

**UNIVERSITY OF MINNESOTA**

**BOARD OF REGENTS**

**Facilities Committee**

**Thursday, November 8, 2007**

**1:30 – 3:00 p.m.**

**600 McNamara Alumni Center, West Committee Room**

**Committee Members**

David Metzen, Chair  
Dallas Bohnsack, Vice Chair  
Anthony Baraga  
Maureen Cisneros  
David Larson  
Patricia Simmons

**Student Representatives**

Jim Irrgang  
Nathan Olson

**A G E N D A**

1. Real Estate Transaction - Action - K. O'Brien/R. Jones/S. Weinberg (pp. 2-5)
  - A. Purchase of 2001 Plymouth Avenue N., Minneapolis for Northside Partnership Program
2. Environmental Assessment Worksheet for NOvA Laboratory Project - Review/Action - K. O'Brien/M. Rotenberg (pp. 6-25)
3. Consent Report - Review/Action - K. O'Brien (p. 26)
4. Information Items - K. O'Brien (pp. 27-36)



**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Facilities Committee**

**November 8, 2007**

**Agenda Item:** Real Estate Transaction

review       review/action       action       discussion

**Presenters:** Vice President Kathleen O'Brien  
Senior Vice President Robert Jones  
Susan Carlson Weinberg, Director of Real Estate

**Purpose:**

policy       background/context       oversight       strategic positioning

In accordance with Board of Regents Policy: *Reservation and Delegation of Authority*, review the following real estate transaction:

- A. Purchase of 2001 Plymouth Avenue North, Minneapolis, for Northside Partnership Program

**Outline of Key Points/Policy Issues:**

The details of this transaction and its financial impact are described in the transaction information pages immediately following this page.

**Background Information:**

Board of Regents Policy: *Reservation and Delegation of Authority* states that "The Board of Regents reserves to itself authority to approve the purchase or sale of real property having a value greater than \$250,000 or larger than ten (10) acres" and all "leases of real property, easements and other interests in real property if the initial term amount to be paid by or to the University exceeds \$250,000, consistent with Board policies."

In February, 2007, the Board of Regents discussed the University's Urban Agenda for the 21<sup>st</sup> Century, including the University Northside Partnership, an urban research and outreach initiative in North Minneapolis. The property at 2001 Plymouth Avenue North, Minneapolis will provide the University the opportunity for a physical presence in the North Minneapolis Community.

The Board of Regents reviewed the purchase of the subject property in September, 2007.

**President's Recommendation for Action:**

The President recommends approval of the following real estate transaction:

- A. Purchase of 2001 Plymouth Avenue North, Minneapolis, for Northside Partnership Program

**PURCHASE OF 2001 PLYMOUTH AVENUE NORTH, MINNEAPOLIS,  
(TWIN CITIES CAMPUS)**

**1. Recommended Action**

The President recommends that the appropriate administrative officers receive authorization to execute the appropriate documents providing for the purchase of the property located at 2001 Plymouth Avenue North, Minneapolis.

**2. Description and Location of the Property**

The subject property consists of 2.19 acres of land and a 21,374 square foot shopping center building known as the Penn Plymouth Shopping Center.

The property is located on the south side of Plymouth Avenue North between Oliver and Newton Avenues North, near the intersection of Plymouth and Penn Avenues North, Minneapolis.

The legal description of the property is Part of Block 1, Oak Trees Addition to Minneapolis, Hennepin County, Minnesota, and adjacent vacated streets.

**3. Basis for the Request**

The subject property will allow the University a physical presence in the North Minneapolis Community for the University Northside Partnership, part of the University's Urban Agenda for the 21<sup>st</sup> Century.

**4. Details of the Transaction**

The University will pay \$1,125,000 in cash at closing for fee simple title to property. Closing will occur approximately mid-November, 2007. The owner of the property is the Penn Plymouth Corporation, a subsidiary of the Northside Residents Redevelopment Council, a non-profit organization established for the improvement of social, economical, and general livability standards of the Near North and Willard-Hay Neighborhoods in North Minneapolis.

**5. Use of the Property**

The University will renovate the existing building for occupancy by a number of different University programs which are part of the University Northside Partnership, which was created to leverage the University's resources with its Northside partners to address issues identified by the community.

**6. Environmental Condition**

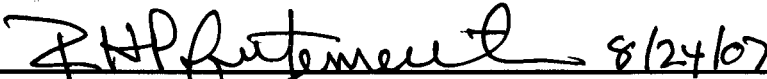
An environmental review process is in process and will be completed prior to date of closing.


**7. Source of Funds**


The purchase of the property will be funded with University debt.

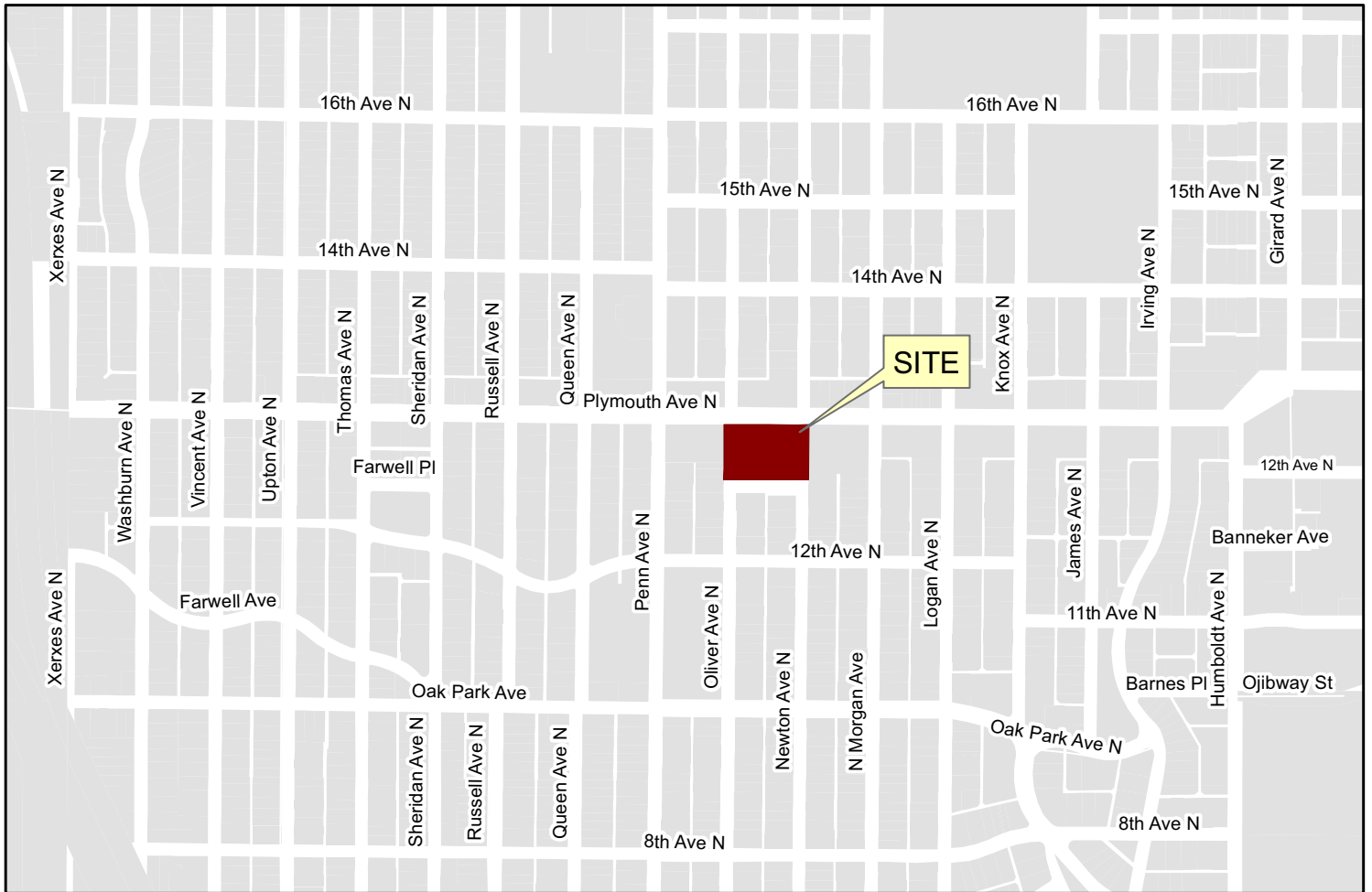
**8. Recommendations**


The above described real estate transaction is appropriate:

 8/24/07  
\_\_\_\_\_  
Richard H. Pfitzenreuter, Vice President for Finance and CFO

 8/27/07  
\_\_\_\_\_  
Robert J. Jones, ~~Senior Vice~~ President, System Academic Administration

 8/23/07  
\_\_\_\_\_  
Kathleen O'Brien, Vice President for University Services



<p>University of Minnesota Board of Regents</p>	<p>Purchase of 2001 Plymouth Ave N, Minneapolis</p>	<p>This map is intended to be used for planning purposes only and should not be relied upon where a survey is required. Base Data: Real Estate Office MN Land Management Info Center MNDNR, MNDOT</p> 	<p>Real Estate Office</p>
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**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Facilities Committee**

**November 8, 2007**

**Agenda Item:** Environmental Assessment Worksheet for the NOvA Laboratory Project

review       review/action       action       discussion

**Presenters:** Vice President Kathleen O'Brien  
General Counsel Mark Rotenberg

**Purpose:**

policy       background/context       oversight       strategic positioning

Acting as the Responsible Governmental Unit (RGU), in accordance with the Minnesota Environmental Policy Act (MEPA), Minn. Stat. Ch. 116D, the Board of Regents is required to:

- 1) Review the Environmental Assessment Worksheet (EAW) for the NOvA Laboratory Project;
- 2) Review and act upon findings of fact and conclusions of law; and
- 3) Review and act upon a proposed Board of Regents resolution declaring that an Environmental Impact Statement need not be prepared for the NOvA Laboratory Project.

The findings of act, conclusions of law, response to public comments, and the proposed Board of Regents resolution are included in these docket materials. The EAW for this project has been forwarded by the General Counsel's Office to each Regent for review, and is on file in the Office of the Board of Regents.

**Outline of Key Points/Policy Issues:**

The University is seeking funding from the United States Department of Energy for the construction and operation of the NOvA Laboratory in St. Louis County, Minnesota. The project involves construction of a physics laboratory on approximately ninety acres of undeveloped land just over one mile southwest of the unincorporated settlement of Ash River, Minnesota. The purpose of the laboratory is to house a neutrino detector to be installed by an international group of scientists known as the NOvA Collaboration. Neutrinos are elementary particles that exist in three different types. Focusing on the spontaneous transition of neutrinos from one type to another enables scientists to research important issues in physics.

The University has undertaken an environmental review process involving the preparation of an EAW to determine the need for an Environmental Impact Statement (EIS) for the project. A project requires an EIS only if it has the potential for significant environmental effects. The EAW for this Project does not identify any potentially significant environmental effects that would require an EIS.

## **Background Information:**

At its June 2007 meeting, the Facilities Committee received an information report introducing the NOvA project. Professor Marvin Marshak, from the Institute of Technology Department of Physics and principal investigator for the project, was present and responded to questions regarding the NOvA Laboratory Project. At the Facilities Committee meeting in July 2007, General Counsel Mark Rotenberg recommended that the University prepare an EAW for the Project, and that the Board of Regents serve as the RGU to conduct the environmental review. At its July 2007 meeting, the Board adopted a resolution directing a discretionary EAW to be prepared and committing to serving as the RGU in connection with the EAW.

Minnesota law mandates that an Environmental Assessment Worksheet (EAW), and in some cases an Environmental Impact Statement (EIS), be prepared for certain projects. General Counsel Rotenberg has previously advised that the NOvA Laboratory Project does not appear to fall within any of the categories for which an EAW or an EIS is legally required. However, given the proximity of the proposed project to Voyageurs National Park, the scope and nature of the excavation and construction that would be undertaken in order to complete the laboratory, and the significant amount of mineral-oil based liquid that will be used in the detector, General Counsel Rotenberg recommended that the Board direct a discretionary EAW to be prepared.

## **President's Recommendation for Action:**

The President recommends approval of the resolution.



**REGENTS OF THE UNIVERSITY OF MINNESOTA**

**RESOLUTION REGARDING NEED FOR AN ENVIRONMENTAL  
IMPACT STATEMENT FOR THE NOvA LABORATORY PROJECT**

**WHEREAS**, the Board of Regents' resolution of July 11, 2007, established that the Board of Regents of the University of Minnesota shall perform the responsibilities of a Responsible Governmental Unit as described in the Minnesota Environmental Policy Act, Minn. Stat. Ch. 116D, and accompanying Minnesota Rules, in connection with the NOvA Far Detector Laboratory Project (NOvA Laboratory Project); and

**WHEREAS**, the Board of Regents' resolution of July 11, 2007, directed that a discretionary Environmental Assessment Worksheet for the NOvA Laboratory Project be prepared and reviewed as described in the Minnesota Environmental Policy Act and accompanying Minnesota Rules; and

**WHEREAS**, the Board of Regents has reviewed the discretionary Environmental Assessment Worksheet prepared for the NOvA Laboratory Project and found that said document complies with the requirements set forth in the Minnesota Environmental Policy Act and accompanying Minnesota Rules; and



**WHEREAS,** the Board of Regents concludes that the NOvA Laboratory Project does not have the potential for significant environmental effects.

**NOW, THEREFORE, BE IT RESOLVED,** that the Board of Regents issues a Negative Declaration with respect to the NOvA Laboratory Project, declaring that an Environmental Impact Statement need not be prepared for said Project, and that the Board of Regents hereby adopts the foregoing Findings of Fact and Conclusions of Law, and directs the President or his delegates to provide copies this Resolution, Findings of Fact and Conclusions of Law, and the University's responses to comments on the Environmental Assessment Worksheet for the NOvA Laboratory Project, to all persons designated by Minn. R. 4410.1700, subp. 5, within the period set forth in said rule.

**BOARD OF REGENTS  
THE UNIVERSITY OF MINNESOTA**

In the Matter of an Environmental Assessment  
Worksheet (EAW) for the  
NOvA Off Axis Detector Facility

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

This matter came before the Board of Regents of the University of Minnesota, the responsible governmental unit (RGU) for the proposed NOvA Off Axis Detector Facility, pursuant to the Minnesota Environmental Policy Act (MEPA), Minn. Stat. Ch. 116D. Based on the files and records of the University of Minnesota (the “University”) related to this matter, the Board of Regents of the University hereby finds, concludes, and resolves as follows:

**FINDINGS OF FACT**

1. This matter involves review of an Environmental Assessment Worksheet (EAW) for the proposed NOvA Off Axis Detector Facility in Saint Louis County, Minnesota (the “Project”), to determine the need for an Environmental Impact Statement (EIS) for the Project. A proposed project requires an EIS only if the project has the potential for significant environmental effects. The EAW for the Project does not identify any potential for significant environmental effects. To evaluate the adequacy of the EAW and conclude that the Project does not require an EIS, the University must determine whether environmental review of the Project meets the requirements set forth in MEPA, Minn. Stat. Ch. 116D, and the Minnesota Environmental Quality Board (EQB) rules implementing MEPA, Minn. R. Ch. 4410.

2. The Project involves construction of a physics laboratory on approximately ninety acres of undeveloped land just over one mile southwest of the unincorporated settlement of Ash River, Minnesota. The purpose of the laboratory is to house a neutrino detector, which an international group of scientists known as the NOvA Collaboration will install. Neutrinos are

elementary particles that exist in three different types, and focusing on the spontaneous transition of neutrinos from one type to another enables scientists to research important issues in physics.

3. Although the University will construct the buildings on the site and own the site and the buildings, the neutrino detector and other equipment at the laboratory will be the property of the United States government. Because the Project is receiving federal funding and is subject to certain federal approvals, the United States Department of Energy is conducting an Environmental Assessment for the Project under the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4370. The Environmental Assessment will consider the environmental effects of the Project under the procedures set by NEPA.

4. The University expects to commence construction of the Project in 2008, and site and building construction should be complete in 2010. Installation of the neutrino detector will occur between 2010 and 2013. Detector operation will continue through 2025. At the conclusion of the physics research, the United States government will remove its equipment and conduct any necessary cleanup associated with use of the equipment. The University will then determine the best use for the site.

5. MEPA mandates that responsible governmental units (RGUs) prepare an EIS where a project has the potential for significant environmental effects resulting from a major government action. Minn. Stat. § 116D.04, subd. 2a. The EQB rules require an EIS for certain projects that, based upon location or character, make the potential for significant environmental effects highly likely. If a project meets or exceeds the so-called “mandatory” EIS thresholds that the EQB rules establish, the governmental entity serving as the RGU must prepare an EIS before undertaking or approving the project. Minn. R. 4410.2000, subp. 2. Even if a project does not fall within a mandatory EIS category, an RGU must prepare a so-called “discretionary” EIS if

the proposed project has the potential for significant environmental effects. Minn. R. 4410.200, supb. 3(A)-(B).

6. RGUs consider whether a project has the potential for significant environmental effects and requires a “discretionary” EIS by preparing an EAW. Minn. R. 4410.1000, supb. 1. The EQB rules also set “mandatory” thresholds requiring EAW preparation. Minn. R. 4410.4300. If a proposed project does not meet a mandatory EAW threshold, an RGU may nonetheless prepare a “discretionary” EAW if the project is not exempt from environmental review and the project *may have* the potential for significant environmental effects. Minn. R. 4410.1000, subp. 3.

7. On July 11, 2007, the Board of Regents passed a resolution declaring that the Board of Regents of the University would be the RGU for the Project. The Board of Regents’ resolution is limited to this Project only, and does not establish that the University is or will be an RGU for any other proposed project potentially subject to environmental review under MEPA.

8. The Project does not meet the thresholds for a mandatory EIS or a mandatory EAW. However, because it determined that the Project may have the potential for significant environmental effects and to inform the public about the Project, the University decided to prepare a discretionary EAW.

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

10. The discretionary EAW that the University prepared for the Project employs the form worksheet for EAWs that EQB created. The EAW describes the Project and its purpose,

discusses the Project's total acreage, lists the permits and approvals that may be required for the Project once environmental review under MEPA is complete, describes current and recent past land use and development on the site and on adjacent lands, and estimates vegetative cover types on the site before and after construction of the Project.

11. In addition, the EAW discusses the Project's impacts on fish, wildlife, and ecologically sensitive resources. It also analyzes the Project's physical effects on water resources, including steps that the University will take to minimize and mitigate the Project's impacts on wetlands. Moreover, the EAW describes the Project's water use, including the installation of new wells and the appropriation of groundwater, and notes that the Project does not involve any activities in water-related land use management districts such as delineated 100-year flood plains.

12. The EAW states that the Project will not change the number or type of watercraft on any water body, estimates the acreage to be excavated during Project construction, and discusses the measures that the University will take to minimize erosion and sedimentation. Among the measures that the University will take to address erosion and sedimentation is compliance with state and federal permitting and mitigation requirements. In addition, the EAW discusses the Project's impacts on surface water runoff and waste water discharge, including an analysis of the measures that the University will take to manage such discharges.

13. The EAW also describes geologic and soil conditions at the Project site, discusses the measures that the University will take to manage solid waste and hazardous wastes, and describes the measures that the University will take to detect and contain any tank leaks from on-site storage tanks. In addition, the EAW analyzes the environmental effects of traffic associated with the Project, and estimates vehicle-related air emissions and stationary source air emissions

that the Project will generate. The EAW further describes measures that the University will take to minimize and suppress odors, noise, and dust during Project construction.

14. According to the EAW, there are no archaeological, historical, architectural, or park or recreational resources within the Project site. The EAW also evaluates the Project's impact on such resources near the Project site and notes that the University worked closely with the National Park Service to minimize the Project's visual and light pollution. In addition, the EAW concludes that the Project is compatible with applicable comprehensive plan requirements and land use regulations, and evaluates the Project's effects on infrastructure and public services.

15. Finally, the EAW analyzes the Project's potential for cumulative effects and concludes that the Project does not have the potential for cumulative impacts because there is no other foreseeable development in the Project area.

16. The University's consultant completed the draft EAW in early August 2007. After its own careful review, the University requested that a second consultant conduct an independent review of the document. On August 28, 2007, after the University and its consultants completed all reviews, Kathleen O'Brien, Vice-President of University Services, accepted the EAW and certified that the document was accurate and complete to the best of her knowledge, as the EQB rules require.

17. Within five days of accepting the EAW, the University submitted the document to EQB staff for publication in the EQB Monitor, as required by Minn. R. 4410.1500 and 4410.1600. At the same time, the University provided copies of the document to all parties designated on the EQB's distribution list, as required by Minn. R. 4410.1500. In addition, the University sent copies to several local landowners and posted the EAW on the World Wide Web at <http://www.soudan.umn.edu>.

18. The EQB Monitor published a Notice of Availability of the EAW on September 10, 2007. See *EQB Monitor*, Vol. 31, No. 19 (Sept. 10, 2007). The notice began a thirty-day public comment period on the document. The University in its discretion also decided to hold a public meeting to discuss the EAW, and the notice included information regarding the time, place, and date of the public meeting, as required under Minn. R. 4410.1600.

19. Within five days of submitting the EAW to EQB, the University sent a press release containing a notice that the document was available for public review to newspapers of general circulation within the area of the Project, as required by Minn. R. 4410.1500. The press release included the name and location of the Project, a brief Project description, the locations where the EAW was available for public review, the date on which the public comment period expired, and the procedures for providing public comments. The following newspapers received the press release: (a) the *Duluth News Tribune*; (b) the *Mesabi Daily News* in Virginia; (c) the *TimberJay* in Cook and Tower; (d) the *Voyageur Sentinel* in Orr; and (e) the *International Falls Daily Journal*. In addition, the University published a notice providing information regarding the EAW in each newspaper receiving the press release.

20. The thirty-day public comment period on the EAW closed on October 10, 2007. During the public comment period, the University received written comments from the following: (a) the United States Department of the Interior, National Park Service, Voyageurs National Park; (b) the Minnesota Department of Natural Resources; (c) the Minnesota Historical Society, State Historic Preservation Office; (d) the Minnesota Department of Health; (e) Julian Brzoznowski; (f) J. Dale Long; (g) Len and Evie Mankus. The University responded to these comments, as required by Minn. R. 4410.1700. A copy of the University's written Response to Comments on the EAW is attached to these Findings as Exhibit A.

## CONCLUSIONS OF LAW

1. As specified in the Board of Regents' resolution of July 11, 2007, the Board of Regents of the University is the RGU for the Project.

2. The University has complied with the requirements set forth in MEPA, Minn. Stat. Ch. 116D, and the EQB rules implementing MEPA, Minn. R. Ch. 4410, for preparing, circulating, and publishing the EAW.

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

4. As specified in the Board of Regents' resolution of July 11, 2007, the Board of Regents of the University has the authority to determine whether the Project may have the potential for significant environmental effects and whether the University must prepare an EIS.

5. MEPA requires an EIS only if a project may have the potential for significant environmental effects. Minn. Stat. § 116D0.04, subd. 2a; Minn. R. 4410.1700, subp. 1. The EQB rules establish four criteria that an RGU must use to evaluate a project's potential for significant environmental effects. These factors are:

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



Minn. R. 4410.1700, subp. 7. If an RGU determines that a project may have the potential for significant environmental effects, the RGU must issue a “positive declaration” on the need for an EIS and prepare an EIS for the project. *Citizens Advocating Responsible Development v. Kandiyohi County Bd. of Comm’rs*, 713 N.W.2d 817, 824 (Minn. 2006).

6. The EAW evaluates the type, extent, and reversibility of environmental effects associated with the Project, including but not limited to effects on nearby resources, surface water and wetlands, wildlife habitat, ecologically sensitive resources, water use, erosion and sedimentation, traffic, air quality, infrastructure and public services, and visual impacts. Based upon the evaluation in the EAW, the University concludes that the type, extent, and reversibility of the Project’s impacts do not pose the potential for significant environmental effects.

7. The EAW also evaluates the cumulative potential effects of the Project and related or anticipated future projects. Based upon the evaluation in the EAW, the University concludes that no cumulative effects are likely, because there are no future phases of development associated with the Project and because the Project is the only reasonable and foreseeable action in the surrounding area.

8. In addition, the EAW considers the extent to which the Project’s environmental effects are subject to mitigation by ongoing public regulatory authority. In discussing mitigation the EAW analyzes a variety of measures, including but not limited to mitigation that the University will implement as part of permits necessary to build the Project. Based on the evaluation in the EAW, the University concludes that steps can be taken to mitigate at least some of the environmental effects of the Project and that such steps will be taken where required by ongoing public regulatory authority or where otherwise considered reasonable.

9. Finally, the EAW notes that the United States Department of Energy is conducting an independent Environmental Assessment for the Project under procedures of the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4370.

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

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

## **Response to Comments on the NOvA Off Axis Detector Facility at Ash River Environmental Assessment Worksheet (EAW)**

The following agencies and individuals submitted comments on the NOvA Off Axis Detector Facility at Ash River Environmental Assessment Worksheet (EAW) during the public comment period from September 10, 2007, to October 10, 2007:

- United States Department of the Interior, National Park Service, Voyageurs National Park
- Minnesota Department of Natural Resources
- Minnesota Historical Society, State Historic Preservation Office
- Minnesota Department of Health
- Julian Brzoznowski – Citizen
- J. Dale Long – Citizen
- Len and Evie Mankus – Citizens

The comments in each letter are summarized, with corresponding responses provided below.

### **Comments of the United States Department of the Interior, National Park Service, Voyageurs National Park**

**Comment 1:** The construction schedule on pages three and sixteen of the EAW do not appear to agree. In addition, during project construction the National Park Service estimates as many as ninety trips per day will occur between June 2008 and February 2011, and as many as 450 truckloads of PVC will be delivered to the site between June 2008 and December 2012. More than 750 trips with trucks containing scintillator oil will occur between August 2010 and the end of 2013. Please consider additional measures to limit the impact on visitor traffic entering Voyageurs National Park on park route #1, the road to the Ash River Visitor Center, and on the Ash River Trail.

**Response:** The construction schedule for the NOvA Project is subject to change as a result of policy and funding considerations by the United States Department of Energy's Office of Science. The University's current expectation is that site construction and road work will begin in spring 2008 and that construction of the Far Detector building will begin in fall 2008. Overall, building construction is expected to last through spring 2010, followed by two years of detector installation.

As indicated in the United States Department of the Interior's comment, the increase in vehicle traffic on U.S. Highway 53 and St. Louis County Highway 129 (Ash River Trail) during all phases of the project is "within customary limits," given the capacity of these roadways and current traffic levels. Based on the forecasted traffic levels for the St. Louis County Highway 129, the anticipated number of truck trips during the construction period will average between six and seven per day. At some phases of construction, there may be more truck trips than the

average of six to seven per day, and at other phases of construction there may be fewer truck trips than the average of six to seven per day. After building construction is complete in mid-2010, the number of truck trips per day will be one or two on average for approximately forty-eight months. U.S. Highway 53 and St. Louis County Highway 129, the roads in the vicinity of the project area, are reasonably straight and level, and provide multiple opportunities for passing safely. The University will cooperate with the St. Louis County Highway Department to optimize the design of the intersection between St. Louis County Highway 129 and the University's new access road to the proposed facility. Expected roadway and intersection design features include separate turning lanes, and warning and directional signs. The University expects very little increased traffic in the vicinity of the intersection of St. Louis County Highway 129 and National Parks Service Highway #1.

**Comment 2:** Blasting will be audible inside Voyageurs National Park. Please consider loading smaller shots to limit the distance that blasting noise will travel.

**Response:** The University will consider and implement all reasonable efforts to reduce the effects of blasting noise in Voyageurs National Park and the surrounding area. These efforts will include the use of smaller blasting charges, when possible, to minimize the noise. Blasting will only occur for approximately two to three months. As the EAW notes, the University will limit construction activities, including blasting, to the hours between 7:00 a.m. and 7:00 p.m. on weekdays and will not undertake construction activities on weekends.

The University provides the following additional analysis regarding the anticipated noise from blasting. The shortest distance between the park boundary and the area where blasting will occur is approximately 7,000 feet, or approximately 2,100 meters. The University estimates that the loudest blast associated with construction will be approximately 140 decibels at the blast site. The sound level from such a blast at the entrance to the park on NPS Highway #1 with no attenuation from vegetation and the rolling topography would be 65 decibels. This decibel level is equivalent to normal conversation. Considering natural attenuation from shrubs and trees in the area, the sound level at the entrance to the park drops to a range of 20 to 30 decibels. This decibel level is equivalent to a whisper or to the noise level found in a rural area. The rolling terrain in the area will provide further noise attenuation. Given the noise level associated with blasting, the distance of the park from the blasting area, and the natural noise attenuation as a result of the area's terrain, it is unlikely that park visitors will be aware of the blasting noise when inside the park boundaries.

**Comment 3:** The facility may be visible from locations inside Voyageurs National Park or along Ash River Trail, and the view of a large industrial facility from locations within the park could adversely affect a visitor's experience of the park.

**Response:** The NOvA Laboratory building is located on rolling terrain with mixed elevations at ground level ranging from 1,120 to 1,393 feet above mean sea level. Many of the higher elevations are forested with treetops as high as approximately 1,450 feet above mean sea level. The highest point of any building on the site will be approximately 1,271.5 feet above mean sea

level. Thus, although portions of the site buildings may be visible from some upland areas of the Voyageurs National Park at a distance of more than two miles, the buildings will be a low feature in contrast to nearby wooded outcrops.

The University will use design criteria to minimize the visual impact of any portion of the Far Detector building that might be visible from Voyageurs' National Park. The Far Detector building, which will have an above-ground height of approximately thirty-seven feet or approximately two stories, will not include any windows facing north to minimize reflected sunlight. An earthen berm with native grasses will surround much of the Far Detector building up to the roof line. Exterior colors for all buildings will be muted grays and browns. All north facing building walls will be in neutral colors to decrease contrast and visibility. The University will use native plants and trees to soften the outlines of all buildings. In addition, the University will work with the National Park Service to design additional measures to screen or soften the appearance of the site buildings, and will provide the National Park Service with view shed maps upon request.

**Comment 4:** Construction vehicle traffic will transport exotic plant seeds and plant parts to the facility. These seeds and plant parts, once established, may migrate into Voyageurs National Park.

**Response:** Because the project is receiving federal funding, the United States Department of Energy must comply with Executive Order 13112 on Invasive Species. The Department of Energy is preparing an Invasive Species Management/Control Plan to be implemented during and after construction of the facility to prevent or minimize the spread of noxious weeds and other invasive species. The University understands that the Department of Energy will seek input from the Department of the Interior before implementing the Invasive Species Management/Control Plan. The University also understands that the Department of Energy's Invasive Species Management/Control Plan will address methods and conditions to reduce the potential for invasive species infestations, including measures to provide clean fill materials free from noxious weeds and other measures to reduce incidental transport of noxious weed species by trucks and equipment.

**Comment 5:** Given that the facility may be visible from locations within Voyageurs National Park, please ensure that the facility meets site selection rationale (d) in the EAW, which states that the facility location should be elevated to reduce wetland impacts and to address the concern that the facility not be directly visible from existing parks and other recreational facilities.

**Response:** Please refer to Response to Comment 3 above. The Ash River site is nested among higher hills which screen the site from Voyageur's National Park, and is at least two miles from upland areas of the park from which site buildings may be visible, with the possible exception of the vehicular corridor along St. Louis County Highway 129. Moving the facility further south might decrease its possible visibility from the park, but would increase its visibility from the Ash River and could result in other adverse impacts on the Ash River. The site optimizes site

selection criterion (d) in the EAW by minimizing wetlands impacts and by limiting visibility from possible recreational areas to the north, east, and south.

**Comment 6:** The EAW does not discuss an alternative location for the facility, near the town of Buyck, which National Park Service staff at Voyageurs National Park considers the optimal location.

**Response:** An EAW under the Minnesota Environmental Policy Act need not consider alternatives to a proposed project. Nevertheless, the University notes that the Orr-Buyck Road location, which the comment references, was dropped from further consideration because studies by the United States Department of Energy determined that the Ash River location was more suitable for research on sub-atomic particles. In addition, the Department of Energy determined that the potential for environmental impacts was greater at the Orr-Buyck site. The University understands that the Department of Energy determined the Orr-Buyck location would have involved disruption of more wetlands than the Ash River site. In addition, unlike the Ash River site, construction of the facility at the Orr-Buyck site would have adversely affected stands of old-growth forest and high-quality wildlife habitat. In short, the Ash River site better meets all four site selection rationales summarized in the EAW, because: (1) it is located farther from Fermilab than the Orr-Buyck site, meeting EAW site selection criterion (a); it is near St. Louis County Highway 129, the only paved road in the area, meeting EAW site selection criterion (b); (3) it is in the United States, meeting EAW site selection criterion (c); and (4) it is elevated to reduce wetland impacts and is not directly visible from existing parks and other recreational facilities, meeting EAW site selection criterion (d).

The University also believes that the Ash River site provides the University an opportunity to coordinate with the National Park Service at Voyageurs National Park on educational and recreational opportunities, similar to the coordination between the Soudan Laboratory and nearby natural resources exhibits. About 5,000 students and members of the general public take science tours each year at the Soudan Laboratory in Soudan, Minnesota. Many of these visitors also tour natural resource exhibits near Soudan, such as the Ely Wolf Center. The University hopes to cooperate with the National Park Service to create summer research programs for school teachers and undergraduates that would take advantage of both the NOvA laboratory and nearby Voyageurs National Park.

**Comment 7:** The Far Detector (Assembly Space and Service) building will be seventy-two feet high, with thirty-seven feet protruding above the landscape. The “consensus” reached with the National Park Service regarding site selection and visibility of the building assumed a site with a one-story building in fifty-foot tall trees.

**Response:** See Responses to Comments 3 and 5.

**Comment 8:** Please consider restoring the area immediately surrounding the facility and those areas impacted by construction to a natural landscape using native vegetation. Typical lawn and

landscaping plans are exotic to this area and may result in further infestations of exotic plants in the park. The application of native plants may also soften the visual impact of the facility.

**Response:** In keeping with the intent of Executive Order 13112 on Invasive Species, the facility will be landscaped with native species from the surrounding region. No exotic or non-native species will be used for landscaping. Native trees may also be planted to provide additional screening benefits.

**Comment 9:** The access road to the facility will overwhelm the parking area for the Ash River Falls Trail and no accommodation for the parking area has been made.

**Response:** Thank you for your clarification regarding administration of the Ash River Falls Trail. The Department of Energy and the University of Minnesota will work with the Minnesota Department of Natural Resources to preserve access to these ski trails. If construction of an access road to the facility adversely affects the Ash River Falls Ski Trail parking area, the University will provide alternate parking during construction and at the close of construction will return the Ash River Falls Ski Trail parking area to a condition that meets or exceeds its current condition. Access road construction will not have any significant effects on the ski trail network, including the area where St. Louis County Highway 129 intersects with the proposed access road.

**Comment 10:** The facility may be visible from locations within Voyageurs National Park.

**Response:** See Response to Comment 5.

**Comment 11:** Although the Voyageurs National Park Superintendent's authority is not applicable to areas outside the park, the Superintendent has the responsibility to protect park resources and visitor experience of those resources from adversity or impairment, even if that impact originates outside the park.

**Response:** Comment noted. The only applicable adopted local comprehensive plan, land use plan or regulation, or other land use plan of any governmental agency is the Voyageurs Planning Area sub-plan of the Comprehensive Plan for St. Louis County. As the EAW notes, the project is compatible with the goals and policies of this comprehensive plan.

## **Comments of the Minnesota Department of Natural Resources**

**Comment:** The University's request for a 200-foot right of way easement from DNR (a sixty-six foot permanent right-of-way, plus a temporary easement of sixty-seven additional feet on each site for construction) could have adverse resource impacts.

**Response:** The University will limit permanent impact from the road footprint to a sixty-six foot permanent right-of-way. Construction impact in the temporary right-of-way will not be extensive and little impact from construction is expected within the temporary right of way. Construction will be limited in the temporary right-of-way by virtue of use of the existing road alignment. Impacts will be minimized by using the existing road, rather than building a new road alignment through previously undeveloped areas. In addition, as discussed in the EAW, the University will minimize road construction impact to the greatest extent possible by undertaking erosion control measures and by minimizing or avoiding effects on wetlands. The University will mitigate unavoidable wetland impacts through the wetland permitting process, as discussed in the EAW.

## **Comments of the Minnesota Historical Society, State Historic Preservation Office**

**Comment 1:** The Minnesota Historical Society will need to review a copy of the Cultural Resources Assessment before completing a review of the project.

**Response:** The United States Department of Energy provided a copy of the Cultural Resources Assessment to the State Historic Preservation Office.

**Comment 2:** The United States Department of Energy and the United States Army Corps of Engineers must initiate their own cultural resources assessments as soon as possible, to avoid later delays in project implementation.

**Response:** The United States Department of Energy has received copies of the Cultural Resources Assessment and is evaluating the assessment as it prepares an Environmental Assessment for the project under the National Environmental Policy Act. The United States Army Corps of Engineers will initiate its Section 106 coordination when it receives the Combined Wetland Permit Application requesting a Section 404 permit for the project under the Clean Water Act. The University is currently reviewing the Combined Wetland Permit Application.

## **Comments of the Minnesota Department of Health**

**Comment:** Reciting the minimum requirements for the construction, repair, and sealing of wells and borings under Minn. R. Ch. 4725.

**Response:** The University is aware of Minn. R. Ch. 4725, which establishes the minimum distances from sources of contamination for construction of water supply wells. As shown on Figure 3 in the EAW, the University is likely to place the water supply well and the sanitary holding tank at least 125 feet apart. Actual location of the water supply well and the sanitary



holding tank, however, will depend upon the location of groundwater at the site. When construction of the project begins, the University will install the water supply well at least 50 feet from the building where the scintillator oil will be handled and stored, as Minn. R. Ch. 4725 requires. Following installation of the well, the University will place the sanitary holding tank more than 50 feet from the water supply well and in a side gradient or downgradient location, as Minn. R. Ch. 4725 requires.

### **Comments of Julian Brzoznowski – Orr, Minnesota**

**Comment:** “I feel that it would be a boost to the area and many things could be learned from this project. OK.”

**Response:** Comment noted.

### **Comments of J. Dale Long – Orr, Minnesota**

**Comment:** “Very good update on the plans and needs for the site. The City of Orr welcomes the project with open arms. With a little imagination who wouldn’t want to be part of the possible findings resulting from the research done on this site. The City of Orr would welcome the chance to supply housing needs, airport and recreation for the scientists and employees that will run this program.”

**Response:** Comment noted. The University will continue to work with the City of Orr and surrounding communities to provide support services for the employees and visitors planned for the facility.

### **Comments of Len and Evie Mankus – Orr, Minnesota**

**Comment:** “We are very fortunate that you are coming to our area for this important endeavor. We hope that Orr can be a service to you.”

**Response:** Comment noted. The University is looking forward to continuing to work with the City of Orr.



**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Facilities Committee**

**November 8, 2007**

**Agenda Item:** Consent Report

review       review/action       action       discussion

**Presenters:** Vice President Kathleen O'Brien

**Purpose:**

policy       background/context       oversight       strategic positioning

**Outline of Key Points/Policy Issues:**

There are no consent items this month.

**Background Information:**



## UNIVERSITY OF MINNESOTA BOARD OF REGENTS

**Facilities Committee**

**November 8, 2007**

**Agenda Item:** Information Items

review       review/action       action       discussion

**Presenters:** Vice President Kathleen O'Brien

**Purpose:**

policy       background/context       oversight       strategic positioning

To update the Board of Regents on the following items:

1. The final project review for the Medical Bioscience Building, Utility Infrastructure, and Metropolitan Council Sewer Interceptor Project. (Final review via letter prior to the November meeting).
2. Emergency approvals for items reviewed at the September 6, 2007, Facilities Committee.
3. Use of the easement consideration of \$1,275,000 received from Metropolitan Council for permanent and temporary easements at UMore Park.

### **Outline of Key Points/Policy Issues:**

1. **The final project review for the Medical Bioscience Building, Utility Infrastructure, and Metropolitan Council Sewer Interceptor Project.**

According to Board of Regents Policy Reservation and Delegation of Authority, Article I, Section VIII, Subdivision 9, "The Board reserves to itself the authority for a subsequent review of approved capital budget projects with a value greater than \$5,000,000 prior to the award of construction contracts."

In order to maintain the project scope, schedule and budget for the Medical Bioscience Building, Utility Infrastructure, and Metropolitan Council Sewer Interceptor project, the attached project information sheet was review by the Board of Regents Chair and Co-Chair and Facilities Committee Chair prior to the November facilities committee meeting, so that the construction contracts could be awarded.

2. **Emergency approvals for items reviewed at the September 6, 2007, Facilities Committee.**

The Board of Regents Chair and Co-Chair and the Facilities Committee Chair approved on September 12, 2007, the following items, which were reviewed and recommended for approval by the Facilities Committee on Thursday, September 6,

2007. The emergency process was used to obtain necessary approval due to the early adjournment of the Board of Regents meeting on September 7, 2007. The approvals were consistent with Board of Regents Policy: *Board Operations and Agenda Guidelines*, Section II, Subd. 10.

Real Estate Transactions – Action:

- A. Purchase of 22.68 Acres from LaMinora Properties Inc., Lot 2, Sec. 18, Township 68 North, Range 19 West, St. Louis County.
- B. Purchase of 23.22 Acres from the State of Minnesota, Department of Natural Resources, Lot 3, Sec. 18, Township 68 North, Range 19 West, St. Louis County.

Real Estate Transactions – Review/Action:

- A. Conversion of 120 Acres at the Fens Research Facility near Zim, Minnesota, into a Wetland Bank (Duluth Campus)

Schematic Plans – Review/Action

- A. Schematic plans for the Chester Park School Renovation Project on the Duluth campus.

Capital Budget Amendment – Review/Action

- A. Amend the Fiscal Year 2008 Capital Budget by \$1,800,000 to include funding for the East Gateway District – Metropolitan Council Sanitary Sewer Work on the Twin Cities, Minneapolis, East Bank campus.

Consent Agenda:

- A. Agreements for University Facilities and Services for The Society for the Study of Evolution Conference, June 19-25, 2008 (Twin Cities Campus)
- B. Conveyance of 32.3 Acres and Temporary Easements Encumbering 3.52 Acres in Waseca County (Southern Research and Outreach Center)

**3. Use of the easement consideration of \$1,275,000 received from Metropolitan Council for permanent and temporary easements at UMore Park.**

In December 2005, the Board of Regents approved a permanent easement to be granted by the University to the Metropolitan Council encumbering 36.83 acres at the University of Minnesota Outreach, Research and Education Park (UMore Park) and a temporary easement for construction purposes encumbering another 56.82 acres for a period of 2 years. The easement consideration paid by the Metropolitan Council totaled \$1,275,000 for this project. The Board of Regents was advised when this transaction was approved that the easement consideration would be used in accordance with the policy for the sale of surplus real estate, for future purchases of real estate or other capital assets consistent with the University's strategic positioning initiative. That policy provides that the President may direct the use proceeds from the sale of real estate for other purposes, and report such uses to the Board of Regents.

Since December 2005, the University has proceeded with the planning for a University-founded community that would be developed in the future on the University's UMore Park property in Dakota County. The President has directed that the net proceeds from the Metropolitan Council easement at UMore Park will be used in conjunction with these planning activities.

**Background Information:**

Information items are intended to provide the Board of Regents with information needed for them to perform their oversight responsibilities.


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October 25, 2007

**FACSIMILE**

To: Vice President Kathleen O'Brien

From: Jon Steadland, Assistant to the Executive Director 

Re: *Medical Bioscience Building, Utility Infrastructure, and  
Metropolitan Council Sewer Interceptor Project – Final Project  
Review*

Pages: 2 (including cover)

By telephone and in person on October 24, 2007 and today, Chair Simmons, Vice Chair Allen, and Facilities Committee Chair Metzen each reviewed and approved the request from you for final project review of the Medical Bioscience Building, Utility Infrastructure, and Metropolitan Council Sewer Interceptor Project (as described in the attached memorandum).

I understand that this information will be reported to the Board of Regents at the November 2007 meetings, as required by Board Policy.

c: Robert Bruininks, President (w/o attachments)  
Kathryn Brown, Vice President (w/o attachments)  
Ann Cieslak, Executive Director (w/o attachments)

# UNIVERSITY OF MINNESOTA

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*Twin Cities Campus*


*University Services  
Office of the Vice President*

*317 Morrill Hall  
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Fax: 612-626-6278  
www.uservices.umn.edu*

## MEMORANDUM

October 23, 2007

To: Regent Patricia Simmons, Chair, Board of Regents  
Regent Clyde Allen, Vice Chair, Board of Regents  
Regent David Metzen, Chair, Facilities Committee

From: Kathleen O'Brien   
Vice President, University Services

Subject: **Medical Bioscience Building, Utility Infrastructure, and Metropolitan Council Sewer Interceptor Project Summary  
Twin Cities Campus**

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According to Board of Regents Policy *Reservation and Delegation of Authority*, Article I, Section VIII, Subdivision 9, "The Board reserves to itself the authority for a subsequent review of approved capital budget projects with a value greater than \$5,000,000 prior to the award of construction contracts."

The Medical Bioscience Building, Utility Infrastructure, and Metropolitan Council Sewer Interceptor project currently is within the scope, schedule and budget approved by the Board of Regents. In order to maintain the project scope, schedule, and budget, it is important that the University award the construction contract prior to the next Board of Regents meeting. Therefore, I am requesting your review of this project outside of the normal Board of Regents meeting schedule.

With the award of this contract we are committing to complete the project as approved. We will include the attached Project Summary as a part of the information items for the November 8, 2007, Board of Regents Facilities Committee meeting.

Please feel free to contact me if you have any questions or concerns.

C: Ann Cieslak  
Jon Steadland

**University of Minnesota  
Final Review of Capital Projects over \$5 Million**

**Medical Biosciences Building, Utility Infrastructure, and Metropolitan Council Sewer  
Interceptor Project Number 197-06-2214**

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**Policy Summary:**

According to Board of Regents Policy *Reservation and Delegation of Authority*, Article I, Section VIII, Subdivision 9, "The Board reserves to itself the authority for a subsequent review of approved capital budget projects with a value greater than \$5,000,000 prior to the award of construction contracts."

**Project Summary:**

For the AHC to be a competitive Medical Research Institution; it must address the following needs:

- Provide modern efficient laboratory research space in order to retain faculty and compete with peer institutions.
- Provide Bio-Safety Level 3 experimental laboratories in order to compete for targeted grants.
- Provide much needed expansion space for the Department of Neurosciences and Immunology Center.
- Provide efficient space for the Center for Memory Research and Care.
- Enhancement of the programmatic relationships between the researchers currently housed in Lions Research Building (Lions) , McGuire Translational Research Facility (MTRF), and Center for Magnetic Resonance Research (CMRR).
- Expansion of utility infrastructure to serve the development of the East Gateway District of the Minneapolis, East Bank campus.
- Upgrade the sanitary sewer in the East Gateway District by installing a portion of the Met Council sewer that is within our construction site limits.

The Medical Biosciences Building is programmed to be approximately 111,900 gross square feet with approximately 68,000 assignable square feet. It will be 5 occupied stories, plus 2 stories for a mechanical penthouse. The building is to be located to the east of the existing Center for Magnetic Resonance Research and north of the new TCF Bank Stadium in the East Gateway District at 2101 6<sup>th</sup> Street Southeast.

The building will house thirty-five (35) Principal Investigators from the Center for Memory Research and Care (5), the Neurodegenerative Disease Group, the Neuromuscular Disease Group (these are two programs within the Neuroscience department) (15), and the Immunology Center (15). The program calls for wet laboratories and their associated laboratory support spaces such as cold rooms, tissue culture rooms, flow cytometry, and microscopy; offices for principal investigators and desk space for graduate student and post-doctoral fellows; bio-safety level 3 laboratory suites and supporting uses; building support space; and a University Dining Services Café.

The project also includes the necessary upgrades to the campus steam and electric system infrastructure consisting of an extension of the electrical duct bank serving this district, an extension of the deep tunnel for the steam supply system, a new shallow tunnel for the steam supply system, and an interconnecting vertical shaft and elevator building between the deep and shallow steam tunnels.

This project is consistent with the University of Minnesota Twin Cities Campus Master Plan dated 1996.

**Board of Regents Approval Summary:**

Six-Year Plan: December 2005 as a part of the 2006 Six-Year Plan  
 Capital Budget: June 2006 as a part of the FY2007 Capital Budget  
 June 2007 as a part of the FY2008 Capital Budget  
 September 2007 Capital Budget Amendment  
 Schematic Plans: March 2007

The project schematic plans presented in March 2007 addressed the original \$67,500,000 capital budget project. Subsequently additional infrastructure funding has been added to the project to fund added and enhanced infrastructure work. The FY2008 Capital Budget (June 2007) included an additional \$8,000,000 to ensure the East Gateway District infrastructure is adequately sized and positioned for the future development of the East Gateway District and in September 2007 \$1,800,000 was added to the project by the Metropolitan Council to fund their sanitary sewer work that will be completed by the University.

**Project Team:**

Medical Bioscience Building Architect / Engineer Team: Perkins+Will / Affiliated Engineers  
 Infrastructure Engineer: Sebesta Blomberg  
 Construction Manager: Kraus Anderson Construction

**Project Budget:**

Funding Identification	Total
2006 State Bond Appropriation	\$ 40,000,000
University Debt	27,130,000
Academic Health Center / Medical School	370,000
University Funds	8,000,000
Metropolitan Council	1,800,000
<b>Total</b>	<b>\$ 77,300,000</b>

**Project Schedule:**

Begin award of subcontracts for building construction: October 2007  
 Substantial Completion: December 2009

**Consistency of project with approved scope, schedule and budget:**

Yes     No

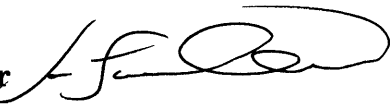


**UNIVERSITY OF MINNESOTA**  
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September 12, 2007

**FACSIMILE**

To: President Robert Bruininks  
From: Jon Steadland, Assistant to the Executive Director   
Re: *Emergency Approval*  
Pages: 4 (including cover)

By telephone and in person today, Chair Simmons, Vice Chair Allen, and Facilities Committee Chair Metzen each approved the request from you for approval of the following action items (as described in the attached letter).

- Real Estate Transactions - Action
  - Purchase of 22.68 Acres from LaMinora Properties Inc., Lot 2, Sec. 18, Township 68 North, Range 19 West, St. Louis County.
  - Purchase of 23.22 Acres from the State of Minnesota, Department of Natural Resources, Lot 3, Sec. 18, Township 68 North, Range 19 West, St. Louis County.
- Real Estate Transaction – Review/Action
  - Conversion of 120 Acres at the Fens Research Facility near Zim, Minnesota, into a Wetland Bank (Duluth Campus).
- Schematic Plans – Review/Action
  - Schematic plans for the Chester Park School Renovation Project on the Duluth Campus.
- Capital Budget Amendment – Review/Action
  - Amend the Fiscal Year 2008 Capital Budget by \$1,800,000 to include funding for the East Gateway District – Metropolitan Council Sanitary Sewer Work on the Twin Cities, Minneapolis, East Bank campus.

- **Consent Report – Review/Action**
  - **Agreements for University Facilities and Services for the Society for the Study of Evolution Conference, June 19-25, 2008 (Twin Cities Campus).**
  - **Conveyance of 32.3 Acres and Temporary Easements Encumbering 3.52 Acres in Waseca County (Southern Research and Outreach Center).**

I understand that these actions will be reported to the Board of Regents at the November 2007 meetings, as required by Board Policy.

c: **Kathryn Brown, Vice President  
Kathleen O'Brien, Vice President  
Ann Cieslak, Executive Director**

September 11, 2007

The Honorable Patricia Simmons  
The Honorable Clyde Allen  
The Honorable David Metzen

Dear Members of the Board:

As you are aware, due to the early adjournment of the Board of Regents meeting on Friday, September 7, 2007, the items reviewed and recommended for approval by the Facilities Committee were not acted upon. Under normal procedures, these items would need to wait until October for action. However, the Board Operations and Agenda Guidelines allow for an emergency procedure if an emergency situation exists as defined in the Guidelines. Specifically, in Section II, Subd. 10, the policy reads as follows:

Upon the recommendation of the president, the Board chair, vice chair, and the respective committee chair may act on behalf of the Board when delay for Board approval poses a significant health, safety, or financial risk to the University. Any such emergency approvals will be brought to the next meeting of the Board, consistent with Board policy.

I am recommending use of this emergency process for Board approval of the following items, which were reviewed and recommended for approval by the Facilities Committee on Thursday, September 6, 2007. Emergency action would prevent delays that could pose a financial risk to the institution.

Real Estate Transactions – Action:

- A. Purchase of 22.68 Acres from LaMinora Properties Inc., Lot 2, Sec. 18, Township 68 North, Range 19 West, St. Louis County.
- B. Purchase of 23.22 Acres from the State of Minnesota, Department of Natural Resources, Lot 3, Sec. 18, Township 68 North, Range 19 West, St. Louis County.

Real Estate Transactions – Review/Action:

- A. Conversion of 120 Acres at the Fens Research Facility near Zim, Minnesota, into a Wetland Bank (Duluth Campus)

Schematic Plans – Review/Action

- A. Schematic plans for the Chester Park School Renovation Project on the Duluth campus.

Capital Budget Amendment – Review/Action

- A. Amend the Fiscal Year 2008 Capital Budget by \$1,800,000 to include funding for the East Gateway District – Metropolitan Council Sanitary Sewer Work on the Twin Cities, Minneapolis, East Bank campus.

Consent Agenda:

- A. Agreements for University Facilities and Services for The Society for the Study of Evolution Conference, June 19-25, 2008 (Twin Cities Campus)
- B. Conveyance of 32.3 Acres and Temporary Easements Encumbering 3.52 Acres in Waseca County (Southern Research and Outreach Center)

Thank you for your attention to this request. Additional information regarding each of these items can be found in the September Facilities Committee docket materials.

Sincerely,



Robert H. Bruininks  
President

cc: Ann Cieslak, Executive Director, Board of Regents  
Kathleen O'Brien, Vice President, University Services

RB:lj