May 4, 2004

Barry Sittlow, City Administrator
City of St. Paul Park
600 Portland Avenue
St. Paul Park, MN 55071

RE: Response to Responsible Government Unit (RGU) – DNR Objection to Rivers Edge Final Alternative Urban Areawide Review (AUAR) and Mitigation Plan

Dear Mr. Sittlow:

The Minnesota Department of Natural Resources (DNR) filed an objection to the Rivers Edge Final AUAR and Mitigation Plan in accordance with Minnesota Rules, Part 4410.3610, Subpart 5(D) on March 31, 2004. The DNR stated that the Final AUAR and Mitigation Plan contained inaccurate or incomplete information relevant to the identification and mitigation of potentially significant environmental impacts. The purpose of this letter is to inform the RGU of our decision to withdraw our objection to the Rivers Edge Final AUAR and Mitigation Plan in accordance to Minnesota Rules 4410.3610, Subpart 5(G). DNR staff remains committed to working with the City of St. Paul Park, Grey Cloud Island Township, the project proposer and consultants to prevent significant environmental impacts from occurring as a result of future development in the AUAR study area.

Since filing the objection, DNR staff have met with the you, the RGU, along with the Township, the project proposers and their consultants on two separate occasions (April 14 and 15, 2004) to discuss and work toward resolving issues raised in our objection. These meetings were beneficial in clarifying some points of concern and discussing the issues in more detail. DNR staff recognize that the level of project specific detail needed to fully evaluate the potential for significant impacts is not required by the AUAR process, making it difficult for staff to decide whether a proposal or concept plan will indeed significantly impact natural resources and whether the Mitigation Plan adequately prevents significant environmental impacts. Based on the level of detail provided in the Draft AUAR compared to that of a mandatory EIS, it was important for us to inquire about the significant increase in building density, the proposed changes in use, and the locations and sizes of the proposed development within the Critical Area. The RGU, project proposers, and consultants maintain that the Scenarios and Figure B presented in the Final AUAR and Mitigation Plan are conceptual and illustrations only. As identified in the Mitigation Plan, some environmental impacts will have to be dealt with when details are
requested and provided during separate processes including proposed amendments to the plans and ordinances affecting the Mississippi River Critical Area, Shoreland Ordinances, the PUD approval process and permitting.

DNR received a written response to the objection from the RGU on April 27, 2004, which includes the proposed changes to the Final AUAR and Mitigation Plan as well as explanations of our discussions and clarification of specific issues. The response indicates how the Final AUAR and Mitigation Plan will be changed by the RGU to reflect their decisions from the discussions.

Local plan and ordinance amendments and approvals under both the Shoreland and Critical Area Programs are future steps in the planning process for St. Paul Park and Grey Cloud Island Township. The DNR is unlikely to approve proposed amendments that are inconsistent with state laws and standards. A proposed Rivers Edge development plan will have to be consistent with all locally adopted and state approved plans, ordinances, and permits.

The entire environmental review process, including the objection period, has provided opportunities for better understanding of the area’s development potential, environmental impacts and mitigation. Nevertheless, the DNR believes that the use of an AUAR for this project does not meet the intended purpose, which is to serve as “an excellent tool for review of cumulative impacts of multiple projects in a given area” (page 16, Guide to Minnesota Environmental Review Rules).

Thank you for the opportunities to meet and discuss the various issues surrounding this AUAR project. We appreciate your willingness to meet with our staff and work toward a better understanding of our concerns. We hope that the City of St. Paul Park and Grey Cloud Island Township remain committed to protecting the unique and valuable natural resources in their communities.

Sincerely,

Thomas W. Balcom, Supervisor
Environmental Policy & Review Unit
Division of Ecological Services
651-296-4796

cc: Kathleen Wallace
    Wayne Barstad
    Steve Calvin
    Bruce Gerbig
    Jack Enblom
    Sandy Fecht
    Dale Hornung
    Molly Schoeden
    Joan Galli
    Lee Pflummeller
    Kent Lokkesmoe
    Peggy Booth
    Dan Collins
    Paul Purman
    John Linc Strue
    Diane Anderson
    Dan P. Stinnett, USFWS
    Jon Larson, EQB
    Robert Schroeder, EQB Chair
    Jim Larson, Metropolitan Council
    Steve Johnson, National Park Service
    Richard Adams, GCI Township Board Chair
    Richard Mullen, GCI Township
    Tom Bell
    Theresa Greenfield, MFRA
    Peter Gualtieri, Bridgeland Consulting
    Clara Schlichting, Dahlgren, Shardlow, & Uban, Inc.
May 4, 2004

Robert A. Schroeder, Chair
Minnesota Environmental Quality Board
300 Centennial Building
658 Cedar Street
St. Paul, MN 55155

RE: Response to EQB – DNR Objection to Rivers Edge Final Alternative Urban Areawide Review (AUAR) and Mitigation Plan

Dear Mr. Schroeder:

The Minnesota Department of Natural Resources (DNR) filed an objection to the Rivers Edge Final AUAR and Mitigation Plan in accordance with Minnesota Rules, Part 4410.3610, Subpart 5(D) on March 31, 2004. The DNR stated that the Final AUAR and Mitigation Plan contained inaccurate or incomplete information relevant to the identification and mitigation of potentially significant environmental impacts. The purpose of this letter is to advise the EQB Chair that the DNR respectfully withdraws the objection to the Rivers Edge Final AUAR and Mitigation Plan in accordance to Minnesota Rules 4410.3610, Subpart 5(G). DNR staff remains committed to working with the City of St. Paul Park, Grey Cloud Island Township, the project proposer and consultants to prevent significant environmental impacts from occurring as a result of future development in the Rivers Edge AUAR study area.

Since filing the objection, DNR staff have met with the RGU, the Township, the project proposers and their consultants on two separate occasions (April 14 and 15, 2004) to discuss and work toward resolving issues raised in our objection. These meetings were beneficial in clarifying some points of concern and discussing the issues in more detail. DNR staff recognize that the level of project specific detail needed to fully evaluate the potential for significant impacts is not required by the AUAR process, making it difficult for staff to decide whether a proposal or concept plan will indeed significantly impact natural resources and whether the Mitigation Plan adequately prevents significant environmental impacts. Based on the level of detail provided in the Draft AUAR compared to that of a mandatory EIS, it was important for us to inquire about the significant increase in building density, the proposed changes in use, and the locations and sizes of the proposed development within the Critical Area. The RGU, project proposers, and consultants maintain that the Scenarios and Figure B presented in the Final
AUAR and Mitigation Plan are conceptual and illustrations only. As identified in the Mitigation Plan, some environmental impacts will have to be dealt with when details are requested and provided during separate processes including proposed amendments to the plans and ordinances affecting the Mississippi River Critical Area, Shoreland Ordinances, the PUD approval process and permitting.

DNR received a written response to the objection from the RGU on April 27, 2004, which includes the proposed changes to the Final AUAR and Mitigation Plan as well as explanations of our discussions and clarification of specific issues. The response indicates how the Final AUAR and Mitigation Plan will be changed by the RGU to reflect their decisions from the discussions.

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The entire environmental review process, including the objection period, has provided opportunities for better understanding of the area’s development potential, environmental impacts and mitigation. Nevertheless, the DNR believes that the use of an AUAR for this project does not meet the intended purpose, which is to serve as “an excellent tool for review of cumulative impacts of multiple projects in a given area” (page 16, Guide to Minnesota Environmental Review Rules). We believe that the increasingly common use of the AUAR tool for conducting environmental review of specific proposed development projects is inappropriate and needs discussion and review by the Environmental Quality Board.

Please contact Tom Balcom, at 651-296-4796, if you have any questions regarding this letter.

Sincerely,

[Signature]

Gene Merriam, Commissioner

cc: Kathleen Wallace
    Wayne Barstad
    Steve Colvin
    Bruce Gerbig
    Jack Eskblom
    Sandy Focht
    Dale Hammah
    Molly Shodeen
    Joan Galli
    Lee Pfannmuller
    Kent Loken
    Peggy Booth
    Dan Collins
    Paul Purman
    John Linc Shime
    Diane Anderson
    Dan P. Stinnett, USFWS
    Jon Larsen, EQB
    Jim Larson, Metropolitan Council
    Steve Johnson, National Park Service
    Barry Stidlow, City of St. Paul Park (RGU)
    Richard Adams, GCI Township Board Chair Richard Mullen, GCI Township
    Tom Bell
    Theresa Greenfield, MFRA
    Peter Gualtieri, BridgeLand Consulting
    Clara Schlichting, Dohlgren, Shadlow, & Uhan, Inc.