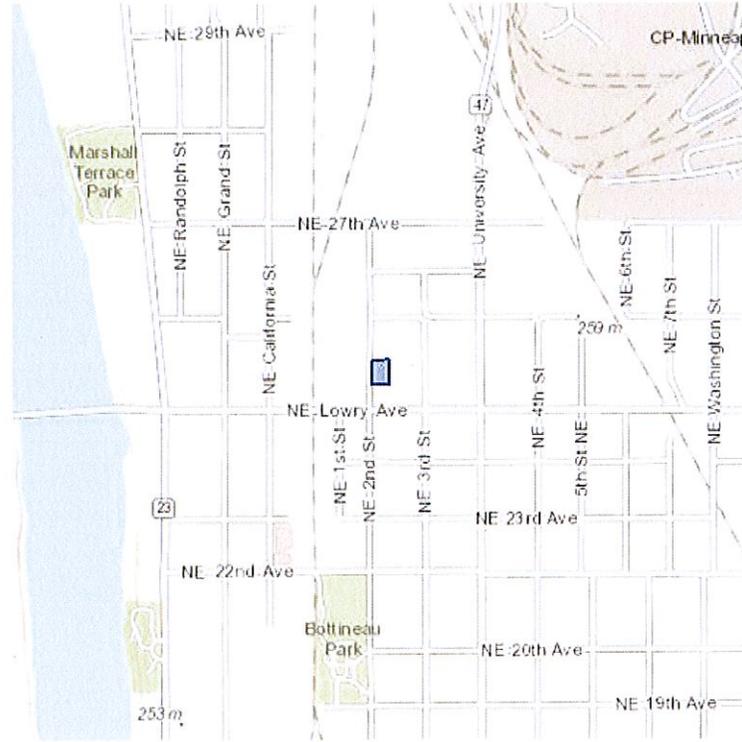
**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior  
Fish and Wildlife Service

Project name: Marshall Flats

**Project Location Map:**



**Project Coordinates:** MULTIPOLYGON (((-93.26610445976256 45.01414914862256, -93.26562970876694 45.014151044762286, -93.26562434434891 45.013678904031615, -93.26610445976256 45.013678904031615, -93.26610445976256 45.01414914862256)))

**Project Counties:** Hennepin, MN



United States Department of Interior  
Fish and Wildlife Service

Project name: Marshall Flats

## Endangered Species Act Species List

There are a total of 3 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Clams	Status	Has Critical Habitat	Condition(s)
higgins eye ( <i>Lampsilis higginsii</i> ) Population: Entire	Endangered		
Snuffbox mussel ( <i>Epioblasma triquetra</i> )	Endangered		
<b>Mammals</b>			
Northern long-eared Bat ( <i>Myotis septentrionalis</i> )	Threatened		



United States Department of Interior  
Fish and Wildlife Service

Project name: Marshall Flats

## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.





(<https://www.pca.state.mn.us/>)

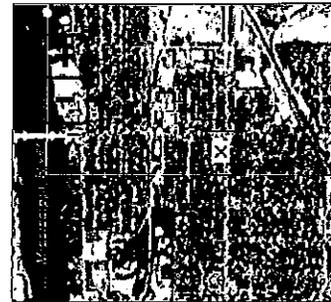
Data (<https://www.pca.state.mn.us/data/>)

Leaks and tanks site dashboard

[New search \(index.cfm\)](#)

## Stop & Save Superette

**Site ID** 54438  
**Location** 2425 University Ave NE  
 Minneapolis, Minnesota 55418  
 Hennepin County  
**Tank Count** 3 tanks are (or were) located at this site.



Tank number	Install date	Registration date	Tank capacity	Tank status	Stored product	Above or underground
<a href="#">1001 (tankDetail.cfm?sysid=210697&amp;tankNumber=1001)</a>	02/01/1980	12/23/1996	250	Active	Motor Oil	Aboveground
<a href="#">1002 (tankDetail.cfm?sysid=210697&amp;tankNumber=1002)</a>	02/01/1980	12/23/1996	250	Active	Motor Oil	Aboveground
<a href="#">1003 (tankDetail.cfm?sysid=210697&amp;tankNumber=1003)</a>	02/01/1980	12/23/1996	460	Active	Used Or Waste Oil	Aboveground

Distance = 834' obstructed  
 ASD People = 200'  
 ASD Oil = 35'



(<https://www.pca.state.mn.us/>)

Data (<https://www.pca.state.mn.us/data/>)

Leaks and tanks site dashboard

[Print version \(/programs/tank\\_leak/siteDetail.cfm?id=121710&programInterest=TS&print=1\)](/programs/tank_leak/siteDetail.cfm?id=121710&programInterest=TS&print=1)

[New search \(index.cfm\)](index.cfm)

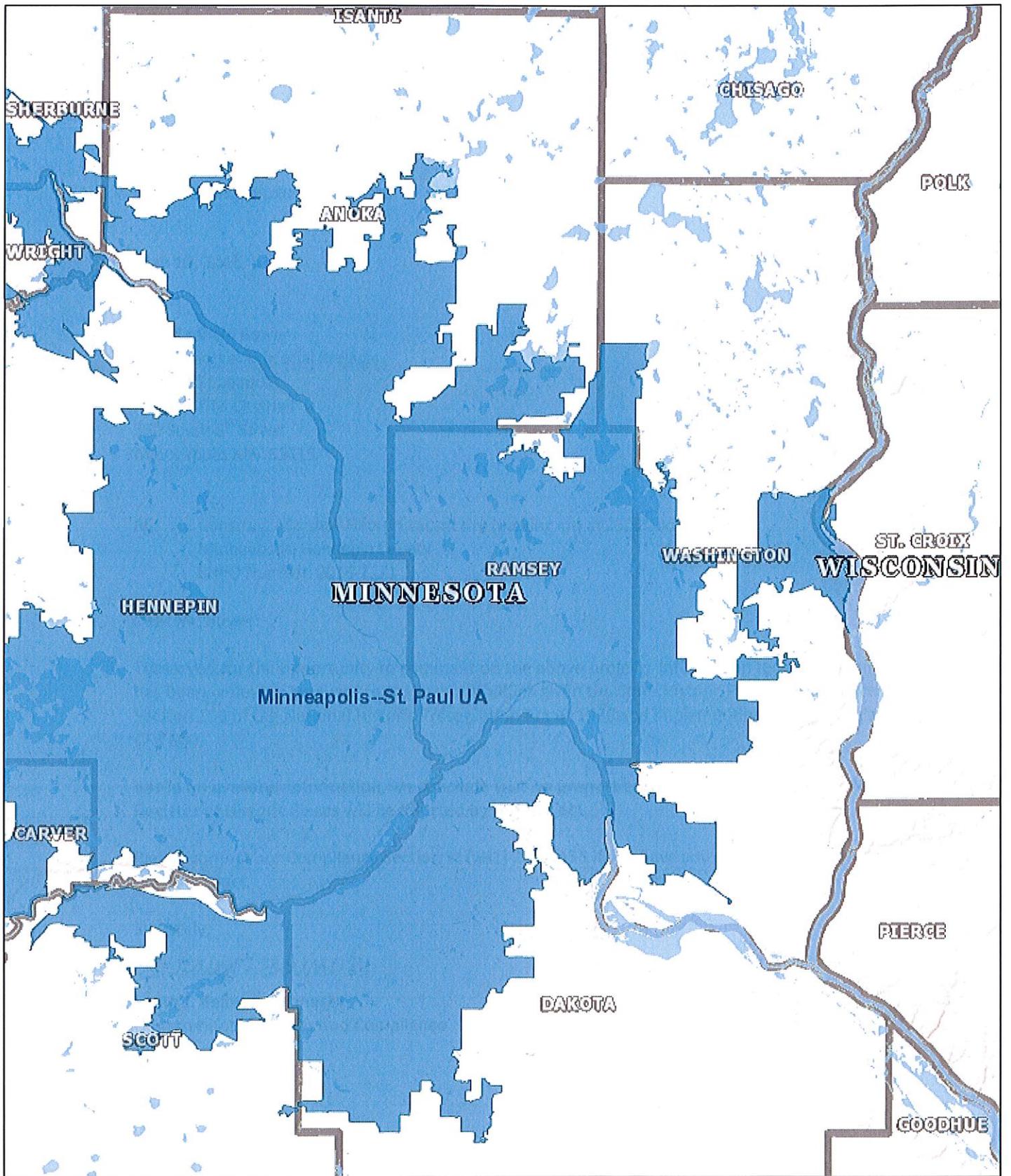
Med-tek Inc

**Site ID** 121710  
**Location** 2639 2nd St  
 Minneapolis, Minnesota 55418  
 Hennepin County  
**Tank Count** 8 tanks are (or were) located at this site.

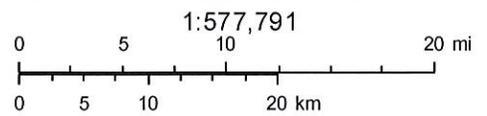


Tank number	Install date	Registration date	Tank capacity	Tank status	Stored product	Above or underground
<a href="#">1001 (tankDetail.cfm?sysid=228149&amp;tankNumber=1001)</a>	06/01/1980	07/17/2000	720	Active	Used Or Waste Oil	Aboveground
<a href="#">1 (tankDetail.cfm?sysid=228149&amp;tankNumber=1)</a>	01/01/2000	11/09/2010	2600	Active	Lube Oil	Aboveground
<a href="#">2 (tankDetail.cfm?sysid=228149&amp;tankNumber=2)</a>	01/01/2000	11/09/2010	2600	Active	Petroleum Other	Aboveground
<a href="#">3 (tankDetail.cfm?sysid=228149&amp;tankNumber=3)</a>	01/01/2000	11/09/2010	2600	Active	Petroleum Other	Aboveground
<a href="#">4 (tankDetail.cfm?sysid=228149&amp;tankNumber=4)</a>	01/01/2000	11/09/2010	2600	Active	Petroleum Other	Aboveground
<a href="#">5 (tankDetail.cfm?sysid=228149&amp;tankNumber=5)</a>	01/01/2000	11/09/2010	2600	Active	Petroleum Other	Aboveground
<a href="#">6 (tankDetail.cfm?sysid=228149&amp;tankNumber=6)</a>	01/01/2000	11/09/2010	2600	Active	Petroleum Other	Aboveground
<a href="#">7 (tankDetail.cfm?sysid=228149&amp;tankNumber=7)</a>	01/01/2000	11/09/2010	2600	Active	Petroleum Other	Aboveground

*Distance 852' obstructed  
 ASD People = 411'  
 ASD Blg = 78'*



October 26, 2015



- Urbanized Areas  Counties
- States
- Counties
- Urbanized Areas
- States

Sources: Esri, USGS, NOAA

April 7, 2016

Compliance Unit  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. W.  
St. Paul, MN 55102-1903

Attention: Sarah Beimers

Subject: Marshall Flats, 2525 Second St. NE, Minneapolis, Hennepin County

Dear Ms. Beimers:

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), and its implementing regulation, 36 CFR 800, and as authorized by the U.S. Department of Housing and Urban Development (HUD), we are as the Responsible Entity initiating consultation with your office regarding the proposed undertaking of the construction of the Marshall Flats that will be using federal Housing Opportunity for Persons with AIDS funds.

The City of Minneapolis is currently developing a HUD Part 58 Environmental Assessment for Marshall Flats. The project consists of a development site that is currently a vacant and had been used as a parking lot for the tax forfeited Little Jack's restaurant property located at the northeast corner of Lowry Avenue and Second Street NE (201 Lowry Avenue North). The development will be a 4-story, 36 unit, permanent supportive housing development for people living with HIV/AIDS (PLWH/A). A rendering of the development and map of the project site along with Area of Potential Effect is attached.

There is a property listed on the National Register at 1929 Second St. NE, approximately 2,000 feet due south, the North East Neighborhood House. There are no locally designated landmarks near the project site. It is determined by this office that the construction of Marshall Flat undertaking will have no effect on the North East Neighborhood House.

We wish to initiate consultation with your office to determine the potential effect of the proposed undertaking on any historic properties or districts. If the above information provided is sufficient, we would like a determination within 30 days from your receipt of this letter. Alternatively, please let me know what additional information is required to allow for your determination at (612) 673-2188.

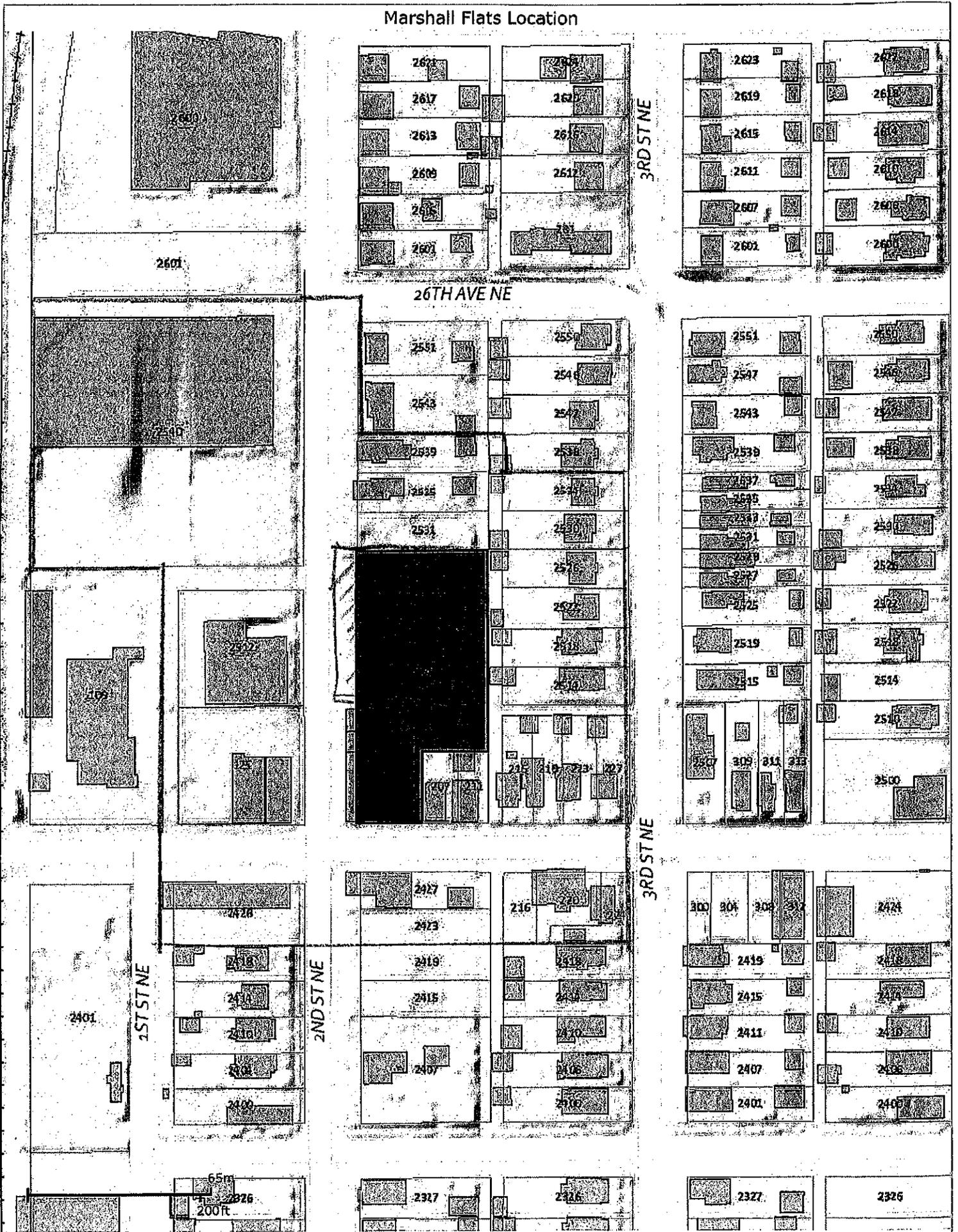
Sincerely,



Matt Bower, Manager Resource Coordination  
IGR-Grants & Special Projects  
City of Minneapolis  
307M City Hall  
350 South Fifth St.  
Minneapolis, MN 55415

Att.

Marshall Flats Location







**MARSHALL FLATS**  
for Clare Housing  
05.19.2014

CERMAK RHOADES ARCHITECTS



**MARSHALL FLATS**  
for Clare Housing  
05.19.2014



**CERMAK RHOADES ARCHITECTS**

[Environmental Review Main \(/programs/environmental-review/\)](/programs/environmental-review/)

# DNL Calculator

The Day/Night Noise Level Calculator is an electronic assessment tool that calculates the Day/Night Noise Level (DNL) from roadway and railway traffic. For more information on using the DNL calculator, view the Day/Night Noise Level Calculator Electronic Assessment Tool Overview (<https://onecpd.info/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/>).

## Guidelines

- To display the Road and/or Rail DNL calculator(s), click on the "Add Road Source" and/or "Add Rail Source" button(s) below.
- All Road and Rail input values must be positive non-decimal numbers.
- All Road and/or Rail DNL value(s) must be calculated separately before calculating the Site DNL.
- All checkboxes that apply must be checked for vehicles and trains in the tables' headers.
- **Note #1:** Tooltips, containing field specific information, have been added in this tool and may be accessed by hovering over all the respective data fields (site identification, roadway and railway assessment, DNL calculation results, roadway and railway input variables) with the mouse.
- **Note #2:** DNL Calculator assumes roadway data is always entered.

## DNL Calculator

Site ID   
 Record Date   
 User's Name

Road # 1 Name:

**Road #1**

Vehicle Type	Cars <input checked="" type="checkbox"/>	Medium Trucks <input type="checkbox"/>	Heavy Trucks <input checked="" type="checkbox"/>
Effective Distance	<input type="text" value="300"/>		<input type="text" value="300"/>
Distance to Stop Sign	<input type="text"/>		<input type="text"/>
Average Speed	<input type="text" value="30"/>		<input type="text" value="30"/>
Average Daily Trips (ADT)	<input type="text" value="9626"/>		<input type="text" value="951"/>
Night Fraction of ADT	<input type="text" value="11"/>		<input type="text" value="8"/>
Road Gradient (%)			<input type="text" value="0"/>
Vehicle DNL	50.4		60.1
<input type="button" value="Calculate Road #1 DNL"/>	<input type="text" value="60.5"/>	<input type="button" value="Reset"/>	



Road # 2 Name:

**Road #2**

Vehicle Type	Cars <input checked="" type="checkbox"/>	Medium Trucks <input type="checkbox"/>	Heavy Trucks <input checked="" type="checkbox"/>
Effective Distance	<input type="text" value="690"/>		<input type="text" value="690"/>
Distance to Stop Sign	<input type="text"/>		<input type="text"/>
Average Speed	<input type="text" value="30"/>		<input type="text" value="30"/>
Average Daily Trips (ADT)	<input type="text" value="15991"/>		<input type="text" value="2121"/>
Night Fraction of ADT	<input type="text" value="9"/>		<input type="text" value="10"/>
Road Gradient (%)			<input type="text" value="0"/>
Vehicle DNL	46.8		58.6
Calculate Road #2 DNL	<input type="text" value="58.9"/>	<input type="button" value="Reset"/>	

Railroad #1 Track Identifier:

Rail # 1

Train Type

Electric

Diesel

Effective Distance

Average Train Speed

Engines per Train

Railway cars per Train

Average Train Operations (ATO)

Night Fraction of ATO

Railway whistles or horns?

Yes:  No:

Yes:  No:

Bolted Tracks?

Yes:  No:

Yes:  No:

Train DNL

60.3

60.3

Railroad #2 Track Identifier:

**Rail # 2**

<b>Train Type</b>	Electric <input type="checkbox"/>	Diesel <input checked="" type="checkbox"/>
Effective Distance		<input type="text" value="486"/>
Average Train Speed		<input type="text" value="10"/>
Engines per Train		<input type="text" value="1"/>
Railway cars per Train		<input type="text" value="50"/>
Average Train Operations (ATO)		<input type="text" value="1"/>
Night Fraction of ATO		<input type="text" value="0"/>
Railway whistles or horns?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
Bolted Tracks?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
<b>Train DNL</b>		42
<input type="button" value="Calculate Rail #2 DNL"/>	42	<input type="button" value="Reset"/>

Airport Noise Level

Loud Impulse Sounds?  Yes  No

Combined DNL for all Road and Rail sources **64.7**

Combined DNL including Airport **N/A**

Site DNL with Loud Impulse Sound

### Mitigation Options

If your site DNL is in Excess of 65 decibels, your options are:

- **No Action Alternative:** Cancel the project at this location

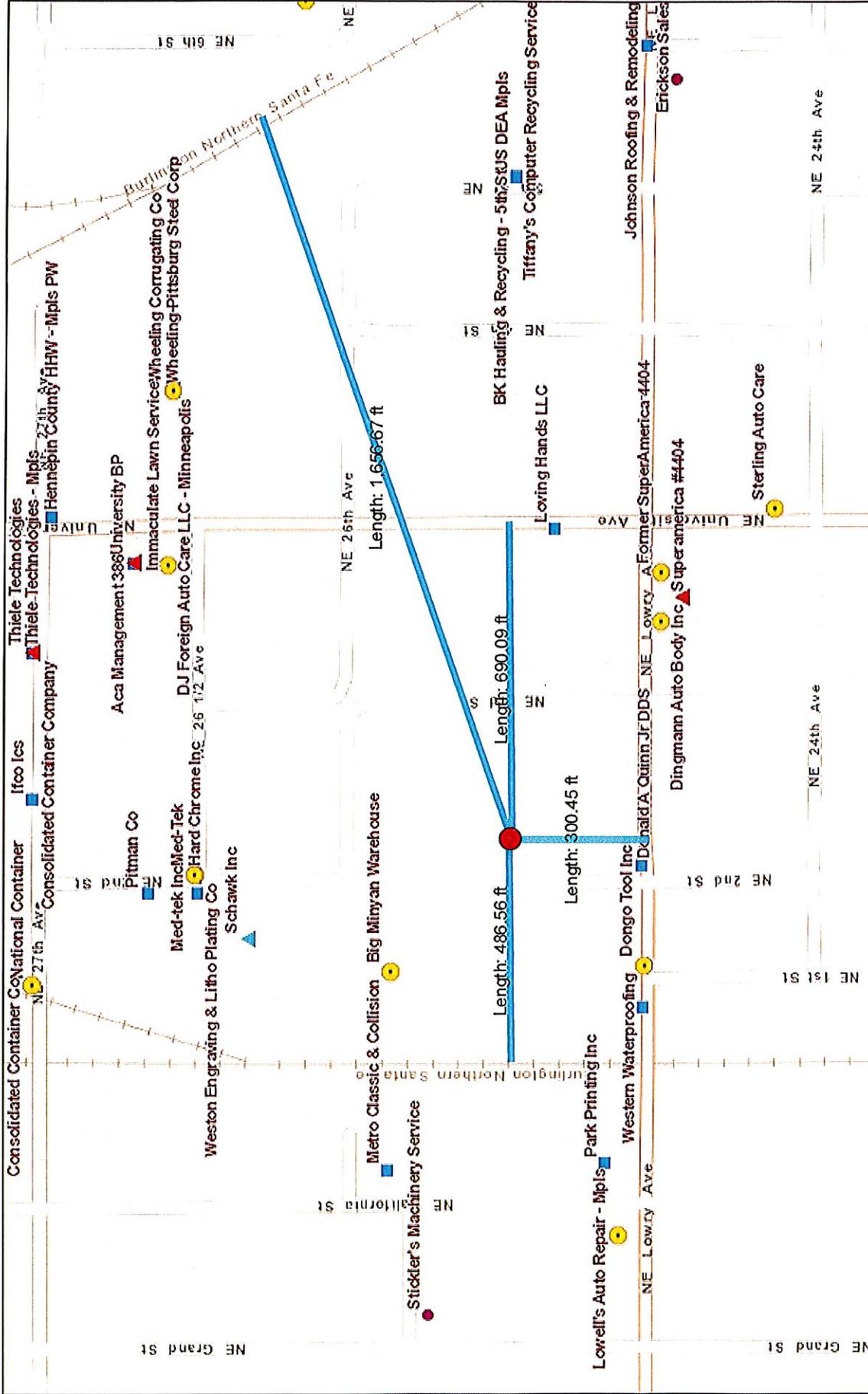
- **Other Reasonable Alternatives:** Choose an alternate site
- **Mitigation**
  - Contact your Field or Regional Environmental Officer (<https://www.onecpd.info/programs/environmental-review/hud-environmental-staff-contacts/>)
  - Increase mitigation in the building walls (only effective if no outdoor, noise sensitive areas)
  - Reconfigure the site plan to increase the distance between the noise source and noise-sensitive uses
  - Incorporate natural or man-made barriers. See *The Noise Guidebook* (<https://www.onecpd.info/resource/313/hud-noise-guidebook/>)
  - Construct noise barrier. See the Barrier Performance Module (<https://onecpd.info/programs/environmental-review/bpm-calculator/>)

## Tools and Guidance

Day/Night Noise Level Assessment Tool User Guide (<https://www.onecpd.info/resource/3822/day-night-noise-level-assessment-tool-user-guide/>)

Day/Night Noise Level Assessment Tool Flowcharts (<https://www.onecpd.info/resource/3823/day-night-noise-level-assessment-tool-flowcharts/>)

# Noise Generator Distances-Marshall Flats

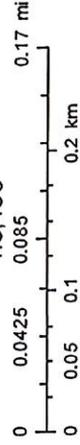


March 18, 2016

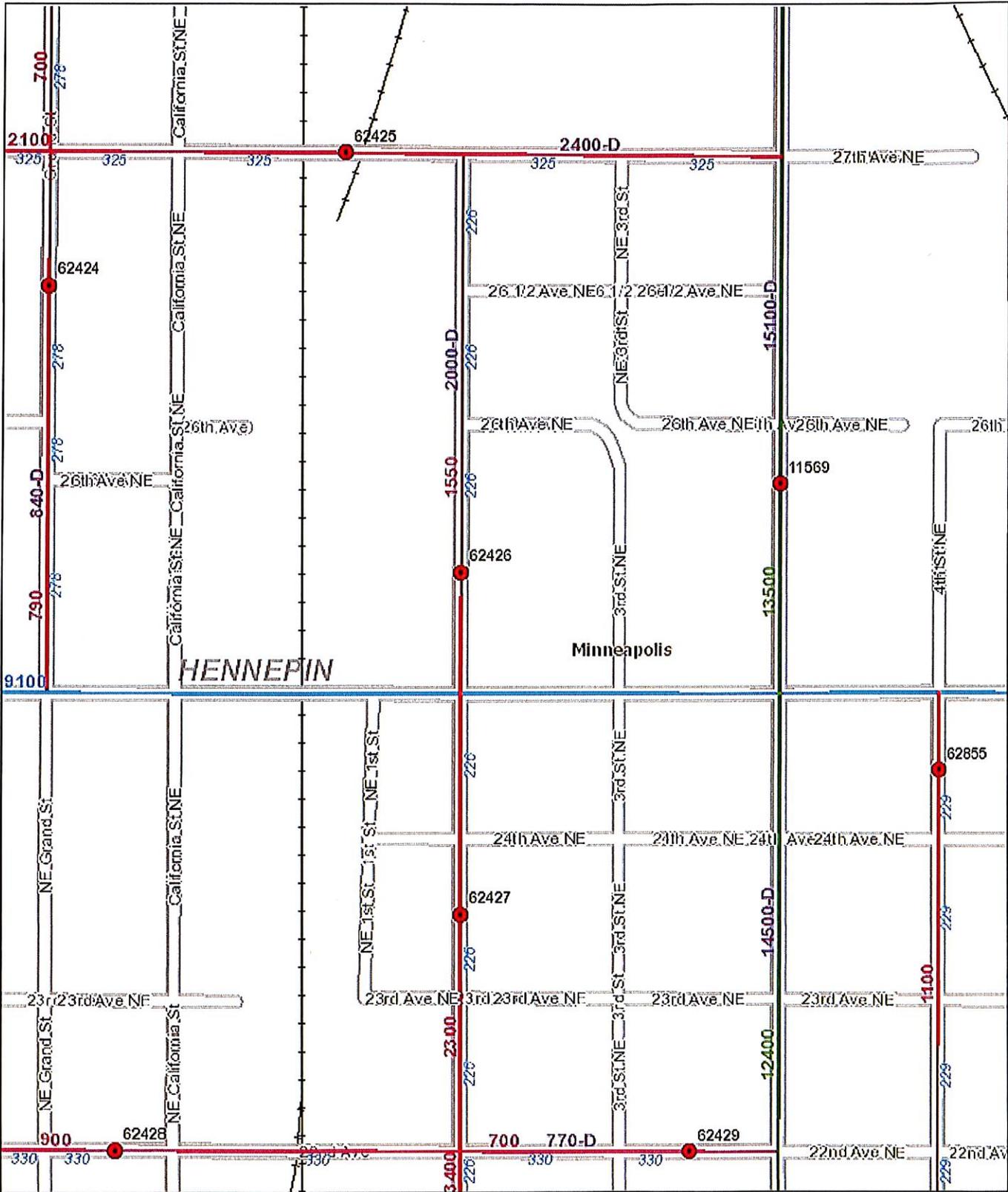
## MPCA Sites

- Multiple Activities
- Feedlot
- Hazardous Waste
- Air
- Solid Waste
- ▲ Tanks and Leaks
- ▲ Investigation and Cleanup
- ▲ Water

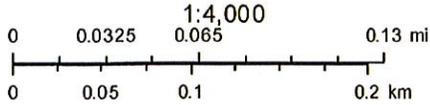
1:5,138



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand).



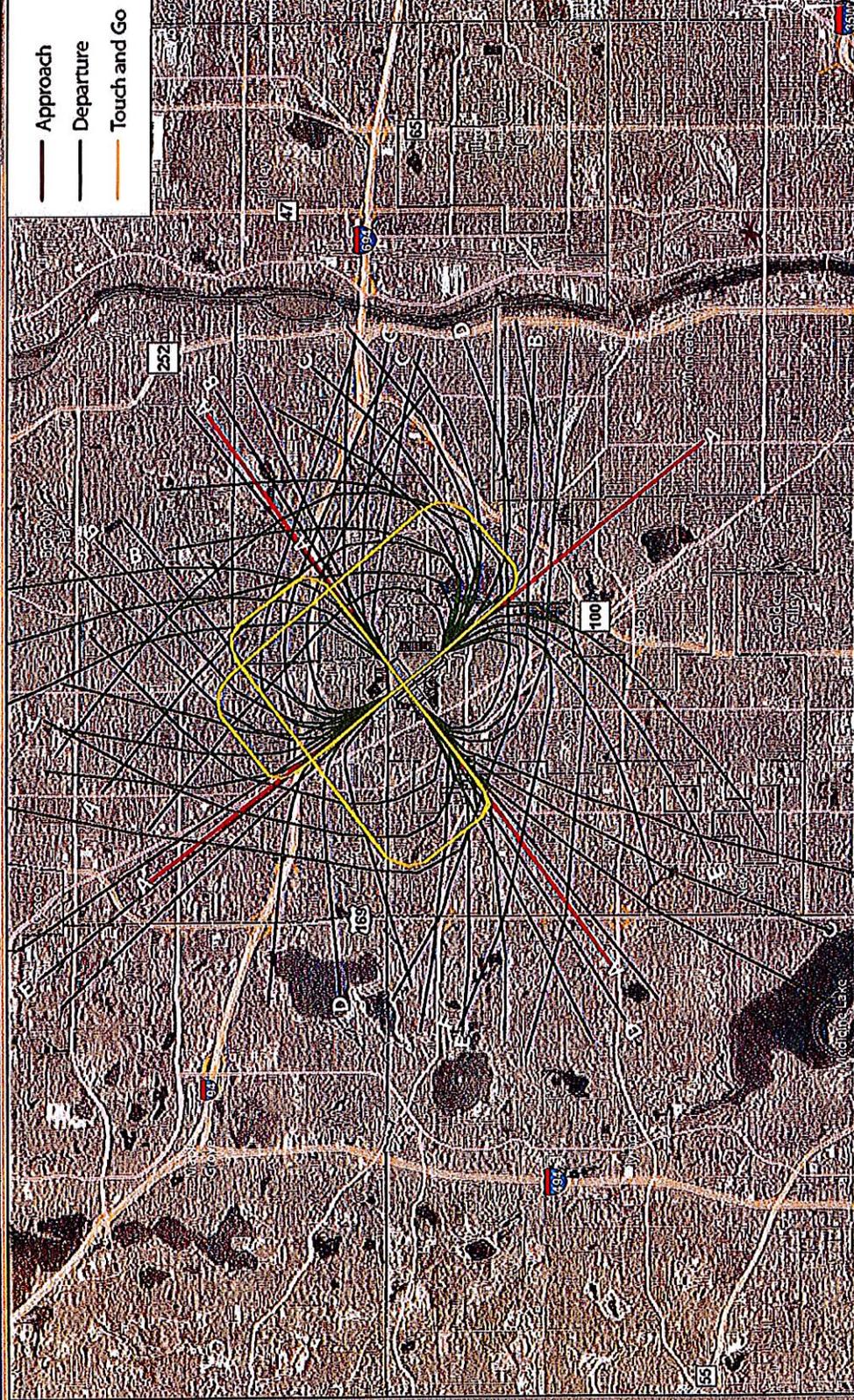
March 17, 2016



- |  |                |                    |
|--|----------------|--------------------|
|  | 2008 and older |                    |
|  | 2012           | Route Labels       |
|  | 2011           | Street Name Labels |
|  | 2010           | City Labels        |
|  | 2009           | Counties           |

# 2025 INM Flight Tracks

Figure 5-4

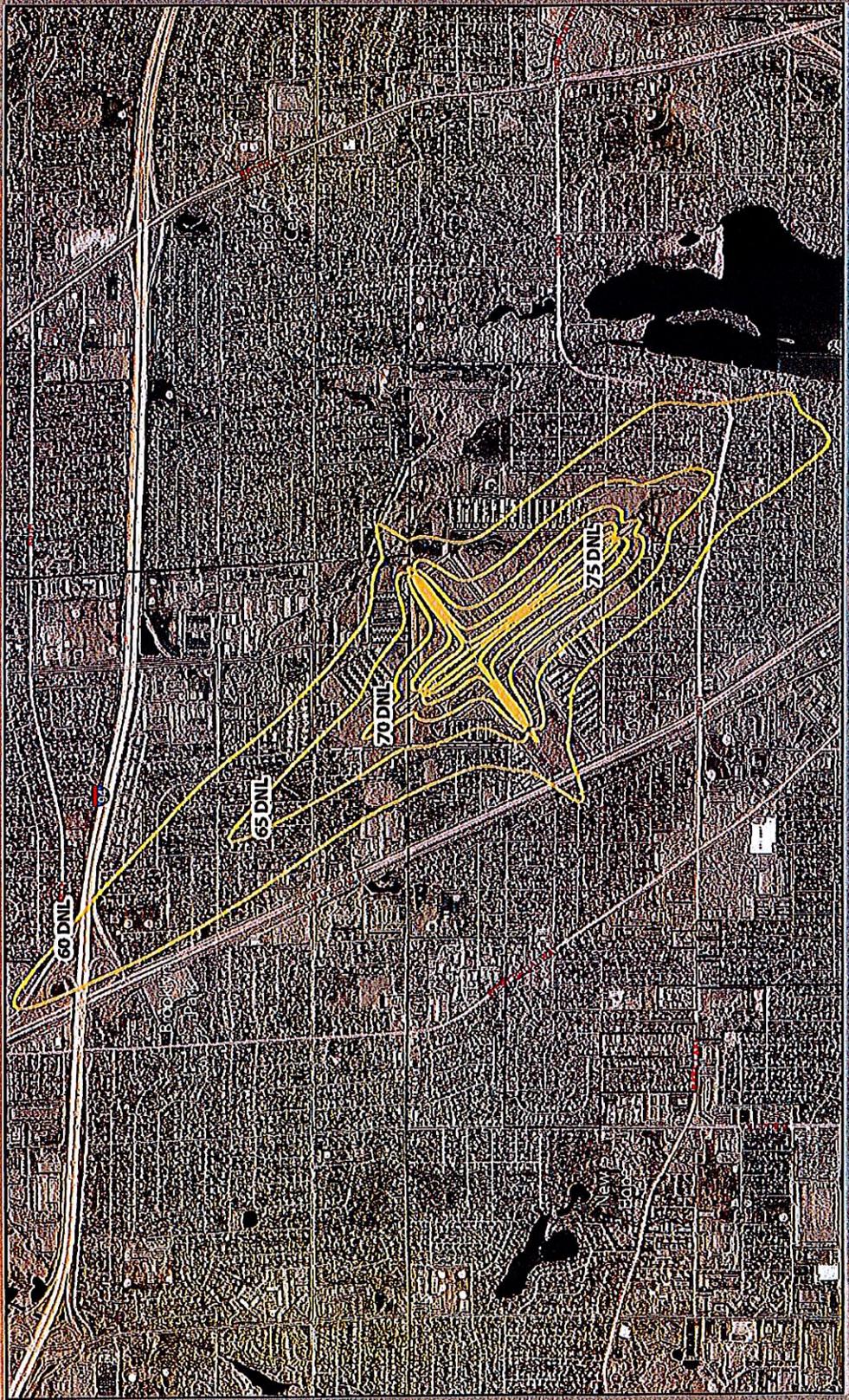


Crystal Airport (MIG)

0 1.5 3 Miles

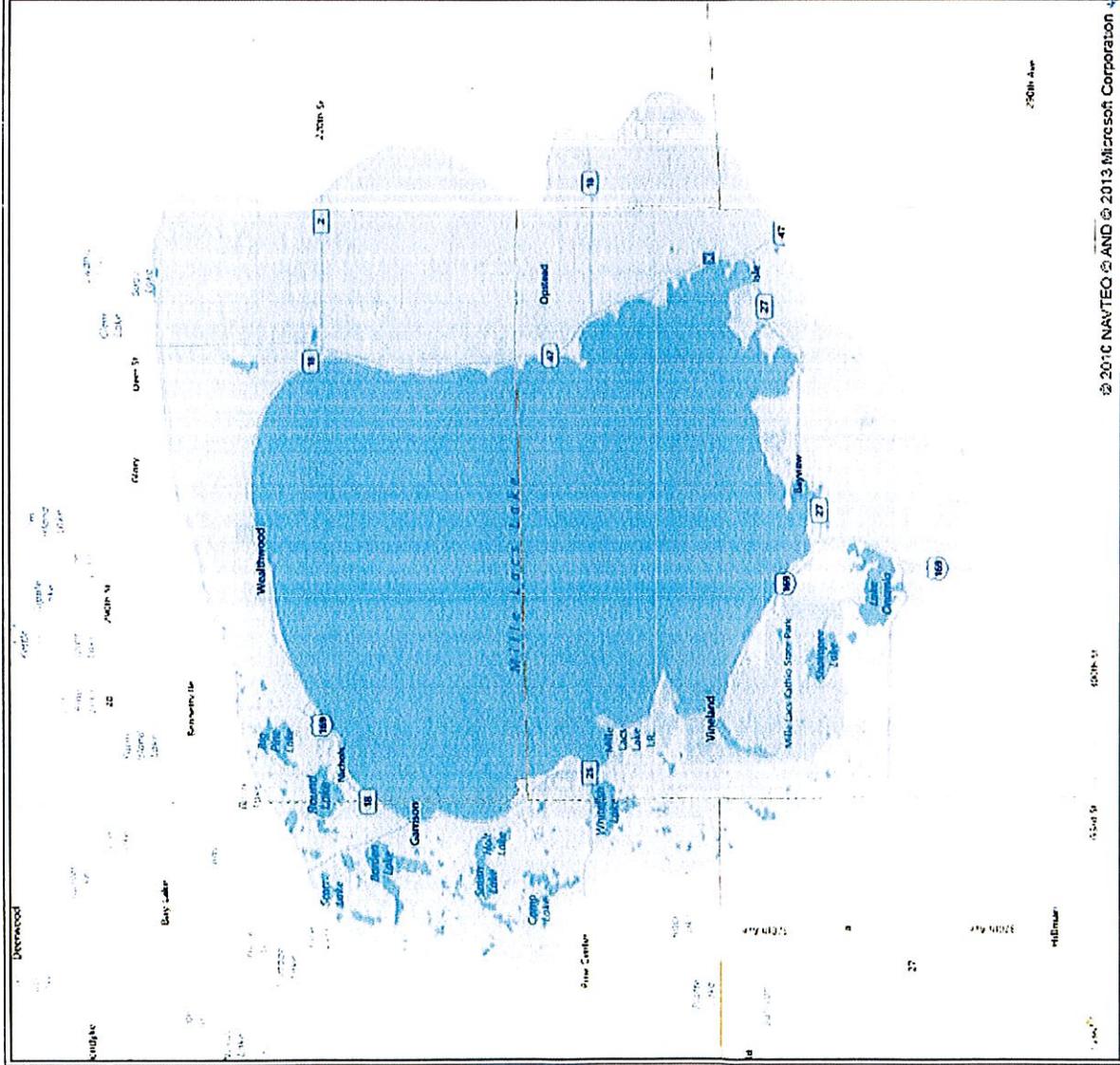
Figure 5-6

2025 Preferred Alternative Contours



Crystal Airport (MIC)





## Designated Sole Source Aquifers in Region 5

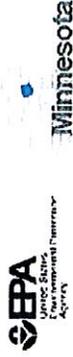
### Mille Lacs Aquifer Minnesota

**Notes and Explanation:**

The Mille Lacs Aquifer was designated under the authority of Sect. 1424(e) of the Safe Drinking Water Act, Federal Register Citation-SS FR 43407, Publication Date - 10/29/90. For more information, please contact USEPA, Region 5 (William Spaulding) at 312-886-9262.

**Map Status and Disclaimer:**

Please note that this working map is a computer representation compiled by the Environmental Protection Agency (EPA) from sources which have supplied data or information that may not have been verified by the EPA. This data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information. The EPA does not guarantee the accuracy, completeness, or timeliness of the information shown, and shall not be liable for any loss or injury resulting from reliance upon the information shown.

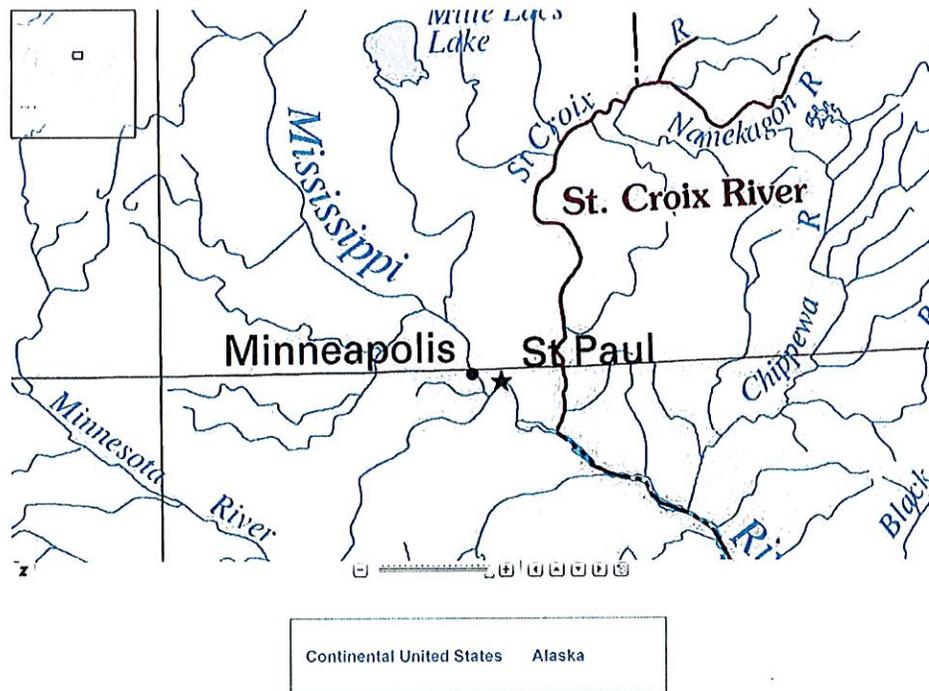






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State Listings  
Profile Pages

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Stewardship  
WSR Act Legislation

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