

**Minnesota State Office Building –
Renovation & Addition
St. Paul, MN**

Environmental Assessment Worksheet

**Response to Comments, Findings of Fact, and
Record of Decision**

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August 2023

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Introduction

The proposed Minnesota State Office Building Renovation and Addition project (“Project”) is a comprehensive plan to address accessibility, infrastructure, function, building envelope, and building systems. This Project includes upgrading health, life safety, and security systems, to meet current, local and State building codes, standards, workplace needs, and public access and accommodation needs.

The programmatic space needs of the Minnesota State Office Building tenants were presented to the Minnesota House of Representative’s Rules Committee in December of 2022. The tenants’ collectively identified the need for more than 456,000 square feet; the existing building currently provides approximately 290,000 square feet. In order to meet the programmatic needs of the tenants and to support public participation in the legislative process, construction will include both renovations of the existing Minnesota State Office Building (“Building”) and an addition (“Addition”) to the north of the Building. Significant modifications to the Building will include the replacement and upgrade of Building systems, the return of the interior lightwells or atriums in order to bring natural light to the center of the Building, and the removal of the 7th floor and roof structure that was added in prior renovations. The Project will also provide additional hearing room capacity, as well as update the HVAC, loading dock and elevator systems. The Project calls for the Addition to have six above-grade stories and a partial below-grade level, while keeping the Addition roof line below the Building roof line.

An Environmental Assessment Worksheet (EAW) was prepared pursuant to Minnesota Rules Part 4410.1000, Subp. 3(D). The EAW and the respective comments have been reviewed in accordance with Minnesota Rules 4410.1700 to determine if the project has the potential for significant environmental effects. This document includes responses to comments received by the Minnesota Department of Administration, the Findings of Fact supporting the decision, and the Record of Decision indicating an Environmental Impact Statement (EIS) is not necessary for this project.

EAW Notification, Distribution, and Comment Period

In accordance with Minnesota Rules 4410.1500, the EAW was completed and distributed to persons and agencies on the official Environmental Quality Board (EQB) distribution list. The notification was published in the EQB Monitor on June 27, 2023, initiating the 30-day public comment period. The EAW was hosted at the following website: <https://www.rockleafwaterenvironmental.com/sob-eaw>. The comment period ended on July 27, 2023.

Comments Received

The Minnesota Department of Administration received written comment letters from seven parties:

1. U.S. Army Corps of Engineers: July 10, 2023
2. The Cultural Landscape Foundation: July 24, 2023
3. Minnesota Chapter of the Society of Architectural Historians: July 26, 2023
4. Cass Gilbert Society: July 26, 2023
5. Minnesota State Historic Preservation Office (MN SHPO): July 26, 2023
6. Metropolitan Council (Regional Office & Environmental Services): July 27, 2023
7. Minnesota DNR Division of Ecological & Water Resources: July 27, 2023

None of the comments recommended the preparation of an EIS. The Metropolitan Council stated that an EIS is not necessary for regional purposes. Specific comments are addressed in the following pages. Full comments are attached in Appendix A.

Response to Comments

This document responds to comments individually. This narrative includes portions of comments, verbatim, followed by responses. Complete comment letters are included in **Appendix A**.

Responses to comments are generally confined to substantive issues that “address the accuracy and completeness of the material contained in the EAW, potential impacts that may warrant further investigation before the project is commenced, and the need for an EIS on the proposed project” (MN Rules 4410.1600). Some comments included general remarks, recommendations, or permit requirements. Such comments are noted for the record.

U.S. Army Corps of Engineers, St. Paul District

Comments

The purpose of this letter is to inform you that based on the Draft Environmental Assessment Worksheet: State Office Building Renovation, a Department of the Army (DA) permit would not be required if there are no impacts to aquatic resources for your proposed activity. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.

If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers’ jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers’ jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

If the proposal requires a Section 404 permit application, the Guidelines specifically require that “no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences” (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps’ decision whether there is a less damaging practicable alternative to the proposal.

Response

Received and noted. No impacts to aquatic resources are anticipated for the Project.

The Cultural Landscape Foundation

Comments

We are alarmed about the project's negative visual and spatial impacts on the State Office Building, the Capitol, and its integral landscape, including Leif Erikson Park. Calling the project "a renovation" is not truly accurate as the proposed work would result in a massive 166,000-square foot addition to the original 290,000-square-foot building. Additionally, the proposed structure's Neo-Classical facade would be similar in scale to the historic facade and aligned with it, conveying a false sense of history while competing with the original structure rather than respecting its historic status. The new structure would adversely impact the design of the Mall by confiscating precious open space that was part of the original design intent, filling-in the Leif Erikson Lawn, which visually and physically connects the Mall to the city grid. Specifically, it would block the view of the Capitol's west facade, diminishing the Capitol's iconic role as the culmination of the Mall's axis.

Response

The current design is intended to account for the many competing interests in the Capitol Complex, including visual interests and the need for safe, secure, accessible and functional space for members and staff to conduct the work of state government and the public to participate in the legislative process and conduct other business. The visual considerations included having a set-back for the Addition consistent with the set-back for the addition that was part of the Minnesota Judicial Center project located on the Capitol Mall east of the Capitol Building. The perspective on design of the façade and impact of the Addition on the Capitol Mall are noted. For the purposes of this EAW, it is important to note the Building and Capitol Mall are not listed on the National Register of Historic Places. Therefore, the Project is not subject to the Secretary of the Interior's Standards for design of an addition to a historic building. Several Addition designs were carefully vetted and thoroughly studied to ensure appropriate assimilation into the Capitol Mall. As part of the Project, a net increase of green space is provided by removal of the surface parking lot currently located on the site. In addition, to support implementation of the 2040 Comprehensive Plan for the Minnesota State Capitol Area, portions of existing surface parking lots located on adjacent state-owned properties along Rice Street and University Avenue are planned to be rezoned G-2. The conversion of the new G-2 areas to open green space are anticipated to be included in implementation of an updated Capitol Area Design Framework.

In an effort to avoid, minimize, and mitigate significant adverse effects to this iconic and cherished work of landscape architecture, which at its core represents freedom of movement to visitors to the Capitol Grounds, we encourage the project's managers to explore other viable alternatives, such as the expansive parking lot of the vacant Sears building, which is just across the street to the west.

Response

Alternatives for locating the addition were studied in the early phases of design but determined to not achieve the required outcomes for security, accessibility, and functionality or to be consistent with the authorizing statute (Minnesota Statutes 16B.2406). The Addition will contain ten (10) hearing rooms and gathering space for public participation in the legislative process. The legislative and other government functions to be conducted in the Addition are closely connected and integrated into the legislative processes and other government functions that are conducted in the State Capitol Building and Senate Building. Individuals and groups coming to the completed Project to participate in the legislative process also will be attending meetings, committee hearings or other events at the State Capitol Building and Senate Building. Having the

Addition be in close proximity to the Capitol Building and Senate Building is essential for facilitating suitable access for those with disabilities and/or limited mobility to participate in the legislative process. Ensuring that the three buildings are accessible to all Minnesotans is essential to facilitating participation in the legislative process. Alternative locations would have exacerbated accessibility issues. To further enhance this access, the Department of Administration is requesting funding in the 2024 session to improve the tunnel connection between the State Office Building and Capitol Building. In addition to not meeting security, accessibility and functional needs, the vacant Sears property on the west side of Rice Street is not presently owned, or planned to be acquired, by the State of Minnesota. Thus, this would exclude its use from the planning options developed for the project.

Minnesota Chapter of the Society of Architectural Historians

Comments

Capitol architect Gilbert possessed a strong commitment and request for vistas and open spaces to enhance the Capitol and provide for public space. In particular, Gilbert intended to keep the Capitol's east, south, and west axis open and unobstructed by buildings. The massive proposed addition to the north side of the State Office Building, and which extends along the entire west elevation of the Capitol, violates this design intent by obstructing the west axis. Once this open area is violated it will be gone for future generations.

Response

The need for safe, secure, accessible, and functional space is a driving factor for the Project. After several workshop sessions, it was discovered that the current building was inadequate to meet the space needs to address safety, security, accessibility, and functional requirements. Several design ideas were presented, studied, and considered with those key criteria in mind. An addition was deemed necessary to provide the best possible service to the public of the State of Minnesota, as well as to carry out the functions of the government, and to provide a safe, secure, and adequate space for the public and support their right to participate in government. The Addition will contain ten (10) hearing rooms and gathering space for public participation in the legislative process. The legislative and other government functions to be conducted in the Addition are closely connected and integrated into the legislative processes and other government functions that are conducted in the State Capitol Building and Senate Building. Individuals and groups coming to the completed Project to participate in the legislative process also will be attending meetings, committee hearings or other events at the State Capitol Building and Senate Building. Having the Addition be in close proximity to the Capitol Building and Senate Building is essential for facilitating suitable access for those with disabilities and/or limited mobility to participate in the legislative process. Ensuring that the three buildings are accessible to all Minnesotans is essential to facilitating participation in the legislative process. Alternative locations further away from the State Capitol Building and Senate Building would have been less accessible for individuals and groups traveling between all three buildings. The Project examined all possible building areas on the site after the determination was made that an addition was needed. An addition to the northwest would significantly reduce the functionality of the programmatic layout by creating a circulation barrier between the public hearing rooms and the member offices and legislative staff to be located in the Building. Expansion to the west was not possible due to the proximity of the parking ramp and expansion to the south was not possible due to limitation of that site. The siting of building addition incorporates a set-back consistent with the set-back for the addition that was part of the Minnesota Judicial Center project located

on the Capitol Mall east of the Capitol Building. Part of the project is to reduce the height of the Building, so as not to compete with the Capitol. Several Addition designs were carefully vetted and thoroughly studied to ensure appropriate assimilation into the Capitol Mall. In addition, to support implementation of the 2040 Comprehensive Plan for the Minnesota State Capitol Area, portions of existing surface parking lots located on adjacent state-owned properties along Rice Street and University Avenue are planned to be rezoned G-2. The conversion of the new G-2 areas to open green space are anticipated to be included in implementation of an updated Capitol Area Design Framework.

Besides ending the west axis view of the Capitol, the proposed addition removes historically open land and designates new park land behind the new addition and away from the central open space that currently exists.

Response

The Project will result in a net increase in new green spaces that will encourage greater participation and public use on the site. The added green space will provide the public with a safe and inviting space for public gatherings.

According to Gilbert and subsequent landscape architects and planners, state buildings on the Capitol Mall following construction of the Capitol were to be deferential to the Capitol and of appropriate size, massing, and location, as exemplified by the former Minnesota Historical Society building. The proposed State Office Building is at odds with each of those elements: size, massing, and location. The construction of the Minnesota Judicial Center alongside the former Minnesota Historical Society building provides an important example of how the views of the Capitol and open space were carefully considered and respected.

The proposed addition egregiously disregards the Secretary of the Interior's Standards, and, in particular, those guidelines for "New Additions." For example, the guidelines note that additions should be located along an inconspicuous side of a historic building and should be clearly differentiated so that an addition does not appear to be part of the historic resource. An addition should not mimic style, form, materials, or rooflines, cornice height, etc. The addition should be of appropriate size and scale so that the character of the historic building is not diminished.

Response

The perspective on design and impact of the Addition on the Capitol Mall are noted. For the purposes of this EAW, it is important to note the Building and Capitol Mall are not listed on the National Register of Historic Places. Therefore, the Project is not subject to the Secretary of the Interior's Standards for design of an addition to a historic building.

The Project examined all possible building areas on the site after the determination was made that an addition was needed. Expansion to the west was not possible due to the proximity of the parking ramp and expansion to the south was not possible due to limitations of that site. The building addition was designed to be subservient to the Capitol Building, including following a set-back consistent with the set-back for the addition that was part of the Minnesota Judicial Center project located on the Capitol Mall east of the Capitol Building. Part of the Project will reduce the height of the Building and have the Addition be further lower than the Building so as not to compete with the Capitol. Several addition designs were carefully vetted and thoroughly studied to ensure appropriate assimilation into the Capitol Mall.

The architectural design proposed by Robert A.M. Stern Architects is pretentious and competes with Cass Gilbert’s Capitol architecture, to the detriment of the Capitol and the entire Capitol Mall design. Minnesotans might be surprised that an East Coast architect, although well known, has been charged with the design of this impactful proposed addition.

Response

The perspective shared is noted. The design team for the project, involving a lead local firm, was selected through an open, competitive process conducted by the State Designer Selection Board. The selection process is qualifications-based and included evaluation of the design team’s wide range of experience in institutional work and historical preservation projects with many projects at the state and federal level. The most recent being the Virginia General Assembly Building for the Commonwealth of Virginia. This Project is comparable in its size, complexity, and relationship to the Virginia Capitol Building.

None of the architectural drawings included in the EAW provide any clear indication to the reader of the visual impact of the proposed addition on the Capitol or other associated views and vistas. The average reader would have little awareness that the addition fronts the west elevation of the Capitol and its proximity. The EAW is thus incomplete and misleading.

Response

Feedback received and noted. Renderings of the Addition were presented during public meetings of the Capitol Area Architectural and Planning Board and published by media outlets. The renderings were also available on the website linked in the EQB Monitor notice published on June 27, 2023.

The EAW minimally acknowledges the adverse effect of the proposed addition stating, “The proposed SOB addition extends north into the open space of Leif Erikson Park, reducing openness and changing the nature of the Capitol approach and visitor experience from west and northwest. The change in approach is less visible from a distance but is clearer in proximity. Views of the Capitol Building from near and far are part of the urbanism, pride and identity of the City that the CAAPB has long been tasked to protect. The Comp Plan affirms the importance of these views.” Mitigation is proposed in the form of completing a Minnesota Historic Property Record, which is utterly inadequate based on the adverse effect of the proposed addition.

Response

Feedback received and noted. The responses above to this comment are repeated and incorporated here. The Project will incorporate new green spaces that will encourage greater participation and public use. The added green space will provide the public with a safe and inviting space for public gatherings.

The entire Capitol Mall area has been determined eligible for listing in the National Register of Historic Places. The state should proceed with a National Register Nomination, which is something that should have long since been completed.

Response

Feedback received and noted. The Capitol Mall has been deemed eligible for registration on the National Historic Register.

Finally, MNSAH is concerned about the extremely limited public discussion and review of the entire proposed project, especially among those agencies created for this very purpose, such as the Capitol Area Architectural and Planning Board (CAAPB). It is unlikely the public has any thorough understanding of this project.

The CAAPB board voiced its concerns about the project during their March 2023 meeting. Not only were their comments disregarded, apparently because they were critical of the project, but the state subsequently took action to formally remove the board from any responsibility for the project, which seems a violation of public trust. Ironically, among the goals of the board is to “Preserve and enhance the dignity, beauty, and architectural integrity of the capitol, the buildings immediately adjacent to it, the capitol grounds, and the capitol area” and to “Protect, enhance, and increase the open spaces within the capitol area when deemed necessary and desirable for the improvement of the public enjoyment thereof.”

Response

At the March 8th, 2023, public meeting of the CAAP Board, the project team provided an overview with questions and answers from the board; staff presented comprehensive plan analysis and board discussion; and the rezoning processes were reviewed. At the April 21st, 2023, meeting of the CAAP Board, it was resolved that the Capitol Area Architectural and Planning Board found the basis for the Project, in combination with four Capitol / Rice Street initiatives, to be in substantial compliance with the 2040 Comprehensive Plan for the Minnesota Capitol area. This resolution was passed by the vote of the CAAP Board.

Cass Gilbert Society

Comments

The proposed addition to the State Office Building would dramatically reduce the landscaped open space to the west of the Capitol and create a street wall along MLK Boulevard that diminishes views of the north and west facades of the Capitol. A series of plans under the purview of the CAAPB since 1967 have sought to reinforce Cass Gilbert’s vision for an appropriate setting for the Capitol. The challenge remains to preserve the open setting. The proposed addition will severely impact that goal.

Response

The current design is intended to account for the many competing interests in the Capitol Complex, including visual interests and the need for safe, secure, accessible and functional space for members and staff to conduct the work of state government and the public to participate in the legislative process and conduct other business. The Project will incorporate new green spaces that will encourage greater participation and public use. The added green space will provide the public with a safe and inviting space for public gatherings.

Minnesota State Historic Preservation Office (SHPO)

Comments

In a letter dated July 21, 2023, our office stated our opinion that the Minnesota State Office Building Renovation and Addition Project, as proposed, has not been designed in accordance with the Standards and will result in an adverse effect to the integrity and character of the Minnesota State Capitol. We look forward to continuing consultation with the Minnesota Department of Administration and other stakeholders in order to seek ways to minimize and/or avoid adverse effects.

Response

Comment received and noted. The responses above are repeated and incorporated here.

Metropolitan Council (Regional Office & Environmental Services)

Comments

The staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes.

Response

Received and noted that the Metropolitan Council (Regional Office & Environmental Services) has confirmed that the EAW document was complete and does not require the submission of an EIS. Nor will the Metropolitan Council (Regional Office & Environmental Services) take formal action on the EAW as a result and holds no additional comments.

Minnesota Department of Natural Resources: Division of Ecological and Water Resources

Comments

Page 11: Permits and Approvals. A DNR Water Appropriation Permit is required for construction dewatering if the volume of water exceeds 10,000 gallons per day, or one million gallons per year. A DNR Water Appropriation Permit may also be required if a sump pump is needed to maintain water levels in the lower level of the structure, and/or the installation of utilities requires construction dewatering, and the volume of water exceeds 10,000 gallons per day, or one million gallons per year.

Response

Based on the Geotechnical Investigation and depth of the groundwater in the project area, it is not currently expected that such volumes will be needed to dewater the excavations, utility trenches or lower levels of the structures. If it is determined by the Contractor that 10,000 gallons per day, or one million gallons per year, may be pumped during construction, the Contractor will be required to obtain such permits at that time.

Page 16: Stormwater. This section does not discuss the stormwater improvements that are mentioned under the climate change adaptation section on page 8. This section should describe how stormwater will be directed and collected onsite, and then if this stormwater will be infiltrated, or discharged to a surface water or to the City's stormwater sewer system. We also recommend the reuse of stormwater for irrigation where feasible.

Response

The climate change adaptation section has been addressed by the design team with an understanding that greater rainfall is projected in the years ahead. Stormwater management for the site is managed through a combination of filtration systems, water reuse, and filtration gardens.

The roof drains from the Addition are routed to an underground tank for reuse to the irrigation system. Site stormwater is collected through a series of catch basins and storm sewer pipes and flows to the underground storage tank. The underground storage tank holds and controls the flow of water to a structured water quality treatment manhole. The water quality manhole and

the overflow from the underground storage tank connect to the city storm sewer located in Rice Street.

On the north side of the site, there are a series of filtration gardens that collect and runoff from the sidewalk and site. These filtration gardens have drain tile at the subgrade that flows to the city storm sewer.

On the south side of the site, the roof drain from the loading building, site catch basins and storm sewers are routed to a separate underground storage tank. This underground storage tank holds and controls the flow of water to a structured water quality treatment manhole. The water quality manhole and the overflow from the storage tank connect to the city storm sewer located in Rev Dr Martin Luther King Jr Boulevard.

Page 16: Stormwater. The entire project area is located in a *High Potential Zone* for federally endangered Rusty-patched Bumble Bee. Therefore, we recommend that BWSR-approved, weed-free, native seed mixes be used to the greatest degree possible in project landscaping and any stormwater features in order to provide pollinator habitat. Turf in particular, has limited ecological value and requires soil inputs and irrigation for maintenance. Native plants are more drought tolerant, provide important wildlife habitat, and require far fewer inputs to maintain.

Response

Feedback received and noted. Site design plans will include native pollinator gardens and other measures to provide pollinator habitat. The Department of Administration has established numerous pollinator habitat areas on the Capitol campus and has incorporated pollinator friendly maintenance practices.

Page 19: Rare Features. It is not clear if the Natural Heritage Information System was queried to determine if rare features are likely to be impacted by this project. Please be aware that only DNR can make a determination regarding impacts to state-listed species. It does not appear that any-listed species will be impacted by this project, however, there are federally-listed species documented in the vicinity.

Response

The Natural Heritage Review will be completed prior to completing the Construction Stormwater Permit Notice of Intent (NOI) to ensure appropriated measures during project construction activities and post construction are incorporated based on the results of the review. Per the Requirements of the MN State General Construction Stormwater Permit (MNR100001), The Stormwater Pollution Prevention Plan (SWPPP) must include any stormwater mitigation measures proposed to be part of the final project for endangered species review. For purposes of this permit, mitigation measures mean actions necessary to avoid, minimize, or mitigate for impacts related to erosion prevention, sediment control, the permanent stormwater treatment system, pollution prevention management measures, and discharges associated with the project's construction activity. [Minn. R. 7090]. The Construction SWPPP is expected to meet these requirements.

The project area is located within a Rusty Patched Bumble Bee *High Potential Zone*. The rusty-patched bumble bee (*Bombus affinis*) is federally listed as endangered and is likely to be present in suitable habitats within *High Potential Zones*. Please note that this species has been documented in very close

proximity to the project area. From April through October, this species uses underground nests in upland grasslands, shrublands, and forest edges, and forages where nectar and pollen are available. From October through April, the species overwinters under tree litter in upland forests and woodlands. The rusty patched bumble bee may be impacted by a variety of land management activities including, but not limited to, prescribed fire, tree-removal, haying, grazing, herbicide use, pesticide use, land-clearing, soil disturbance or compaction, or use of non-native bees. The USFWS rusty patched bumble bee guidance provides guidance on avoiding impacts to rusty patched bumble bees and a key for determining if actions are likely to affect the species; the determination key can be found in the appendix. If applicable, the DNR also recommends reseeding disturbed soils with native species of grasses and forbs using BWSR Seed Mixes or MnDOT Seed Mixes. Please visit the USFWS Rusty Patched Bumble Bee Map for the most current locations of High Potential Zones.

Response

The Department of Administration has established numerous pollinator habitat areas on the Capitol campus and has incorporated pollinator friendly maintenance practices. It is the Department of Administration's practice to not treat plants and vegetation with pesticides containing neonicotinoids, which have been demonstrated to be toxic to bees. Landscape features on the Capitol grounds are intended to support pollinator habitat year-round and flowering plants throughout the growing season. Native plants will be utilized to the maximum extent possible.

Per the Requirements of the MN State General Construction Stormwater Permit (MNR100001), the Stormwater Pollution Prevention Plan (SWPPP) must include any stormwater mitigation measures proposed to be part of the final project for endangered species review. For purposes of this permit, mitigation measures mean actions necessary to avoid, minimize, or mitigate impacts related to erosion prevention, sediment control, the permanent stormwater treatment system, pollution prevention management measures and discharges associated with the project's construction activity [Minn. R. 7090]. The Construction SWPPP is expected to meet these requirements. A National Heritage Review prior to completing the Construction Stormwater Permit NOI will be performed to ensure the referenced species will be protected during the project construction activities as well as post project completion.

All seven of Minnesota's bats, including the federally endangered northern long-eared bat (*Myotis septentrionalis*), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided from June 1 through August 15.

Response

A National Heritage Review prior to completing the Construction Stormwater Permit NOI will be performed to ensure the referenced species will be protected during the project construction activities as well as post project completion.

The Department of Administration has proposed to begin construction in the late fall or winter, which will help mitigate potential habitat impacts to the northern long-eared bat.

Please be aware that the northern long-eared bat hibernacula has been documented within two miles of the project. To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online Information for Planning and Consultation (IPaC) tool.

Response

Prior to construction and implementation of construction, the project team will conduct the federal regulatory review using the appropriate tools from the U.S. Fish and Wildlife Service (USFWS) to ensure the protection of the northern long-eared bat as well as other potential federally threatened and endangered species that may be in the project area. The review will be completed per the requirements of section 7 of the Endangered species act (ESA) as required. Should such species be found, the appropriate protections will be implemented by the project team.

Findings of Fact

Project Description

Proposed Project

The proposed Project is a comprehensive renovation and addition to the Building to address current safety, security, functionality, and accessibility concerns. The scope includes but is not limited to addressing building envelope and the Building systems including health, life safety, and security systems to meet current local and State building codes, standards, workplace needs, and public access and accommodation needs.

The Project will provide additional hearing room capacity, as well as update the HVAC and loading dock facilities and elevator systems. The Addition will have six above-grade stories and a partial below-grade level. Additional greenspace will result from the proposed construction.

The programmatic space needs for the building tenants were presented to the Rules Committee in December of 2022, which totaled over 456,000 square feet. The existing building currently provides just over 290,000 square feet. In order to meet the programmatic needs of the tenants and to support public participation in the legislative process, construction will include an addition and expansion to the north of the existing Building. Significant modifications to the existing Building will include the replacement and upgrade of building systems, the return of the interior lightwells, in order to bring natural light to the center of the existing building, as well as the removal of the 7th floor and roof structure that was added in prior renovations.

An Environmental Assessment Worksheet (EAW) was prepared pursuant to the Minnesota Rules 4410.1000, subp. 3(D). The EAW and the respective comments have been reviewed in accordance with Minnesota Rules 4410.1700 to determine if the project has the potential for significant environmental effects.

Site Description and Existing Conditions

The Project area is approximately 6.5 acres and is currently used as urban governmental property. A paved parking lot is located in the northwest quadrant of the site. Additional parking lots and several churches are located to the north and west of the property. State governmental property, including the State Capitol, borders the Project area to the east and south. There is a small open space on the site that

will be redeveloped as a component of the project. The physical and visual approach to the campus from the northwest currently happens through the space of Leif Erikson Park.

Decision Regarding the Potential for Significant Environmental Effects

Minnesota Rules 4410.1700, Sub. 7 lists four criteria that shall be considered in deciding whether a project has the potential for significant environmental effects. Those criteria and the Minnesota Department of Administration's findings are presented below.

A. Type, Extent, and Reversibility of Environmental Effects

Minnesota Rules 4410.1700, Sub. 7 (A) indicates the first factor that the Minnesota Department of Administration must consider in the "type, extent, and reversibility of environmental effects." The EAW describes the type and extent of impacts anticipated to result from the Project, and public comments received during the comment period were taken into account in regard to the type, extent and reversibility of project impacts. The Minnesota Department of Administration's findings are set forth below.

- **Sections 8: Cover Types.** The Project area presently consists of lawn/landscaping and impervious surfaces, including parking lots and sidewalks. Additional greenspace is being added to the site to replace the current parking lot. The Department of Administration has considered cover types in their Design Guidelines (7th Addition, updated February 2023) and has plans to incorporate sustainable vegetation, including pollinator gardens, in exterior landscaping improvements. The proposed Addition will utilize approximately 40,069.05 square feet of land. No impacts to streams or wetlands are anticipated.
- **Section 10: Land Use.** The Project area is currently used as urban governmental property. A paved parking lot is located in the northwest quadrant of the site, west of Leif Erikson Park. The proposed Addition will extend north into the open space of Leif Erikson Park, however, the parking lot will be replaced with additional outdoor greenspace, resulting in a net increase of green space on the site. In summary, the land use will remain the same but provide greater indoor capacity and relocate/expand outdoor green space.
- **Section 11: Geology, Soils and Topography/Landforms.** A Phase I Environmental Site Assessment was performed in May of 2023. The geotechnical exploration during this assessment consisted of lean clay, sandy lean clay, clayey sand, silty sand, sand with silt, and sand. The soils in the Project area will not be changed as a result of the Project.

Erosion and sediment control measures will be addressed in the Stormwater Pollution Prevention Plan (SWPPP) that will be developed as part of the construction stormwater permit requirements. BMPs will be implemented to reduce erosion and runoff during and post-construction.

- **Section 12: Water Resources.** There are no anticipated impacts to lakes, streams, wetlands, intermittent channels, and county/judicial ditches on or adjacent to the Project site, and thus surface water impacts will be considered to be de minimus. Stormwater controls will be included in the construction of this Project and will be designed to meet the Minnesota stormwater management requirements. A stormwater permit will be obtained and

implemented by the Contractor, and a Stormwater Pollution Prevention Plan (SWPPP) will be implemented for construction activities.

During the Phase I ESA groundwater was encountered at depths ranging from 23 to 29 feet below ground surface, except at one location where perched groundwater was encountered at 3 feet below ground surface. When the borehole of this outlier was penetrated, the groundwater level actually measured 26 feet below ground surface; the nature of the clayey soil was thought to be the cause for the sampling discrepancy. The report concluded that groundwater was not expected to be encountered within the depths of the proposed required excavations. Dewatering activities are not expected to be needed during project construction as work is not expected to occur below the level of groundwater that was found during the Phase I ESA geotechnical investigation.

Wastewater is not discharged to surface water at the project location. Wastewater at the site will remain similar to the conditions and requirements prior to the proposed renovation project. Capacity modifications will be made via discharge permit if such modifications are deemed necessary. An infiltration system design is still in process for this project, but may include a 40,000 gallon underground stormwater retention tank with the possibility of swales and rain gardens.

- **Section 13: Contamination, Hazardous Materials and Wastes.** A Phase I Environmental Site Assessment (ESA) was performed and submitted in May of 2023 for the property on which the Addition is proposed to occur. The report revealed no evidence of Controlled Recognized Environmental Conditions (CRECs), Historical Recognized Environmental Conditions (HRECs), or de minimis environmental conditions in conjunction with the Subject Property. However, there was a concern regarding the presence of fill material of an unknown origin based upon the urban setting and prior buildings, as well as soil borings from adjoining properties that have been impacted by low-level diesel range organic (DRO) and polynuclear aromatic hydrocarbon (PAH) contamination. The Phase I recommended additional investigation for these items and the project team is currently securing the supplemental investigation work as recommended by the Phase I ESA.

A Phase II Environmental Site Assessment will be performed prior to construction starting. A construction contingency plan and response action plan will be developed and implemented if, in consultation with the Minnesota Pollution Control Agency Brownfield program, determined necessary based on the results of the Phase II ESA. Should any hazardous materials or petroleum spills be encountered during the construction, they will be reported to the Minnesota Duty Officer. Hazardous materials will be properly handled, stored, and disposed of when finished.

All waste generation will have recycling goals per MN Statute 16B.327.

- **Section 14: Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features).** The Project site presently contains several deciduous and coniferous trees that may provide habitat to multiple species of birds, insects, and bats. The turf grass does not currently provide a significant source of vegetation for fish and wildlife. In an effort to minimize these effects, the Contractor will save and relocate as many of the current trees as possible. Additionally, the Department of Administration Design Guidelines will be used,

including the implementation of features that support pollinator habitats. Minnesota B3 Guidelines have also been taken into consideration, including the preservation of habitat for endangered species.

The MN Department of Natural Resources provided EAW comments regarding the presence of two federally endangered species within close proximity of the proposed Project area, namely the Rusty Patched Bumble Bee (*Bombus affinis*) and the northern long-eared bat (*Myotis septentrionalis*). Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134) prohibit the take of threatened or endangered species without a permit. Required avoidance measures have been identified and will be followed for both species to minimize the need for an incidental take permit. Additionally, the Department of Administration is prepared to perform a review of endangered species on the property prior to construction. Construction is intentionally intended to begin in the winter to minimize disturbance to wildlife that habitat in trees, including the endangered northern long-eared bat. A National Heritage Review will be performed prior to completing the Construction Stormwater Permit NOI will be performed to ensure the referenced species will be protected during the Project construction activities as well as post-Project completion.

To minimize invasive species introduction, establishment and spread, ground cover will be placed as soon as possible after construction to provide habitat for existing wildlife and create competition against invasive species. Additionally, sanitation of vehicles and equipment has been recommended.

- **Section 15: Historic Properties.** The Minnesota State Office Building is not listed on the National Register of Historic Places. The design team was aware and took into consideration the historic context of the Building, Minnesota State Capitol Building and the Capitol Mall during the design process. A Phase I Archaeological Study is in progress and is anticipated to be complete in early September.
- **Section 16: Visual Resources.** Concerns have been expressed that size, location and design of the Addition to the Building may adversely impact the viewsheds of the State Capitol Building. The Project was initiated and has been determined to be necessary to address health, life-safety, security, accessibility, and functional requirements and therefore the undertaking is necessary. In order to mitigate potential impact, the project team has proposed to the State Historic Preservation Office to complete a Historic Property Record consistent with appropriate archival standards to document the current viewsheds that the Addition will impact, specifically the views from the Capitol Mall and the views from the west, along Rice Street, Aurora Avenue, and University Avenue. This Historic Property Record will be supplied to the State Historic Preservation Office.

The Project design is consistent with other established land uses in the area, and therefore will not create a significant change in visual aesthetics. The Project remains below the 944' restriction on the Capitol Complex so as to be visually subservient. The proposed Addition will expand into Leif Erikson Park to the north and require the removal and/or relocation of some mature trees. Additional trees and landscaping will replace the current parking lot in the northwest quadrant of the project area, providing greenspace to improve vistas, mitigate environmental impact, and provide a communal outdoor space.

The Department of Administration is currently in Design Development, so final floor and site plans are unavailable at this time.

- **Section 17: Air.** The proposed Project is being designed to meet current the Minnesota Sustainable Building Guidelines. This includes the incorporation of an air intake system through the roof rather than the ground to avoid intake at vehicle level in order to improve air quality inside the building. Greenhouse Gas Emissions (GHG) and carbon footprint requirements will be complied with. The Department of Administration's Facilities Management Division (FMD) oversees the Building and has completed approximately 70 sustainability projects over the past 15 years to reduce carbon. The Building and Addition has integrated infrastructure for future renewable energy options which will substantially reduce GHG and energy consumption relative to the present Building.

Vehicle emission levels are not expected to be significantly modified as a result of the Project. Minor dust generation can be expected during excavation and construction. Dust and noise control plans are required from the Contractor. Additionally, the Project will have a third-party air monitoring service on contract for the Project duration.

- **Section 19: Noise.** Local noise levels are expected to increase temporarily during Project construction, but noise levels are expected to be at or near existing levels after construction is complete. Noise generated by construction equipment and building construction will be limited primarily to daylight hours. Noise control plans are required from the Contractor.
- **Section 20: Transportation.** No traffic studies are required per Ramsey County requirements of this Project. Drive lanes and drive access will not be moved or altered as a result of the Project, and traffic congestion is not expected to be substantially affected. Current parking on Lot D on the Project site will be transitioned to other parking facilities on the Capitol campus, while ADA parking near the Building remains. The Project location is in close proximity to a light rail station to the north in addition to bus stations.

Any need for lane closures during construction will be applied for through the City of St. Paul by the Contractor. Construction traffic will be confined to the fenced work area with all appropriate signage and traffic direction staff on site as needed.

B. Cumulative Potential Effects

Minnesota Rules 4410.1700 Subp. 7 (B) indicates the second factor the Minnesota Department of Administration must consider is "whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project." The Minnesota Department of Administration's findings are set forth below.

As noted in Item 19 of the EAW, the cumulative potential effects have been considered and the Project has minimal potential for cumulative impacts to the resources directly or indirectly affected by the Project. Given the laws, rules, and regulations in place as well as local regulatory requirements and comprehensive planning and zoning laws, substantive adverse cumulative impacts to resources are not anticipated.

C. Extent to Which the Environmental Effects are Subject to Mitigation

Minnesota Rules 4410.1700 Subp. 7 (C) indicates the third factor the Minnesota Department of Administration must consider is the “extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.” The mitigation of potential environmental impacts associated with this Project will be designed and implemented in coordination with regulatory agencies and will be subject to appropriate permitting processes. Permits and approvals that have been obtained or may be required prior to Project construction are listed in **Table 1** below.

Table 1. Permits and Approvals

Unit of Government	Type of Application	Status
State		
Minnesota Pollution Control Agency (MPCA)	State Pollutant Discharge Elimination System (SPDES) Construction Stormwater Permit	To be applied for prior to construction
Metropolitan Council	Sanitary Sewer Connection Modification Approval	To be applied for
Minnesota Department of Health (MDH)	Water Main Extension Approval	To be applied for
Minnesota Department of Natural Resources (DNR)	Appropriation/Dewatering Permit	To be applied for (if necessary)
Local		
Ramsey County	Utility Permit	To be applied for
City of St. Paul	Building Permit	To be applied for
City of St. Paul	Water Main Extension and Service Connection Approval	To be applied for

D. Extent to Which Environmental Effects can be Anticipated and Controlled

Minnesota Rules 4410.1700 Subp. 7 (D) indicates the final factor the Minnesota Department of Administration must consider is the “extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, including other EISs.”

The Minnesota Department of Administration’s findings are set forth below.

1. The Project design, plans, EAW, related studies, and mitigation measures apply knowledge, approaches, standards, and best management practices gained from previous experience and projects that have, in general, successfully mitigated potential offsite environmental effects.
2. The EAW, in conjunction with this document, contains or references the known studies that provide information or guidance regarding environmental effects that can be anticipated and controlled.
3. Other projects studied under environmental reviews in Minnesota have included studies and mitigation measures comparable to those included in this EAW.

4. There are no elements of the Project that pose the potential for significant environmental effects that cannot be addressed by the project design, assessment, permitting and development processes and by ensuring conformance with regional and local plans.
5. The environmental effects of this Project can be anticipated and controlled by the application and review processes of the State, City, and others.
6. Considering the results of environmental review and permitting processes for similar projects, the Minnesota Department of Administration finds that the environmental effects of the Project can be adequately anticipated and controlled.
7. Based on the EAW, comments received, responses to comments, and criteria above, the Minnesota Department of Administration finds that the proposed Project to renovate the Minnesota State Office Building and complete the Addition does not have the potential for significant environmental effects and does not require the preparation of an EIS.

Record of Decision

Based on the EAW, the response to comments, and the Findings of Fact, the Minnesota Department of Administration, the RGU for the environmental review, concludes the following:

1. The EAW was prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700;
2. The EAW satisfactorily addressed the issues for which existing information could have been reasonably obtained;
3. Based on the criteria established in Minnesota Rules 4410.1700, the project does not have the potential for significant environmental effects;
4. The Minnesota Department of Administration makes a Negative declaration, as defined in Minnesota Rule 4410.0200, Subp. 54; and
5. **An EIS is not required.**

For Minnesota Department of Administration

Appendix A

Written Comments Submitted to the Minnesota Department of Administration

Minnesota State Office Building –
Renovation & Addition
St. Paul, Minnesota
Environmental Assessment Worksheet



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323
July 10, 2023

Regulatory File No. MVP-2023-00714-JST

State of Minnesota, Department of Administration
c/o Eric Radel
50 Sherburne Ave, Suite 309
St. Paul, MN 55155

Dear Mr. Radel:

This letter is in response to correspondence we received from the State of Minnesota, Department of Administration regarding the State Office Building Renovation project located in Section 31, Township 29 North, Range 22 West, Ramsey County, MN . This letter contains our initial comments on this project for your consideration. The purpose of this letter is to inform you that based on the Draft Environmental Assessment Worksheet: State Office Building Renovation, a Department of the Army (DA) permit would not be required if there are no impacts to aquatic resources for your proposed activity. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.

If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

The Corps evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental

consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

If you have any questions, please contact me in our St. Paul office at (651) 290-5532 or Joseph.Toth@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink that reads "Joseph Toth". The signature is written in a cursive, flowing style.

Joseph Toth
Regulatory Specialist



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323

06/26/2023

Regulatory File No. MVP-2023-00714-JST

THIS IS NOT A PERMIT

Eric Radel
State of Minnesota
50 Sherburne Ave Suite 309
Saint Paul, Minnesota 55155

To Eric Radel

We have received your submittal described below. You may contact the Project Manager with questions regarding the evaluation process. The Project Manager may request additional information necessary to evaluate your submittal.

File Number: MVP-2023-00714-JST

Applicant: Eric Radel

Project Name: State Office Building – Pre-App

Project Location: Section 31 of Township 29 N, Range 22 W, Ramsey County,
Minnesota (Latitude: 44.954861967116; Longitude: -93.1049175662403)

Received Date: 06/22/2023

Project Manager: Joseph Toth
(651) 290-5532
Joseph.Toth@usace.army.mil

Additional information about the St. Paul District Regulatory Program can be found on our web site at <http://www.mvp.usace.army.mil/missions/regulatory>.

Please note that initiating work in waters of the United States prior to receiving Department of the Army authorization could constitute a violation of Federal law. If you have any questions, please contact the Project Manager.

Thank you.

U.S. Army Corps of Engineers
St. Paul District
Regulatory Branch



July 24, 2023

Mr. Eric Radel
Construction Operations Manager
50 Sherburne Ave, Suite 309
Saint Paul, Minnesota 55155
Eric.Radel@state.mn.us

Re: State Office Building Renovation and Addition EAW

Dear Mr. Radel:

We write to express our concern about the above project and its adverse effects on the State Office Building, the neighboring Capitol, and its historically significant designed landscape setting by the Minneapolis-based landscape architecture firm [Morell and Nichols](#), who for more than 40 years shaped the region's most significant and iconic public spaces.

Built in 1931-1932, the State Office Building was designed by Clarence H. Johnston, Jr. and was one of the first steps in implementing Cass Gilbert's grand plan for the Capitol Mall. It took more than 40 years to realize Gilbert's plan, which created a dignified landscape highlighting the Capitol, a beloved state landmark (it's worth noting that the [Minnesota State Capitol Mall](#) is included in our ever growing [What's Out There Cultural Landscapes Guide to the Twin Cities](#), which currently includes 70 significant landscapes in the region).

An important component of the landscape is the Leif Erikson Lawn. Situated between the Capitol and the State Office Building at the Mall's northwest corner, this parkland was once bisected diagonally by streetcar tracks and Wabasha Street. Sections of the site were added to the Capitol grounds in the 1920s and 1930s. A major campaign to improve the Mall after World War II removed the tracks. A monument dedicated in the park in 1949 features a statue of Viking explorer Leif Erikson by famed sculpture John Karl Daniels—a Scandinavian-immigrant counter to the Columbus statue installed on the opposite side of the Mall the same year. Wabasha Street was removed around 1960 and the lawn was extended across this area in the following decades.

The Capitol was listed in the National Register of Historic Places in 1972, and a proposed Capitol Mall Historic District recognizes the importance of a succession of landscape architects and planners to the realization of Gilbert's original design. Both the State Office Building and the Leif Erikson Lawn are contributing features in the proposed historic district.

We are alarmed about the project's negative visual and spatial impacts on the State Office Building, the Capitol, and its integral landscape, including Leif Erikson Park. Calling the project "a renovation" is not truly accurate as the proposed work would result in a massive 166,000-

square foot addition to the original 290,000-square-foot building. Additionally, the proposed structure's Neo-Classical facade would be similar in scale to the historic facade and aligned with it, conveying a false sense of history while competing with the original structure rather than respecting its historic status. The new structure would adversely impact the design of the Mall by confiscating precious open space that was part of the original design intent, filling-in the Leif Erikson Lawn, which visually and physically connects the Mall to the city grid. Specifically, it would block the view of the Capitol's west facade, diminishing the Capitol's iconic role as the culmination of the Mall's axis.

In an effort to avoid, minimize, and mitigate significant adverse effects to this iconic and cherished work of landscape architecture, which at its core represents freedom of movement to visitors to the Capitol Grounds, we encourage the project's managers to explore other viable alternatives, such as the expansive parking lot of the vacant Sears building, which is just across the street to the west.

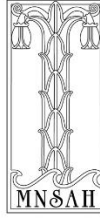
We thank you for your consideration, and urge you not to proceed with this project, which will irreparably damage one of Minnesota's most cherished and prominent cultural resources. Please do not hesitate to contact us if we can be of further assistance.

Yours sincerely,

A handwritten signature in dark ink, consisting of a large, stylized 'C' followed by a horizontal line that extends to the right.

Charles A. Birnbaum, FASLA, FAAR
President + CEO

cc. Representative Melissa Hortman, Speaker of the House,
rep.melissa.hortman@house.mn.gov
Lt. Governor Peggy Flanagan, Chair, Capitol Area Architectural and Planning Board,
peggy.flanagan@state.mn.us
Paul Mandell, Capitol Area Architectural and Planning Board, paul.mandell@state.mn.us
Amy Spong, Heritage Preservation Director, Deputy State Historic Preservation Officer,
amy.spong@state.mn.us
Carol Carey, Executive Director, Historic Saint Paul, ccarey@historicsaintpaul.org
Nicole Peterson, President, American Society of Landscape Architects-Minnesota,
connect@aslamn.org
Denita Lemmon, Architectural Advisor, Capitol Area Architectural and Planning Board,
DLemmon@millerdunwiddie.com
Joe Favour, Architectural Advisor, Capitol Area Architectural and Planning Board,
favou001@umn.edu
Michael Bjornberg, Capitol Area Architectural and Planning Board, favou001@umn.edu



Minnesota Chapter of the Society of Architectural Historians
105 5th Avenue South, Suite 485
Minneapolis, MN 55401

July 26, 2023

Mr. Eric Radel
Construction Operations Manager
50 Sherburne Avenue, Suite 309
St. Paul, MN 55155

Re: Comments regarding the Environmental Assessment Worksheet (EAW) for the State Office Building Renovation and Expansion

Dear Mr. Radel:

The Minnesota Chapter of the Society of Architectural Historians (MNSAH) is providing comments on the EAW for the proposed State Office Building Renovation and Expansion. MNSAH is a Minnesota non-profit organization whose mission is to broaden awareness of the state's architectural heritage; offer opportunities to experience significant architectural sites, structures, and landscapes; and advocate for and promote the documentation, preservation, and conservation of the built environment.

MNSAH's views on the proposal for the State Office Building are grounded in the design intent of Cass Gilbert, architect of the Capitol, and his perspective on the Capitol's setting. These are views—indeed, visions—that have guided the State, the City of Saint Paul, and architects, landscape architects, and planners since the Capitol's construction. Our views are also based on the Secretary of the Interior's Standards for Rehabilitation, the accepted guidelines for the treatment and modification of historic buildings. Finally, our views reflect the principles that have guided the Capitol Area Architectural and Planning Board (CAAPB), which has had authority over the Capitol building and grounds since 1967. While MNSAH supports improvements to the facilities utilized by the Minnesota House of Representatives, we have the following concerns about the project as proposed:

- Capitol architect Gilbert possessed a strong commitment and request for vistas and open spaces to enhance the Capitol and provide for public space. In particular, Gilbert intended to keep the Capitol's east, south, and west axis open and unobstructed by buildings. The massive proposed addition to the north side of the State Office Building, and which extends along the entire west elevation of the Capitol, violates this design intent by obstructing the west axis. Once this open area is violated it will be gone for future generations.
- Besides ending the west axis view of the Capitol, the proposed addition removes historically open land and designates new park land behind the new addition and away from the central open space that currently exists.
- According to Gilbert and subsequent landscape architects and planners, state buildings on the Capitol Mall following construction of the Capitol were to be deferential to the Capitol and of appropriate size, massing, and location, as exemplified by the former Minnesota Historical Society building. The proposed State Office Building is at odds with each of those elements: size, massing, and location. The construction of the Minnesota Judicial Center alongside the former Minnesota Historical Society building provides an important example of how the views of the Capitol and open space were carefully considered and respected.
- The proposed addition egregiously disregards the Secretary of the Interior's Standards, and, in particular, those guidelines for "New Additions." For example, the guidelines note that additions should be located along an inconspicuous side of a historic building and should be clearly differentiated so that an addition does not appear to be part of the historic resource. An addition should not mimic style, form, materials, or rooflines, cornice height, etc. The addition should be of appropriate size and scale so that the character of the historic building is not diminished.
- The architectural design proposed by Robert A.M. Stern Architects is pretentious and competes with Cass Gilbert's Capitol architecture, to the detriment of the Capitol and the entire Capitol Mall design. Minnesotans might be surprised that an East Coast architect, although well known, has been charged with the design of this impactful proposed addition.
- None of the architectural drawings included in the EAW provide any clear indication to the reader of the visual impact of the proposed addition on the Capitol or other associated views and vistas. The average reader would have little awareness that the addition fronts the west elevation of the Capitol and its proximity. The EAW is thus incomplete and misleading.
- The EAW minimally acknowledges the adverse effect of the proposed addition stating, *"The proposed SOB addition extends north into the open space of Leif Erickson Park, reducing openness and changing the nature of the Capitol approach and visitor experience from west and northwest. The change in approach is less visible from a distance but is clearer in proximity. Views of the Capitol Building from near and far are*

part of the urbanism, pride and identity of the City that the CAAPB has long been tasked to protect. The Comp Plan affirms the importance of these views.” Mitigation is proposed in the form of completing a Minnesota Historic Property Record, which is utterly inadequate based on the adverse effect of the proposed addition.

The entire Capitol Mall area has been determined eligible for listing in the National Register of Historic Places. The state should proceed with a National Register Nomination, which is something that should have long since been completed.

- Finally, MNSAH is concerned about the extremely limited public discussion and review of the entire proposed project, especially among those agencies created for this very purpose, such as the Capitol Area Architectural and Planning Board (CAAPB). It is unlikely the public has any thorough understanding of this project.

The CAAPB board voiced its concerns about the project during their March 2023 meeting. Not only were their comments disregarded, apparently because they were critical of the project, but the state subsequently took action to formally remove the board from any responsibility for the project, which seems a violation of public trust. Ironically, among the goals of the board is to *“Preserve and enhance the dignity, beauty, and architectural integrity of the capitol, the buildings immediately adjacent to it, the capitol grounds, and the capitol area”* and to *“Protect, enhance, and increase the open spaces within the capitol area when deemed necessary and desirable for the improvement of the public enjoyment thereof.”*

Based on these many concerns, MNSAH recommends that the state reconsider this project so that the resulting building meets the needs of the Minnesota House of Representatives but also respects the Capitol, described as the most important building in Minnesota, and the surrounding historic landscape.

Sincerely,



Rolf T. Anderson, President
Rolf.Anderson@mnsah.org



July 26, 2023

Mr. Eric Radel
Construction Operations Manager
50 Sherburne Avenue, Suite 309
St. Paul, Minnesota 55155

Re: Comment on State Office Building Renovation and Addition EAW

Dear Mr. Radel:

I am an officer of the Cass Gilbert Society and author of "Approaching the Capitol: The Story of the Minnesota State Capitol Mall," *Minnesota History*, Winter 2016-2017.

I am expressing my concern about the proposed State Office Building Renovation and Addition. There is no doubt that the State Office Building is inadequate for its current uses and is in need of major renovation. I question whether the proposed solution, to more than double the size of the existing building in a location that would impact on open space that allows for expansive views of the Capitol building, is the historically and aesthetically appropriate one.

As discussed in my article cited above, Cass Gilbert was concerned with the creation of an expansive open setting that would display the Capitol to full advantage. The Capitol building itself was designed with four fully articulated facades intended to be viewed from all sides. From the time the building opened in 1905, until the end of his life in 1934, Gilbert advocated for a grand capitol approach that would do justice to his building's design. During that time Gilbert and his firm devised a series of plans for axial approaches and landscaped plazas to the north, east, and west of the Capitol. Both the Minnesota Historical Society building (1916-1918), now part of the Minnesota Judicial Center, and the State Office Building (1932) were sited along the proposed axial boulevards in Gilbert's plans. The siting of both did not detract from views of the Capitol. As the plans for the State Capitol Mall were finally realized in the 1950s, new state buildings were sited along the axial boulevards, but open landscaped spaces were retained to the east, west, and south of the Capitol.

The proposed addition to the State Office Building would dramatically reduce the landscaped open space to the west of the Capitol and create a street wall along MLK Boulevard that diminishes views of the north and west facades of the Capitol. A series of plans under the purview of the CAAPB since 1967 have sought to reinforce Cass Gilbert's vision for an appropriate setting for the Capitol. The challenge remains to preserve the open setting. The proposed addition will severely impact on that goal.

Sincerely yours,



Marjorie Pearson, Ph.D.

Cass Gilbert Society
PO Box 4066 - Saint Paul, MN 55104

July 26, 2023

Eric Radel
Construction Operations Manager
Department of Administration
50 Sherburne Ave, Suite 309
St. Paul MN 55155

RE: Environmental Assessment Worksheet
State Office Building Renovation and Addition
100 Rev. Dr. Martin Luther King Jr. Boulevard
Saint Paul, Ramsey County
SHPO Number: 2023-1389

Dear Eric Radel:

Thank you for providing our office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

It is our understanding that the State of Minnesota (State) is proposing to utilize public funding to rehabilitate and construct a new addition to the **Minnesota State Office Building**, which was designed by architect Clarence H. Johnston and completed in 1932. The proposed project includes interior and exterior rehabilitation of the existing building, construction of a large new addition on the north side of the existing building, and a redesign/reconfiguration of open green space within the adjacent park.

As acknowledged and documented in the EAW, our office has been engaged in consultation with the Minnesota Department of Administration pursuant to our responsibilities under the Minnesota Historic Sites Act (Minn. Stat. 138.665) and Minnesota Field Archaeology Act (Minn. Stat. 138.40). Pursuant to Minn. Stat. 138.665, Subd. 2, the State has a responsibility to protect the physical features and historic character of properties designated as State Historic Sites (Minn. Stat. 138.662) or listed in the State Register of Historic Places (Minn. Stat. 138.664) or the National Register of Historic Places (54 USC 302101-302108). Also under this statute, before carrying out an undertaking that has the potential to affect a designated historic property, the State has a responsibility to consult with our office to determine appropriate treatments and seek ways to avoid or mitigate any adverse effects to the historic property.

Additionally, pursuant to Minn. Stat. 138.40, Subd. 3, when significant archaeological sites are known or predicted to exist on public lands, the state agency controlling said lands is required to consult with our office, the Office of the State Archaeologist, and the Minnesota Indian Affairs Council, as appropriate, regarding proposed construction or development projects that have the potential to impact archaeological sites.

The proposed State Office Building Renovation and Addition project is located just west of the **Minnesota State Capitol**, which was designated as a State Historic Site (Minn. Stat. 138.662) in 1971 and was listed in the National Register of Historic Places in 1972.

In order to assess a proposed project's potential to adversely affect designated historic properties, our office utilizes the framework of the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards). When considering projects that involve new construction directly adjacent to a historic property boundary, such as the current proposal at the Minnesota State Office Building, the applicable treatment is Rehabilitation with its corresponding Standards and guidelines to guide appropriate design with the intent to avoid adverse impacts to the character and integrity of the historic property(ies).

The first step in application of the Standards is to identify the character-defining features of the affected historic property(ies) that qualify them for inclusion in the National Register. The major character-defining features of the Capitol and the Capitol Mall are the Capitol building's open axes to the east, west, north, and south; the street pattern radius which leads to and from the Capitol; and the spatial organization of the Capitol Mall, including the setbacks of other public buildings and open green spaces adjacent to the Capitol.

In a letter dated July 21, 2023, our office stated our opinion that the Minnesota State Office Building Renovation and Addition Project, as proposed, has not been designed in accordance with the Standards and will result in an **adverse effect** to the integrity and character of the Minnesota State Capitol. We look forward to continuing consultation with the Minnesota Department of Administration and other stakeholders in order to seek ways to minimize and/or avoid adverse effects.

We understand that the Minnesota Department of Administration is carrying out an archaeological survey within the project's proposed construction limits, as recommended by our office. We will continue consultation under Minn. Stat. 138.40 when the survey has been completed and look forward to reviewing the final report when available.

We look forward to continuing consultation with the Minnesota Department of Administration and other stakeholders regarding this important project. Please contact me at 651-201-3290 or sarah.beimers@state.mn.us with any questions or concerns regarding our comments.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager



July 27, 2023

Eric Radel, Construction Operations Manager
Minnesota Department of Administration
50 Sherburne Avenue, Suite 309
St. Paul, MN 55155

**RE: Minnesota Department of Administration – Environmental Assessment Worksheet (EAW) –
State Office Building Renovation and Addition**
Metropolitan Council Review No. 22880-1
Metropolitan Council District No. 14

Dear Eric Radel:

The Metropolitan Council received the EAW for the State Office Building Renovation and Addition project in the City of St. Paul on June 22, 2023. The proposed project is located at 100 Reverend Dr. Martin Luther King Jr. Boulevard. The project proposes to renovate and expand the existing State Office Building to address safety, security, functionality, and accessibility concerns. The proposed plan will provide additional hearing room capacity and update the HVAC, loading dock facilities, and elevator systems.

The staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes.

This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. If you have any questions or need further information, please contact Patrick Boylan, Principal Reviewer, at 651-602-1438 or via email at patrick.boylan@metc.state.mn.us.

Sincerely,

A handwritten signature in blue ink that reads "Angela R. Torres".

Angela R. Torres, AICP, Senior Manager
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
W. Toni Carter, Metropolitan Council District 14
Patrick Boylan, Sector Representative/Principal Reviewer
Reviews Coordinator

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Division of Ecological and Water Resources
Region 3 Headquarters
1200 Warner Road
Saint Paul, MN 55106
July 27, 2023

Transmitted by Email

Eric Radel, Construction Operations Manager
State of Minnesota Department of Administration
50 Sherburne Ave, Suite 309
St. Paul, MN 55155

Dear Eric Radel,

Thank you for the opportunity to review the State Office Building Environmental Assessment Worksheet (EAW) located in Ramsey County. The DNR respectfully submits the following comments for your consideration:

1. Page 11, Permits and Approvals. A DNR Water Appropriation Permit is required for construction dewatering if the volume of water exceeds 10,000 gallons per day, or one million gallons per year.

A DNR Water Appropriation Permit may also be required if a sump pump is needed to maintain water levels in the lower level of the structure, and/or the installation of utilities requires construction dewatering, and the volume of water exceeds 10,000 gallons per day, or one million gallons per year.
2. Page 16, Stormwater. This section does not discuss the stormwater improvements that are mentioned under the climate change adaptation section on page 8. This section should describe how stormwater will be directed and collected onsite, and then if this stormwater will be infiltrated, or discharged to a surface water or to the City's stormwater sewer system. We also recommend the reuse of stormwater for irrigation where feasible.
3. Page 16, Stormwater. The entire project area is located in a *High Potential Zone* for federally endangered Rusty-patched Bumble Bee. Therefore, we recommend that BWSR-approved, weed-free, native [seed mixes](#) be used to the greatest degree possible in project landscaping and any stormwater features in order to provide pollinator habitat. Turf in particular, has limited ecological value and requires soil inputs and irrigation for maintenance. Native plants are more drought tolerant, provide important wildlife habitat, and require far fewer inputs to maintain.
4. Page 19, Rare Features. It is not clear if the Natural Heritage Information System was queried to determine if rare features are likely to be impacted by this project. Please be aware that only DNR can make a determination regarding impacts to state-listed species. It does not appear

that any-listed species will be impacted by this project, however there are federally-listed species documented in the vicinity.

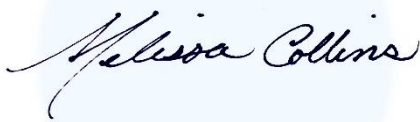
The project area is located within a Rusty Patched Bumble Bee *High Potential Zone*. The rusty patched bumble bee (*Bombus affinis*) is federally listed as endangered and is likely to be present in suitable habitat within *High Potential Zones*. Please note that this species has been documented in very close proximity to the project area. From April through October this species uses underground nests in upland grasslands, shrublands, and forest edges, and forages where nectar and pollen are available. From October through April the species overwinters under tree litter in upland forests and woodlands. The rusty patched bumble bee may be impacted by a variety of land management activities including, but not limited to, prescribed fire, tree-removal, haying, grazing, herbicide use, pesticide use, land-clearing, soil disturbance or compaction, or use of non-native bees. The [USFWS rusty patched bumble bee guidance](#) provides guidance on avoiding impacts to rusty patched bumble bee and a key for determining if actions are likely to affect the species; the determination key can be found in the appendix. If applicable, the DNR also recommends reseeding disturbed soils with native species of grasses and forbs using [BWSR Seed Mixes](#) or [MnDOT Seed Mixes](#). Please visit the [USFWS Rusty Patched Bumble Bee Map](#) for the most current locations of High Potential Zones.

All seven of Minnesota's bats, including the federally endangered northern long-eared bat ([Myotis septentrionalis](#)), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided from June 1 through August 15.

Please be aware that northern long-eared bat hibernacula has been documented within two miles of the project. To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online [Information for Planning and Consultation \(IPaC\) tool](#).

Thank you again for the opportunity to review this document. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Melissa Collins". The signature is written in a cursive style and is positioned above a light blue rectangular background.

Melissa Collins

Regional Environmental Assessment Ecologist | Ecological and Water Resources

Minnesota Department of Natural Resources
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