Appendix J. Draft AUAR Comment Letters

Five agencies, five local units of government, four non-profit organizations, and six citizens submitted comment letters on the Rivers Edge Draft AUAR. As required by MN Rules, the Responsible Governmental Unit (RGU) must provide replies to comments that are substantive (involving matters with major or practical importance). Item C in the Final AUAR provides responses to each substantive comment received. All non-substantive comments are duly noted for the record and are not necessarily addressed in the responses in Item C or in the Final AUAR document.

The location of the responses to substantive comments is tracked on each comment letter included in this appendix. This provides commenters and/or reviewers a system to easily determine where their substantive comments were addressed. The following is a reference table for the tracking system.

<table>
<thead>
<tr>
<th>Tracking System Example</th>
<th>Location of response to substantive comments</th>
</tr>
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<tbody>
<tr>
<td>6.2</td>
<td>The response to the comment(s) is included in Item 6, comment number 2, in the response to comments section of the Final AUAR, which begins on page 116</td>
</tr>
<tr>
<td>21.3</td>
<td>The response to the comment(s) is included in Item 21, comment number 3, in the response to comments section of the Final AUAR, which begins on page 116</td>
</tr>
<tr>
<td>Exhibit 5</td>
<td>The response to the comment(s) is included in Exhibits, comment number 5, in the response to comments section of the Final AUAR, which begins on page 116</td>
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</table>

1 The tracking code is written next to paragraphs containing substantive comment within each comment letter

Many non-substantive comments requested information that does not fall under the scope of an AUAR. The city and township will require additional detailed information as part of master development plans, transportation system design, PUD and subdivision applications, plats, and/or site plans. The location of information related to non-substantive comments is noted next to several comments. This alerts the commenting agency/organization/person where they can possibly gather more information regarding their non-substantive comments and issues. The following is a reference table for locating information related to non-substantive comments.

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<thead>
<tr>
<th>Tracking System Example</th>
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<td>Item 21</td>
<td>Information related to the comment may be located in Item 21, Traffic, in the Final AUAR</td>
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<tr>
<td>Mitigation Plan</td>
<td>Information related to the comment may be located in the Mitigation Plan. The Mitigation Plan is found under Item B in the Final AUAR.</td>
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</table>

1 The tracking code is written next to paragraphs containing substantive comment within each comment letter

In addition, a question and answer (Q & A) document was prepared in regards to the development of Scenario Two and was available to the public at the October 1, 2003, Open House. Scenario Two is based on known development plans of a property owner within the AUAR area. This Q & A provides answers to some financial questions that do not fall under the scope of an AUAR. The Q & A is located in Appendix K.
Copies of all comment letters submitted are included in this appendix in the order shown below.

<table>
<thead>
<tr>
<th>Agency/Organization/Citizen</th>
<th>Date of Letter</th>
<th>Signatory</th>
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<tbody>
<tr>
<td>Richard A. Williams</td>
<td>June 12, 2003</td>
<td>Richard A. Williams</td>
</tr>
<tr>
<td>Minnesota Department of Transportation</td>
<td>June 19, 2003</td>
<td>Brigid Gombold</td>
</tr>
<tr>
<td>South Washington Watershed District</td>
<td>June 20, 2003</td>
<td>Matt Moore</td>
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<tr>
<td>Ron Glubka</td>
<td>June 21, 2003</td>
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<td>Jerry Taube</td>
<td>June 23, 2003</td>
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<td>Friends of the Bay</td>
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<td>Harland Hiemstra</td>
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<td>Alice Robinson</td>
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<td>Dorothy Larsen</td>
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<td>Minnesota Center for Environmental Advocacy</td>
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<td>James L. Erkel</td>
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<td>Friends of the Mississippi River</td>
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<td>Irene Jones</td>
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<td>Ann Beckman</td>
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<td>Sierra Club</td>
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<td>John Waldo</td>
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<td>John Waldo</td>
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<tr>
<td>Washington County Department of Transportation &amp; Physical Development Survey and Land Management Division</td>
<td>July 2, 2003</td>
<td>Donald Wisniewski</td>
</tr>
<tr>
<td>Grey Cloud Island Township</td>
<td>July 7, 2003</td>
<td>Richard Adams</td>
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<td>Richard Mullen</td>
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<td>City of Cottage Grove</td>
<td>July 9, 2003</td>
<td>Kim Lindquist</td>
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<td>Minnesota Historical Society</td>
<td>July 9, 2003</td>
<td>Dennis Gimmestad</td>
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<td>USDI National Park Service – Mississippi National River and Recreation Area</td>
<td>July 10, 2003</td>
<td>JoAnn Kyral</td>
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<td>Washington Conservation District</td>
<td>July 10, 2003</td>
<td>Bob Foskal</td>
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<td>Minnesota Department of Natural Resources</td>
<td>July 16, 2003</td>
<td>Thomas Balcom</td>
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<tr>
<td>Washington County Department of Public Health and Environment</td>
<td>August 28, 2003</td>
<td>Cindy Weckwerther</td>
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<td></td>
<td></td>
<td>Jeff Travis</td>
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<tr>
<td>Daniel Pena</td>
<td>No date</td>
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</table>
June 12, 2003

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

Dear City Manager Barry Sittlow:

I have been a resident of the City of St. Paul Park since 1957 and I am proud to have lived here for so many years. The City is depicted as possessing quiet neighborhoods, a small town atmosphere and a closeness to the greater metropolitan area which can provide shopping and cultural activities that St. Paul Park itself does not have available. The various units of our government, the Police Department, the Fire Department, the Public Works Department, and our city officials have all done a splendid job in carrying out their assigned duties and responsibilities.

In recent months, St. Paul Park has been the object of numerous pieces of literature concerning the River's Edge development proposal; both in favor of, and against the project. Currently, it is the biggest issue this community faces. An annexation agreement concerning the land is presently under discussion by Grey Cloud Island Township, the City of St. Paul Park and the public in general.

I think that the majority of the citizens of St. Paul Park feel as tho the Department of Natural Resources should play a decisive role to protect and preserve the Mississippi River Critical Area Corridor. Management of this area was transferred from the Environmental Quality Board to the DNR in 1995. The purpose of designating the Mississippi River Corridor as a state critical area was to preserve and protect a regional resource for the benefit of all of us, not only for a select few. There are specific standards and guidelines in place for preparing plans and regulations for the Mississippi River Corridor. The restrictions to avoid over-development of the land must be maintained by all local units of government in the corridor!

The area of proposed development currently is the site of a significant number of trees and grasslands. These trees cannot and will never be replaced. The developer claims that township and city residents will be able to use the development's trails and river access; of what use are tiny neighborhood parks and trails sandwiched in between numerous areas of housing? The public needs and wants more open areas for recreation and relaxation.

The public sees the urgency. Land is not going to be available in the future. The very fact that the River's Edge project is planned to be very near the banks of the Mississippi River, makes it a highly desirable site on which to build, and that makes it that much more important for the authorities to make certain that a significant portion of the land is reserved for the use of future generations.

Sincerely,

Richard A. Williams, M.D.
1000 Holley Avenue
St. Paul Park, MN 55071
June 19, 2003

Peter Gualtieri  
President of Bridgeland Consulting  
15026 Bridgewater Ct.  
Savage, MN 55378

SUBJECT: Rivers Edge Draft AUAR, Mn/DOT Review #AUAR03-005  
West of TH 61 Adjacent to Grey Cloud Island Drive  
St. Paul Park, Washington County  
Control Section 8205

Dear Mr. Gualtieri:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above referenced Alternative Urban Areawide Review (AUAR). Please address the following issues before any further development:

- This proposed development will add additional traffic to TH 61. Access to the highway will be from 70th Street (County Road 22) and 80th Street. Mn/DOT does not have plans to improve the connection at 80th Street. Additional traffic at this location will add to the congestion at the ramp signals. Mn/DOT will be replacing the interchange at 70th Street beginning in spring 2004 with completion in fall of 2005. There should be no need to make changes to the planned interchange.

This will also have an effect on select heavy volume ramps such as northbound TH 61 to westbound I-494 and eastbound I494 to southbound TH 61. This proposal may also accelerate the need for traffic signals at both County Road 22 and Broadway and County Road 22 and the new St. Paul Park Road. If you have any questions concerning these issues please contact Adam Josephson, Mn/DOT Area Engineer, at (651) 582-1115.

- Mn/DOT's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards.

An equal opportunity employer
Mn/DOT policy regarding development adjacent to or nearby existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The project proposer should assess the noise situation and take the action deemed necessary to minimize the impact of any highway noise. If you have any questions regarding Mn/DOT's noise policy please contact Peter Wasko in our Design section at (651) 582-1293.

As a reminder, please address all initial future correspondence for development activity such as plats and site plans to:

Paul Czech
Mn/DOT - Metro Division
Waters Edge
1500 West County Road B-2
Roseville, Minnesota 55113

Mn/DOT document submittal guidelines require three (3) complete copies of plats and two (2) copies of other review documents including site plans. Failure to provide three (3) copies of a plat and/or two (2) copies of other review documents will make a submittal incomplete and delay Mn/DOT’s review and response to development proposals. We appreciate your anticipated cooperation in providing the necessary number of copies, as this will prevent us from having to delay and/or return incomplete submittals.

If you have any questions concerning this review please feel free to contact me at (651) 582-1378

Sincerely,

Signed
Brigid Gombold
Senior Transportation Planner

Copy: Sandra Cullen / Washington County Engineer
Joe Lux / Washington County Engineer
Ann Braden / Metropolitan Council
Mn/DOT Division File CS 8205
Mn/DOT LGL File St. Paul Park
June 20, 2003

Mr. Barry Sittlow, Administrator
City of St. Paul Park
600 Portland Ave.
St. Paul Park, MN 55071-1501

RE:  Draft Rivers Edge Alternative Urban Areawide Review.

Dear Mr. Sittlow:

The South Washington Watershed District (SWWD) is submitting comments to the City of St. Paul Park in response to the Draft Rivers Edge AUAR document. The SWWD Board would like to thank the City of St. Paul Park and Grey Cloud Island Township for their cooperation throughout the development of this study. There are several significant environmental considerations in developing 600+ acres of land adjacent to the Mississippi River. As implementation of the AUAR mitigation plan moves forward the SWWD will continue to work with the City and Township to minimize impacts to surface water resources and associated natural resources.

Thank you for the opportunity to review the AUAR. If you have any questions or need additional information, please call me at 651.714.3729 or mmoore@ci.woodbury.mn.us.

Sincerely,
South Washington Watershed District

Matt Moore
Administrator

C: SWWD Board of Managers
Comments on the “Rivers Edge Draft AUAR”, May 2003

Introduction
The South Washington Watershed District (SWWD) has reviewed the Rivers Edge Draft AUAR focusing on the impact of the proposed development on District activities, programs, plans and goals. Primary emphasis of this review is on impacts to surface water resulting from developing 667 acres of land draining to the Mississippi River, and the potential impacts of this proposed activity on the water and natural resources.

The SWWD has expanded its boundary to include the EMWMO, as recommended in the Washington County Water Governance Study (1999). The Minnesota Board of Water and Soil Resources took action to approve the SWWD Boundary Change petition on May 28, 2003. The Board Order was filed with the Secretary of State on May 28, 2003.

The SWWD appreciates the opportunity to comment on the draft AUAR. The SWWD offers these comments at a time of transition in watershed management governance. SWWD comments are intended to be constructive and produce a positive relationship between the SWWD and member municipalities of the EMWMO to achieve a balance between land use decisions and resource management. Some aspects of the document were not reviewed in detail, and will not be covered in these review comments. Traffic projections and solid waste collection, for example, are not within the purview of SWWD authorities.

The comments that follow are organized by pertinent section from the AUAR document for ease of response by the Responsible Governmental Unit (RGU), which is the City of St. Paul Park. The City can assume that the SWWD does not wish to comment on any section not noted.

Summary of Major Concerns
The SWWD’s major concerns from its review of the AUAR document are listed below. Following this preface are detailed comments that specify the concerns.

1) The volume of runoff generated by the increased imperviousness will contribute to the cumulative impacts to downstream receiving waters. The strategy to rectify these problems begins with a program to limit the volume of water leaving the AUAR study area.

2) The drainage approach contained in the draft AUAR validates continued use of rate-oriented ponds connected by pipes. The purpose of this system is to control the rate of runoff leaving the project, not stormwater volume; this will result in both water quantity and water quality issues downstream.

3) The municipal groundwater well development must be done with extreme caution. The SWWD has seen a heightened awareness of the value of groundwater resources in Southern Washington County. The sustainability of ground water supply and the demands on ground water resources by rapid development may prove to be a critical issue in the future.
4) Stormwater management practices that reduce volume, increase infiltration, and minimize the future public resources for operation and maintenance should be more than considered for this project. The SWWD will provide assistance with design of a stormwater system that accounts for water quality and quantity benefits obtained using these techniques.

5) Erosion and sediment control plans and implementation will be a key to the success of this project. Adequate erosion and sediment control will prevent long term damage to the receiving waters. Exceptional erosion and sediment control will be required throughout the project, but especially in those areas immediately adjacent to the Mississippi River.

Section-by-Section Comments

Section 6 – Description Scenario Two/Three

Open Space:
The SWWD commends the use of conservation easements to protect the shoreline and bluff areas along the Mississippi River. The project should consider an east/west linear park connection using the proposed active recreation areas in the eastern portion of the project. The SWWD Greenway Plan has identified a potential connection on the eastern property boundary. An application to the Minnesota DNR Metro Greenways program may be possible depending on timing and funds available.

Stormwater System:
The SWWD strongly encourages the project to incorporate stormwater management practices that address stormwater volume control. Traditional stormwater management will add to cumulative impacts to the Mississippi River. This is in direct conflict with advances in stormwater management and regulations in the past 10 years. Reducing non-point source pollution will enhance viability, durability and longevity of the project. During the planning stages of the project reduced imperviousness, porous pavements, infiltration, filtration, created wetlands, reduces wet volume ponds, two cell treatment systems, bio-retention areas and water reuse irrigation systems are among many techniques to be considered. Incorporation of these techniques at the beginning planning stages will ensure that a comprehensive stormwater system at the lowest possible cost is constructed. The desire to use NURP design standards and readily discharge to the Mississippi River must be overcome. Two recommended sources of information are the MPCA manual and the Met Council Manual.

Section 8 – Permits and Approvals Required

A Minnesota Board of Water and Soil Resources Order has been filed with the Secretary of State’s office on May 28, 2003. This order approves the boundary change petition filed by the SWWD to enlarge the boundary to include the East Mississippi WMO area. The Rivers Edge project is located within the EMWMO boundary. The SWWD will attempt to identify any possible issues in this review letter now, anticipating review in the future.
Section 11 – Fish, Wildlife and Sensitive Resources

Under the Mitigation plan for this section there is no mention of water quality treatment practices and erosion and sediment control during construction. These management practices will be critical to the future habitat of fish and wildlife resources in the project. In addition to the vegetation, water quality and soil quality typically are equally important to maintaining habitat. Often water quality and soil quality produce the desired vegetation. For this reason, stormwater management practices and erosion and sediment control practices must be include as mitigation strategies for this section. This is supported in the section on Mussels and the dangers of sediment to their habitat.

Section 12 – Physical Impacts on Water Resources

Rather than applying standard 100-year rate control and NURP water quality standards, if considered in the early planning stages, management practices to control the rate, quality and quantity of stormwater runoff should be implemented. Retrofitting these practices into a traditional collect and transport system is cumbersome and piece meal. Comprehensive stormwater management considers reducing imperviousness, multiple water quality treatment elements and allows opportunity for water to infiltrate to reduce volume. These practices can be designed to performance during small storm events. A large portion of precipitation events are 1-inch of water or less.

To reduce physical impacts to water resources planning and design of the stormwater system must consider average annual precipitation and mimic existing conditions. The proposed densities may not allow for the pre and post development volume, rates, and quality to be maintained, however, reduction of the post development conditions will reduce downstream cumulative impacts.

Section 13 – Water Use

Expansion of the municipal water supply system is a necessary element of this development. However, the SWWD in conjunction with Washington County has been and is involved with the growing concern of groundwater resources in Southern Washington County. The concerns are centered on groundwater quality and sustainability of the aquifers to supply water. Rapid development has placed pressure on this resource with a limited knowledge of what are potential impacts. The SWWD is working with Washington County, Valley Branch Watershed District, and the Cities of Afton and Woodbury to develop a tool that will provide long term assessment of impacts to the groundwater system in South Washington County. The SWWD views groundwater management as a continuously emerging issue that requires extreme caution. This collaborative effort is envisioned to provide a predictive tool that will help manage groundwater resources as development occurs over the next 20 years.

The draft AUAR states that mitigation for water use includes additional well and storage capacity. Mitigation efforts for water supply must focus on the development of the water supply system and potential impacts to groundwater supplies. This should include an operation plan for municipal wells, evaluation of sustained pumping, evaluation of climatic dry cycles, and local ordinances to reduce water use.
Section 14 – Water-Related Land Use Management Districts

Proposed Deviations
Steep Slope Alterations:
Steep slope alterations are potential short term environmental hazards and long term chronic conditions. Avoidance of steep slope alterations adjacent to the Mississippi River is strongly advised. The proposed project, through bluff conservation, has avoided steep slope alterations. In those areas where steep slope alterations are proposed, a specific detailed erosion and sediment control plan is required. Prevention of erosion and control of sediment is these areas will be paramount.

Height Limitations:
The SWWD supports the efforts of the Mississippi River Critical Area Corridor Plan. The use of greenways, corridors, conservation easements and open space provides added value to proposed development. Proposed building heights within the Village Center exceeding the critical areas standard. Deviation from this standard will highlight the proposed project from the remainder of the Critical Area Corridor.

100-Year Floodplain District:
The proposed project does minimize impacts to the 100-year floodplain district. The SWWD does not recommend placing any structures within the flood plain or flood fringe. Only compatible land uses such as trails, boat ramps and parks are recommended.

Section 15 – Water Surface Use

Scenario two/three includes a boat ramp and parking facilities for access to the river. A single common access is preferred, porous pavements are recommended for the impervious areas proposed.

Section 16 – Erosion and Sedimentation

Inventory of the soil resources in the AUAR area indicate highly erodible soil types. Highly erodible soil types and proximity to the Mississippi River dictate an extensive erosion and sediment control plan. Most important beyond planning will be adequate and timely implementation of erosion and sediment control practices. Erosion and sediment control plans for this project must be prepared, implemented and inspected by a qualified individual. Qualifications must include a certification from an accredited program.

Highly Erodible Soils:
Ravine stabilization along the bluff line should only include natural stabilization techniques not simply consideration or exploration of these techniques.
Steep Slopes:
As stated previously, alteration of steep slopes must include a specific erosion and sediment control plan, addressing minimal exposure, expedited stabilization, and short durations of grading.

Earthmoving:
The AUAR indicates that fractured bedrock exists beneath the site. This most likely lends to the existence of the spring and seepage areas that exist along the bluff. Consideration should be given to further define the origin of the springs and seepage areas to ensure they remain a viable water source at their point of discharge. Disruption of the bedrock may impact this groundwater flow, therefore disrupting the supply of water to the spring and seepage areas.

Erosion and sediment control plans will require continuous inspection and maintenance to ensure adequacy. Inspection of these measures after rainfall is inspection after the fact. Inspections must be conducted prior to and after rainfall events. Maintenance of erosion and sediment control practices must be completed immediately upon inspection to prevent failure during the precipitation event. This demonstrates the importance to involve a qualified individual in the area of erosion and sediment control.

A list of erosion control practices to be considered for this site must include rock construction entrances that incorporate a tire wash facility. A grading activity phasing plan that minimizes soil exposure and maintains vegetative cover on any areas not identified for grading. Specifications for construction activities must include specified mulching rates and the SWWD suggests an erosion standard of a maximum tons/acre soil loss based on the Revised Universal Soil Loss Equation. The following is example language:

“(3) Erosion Control Performance Standards. (a) Proposed design, suggested location and phased implementation of effective, practicable erosion control measures for plans shall be designed, engineered and implemented to achieve the following results:
1. Prevent gully and bank erosion; and,
2. Limit total off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative soil loss rate not to exceed 7.5 tons per acre annually.”

Source: CHAPTER 14 OF THE DANE COUNTY CODE OF ORDINANCES, CREATING AN EROSION CONTROL AND STORMWATER ORDINANCE

Mitigation Plan:
Incorporation of temporary sediment basins are an element of good erosion and sediment control. However, if located adjacent to the Mississippi River, extreme caution must be taking in the design and construction of the outlet to prevent the migration of sediment laden water discharging to the River. Temporary sediment traps are the second step, controlling sediment, emphasis must be placed on preventing erosion as step one to minimize the need for sediment control. Seeding and stabilization within 72-hours of completion of grading is a desirable standard, however the duration of exposed soil leading up to stabilization is more critical to minimizing erosion and controlling sediment. As stated, erosion control is priority one, sedimentation is not a short-term impact, as
demonstrated by the discussion of Mussels in Section 11 – Fish Wildlife and Ecologically Sensitive Resources.

Section 17 – Water Quality – Surface Water Runoff
The proposed project will increase runoff volumes and pollutant concentrations. This combination will increase pollutant loading to downstream receiving waters. Design of a stormwater system to meet NURP standards will not produce negligible impacts in water quality. Stormwater management techniques and site conditions provide the necessary information to design a stormwater management system that can maintain post development water quality to pre-development conditions. The focus of the stormwater management on this site should be to reduce or maintain downstream pollutant loading. Treatment of stormwater to remove a percentage of pollutants will still increase downstream loading.

Stormwater management techniques have improved to allow for the treatment of stormwater runoff and reduce downstream loading. As stated in the mitigation plan (#4) for this section: “The quality of stormwater runoff and water infiltration to the water table or aquifer shall be as high after development as it was before the development of the site.” Additional stormwater management techniques must be implemented beyond NURP standards to meet this goal.

Section 25 – Sensitive Resources

The SWWD has developed a greenway plan for the watershed. This plan did not include the proposed project area. However, provisions were made to identify possible connections to the East Mississippi Watershed in anticipation of future consolidation. One possible connection terminates at the eastern edge of the proposed site. Consideration should be given to an east/west connection through the proposed park and open space concept plan, giving access to larger network of future greenways, corridors, trails and open space.

Section 28 – Compatibility with Plans and Land Use Regulations

As previously stated the Minnesota Board of Water and Soil Resources has approved an order for a boundary change to include the East Mississippi WMO watershed. The SWWD does not have an approved plan for this area at this time.

Mitigation Plan
Inclusion of a mitigation plan formalizes the actions that the City expects to be implemented. The SWWD recommends that its suggestions throughout this AUAR review also be incorporated into the mitigation plan. Specifically, the SWWD recommends that the City incorporate stormwater management techniques that reduce stormwater runoff volume from this project. Without control of post development pollutant loading, this project will contribute to the cumulative impacts on the Mississippi River. Maintaining good water quality through the use of sound scientific stormwater management will enhance the project, and reduce impacts to other related resources. In addition, erosion and sediment control, especially during construction, will minimize long term impacts to the receiving waters. A qualified individual must be retained to ensure adequate control.
June 21st, 2003

Ron Glubka
10559 Grey Cloud Island Drive
Saint Paul Park, MN 55071

Barry Sittlow
City of Saint Paul Park
600 Portland Avenue
Saint Paul Park, MN 55071

Re: Rivers Edge AUAR Comments

Dear Mr. Sittlow,

Please accept the following comments on the AUAR.

1. The AUAR incorrectly refers to attached units with a separate entrance as single family. Only single family detached units should be referred to as single family. All attached units should be referred to as multifamily units.

2. References to density per acre should be stated in net density. The 226 acres of river open space, slopes over 18%, wetlands, major transportation right of way (County Road 75), and similar areas should not be included in net density. The definition of “Residential Acres” in the Metropolitan Councils Blueprint 2030 indicates major roads, wetlands, slopes over 18%, and other areas that should not be included in the definition. A proper interpretation would also include river open space as land not included in the definition of residential acres.

3. Metropolitan Councils Blueprint 2030 is incorrectly interpreted or incorrectly implies the recommended densities of 3 to 5 units per acre is for the entire city (Page 7 of AUAR). Metropolitan Councils Blueprint 2030 states on page 45 a goal to “achieve community wide housing densities of 3 to 5 units per residential acre for new residential development”. The incorrect statement in the AUAR should be corrected.

4. The net density of the development exceeds the Metropolitan Councils Blueprint 2030 recommended densities. Explain why this development should exceed the density guidelines.

5. Page 10 of the AUAR refers to a high crash rate at County Road 75 and Grey Cloud Island Trail. Please provide documentation of the high crash rate.

6. Pullman Avenue and other residential roads that will become alternates to 3rd street will see increased traffic. The AUAR should address the traffic at all the affected residential roads. The residents have a right to know about traffic on their street.

7. The AUAR failed to state the City of Cottage Grove does not have the infrastructure to support a bridge on 95th. In a letter dated February 25th, 2003 Kim Lindquist, City of Cottage Grove Community Development Director, states “Unfortunately, the most direct existing route to Highway 61 from 95th Street utilizes local streets that are already burdened by existing traffic demands. Cottage Grove wants to ensure that Saint Paul Park, Grey Cloud Township, and the developer understand that additional traffic onto the local system is not acceptable and mitigative measures are needed.” The AUAR must identify mitigation required.

8. The bridge on 95th street is in Cottage Grove and as such building the bridge is contingent upon the City of Cottage Grove approving the bridge. Given Cottage Grove’s initial concerns and the fact that the bridge has little or no benefit to the city of Cottage Grove it is possible, and maybe likely, that the city will not approve a bridge. Until the City agrees to build a bridge the AUAR should consider a bridge speculative. The primary traffic plan should not include a bridge on 95th.

9. Upgrades on Pullman Avenue, assuming no bridge on 95th, should be included in the AUAR.

10. The AUAR does not address the limitations in the road system south of the project. Traffic levels for Grey cloud island Drive, Grey Cloud Island Trail and 103rd Street should be addressed. Grey Cloud island Drive has severe traffic limitations due to the one lane bridge.

11. The AUAR does not mention the frequency of flooding on Grey Cloud Island or its affects on traffic.
12. The AUAR does not mention Grey Cloud Island Drive has a section that is gravel, the results of recent flooding. The City of Cottage Grove has refused to fully repair the road. The increased traffic will require pavement.

13. 103rd Street includes an underpass under the railroad tracks. The underpass is so narrow it is effectively reduced to one lane. The AUAR must address traffic in this area.

14. The AUAR proposes a 3-lane road on 3rd street. 3 lane roads are generally not compatible with residential areas with direct access driveways. Many areas of 3rd street have driveway accesses at 100-foot intervals on both sides of the road.

15. The AUAR shows additional traffic on 3rd street of 12,500 trips per day and existing 2,000 trips per day. The total traffic of 14,500 trips per day on a 3 lane road, according to the Federal Highway Administration Highway Capacity Manual 2000 Edition, would provide a level of service D very close to level of service E. All roads must be designed to a minimum level of service C.

16. The timing of road improvements is critical. It is not unusual for road upgrades to take a year or more from initial discussion through construction. A detailed schedule for road construction should be included in the AUAR to ensure that the upgraded roads are complete before the level of service deteriorates below level C.

17. The AUAR should address the relevance of the railroad tracks to traffic. The number of train trips per day, time of the trips, length of delay to traffic caused by the trains, distance traffic will back up, length of time for traffic to clear after the trains have passed and other relevant data relating to traffic should be included.

18. Olmman Junior High School uses 3rd Street for parking. If there will be no parking on 3rd Street the parking needs of the school should be addressed.


20. Fire calls in multi-family buildings routinely call for response from multiple stations. With limited access to the site the main access could be blocked without adequate secondary access. This item should be addressed.

21. The study should include traffic levels on Grange, Hastings, Lincoln and other streets that will see an increase in traffic. Residents on these streets and in these neighborhoods have a right to know how it will affect them. All streets that will see an increase in traffic should be noted and the increase shown.

22. In addition to added traffic levels the total traffic levels should be addressed. This certainly would be more understandable to the many residents who are interested in the project.

23. The frequency and severity of crashes at the at grade railroad crossings is not mentioned.

24. The traffic counts do not take into account additional traffic from other developments likely to happen this year or in the near future in Saint Paul Park.

25. The site distances at Summit and Pullman are inadequate. The increased traffic may warrant improvements and should be studied.

26. The current level of service for the roads is very good ranging mostly in the A and B range. A Summary of the level of service both current and future should be made so the residents without traffic evaluation experience have a reasonable method to evaluate traffic.

Thank You,

Ron Glubka
June 23, 2003

Jerry Taube
10626 Grey Cloud Island Drive
Saint Paul Park, MN 55071

City of Saint Paul Park
RGU for Rivers Edge Development

Re: Rivers Edge AUAR Comments by Jerry Taube

Please respond to the following concerns:

- Why is there no difference in density discussed between scenarios II and III for the land east of County Road 75. This AUAR looks at NO alternatives for the largest, most dense, portion of this project. Was it the case from the very beginning to propose unrealistic residential activity in the critical corridor in order to avoid having to genuinely study alternative densities east of CR 75?

- I have transected the intersection of CR 75 and Grey Cloud Trail for over forty years. I have never had a close call nor have I ever seen evidence of vehicle accidents at that intersection. Please explain why you feel this a dangerous intersection and back up your conclusions with facts please.

- Your figures for truck traffic* from the two mining operations downstream from the proposal are based on average daily trucks utilizing CR 75. Do your numbers account for two trips, empty & loaded, for each truck? What effect would much higher actual daily volumes of trucks have on traffic through Saint Paul Park? How can you be sure that as metro development patterns evolve that more aggregate wont need to be trucked out rather than barged to Saint Paul?

- What incentive will Cottage Grove ever have to complete your speculative extension of 95th Street to Grey Cloud Trail? Cottage Grove has only about twenty residents that extension could serve.

- What will the impact be to the City of Cottage Grove of sending large amounts of new traffic onto their infrastructure? Specifically, what will be the impacts to Hadley, both north and south of the 80th Street interchange?

- Even if 95th street is extended it can only play a marginal role as the vast majority of traffic heads NORTH, not south or east!

- How will such an extension impact citizens of Cottage Grove and residents of the Township who reside on Grey Cloud Trail near where this speculative extension might connect? Will existing residential property be condemned forcing relocation of residents?
• What will be the traffic impact on residents of both upper and lower Grey Cloud Islands on Grey Cloud Island Drive and Grey Cloud Trail as pleasure riders and thrill seekers on bicycles and motor vehicles vie for the narrow roadways with residents.

• How many more traffic fatalities can we expect on city streets and at railroad crossings as anxious and frustrated commuters etc. push the limits of sanity.

• What economic and safety impacts will increased traffic have on local home-based businesses? Specifically, how will traffic impact the two daycare centers located on Third Street?

• Third Street will need to be significantly widened, at least north to Pullman Avenue. How many, and which, property owners will be forced to give up land for this “improvement”? How many, and which ones, will need to be permanently relocated?

What if, as seems likely, Third Street needs to become four lanes north of Pullman Avenue, which property owners will lose land for this widening and will sidewalks be installed over private property on the west side of the street to accommodate non-motorized and foot traffic which can no longer safely take place on the road right-of-way?

• Pullman Avenue is a major route for young children walking to Pullman Elementary School. If 95th Street is NOT extended will Pullman need to become a three-lane road? In any case will sidewalks now need to be added on both sides of Pullman Avenue?

• Will Ninth Avenue need to have sidewalks to safely get students to Oltman Junior High?

• On page 66 the AUAR mentions the massive Highway 61/Wakota Bridge redesign project currently under way. Rivers Edge has the potential to effectively add an amount of daily traffic to the system equivalent to the current traffic activity already on Highway 61 between 80th Street and Jamaica Avenue in Cottage Grove. Thus, before the highway project even nears completion we contemplate a virtual doubling of traffic from this one development alone.

In addition to 30 new firefighters and new fire hall that will be required, how many new fire trucks will be needed?

In addition to 9 additional police officers, how many additional patrol vehicles will be needed? What about ambulances?
How many additional public works employees are envisioned and what types and numbers of vehicles will they require to serve this new area?

How many township residents are being forced into the City of Saint Paul Park so that this project may proceed? How will these resident pawns be impacted by this unwanted and unwarranted jurisdictional change? What has been done to date to respect the personal and property “rights” of these citizens?

The 50+ ft. existing feed mill on the property is visible from Upper Grey Cloud Island more than a mile away. It is probably visible from the river and the newly created natural area known as Pine Bend Bluffs on the opposite bank as well. Removing this structure does in no way make a case for the developer's plan to add new, more obtrusive structures of 55ft. or 45ft. in the vicinity of the bay well within the heart of the Critical Corridor.

How will the removal of 400+ acres of farmland and replacement with impervious surfaces impact the natural seeps along the bluffs and the bay area? You are playing God with the natural movement of groundwater through the soil and bedrock both with storm water management and drawing down the aquifer to supply this new “city” on 400 acres of cornfield. What is the impact of having those natural seeps dry up?

The Army Corp of Engineers is currently engaged in testing, with encouraging results, the drawing down of the various pools in the river 15-18 inches. If pool 2 is drawn down by this amount what impact will it have on this development?

Page 29 of the AUAR States under the heading: General Wildlife Discussion, “Full development of the property may impact the use of the property by hawks, owls, Pileated Woodpeckers, and Bald Eagles in the future. Other animals using the property may be extirpated or displaced”. NONE of the six mitigation steps presented in the AUAR for this problem will make an appreciable impact. In fact, those six strategies listed on page 30 are ridiculous (go read them yourself folks) and should be an embarrassment to this plan’s author. Wildlife will likely be traumatized to extinction by these mitigation strategies.

On page 38 the plan’s author tries to conclude that nineteen docks possible under scenario one would somehow cause more ecological destruction than the author’s envisioned commercial/residential development at urban densities with a boat ramp down to the waters edge and myriad trails crisscrossing the banks, and outer islands... GEE!

The land use examples listed on page 39 for the Critical Area are not remotely compatible with any semblance of the Critical Area and should not be allowed!
• The Bald Eagle nest located on this property within the critical area is in jeopardy! Planned buffer zones around the nest are likely to fail! Placing nominal restrictions on human access/activity during key components of the eagles’ seasonal routines will also fail. The current property owner has stated publicly that trespassers have been a chronic problem over the decade or so that he has owned the subject property. Given the “human propensity” to trespass, how will you, realistically, prevent individuals from performing catastrophic acts of senselessness during these crucial, extremely sensitive times?

• Wildlife and natural habitat are dependent on effective buffers from human activity. Please explain your contention that a couple hundred feet of buffer between intensive bluff development along with the additional easy access provided directly into the waters of the bay and trails along the fragile river-bottom islands will preserve any semblance of the natural habitat that has existed there for a millennium. What will be the impact to this natural area within the critical river corridor of the disappearance of the 400 or so acres of agricultural land and its replacement with 1700 residential units just across CR75?

• How do you plan on obtaining the parcels within this subject area that you state need “cleaning up”? Specifically, are you planning to condemn the private property that currently serves as material storage for a township resident, or the auto salvage operation owned by a city resident, which you feel are incompatible with your vision?

Sincerely

Jerry Taube

* Within moments of finishing the first draft of these comments I made a short trip to Saint Paul Park. In a span of less than three minutes I encountered five (5) gravel trucks in about a one-mile span of CR75. Four of the trucks were 18-wheelers. Thus within three minutes I encountered roughly half (2x5 = 10) of the daily truck volume allowed for by the AUAR from the Larson Plant.
June 24, 2003

Dear Mr. Sittlow:

Friends of the Bay respectfully submits the following comments in response to the Alternative Urban Areawide Review for the proposed River’s Edge Development in Grey Cloud Island Township and Saint Paul Park.

Friends of the Bay is a citizens’ organization committed to maintaining the quality of life in this area. Over the past several months we have organized a steering committee, launched a website that includes a forum for public comment, conducted an informational door-to-door campaign, stimulated healthy dialogue on the opinion pages of our local newspaper, and sponsored a community forum that drew nearly 100 local citizens and included a range of natural resource and planning experts with current or prior connection to the National Park Service, the Minnesota Department of Natural Resources, Friends of the Mississippi River, the Minnesota Center for Environmental Advocacy and the Sierra Club. We have received nearly unanimous citizen support for our efforts to address the lengthy catalog of negative impacts associated with the River’s Edge development as proposed. Such being the case, we believe we speak for many in this community and we request that in any future discussions regarding River’s Edge, including development of responses to AUAR comments, Friends of the Bay be duly notified and allowed to send a representative to offer something that has been sorely lacking in this project: A voice for the greater community.

In reviewing the River’s Edge AUAR and other documents, Friends of the Bay has identified a lengthy list of concerns. These concerns are itemized in Attachment A to this letter and we hereby incorporate them by reference. But just as the AUAR format itself is a recognition of the fact that the total impacts of many small developments generally surpass the sum of their individual project-specific impacts, so our most serious concerns regarding this document are at once much broader and more fundamental.

First, Friends of the Bay contends that the document under consideration represents a serious misuse of the AUAR process under state environmental review laws and guidelines. The AUAR was set up to examine cumulative impacts arising from many smaller projects, not the impacts from one large project that exceeds thresholds triggering a mandatory environmental impact statement (EIS). State guidelines published by the Environmental Quality Board also clearly state that an AUAR must identify and address impacts at the same level of detail as an EIS. The vagueness, over-simplification and generally cursory and dismissive attitude toward
environmental concerns that characterize this document can hardly, by even the most liberal interpretation, be supported as an EIS level exploration of impacts and appropriate mitigation. It is our understanding that these concerns are shared by a number of other commenting agencies and organizations, and that several may be exploring grounds for a possible legal challenge to this misuse of the AUAR process. We therefore recommend that the city of St. Paul Park, as the responsible government unit (RGU), order a thorough environmental impact statement before allowing this project to proceed any further.

The cursory and dismissive attitude toward environmental and other concerns referenced in the preceding paragraph forms the basis for our second major objection to the River's Edge AUAR. Throughout the document, its preparers have glossed over issues deserving of further analysis and mitigative measures, such as the serious traffic problems the project would engender, the effects of access for public safety and other purposes being limited by railroad crossings, impacts on schools, impacts on fish and wildlife and other natural resources, etc. It makes no mention of the fact that a significant portion of the site has been identified by the Minnesota DNR, the National Park Service and others as a priority for conservation. It lays out a development scenario under existing zoning that pretends to be less beneficial than the project proposal, ignoring the fact that such a scenario would be highly unlikely to be allowed by township, county and state officials. It neglects the standard principle reflected in zoning and other laws that economic considerations alone do not justify departure from existing standards. It completely ignores the well accepted notion that the primary approach to mitigation should consist of avoidance of impacts in the first place. Its approach to the numerous conflicts between the proposed project and local ordinances and state laws designed to provide environmental protections is to change the laws, rather than altering the project.

The most egregious instance of this dismissive attitude toward existing laws and guidelines pertains to Mississippi River critical area standards. Established in 1973, affirmed by succeeding administrations of Republicans and Democrats alike, the critical area laws and standards have for 30 years served the state well as a widely supported acknowledgement of the statewide and national significance of the Mississippi River corridor and its numerous natural resource, cultural, aesthetic, and historical values. The River's Edge development as proposed clearly contradicts four out of the five basic purposes of the critical area designation, as outlined in Executive Order 79-19. Proposing, as it does, to ignore carefully thought-out state and local standards in regard to densities, building heights, viewsheds, steep slopes, natural area conservation and other considerations, the River's Edge proposal and its accompanying AUAR represent a blatant assault on the critical area laws that could open a floodgate of development throughout the corridor, thereby destroying part of a major flyway for waterfowl and migratory songbirds. Friends of the Bay finds this assault on well established laws and principles offensive and unacceptable.

These and other significant deficiencies in the AUAR persuade us that no informed person committed to sound public policy decisions based on complete information could even for a moment consider this document a serious attempt at honestly identifying and mitigating negative impacts. The very tone of the document is more characteristic of a sales pitch than an environmental review. It reads like a thinly veiled piece of propaganda, distorting and
manipulating the facts in order to justify the proposer's pre-existing plans, rather than using the facts to inform the careful development of plans that are consistent with laws, standards, and the larger community's vision for its own future.

Friends of the Bay contends that these deficiencies expose the city of St. Paul Park, as the responsible government unit, to an unhealthy potential for legal challenge under the Minnesota Environmental Rights Act and other laws, with all the legal expenses that might accrue to such a challenge. Given that the original purpose of the settlement agreement among the city, township, developer and landowner giving rise to the River's Edge proposal was to halt litigation and cap further legal costs, we urge the city to address these deficiencies in a manner consistent with state, local and regional standards. Considering the unacceptable level of negative impacts identified in even this seriously deficient environmental review, it is clear that such a process must of necessity go beyond mere revision of the AUAR to include significant modifications to the project proposal itself. Friends of the Bay extends to you an offer of its resources to work together toward that end.

Sincerely,

Harland Hiemstra
Chairman, Friends of the Bay
We the undersigned, in our role as citizens of St. Paul Park and Grey Cloud Island Township, as well as through our affiliation with Friends of the Bay, concur with the general and specific criticisms laid out in the attached comment letter on the draft River’s Edge AUAR, as prepared and submitted by Friends of the Bay chairman Harland Hiemstra in consultation with the group’s steering committee and technical affairs committee.

We further affirm that the River’s Edge proposal poses an unacceptable level of negative impacts to our community, and we concur that the environmental review document under consideration is seriously deficient and constitutes a misuse of the AUAR process. We urge the responsible government unit to order an environmental impact statement as a first step toward addressing this deficiency, and we commit ourselves to working with the responsible government unit and others to develop new plans that are consistent with state, regional and local laws and standards, as well as with the greater community’s consensual vision for its own future, as defined by a more proactive process of public input and citizen engagement.

Respectfully submitted on the 24th day of June, in the year of our Lord 2003.

Alice E. Robinson

Ron Kubler

Elizabeth Bell

Maud Nelson

Joseph Nelson

Jerry Tanen

Michael A. Mosbacher

Darothy Larson
Friends of the Bay: River’s Edge Draft AUAR Comments - Attachment A

Friends of the Bay respectfully submits the following specific comments in response to the draft River’s Edge AUAR.

1. The draft River’s Edge AUAR is a misuse of the AUAR process, which was established to deal with cumulative impacts from multiple projects, rather than impacts from a single large project. The appropriate environmental review format for this development proposal is an environmental impact statement (EIS).

2. EQB guidelines clearly state that an AUAR must provide the same level of detailed analysis as an EIS. The draft River’s Edge AUAR fails to meet this standard.

3. The document fails to adequately address cumulative impacts beyond the project boundaries.

4. Scenarios 2 and 3 of the River’s Edge proposal are in clear violation of state critical area standards. The AUAR does not adequately address this, nor does it offer serious mitigation. Impacts engendered by violation of the critical area standards extend well beyond the project boundaries and may trigger Met Council’s “Regional Significance” review authority.

5. Scenario 1 in the AUAR misleadingly suggests that impacts from development of the site under existing zoning would be less beneficial than under the amended zoning contemplated under Scenarios 2 and 3. It is highly unlikely that Scenario 1 as described in the AUAR would be permitted under township, county and state guidelines.

6. The AUAR neglects to discuss the fact the riparian area of the site is subject to a Washington County shoreline ordinance that considers the entire pool a Natural Environment Lake and, as such includes a 1,000-foot shoreline district that requires a 150-foot setback from OHW and restricts building heights to 35 feet.

7. The AUAR overstates the significance of proposed open space dedication. Of the proposed 226 acres of proposed open space, 145 are open water, 63 acres are floodplain islands, and 11 acres are steep slopes – all of which is unbuildable. The dedication of open space needs to be significantly expanded to meet the needs of the proposed densities, as well as to provide adequate buffers for sensitive natural resource areas. Furthermore, the AUAR appears to be deliberately vague in regard to exact plans for the river open space, suggesting that it might be publicly accessible, but leaving the door open to exclusion of the public while attempting to claim benefits from public open space. This needs clarification and definitive commitment from the proposer.

8. The AUAR fails to provide adequate details on how the proposed river open space will be managed and who will be responsible for that, a significant deficiency given that natural resource professionals are becoming increasingly aware that it is not enough to protect natural areas in an urban environment, they must also be appropriately managed to preserve
their ecological and other values.

9. The document inadequately assesses the value and significance of the native plant communities that would be impacted. When one considers that only about 4 percent of the seven-county metro region’s landscape is noted as containing County Biological Survey quality native plant communities, the fact that the site contains several CBS occurrences is significant, regardless of whether it is ranked fair, poor or good. Furthermore, the document makes no mention of the fact that the CBS ranking is only one of several such rankings, and that under other systems the area around the bay has been ranked as a priority for conservation by the National Park Service, the DNR’s regional natural resource assessment and the Metro Wildlife Corridors program, which represents a coalition of 11 public and private conservation interests. Under the development proposal, these areas of significant habitat would be destroyed, fragmenting an important ecological corridor in the process. For instance, an area of dry oak savanna, which is not even noted in the AUAR, has been identified on the northern bluff where the proposal calls for location of a five-story condominium. Dry oak savanna is one of the rarest plant communities in the state and this significant occurrence would be obliterated under the proposal.

10. In conjunction with item #8 above, the document fails to note significant opportunities for restoration of native plant communities and habitat.

11. The document understates impacts on wildlife. The bay and backwater areas in the project area serve as a significant refuge for fish and wildlife. The bay is an important resting area for resident and migratory waterfowl. The high density of development proposed for this area, with significantly increased human activities and significantly increased boat traffic related to the proposed water access, would disrupt and displace significant populations of wildlife and destroy the area’s value as refugee and habitat. In addition, proposed mitigative measures for minimizing disruption to bald eagle nesting areas are unrealistically optimistic given the magnitude of development and consequent human activities proposed for the area. Furthermore, the document provides no discussion or analysis of the edge effects on habitat that will arise from the conversion of the project area from a relatively intact and uninterrupted corridor to a narrow and fragmented riparian sliver.

12. Proposed setbacks from bluffs are inadequate to protect views from the unique backwater areas of the river. Additionally, the setbacks fail to provide adequate buffers to minimize impacts to steep slopes and to protect significant natural communities.

13. The road and other infrastructure related to the proposed water access is out of proportion to the stated purpose of providing access for canoes and other small craft. Such infrastructure is inconsistent with the natural qualities of the bay and backwater areas. This is obviously a marina in the making, contrary to the disingenuous claims of the developer, and it is inappropriate for the site, especially given that there is adequate water access at other nearby sites. The proposed road to the bay fragments habitat and poses a number of other negative impacts and should not be permitted.

14. The AUAR fails to adequately address hydrological features of the site. The springs that boil up from the bed of the bay, as well as the other springs and seeps, are unusual hydrogeological features that likely would be negatively impacted, if not outright eliminated, as groundwater recharge gets significantly reduced by impervious coverage of the site at the same time that significant withdrawals from groundwater are made in conjunction with two new city wells. Further hydrological study is called for.
15. The AUAR inadequately addresses water quality issues within the bay. If the flow of springs is reduced or eliminated (as referenced in item #12), at the same time that most of the stormwater from the project area is directed into the bay, water quality there will be significantly reduced.

16. The AUAR inadequately addresses the potential for groundwater contamination given the fractured limestone and shallow overburden that is characteristic of the site.

17. Stormwater issues need much more analysis given the fractured limestone underlying much of the project site, varying degrees of opportunity for infiltration and the classification of the river pool as a Natural Environment Lake. The minimum standards referenced in the AUAR are inadequate for such a uniquely sensitive area.

18. The AUAR misleadingly uses the Met Council’s Blueprint 2030 as a justification for a number of features, such as the unreasonably high densities that engender many of the negative impacts associated with this project, when in fact Blueprint 2030 only provides a general framework within which specific community and site characteristics must be addressed – something this document does not do. It is also important to note that one of the most widely supported features of Blueprint 2030, a feature that distinguishes it from previous Met Council frameworks, is its emphasis on preserving significant natural resource areas as a vital part of the region’s ecological infrastructure – a principle the River’s Edge proposal is diametrically opposed to. In fact, Mr. John Shardlow, one of the principles of DSU, the consulting firm that prepared the River’s Edge AUAR, has publicly declared on a number of occasions his belief that the identification of significant natural resource areas is critical to development of sound plans for future growth, stating that “we need to get natural resource areas off the table.” For Mr. Shardlow’s benefit, we would like to here point out that “getting natural resource areas off the table” should not mean paving them over as this project proposes to do.

19. The AUAR incorrectly refers to attached units with a separate entrance as single family. Only single family detached units should be referred to as single family. All attached units should be referred to as multifamily units.

20. References to density per acre should be stated in net density. The 226 acres of river open space, slopes over 18%, wetlands, major transportation right of way (County Road 75), and similar areas should not be included in net density. The definition of “Residential Acres” in the Metropolitan Council’s Blueprint 2030 indicates major roads, wetlands, slopes over 18%, and other areas that should not be included in the definition. A proper interpretation would also include river open space as land not included in the definition of residential acres since this acreage is essentially unbuildable.

21. Metropolitan Council’s Blueprint 2030 is incorrectly interpreted or incorrectly implies the recommended densities of 3 to 5 units per acre is for the entire city (Page 7 of AUAR). Metropolitan Council’s Blueprint 2030 states on page 45 a goal to “achieve community wide housing densities of 3 to 5 units per residential acre for new residential development”. The incorrect statement in the AUAR should be corrected.

22. The net density of the development exceeds the Metropolitan Council’s Blueprint 2030 recommended densities. Explain why this development should exceed the density guidelines.

23. Page 10 of the AUAR refers to a high crash rate at County Road 75 and Grey Cloud Island Trail. Please provide documentation of the high crash rate.
23. Pullman Avenue and other residential roads that will become alternates to 3rd street will see increased traffic. The AUAR should address the traffic at all the affected residential roads. The residents have a right to know about traffic on their streets. In particular, this analysis need to include potential impacts on safety and traffic surrounding Pullman Elementary School.

24. The AUAR failed to state the City of Cottage Grove does not have the infrastructure to support a bridge on 95th. In a letter dated February 25th, 2003 Kim Lindquist, City of Cottage Grove Community Development Director, states, "Unfortunately, the most direct existing route to Highway 61 from 95th Street utilizes local streets that are already burdened by existing traffic demands. Cottage Grove wants to ensure that Saint Paul Park, Grey Cloud Township, and the developer understand that additional traffic onto the local system is not acceptable and mitigative measures are needed." The AUAR must identify mitigation required.

25. The bridge on 95th street is in Cottage Grove and as such building the bridge is contingent upon the City of Cottage Grove approving the bridge. Given Cottage Grove's initial concerns and the fact that the bridge has little or no benefit to the city of Cottage Grove, it is likely that the city will not approve a bridge. Until the city agrees to build a bridge, the AUAR should consider a bridge speculative. The primary traffic plan should not include a bridge on 95th.

26. Upgrades on Pullman Avenue, assuming no bridge on 95th, should be included in the AUAR.

27. The AUAR does not address the limitations in the road system south of the project. Traffic levels for Grey Cloud Island Drive, Grey Cloud Island Trail and 103rd Street should be addressed. Grey Cloud Island Drive has severe traffic limitations due to the one lane bridge.

28. The AUAR does not mention the frequency of flooding on Grey Cloud Island or its effects on traffic.

29. The AUAR does not mention that Grey Cloud Island Drive has a section that is gravel, the results of recent flooding. The City of Cottage Grove has refused to fully repair the road.

30. 103rd Street includes an underpass under the railroad tracks. The underpass is so narrow it is effectively reduced to one lane. The AUAR must address traffic in this area, as well as alternative access by public safety vehicles.

31. The AUAR proposes a 3-lane road on 3rd street. Three-lane roads are generally not compatible with residential areas with direct access driveways. Many areas of 3rd street have driveway accesses at 100-foot intervals on both sides of the road.

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33. The timing of road improvements is critical. It is not unusual for road upgrades to take a year or more from initial discussion through construction. A detailed schedule for road construction should be included in the AUAR to ensure that the upgraded roads are complete before the level of service deteriorates below level C.

34. The AUAR should address the relevance of the railroad tracks to traffic. The number of train trips per day, time of the trips, length of delay to traffic caused by the trains, distance
traffic will back up, length of time for traffic to clear after the trains have passed, limitations affecting public safety access to the project area, and other relevant data relating to traffic should be included.

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38. The study should include traffic levels on Grange, Hastings, Lincoln and other streets that will see an increase in traffic. Residents on these streets and in these neighborhoods have a right to know how it will affect them. All streets that will see an increase in traffic should be noted and the increase shown.

39. In addition to added traffic levels the total traffic levels should be addressed. This certainly would be more understandable to the many residents who are interested in the project.

40. The frequency and severity of crashes at the at-grade railroad crossings is not mentioned.

41. The traffic counts do not take into account additional traffic from other developments likely already under construction or planned for the near future in Saint Paul Park.

42. Traffic counts fail to take into account updated average daily trip figures recently released by the Met Council in its 2000 Travel Behavior Inventory, which identifies a 7.6 percent increase in the number of average daily trips for people in the seven-county metro region.

43. The site distances at Summit and Pullman are inadequate. The increased traffic may warrant improvements and should be studied.

44. The current level of service for the roads is very good, ranging mostly in the A and B range. A Summary of the level of service, both current and future, should be made so the residents without traffic evaluation experience have a reasonable method to evaluate traffic.

45. The AUAR needs to address traffic impacts and capacities at the 80th Street/Highway 61 interchange in Cottage Grove in light of significant new commercial developments in progress in that area.

46. The AUAR inadequately addresses impacts to the local school system. It fails to identify the fact that the estimated 1,200 new students coming from the proposed River’s Edge development would seriously exceed the capacity of local schools, requiring the construction of a new elementary school and accelerating the need for a new high school. It fails to identify any potential site for such a facility within the project area, nor does the proposer make any commitment to providing land for such. It fails to note the need for additional space at Oltman Jr. High, and it fails to address the fact that the Oltman site may not be able to accommodate further expansion. It does not address traffic and safety issues related to the location of Pullman and Oltman on two of the primary access routes for this new development.

47. On Page 3, Question 6 D indicates that future stages of development are planned or likely to happen but fails to provide any further details.

48. On page 7, the AUAR states that the purpose of the village center is to provide a strong sense of community. It fails to address how this might impact exiting commercial space in St Paul Park in the area of Broadway from 2nd Street to Summit, which is currently underutilized.
The village center will be a second loci for business within St Paul Park and it will work to create a city within a city rather than linking and integrating the new development to the existing commercial area.

49. On page 7, the breakdown of single family homes vs. twin homes is not provided, creating questions as to how the proposed new development will fit with existing St Paul Park urban area usage.

50. The AUAR fails to discuss the need for buffers between proposed high density residential development in the eastern part of the site and the railroad tracks which are heavily used and create significant noise and other disturbance.

51. The AUAR fails to discuss the significance of underground pipelines in the eastern portion of the project area and the need for buffers and other measures in relation to these facilities.

52. The AUAR inadequately discusses potential groundwater impacts that may arise from significant drawdowns related to two new municipal wells and such might interface with existing groundwater contamination area.

53. The AUAR inadequately discusses the need for expanded public safety facilities, including whether existing space is adequate for the nine new police officers projected to be necessitated by the new development. Nor does it provide any hard and clear commitment to provision of public safety facilities and dedication of space for that purpose within the project area.

54. The AUAR fails to address the impacts related to the excavation of limestone that will be necessary to install infrastructure due to the shallow bedrock formations. Such discussions should include effects on groundwater, traffic arising from these activities and significant disturbance to surrounding humans and wildlife.

55. In discussion of the limited amount of heavy truck traffic related to the aggregate mining operations south of the project site, the AUAR fails to factor in the increasing demand for aggregate resources and the need this could present for increases in aggregate hauling via truck as opposed to barges.

56. The AUAR fails to address safety and health impacts on a number of home based daycare centers located on Third Street and Pullman Avenues. Some studies have indicated a link between increased incidence of cancer in children and proximity to heavily traveled roads. Given the magnitude of this project, the unique characteristics of this site, the numerous issues related to it, and the limited 30-day time period for comment, Friends of the Bay wishes to make it clear that this list of our concerns is neither exhaustive nor all-inclusive, and we reserve the right to raise further issues as they become evident.
June 24, 2003

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

Re: Rivers Edge AUAR

Dear Mr. Sittlow:

This letter sets out the comments of the Minnesota Center for Environmental Advocacy ("MCEA") relating to the alternative urban area review ("AUAR") prepared on behalf of the City of St. Paul Park and Grey Cloud Island Township for the proposed 667-acre Rivers Edge Development Project. MCEA uses law, science, and research to protect Minnesota’s environment and the health of its residents. MCEA is very interested in issues relating to environmental review: it played a significant role in establishing the requirement that proposed projects be reviewed for their environmental effects, it monitors the use of environmental review, and takes action to make certain that review is meaningfully performed. MCEA is also very interested in the Mississippi River and its watershed: it worked to change the discharge limits for the Metropolitan Wastewater Treatment Plant, it influenced the methods used by Minneapolis and Saint Paul to deal with stormwater runoff, and it helped to stop development that was incompatible with the natural amenities and functions of the Mississippi.

MCEA's interests in environmental review and the Mississippi meet at Rivers Edge. MCEA believes that the AUAR is misapplied in the context of a single project such as Rivers Edge; it does not consider an alternative that meaningfully distinguishes between the possible development options for the area studied, and it fails to adequately address important questions relating to the natural resources identified at Rivers Edge. In addition, it seems that the AUAR is being intentionally used to avoid dealing with the cumulative impacts of the proposed project and other reasonably foreseeable projects in the southeast suburbs of the Twin Cities, and others that may adversely affect the Mississippi. Most importantly, the AUAR does not support a change in the Mississippi’s designation.

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1. AUAR Misapplied

In reaching decisions, government must consider the environmental effects of its actions in undertaking actions itself or in projects proposed by others that it has the authority to permit. This consideration is accomplished in the process of environmental review set forth in the Minnesota Environmental Policy Act ("MEPA"). The intent of environmental review is to make certain that a responsible governmental unit ("RGU") has taken a hard look at the effects the proposed projects may have on the environment before it acts. A project may be subject to different levels of environmental review depending on its potential for causing adverse environmental effects. Certain projects are well known to have little potential for environmental effects and are categorically excluded from environmental review. If it is uncertain about a project’s potential for environmental effects, an RGU may prepare an environmental assessment worksheet ("EAW"). An EAW is intended to be a document that briefly discusses the project and sets out the basic facts needed to determine if a potential for adverse environmental effects exists. If the potential for adverse environmental effects is already known or is established in an EAW, an RGU must prepare a more detailed environmental impact statement ("EIS"). Most importantly, an EIS must consider economic and social concerns as well as environmental effects, alternatives to the proposed project which may include different locations, a no-build alternative, mitigations that will reduce potential environmental effects, and the cumulative impacts of the proposed and other reasonably foreseeable projects. Many entities do not wish to perform an EIS because they view the level of detail it requires as burdensome and they do not wish to consider alternatives to their proposed projects. As a result, entities seek to make use of EAWs because they do not need to discuss alternatives at all and must discuss substantial issues such as cumulative impacts in only an abbreviated form.

An AUAR is a substitute form of environmental review that RGUs may use when considering the environmental effects of developing a geographic area through a number of projects that may or may not require separate EAWS or EISs. The AUAR reviews environmental effects by considering several development scenarios in a specified area. One of the scenarios must be based on the comprehensive plan that applies to the specified area and a maximum scenario is also included. An AUAR is specifically intended to deal with the consideration of cumulative impacts from a number of projects and it allows an RGU to integrate environmental review and its comprehensive planning process. The AUAR uses the form of the EAW but requires a level of detail comparable to an EIS. The Environmental Quality Board ("EQB") has adapted the set of questions in the EAW form for use in an AUAR. EQB’s guidance for AUARs states that cumulative impacts need not be separately addressed because the AUAR itself already is designed to deal with cumulative impacts within the specified area. The guidance’s limitation on the con-
sideration of cumulative impacts contradicts MEPA and the rules EQB has adopted to implement MEPA.

Cumulative impacts clearly do not stop at the artificial borders of an area specified for consideration in an AUAR. In fact, some of the hardest environmental effects of a project to avoid or mitigate usually manifest themselves well beyond the project's location. For example, an AUAR in Woodbury found that the extraction of water from wells needed to serve proposed development projects in a specified area could have a significant adverse effect on the level of water in Valley Creek, a designated trout stream, as it flowed through Afton. This cumulative impact would not have been found if the proposed projects in the specified area had been considered through separate EAWs or EISs. In this case, the problem of the guidance's unlawful limitation on the consideration of cumulative impacts is compounded by the identity of the geographic area designated by the City and Township for study through the AUAR with the proposed Rivers Edge development project. By integrating the specified area with the proposed project, the City and Township do not have to perform a more detailed EIS that would otherwise be mandated by EQB's rules and they seek to avoid having to consider cumulative impacts that extend beyond the Rivers Edge. Without considering cumulative impacts beyond Rivers Edge, the City and Township fail to take the hard look at environmental effects required by MEPA.

2. Lack of Meaningful Scenarios

Even if it is appropriate to use an AUAR in which the boundaries of the specified area and proposed project are identical, the AUAR for Rivers Edge is deficient because it does not consider a development scenario that is meaningfully different from that of the proposed project. For Rivers Edge, Scenario One is based on the existing comprehensive plans of the City and Township and Scenario Two is D.R. Horton's proposed project. Scenario Three is offered as an alternative but it is simply Scenario Two without the residential mixed-use and multi-family portions of the Village Center. However, the amount of land developed under Scenarios Two and Three is exactly the same (Tables 6-3 & 6-4). A more meaningful alternative to include in the AUAR would show development subject to a 1,000 foot set-back from the ordinary high water mark which would seem to apply as a result of Washington County's treatment of Pool 2 as a Natural Environment Lake. The consideration of an alternative of this kind would be more useful in helping the City and Township to consider the environmental effects of different levels of development at Rivers Edge than scenarios that are identical in effect.

3. Specific Resource Concerns

MCEA adopts and incorporates by reference the concerns identified by Friends of the Mississippi River and the Sierra Club in regard to the natural areas identified at Rivers Edge. In particular, MCEA is concerned that the discussion of the springs and seeps is both misleading and not complete. The AUAR states that the seeps will be protected by the 226 acres of reserved open space. However, most of the open space intended to protect the springs and seeps is in fact
river and downstream of them. Moreover, the AUAR suggests that water wells will be needed but does not consider how the extraction of water may affect the springs and seeps that seemingly are supported by the same aquifer from which the water will be extracted. In addition, the AUAR was prepared with the assistance of Applied Ecological Services. The discussion of the natural areas identified through DNR’s Natural Heritage Program may be misleading because DNR was not allowed to inspect the specified area before the draft AUAR was completed. As a result, the information from DNR as indicated in the AUAR represented a best guess from something other than physical inspection. DNR was able to inspect the specified area after the AUAR was completed and the AUAR should be modified to take into consideration DNR’s new evaluation.

4. Critical Areas Designation

Rivers Edge is partially located in the Rural Open Space District identified in the designation of the Mississippi River under the Critical Areas Act. The designation acknowledges that the Mississippi ‘possesses important historic, cultural, or esthetic values, or natural systems’ and that development of them ‘could result in irreversible damage to these resources’ and ‘decrease their value and utility.’ Minn. Stat. § 116G.01. The Rural Open Space District represents the highest level of protection identified in the Mississippi’s designation. The lands in the District are intended to ‘be used and developed to preserve their open, scenic and natural characteristics and ecological and economic functions.’ Executive Order No. 79-19, 3 S.R. 1680, 1693. The AUAR does not contain any information that supports the need to change the District designation at Rivers Edge. The lack of consideration of cumulative impact beyond the specified area means that the City and Township have no way of knowing how the change that is proposed at Rivers Edge would affect the rest of the Mississippi’s designation. Without it, the AUAR is incomplete and fails to take a hard look at all of the issues relating to the proposed development project at Rivers Edge.

Very truly yours,

[Signature]

James L. Erkel
Attorney & Program Director
Land Use & Transportation
Barry Sittlow  
City of St. Paul Park  
600 Portland Avenue  
St. Paul Park, MN 55071

Re: Comments on Rivers Edge Draft AUAR

Dear Mr. Sittlow,

Enclosed please find comments on the Rivers Edge Draft AUAR from Friends of the Mississippi River. Friends of the Mississippi River (FMR) is a leading citizen organization that works to protect and enhance the Mississippi River and its watershed in the Twin Cities metropolitan area.

As a regional organization specializing in protecting the unique resources of the Mississippi, FMR engages with a variety of riverfront communities on development issues that have potential impacts on the river. We have worked proactively and successfully with many communities to plan for a balanced approach to development that protects the river’s natural resources, open spaces and important greenway connections to the Mississippi river corridor and flyway.

FMR played a key role working with citizens of Dakota County to develop the Mississippi River Greenway Strategic Plan, the Farmland and Natural Areas Protection Plan and the Open Space Referendum. These initiatives represent excellent examples of citizen-based planning that will lead to permanent protection of critical riverfront lands and natural resources. In fact, just a few months ago, 168 acres (located directly across the river from the Nesvig property) were put into permanent protection as the Pine Bend Scientific and Natural Area. It is discouraging to see a development of this magnitude proposed in such close proximity to the Pine Bend Bluffs which has benefited from restoration efforts on the property of Flint Hills Resources and the Katharine Ordway Natural History Study Area, as well as the new SNA.

Our primary concern about the proposed Rivers Edge Development is that it will cause serious and irreversible environmental damage to the river’s natural systems. The bluffs, shoreline, islands, bay, natural areas and wildlife at this site, which are unique and extremely important ecologically, will be severely impacted by the planned development. The addition of impervious surfaces and the reduction of natural water infiltration will also compromise water quality—both surface and ground. These impacts are inadequately addressed in the AUAR, and the mitigation strategies presented are weak, vague or consist of simply amending the existing plans and ordinances. The environmental impacts of this development as proposed simply cannot be mitigated.
In some cases, the AUAR can be a useful environmental review tool. However, in the case of Rivers Edge, the substantial and imminent threats to the river’s natural resources warrant a full Environmental Impact Statement. The level of detail in this AUAR falls far short of what it should be required for a project of this magnitude on a site that is so significant ecologically. In short, it appears the developer’s use of the AUAR is not a genuine environmental review effort, but rather an attempt to get around dealing with the huge environmental impacts that cannot be avoided if this development goes forward as planned.

Particularly disturbing are the proposed amendments to the City and Township’s recently completed Mississippi River Critical Area plans. These plans are designed to assist communities in protecting the river’s natural resources while planning for development on or near the river, and it appears the developer expects the City and Township to completely disregard the thoughtful planning and citizen input that went into producing these plans.

Additionally, we are deeply concerned about the deceptive way some of the environmental benefits of this proposal are presented in the AUAR. For example, there are frequent references that claim 226 acres of “river open space” will be protected, when none of these acres actually occur in the developable area; 145 of these acres are open water and 81 acres are off-shore islands, shorelines and steep bluffs.

While we are submitting comments to the Draft AUAR, we believe that this is an inappropriate use of an AUAR, and we strongly recommend that a full Environmental Impact Statement be done for any development of this magnitude planned within the boundaries of the State Critical Area.

Thank you for considering our comments to the Draft Rivers Edge AUAR. If you have any questions regarding this letter or the attached comments, please feel free to contact me.

Sincerely,

Irene Jones
Outreach Director
Friends of the Mississippi River

Enc.
I. Loss of significant and unique habitat (pp. 21-25)
A. Native Plant Community Ranking is insufficient and improperly evaluated.
1. Several natural areas at this site show up on the Minnesota Natural Heritage Program’s
   County Biological Survey and are ranked using the program's ranking system. Since only
   the best habitat shows up in this ranking system in the first place (just 4% of natural areas in
   the metro area), all of these identified areas are by definition of regional significance,
   including those ranked as poor and fair. It is important to note that these natural areas have
   also been identified as ecologically significant on the DNR Natural Resource Assessment of
   Regionally Significant Ecological Areas, the Mississippi National River and Recreation Area
   /National Park Service Open Space Opportunities Map, the DNR Metro Wildlife Corridors
   Focus Areas Map, and the Metropolitan Council Mississippi Riverfront Initiative Plan.
2. Additionally, the restoration potential for these natural areas is under-estimated. Mesic Oak
   Savanna, for example, is one of the rarest native plant communities in Minnesota, and every
   effort should be made to protect and restore this important part or our natural heritage before
   it is lost forever.

B. The AUAR does not properly identify or address higher quality natural areas where
   development is planned.
1. Potential damage to the rare oak savanna on the bluff and the floodplain habitats in the bay
   will be severe and irreversible. The impacts of erosion, invasion of non-native species and
   unregulated foot traffic will be unavoidable with the proposed 40-foot setback and high
   densities of people living in the Critical Area. In order to prevent this damage, a much larger
   setback should be established for the development with permanent protection of these
   sensitive areas.
2. An area of Dry Oak Savanna was not identified in the AUAR, but was pointed out by a DNR
   ecologist during the May 29th visit. A variety of native trees and wildflowers were seen on
   the northern bluff of the bay in the exact spot where a five-story/57-foot condominium
   complex is planned. Development should be avoided altogether in this area.
3. The AUAR notes that floodplain forests were observed along the bank where the shoreline
   sloped gradually up from the waterline, but none of the floodplain forest was ranked or
   assessed.
4. The road, boat launch, 10 parking spaces and small commercial building planned for the bay
   area will cause major damage to the floodplain and seepage areas which include floodplain
   forest with a diverse native understory. A fishing dock and a canoe landing accessible by
   foot are the only appropriate uses for this area.

In summary, there is no real possibility of mitigation of the environmental impacts to these
sensitive areas under the current development proposal. Only a dramatic change in the
development plan will protect these critical resources. It is for this reason that the primary
mitigation strategies offered are to amend the existing laws and plans that protect these
resources.
II. Impacts on Wildlife (pp. 25-29)

A. Proximity of development to bald eagle nesting sites is unacceptable.
1. According to Table 11-1 in the AUAR, development activity should be a minimum of 660 feet away from eagle nesting areas and nowhere within the sight line of the nesting area. Yet the AUAR states that “Development activities will occur within the recommended 330-660 foot limited disturbance area, which is less intrusive than the existing mulching operation.” This statement is a gross misrepresentation of what is actually recommended in the 330-660 foot area—trail and vegetation maintenance and human visitation during the non-breeding season only. Additionally, the presence of eagle nests within 330-660 feet of an existing mulching operation does not imply that additional disturbances would be tolerated by the eagles. Cumulative impacts need to be taken into account.
2. The AUAR claims “limiting construction activities during the nesting season and removing mulching operation will help mitigate impacts to the nest,” but it ignores the fact that once construction is over, hundreds of people will be living in the “limited disturbance area” year-round.

B. AUAR neglects to mention the full significance of the backwater bay for waterfowl feeding during migration.
1. The AUAR included a selectively edited version of the report on wetlands from the original Natural Resources Inventory prepared by Applied Ecological Services. Not included in the AUAR was the full number of birds observed, the number and diversity of species identified and the assessment that the bay was likely a preferred feeding area for waterfowl since no concentrations of waterfowl were observed in other parts of the backwaters with similar habitat. (See p. 29 in AUAR and P. 30 in NRI)
2. Additionally, due to the thermal effect of the springs and seeps in the area, hundreds of waterfowl visit the bay in winter to feed, because it is often the only place in the area with open water. (See impacts to springs in seeps in Hydrological Issues)

C. The full extent of potential impacts on wildlife displacement is not provided.
1. The Mississippi River is used as a migration flyway by hundreds of species of birds, including 40% of North American waterfowl. The significance of this reach of the river has been documented in the Hastings-Prescott Bird Count, which was published by Karl J. Bardon in The Loon 73:231-235 (the Journal of the Minnesota Ornithologist’s Union). In this survey, a total of 100,332 migratory birds, including 75,584 waterfowl, were documented between March 11 and April 25, 2001 during 30 days and 176 hours of effort (which comes out to 570 migrants per hour!). The bird count included six species that are listed as “threatened” or of “special concern” in Minnesota. The study also stated that an unknown percentage of waterfowl migrate at night when no observations were possible. Tom and Elizabeth Bell have seen and documented 163 species of birds in Grey Cloud Island Township, including several species listed as of special concern. Clearly more than just hawks, owls, woodpeckers and eagles will be displaced.

In summary, more extensive studies need to be done on birds and other wildlife that rely upon the unique and critical habitat located on the site. As with the natural areas that support the birds and wildlife, a much larger setback must be provided to prevent ecological damage and displacement of rare and threatened species.
Note: The Applied Ecological Services report provided by DSU is a natural resources inventory only, and does not include land cover rankings or management recommendations. DSU denied our request for these documents. In order for the public to properly assess the AUAR as an effective environmental review tool, these documents should be made available.

III. Hydrological Issues

A. Springs and seepage areas are rare and important resources in need of protection.

1. The AUAR mitigation strategy for preventing impacts to the springs and seeps states that "the preservation of 226 acres of reserved open space along the bluff and the [70-foot] buffer will minimize impacts on the seeps and springs..." Since most of this "open space" is actually open water and islands that are downstream from the springs and seeps, it will hardly provide any protection! Additionally the use of a 70-foot buffer around the springs appears to be a random number that is, at best, based on "beliefs" and "uncertainties" provided by Dr. E. Calvin Alexander. (pp. 32-33)

2. More extensive groundwater studies are needed to ascertain the importance of springs and seeps in the area, and the impacts on them from excavation, dewatering, increasing impervious surfaces in area, planned stormwater management practices, stormwater outfall placement and extraction of drinking water from the aquifer.

B. Stormwater management plan does not adequately address surface runoff and groundwater recharge issues

1. The Stormwater Management Plan described in the AUAR is a minimalist approach. Alternative strategies and best management practices (BMPs) such as infiltration swales need to be employed, not just considered as stated in the AUAR. Minimum design standards for new stormwater ponds is insufficient in an area this sensitive. (pp. 12, 46, 70)

2. The mitigation plan for surface water runoff states that "...water quality of stormwater discharging from the development will meet the requirements of the Minnesota Pollution Control Agency (MPCA) and National Urban Runoff Program (NURP) standards and all applicable local regulations. Consequently, the impact of runoff on the quality of the Mississippi River will be minimized." These two sentences do not go together. Standards and regulations are usually the minimum that is expected of a stormwater plan. In order to "minimize" impacts to the river, much more than just meeting the standard should be employed. It may interest the developer to know that MPCA has published volumes of information on stormwater BMPs that are optional and go far beyond the standards and regulations in their ability to reduce impacts to the river and other water bodies. (p. 48)

3. The mitigation plan addresses reducing the amount of phosphorus runoff, but does not mention other pollutants and runoff issues. In particular, it does nothing to address the reduced level of infiltration into the ground. All the runoff from impervious surfaces will be directed to NURP ponds and ultimately the river, bypassing its normal path through the ground. (p. 48)

4. Stormwater outfalls in the bay and other areas along the bluff will be a major disturbance to aquatic species and have a negative visual impact. Construction of the outfalls will have an impact on the sensitive bluffs. The AUAR does not describe how these adverse effects will be mitigated. (p. 32)
In summary, far too little attention is paid to water quality impacts in the AUAR to properly address a development of this size. More studies are needed to determine the best plan of action, especially with regards to the springs, seepages and groundwater issues. All new development in unsewered areas should take the high road (i.e. use BMPs) when managing stormwater and groundwater, both during and after construction. The Mississippi River is a source of drinking water for thousands of people downstream and a popular recreational resource for boating and fishing. All efforts should be made to protect the resource for the sake of human as well as ecological health.

IV. Mississippi River Critical Area Plan Amendments and other land use issues
The proposed development completely disregards the intent of Critical Area Law. Four of the five purposes of the critical area stated in Executive Order 79-19 are violated, including: to protect and preserve a unique and valuable resource, to prevent and mitigate irreversible damage to this resource, to preserve and enhance its natural, aesthetic, cultural and historical value and to protect and preserve the biological and ecological functions of the corridor.

A. Non-Compliance with Critical Area District Restrictions is unacceptable.
The AUAR states “Incompatible elements of the Rivers Edge project and the adopted Critical Area Plan are related to building height limitations, development restrictions on slopes exceeding 12% and the boundary of the Urban Developed District” (p. 66).

1. Changing from Rural Open Space District to Urban Developed District an area with this much existing natural area and open space is inconsistent with the intent of Executive Order 79-19, which is to protect sensitive river resources. Appropriate density levels for the Critical Area have been determined by a community planning process. (p. 67)

2. Buildings in the village center are proposed to be 55 feet high (20 feet higher than allowed in either urban or rural critical area districts). The AUAR states that “floodplain forest on the river islands screens the developable portion of the River’s Edge site, including the Village Center from the main river channel.” This does not take into consideration the views from the backwaters and the bay itself, which are very much a part of the river. The height limitations for critical area are intended to prevent visual impacts for all recreational users on the river – not just those in the navigation channel. (p. 64)

3. Slopes greater than 12% should be protected without exception. In the mitigation plan for erosion and sedimentation, the AUAR states: “No development shall be permitted on slopes greater than 18%; (deviations to be sought in selected areas.)” The developer is proposing to amend the Critical Area Plan AND ask for additional deviations??? This is egregious in an area where most of the sloped areas are vegetated by rare native plant communities. Additionally, the AUAR suggests mitigation for steep slope alteration will involve a detailed erosion control and protection plan, but it does not address irreversible damage to the mesic oak savanna on the bluffs. (pp 40, 44)

4. Benefits to the Critical Area Corridor described in the AUAR are pure propaganda. Reading this section gives one the ridiculous impression that 19 landowners would wreak havoc on the bluffs, shorelines and islands, and a mixed use development with over 1,000 people on or near the river daily will provide ample protection of the Critical Area. (pp. 38-39)
B. Compliance with Shoreland District Restrictions are improperly stated and insufficient.
1. The City of St. Paul Park does not have a state approved Shoreland Ordinance, and therefore the proposal to adhere to its guideline of a 75-foot setback from the ordinary high water level (OHWL) is invalid. The County’s Shoreland District must be adhered to in this case.
2. Washington County considers the entire pool 2 to be classified as a Natural Environment Lake with a 1,000-foot shoreland district. Everything within 1,000 feet of the OHWL requires a 150-foot setback, and building heights are restricted to 35 feet.

C. Scenarios offered are insufficient and do not provide useful alternatives to the proposed development.
1. Scenario III does not offer a compromise. Given the magnitude of difference between scenarios I and II, and the numerous potential environmental impacts associated with Scenario II, it would be helpful to have a scenario that offers something in between for the purposes of comparing the level of environmental impact. Furthermore, both the City and Township Planning Commissions specifically requested a scenario for 1,000 units of housing. A scenario of this density with no development in the Critical Area would offer a true alternative that would protect the sensitive natural areas of the site. Scenarios II and III are simply too large and encroach on too much on the river’s resources for mitigation of the environmental impacts to be possible. (p. 14)
2. The AUAR falsely and repeatedly portrays Scenario I as a situation that would potentially cause major damage to the bluffs, shoreline and islands. Scenario I calls for 57 housing units total, 19 of which would be private lots along the river, and it adheres to all current plans and ordinances. This portrayal of how current laws and protections would lead to major environmental impacts is followed up by comparisons that Scenario II (2200 housing units, over 600 of which will be on the river) will protect and preserve the integrity of these sensitive areas. This is disingenuous, misleading and inappropriate for an environmental review document. (pp. 38-39 under Benefits, also see p. 5)

D. Amending existing plans to meet the needs of the proposed development is not an acceptable mitigation strategy.
1. The disregard for the importance and value of existing laws and ordinances is very disconcerting. It appears the developer simply wants to make the standards they don’t want to comply with go away. The City must not allow this level of abuse to occur to laws and ordinances that have been thoughtfully developed by our elected and public officials. These laws are designed to protect resources of local, regional and national significance. As the RGU on this AUAR, it is the responsibility of the City of St. Paul Park to uphold these laws—not to go along with any amendments the developer requests.

In summary, the dismissive approach to current laws and the disingenuous depiction of the impacts that will result from amending these laws is unacceptable. The impacts of the proposed development will be enormous, and the developer must present a mitigation plan that truly addresses the impacts, rather than getting around them through legal maneuvering. Our state laws will not allow this development to go forward as planned. The City should require a full Environmental Impact Statement in order to protect the significant resources that benefit the community as well as the region and the state.
June 25, 2003

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

RE: Draft AUAR Rivers Edge project
Metropolitan Council Review File Number 18959-1
Metropolitan Council District 12

Dear Mr. Sittlow:

Council staff has conducted a review of the Rivers Edge draft alternative urban areawide review (AUAR) to determine its accuracy and completeness in addressing regional concerns. The staff review has concluded that the AUAR is incomplete with respect to the projects potential impact on the Mississippi River Critical Area (Item 14). Additional analysis is required to determine the visual impact of structures in excess of 35 feet. Council staff is working with the Minnesota Department of Natural Resources and the National Park Service to propose a method for assessing the visual impact of the project on the Mississippi River corridor. Council staff provides the following advisory comments for your consideration.

Item 6 – Description

A parkway is described on Page 7. The Final AUAR should show the location of the future regional trail with the parkway plans. A trail connection to the river at the harbor area would benefit both regional trail users and future residents of the area. The trail infrastructure should be included in the Development Schedule Table 6-5 on page 13.

Item 8 – Permits and Approvals Required

Sanitary sewer service connection plans for the proposed project will need to be submitted to the Metropolitan Council Environmental Service Municipal Services staff for review, comment, and issuance of a construction permit before connection can be made to either the municipal or metropolitan wastewater disposal system.

Item 10 – Cover Types

Increasing the clustering and placing buildings farther away from the high quality vegetation areas, the river and bluffs could preserve more of the highest quality natural vegetation. Avoiding all of the areas that are rated as the “higher quality native plant community” as shown on page 20 of the AES inventory (AUAR figure 10-1) would be ideal for protecting the natural resources of the area. The County Biological Survey data on page 18 of AES inventory (AUAR figure 11.2) seems relatively consistent with the areas mapped by AES. These areas include the river’s edge, bluffs, the knob of land north of the harbor and the northern most corner of the project.

Preserving the native vegetation on the northern most corner above 14th Avenue could ultimately provide for an expansion of Riverside Park that is adjacent on the north side of the AUAR property.
Item 11 – Fish, Wildlife, and Ecologically Sensitive Resources

The draft AUAR document clearly identifies the location of Bald Eagle nests near the proposed project site. The text and Table 11-4 need to adequately identify the location of the three ‘threatened and endangered’ fresh water mussel species that could be impacted by the proposed project. The reference to mussels, which “were recently found living in the Mississippi River near the site,” is not adequate. The document states that these mussels can be harmed or destroyed by (upstream) dredging or elevated river sediment levels. While the document states that storm water runoff from the site will be pretreated to remove 85-95 percent of the total suspended solids, Council staff is concerned that proposed storm water discharge points may negatively impact the nearby mussel population.

Figure 17-1 in Appendix A indicates that two storm water lines are planned to be constructed to discharge into the river bay. While storm water flows from these lines should not, by design, contain significant levels of suspended solids, their discharge into the shallow bay will subject the shallow bay to significant flow volumes and velocities which will result in the re-suspension of significant amounts of sediment which will be hydraulically forced out of the bay into the river channel. If the mussels beds are located either in the bay or immediately downstream of the bay, they will be negatively impacted by sediment flushed from the bay by storm water runoff as currently proposed. Further storm water runoff comments are found under Item 17. The Final AUAR needs to identify the location(s) of the threatened and endangered mussel species, so that all proposed storm water discharge structure locations can be re-evaluated for their potential for negative impact on the mussel populations. Final decisions on the final design and location of storm water discharge structures should involve both Minnesota Department of Natural Resources and Watershed staff.

Council staff is concerned that the 40-foot bluff setback will not be sufficient to serve as an adequate wildlife corridor along the Mississippi River, particularly in times of seasonal high flow. Figure 14-1 identifies all of the islands within the channel, as being within the 100-year floodplain, and as such, will be uninhabitable by any wildlife during high flow periods. The riverbanks on the north and south sides of the bay are vertical rock walls rising out of the bay. Council staff recommends that the setback be widened at the top of the bluff, to provide a more continuous vegetation and wildlife corridor.

The document proposes, on page 30, to remove invasive and exotic species within the bluff and bluff setback areas on the site. The Final AUAR should provide lists of acceptable and unacceptable vegetation that may be utilized to restore the native plant communities in the different habitat zones located on the site. Additionally, the AUAR should indicate how exotic species will be controlled an on-going or long-term basis.

Item 14 - Water-related Land Use Management Districts

The AUAR discusses the Mississippi River Critical Area requirements. The AUAR notes that the proposed development under scenarios 2 and 3 will:

- Require the amendment of the critical area district boundary from rural open space district to urban developed district, to include the proposed development
- Require amendments to the Critical Area Plans for St. Paul Park and Grey Cloud Island Township
- Protect 98 percent of the river bluffs and islands in perpetuity through conservation easements
- Restore degraded or polluted areas of the property
- Alter existing slopes
- Exceed height limitations
Both Grey Cloud Island Township and the City of St. Paul Park prepared Critical Area plans, which were reviewed by the Metropolitan Council. The Council reviewed the Township’s Comprehensive Plan and Critical Area plan on January 5, 2000. The Department of Natural Resources approved the plan with contingencies on March 3, 2000. The Council reviewed the City’s plan on October 20, 1999. The Department of Natural Resources approved the plan with contingencies on December 19, 1999.

The Critical Area and the various districts within the Critical Area are shown in Figure 6. The downtown and refinery area of Saint Paul Park are designated, “Urban Diversified District,” while the southern section of the City is designated, “Urban Developed District.” Grey Cloud Island Township, including the project site are designated, “Rural Open Space.” The Executive Order establishes guidelines for each corridor district.

Safe access to the river could be designed without altering the 18% slopes (page 39) by realigning the axis between the shore and the “town center.”

The AUAR seems to suggest that a 40-foot setback from the bluff line as the sole and uniform river setback for the project (page 40). The 40-foot setback from the bluff line is the Critical Area setback for the Urban Developed District. Under the currently applicable Critical Area District, the Rural Open Space District, there is a 100-foot setback from the bluff line. Additionally, the AUAR notes that the Washington County shoreline ordinance requires a 150-foot setback from the ordinary high water line. A 200-foot setback may be required.

A flexible, negotiated setback that takes into consideration the landform, the height of adjacent vegetation, and the proposed height of adjacent buildings, may be appropriate rather than a setback standard. A performance based approach to setbacks and building heights would be a good alternative.

Additional analysis is required to determine the visual impact of structures in excess of 35 feet. Council staff is working with the Minnesota Department of Natural Resources and the National Park Service to propose a method for assessing the visual impact of the project on the Mississippi River corridor. A “Visual Analysis” should show the impact of structures in excess of 35 feet from a variety of locations in the river corridor. Based on the results of the Visual Analysis, a site plan which minimizes the visual impact of the project on the natural and scenic qualities of the Mississippi River corridor can be developed.

Item 15 – Surface Water Use

The document states that a boat ramp is proposed to be located in the bay area. The document does not state what type of boats would be used in the bay. Motor boat traffic in the bay create additional sedimentation concerns. Seasonal shallow water levels in the bay of 2 to 4 feet, the threat of sediment re-suspension, and the high potential for mussel impacts (if located downstream), all suggest that motor boat traffic in the bay is problematic.

Item 16 – Erosion and Sedimentation

The document states that a temporary sediment basin will be constructed adjacent to the waters edge in the vicinity of the bay. Due to the high potential for re-suspension of fine sediment within the bay and its subsequent re-deposition either in the bay or river channel, Council staff recommends relocation of this proposed basin. While this recommendation creates practical difficulties, it is noted that any temporary sediment basin would increase the rate of runoff into the bay and negatively affect the quality of water leaving the bay into the river from the site.
Item 17 – Water Quality: Surface Water Runoff

The document states that storm water runoff is proposed to be routed to treatment basins, followed by discharge to the Mississippi River. The site is dominated by coarse-grained soils that would be conducive to infiltration of pretreated storm water runoff. It will be very important to minimize storm water runoff volumes, in light of the water quality problems that would be created by discharging into the river bay, and the difficulty of construction of outfalls to the river in the vicinity of the bedrock bluffs. The Council recommends that the proposed development's storm water runoff plan be augmented to more fully utilize low-impact development (LID) storm water retention techniques wherever possible, to maximize on-site infiltration of storm water and minimize the direction of increased volumes of storm water off-site. At present, infiltration is only proposed to be considered within the River's Edge Linear Park. The Council encourages utilization of the LID techniques throughout the entire site. Additional LID and surface water best management practices information is available on the Council's website: http://www.metrocouncil.org/environment/Watershed/bmp/manual.htm.

Item 19 – Geologic Hazards & Soil Conditions

Extensive dolostone deposits are present on the site, (see Figure 10). The Council realizes the importance and value of the limited amount of aggregate resources within the metropolitan area to its transportation system and building industry. These limited resources are rapidly being depleted or lost from access. Council staff understands that on-site mining of this resource is only planned for on-site construction needs. The Final AUAR should spell out the extent to which on-site aggregate will be mined prior to development.

Item 21 – Traffic

The draft AUAR for the Rivers Edge project is complete and accurate regarding the transportation analysis.

The draft AUAR contains a detailed traffic analysis of the no-build and two build scenarios under phased conditions. Daily and peak hour traffic was forecasted for the different scenarios and compared to the available capacity of existing local roads, key intersections and the regional facility (TH 61 and its St. Paul Park interchange, which is currently undergoing a major upgrade as part of the Wakota Bridge/TH 61 reconstruction project).

The study concluded that the three scenarios exhibit a range of daily traffic volumes from about 500 vehicles (Scenario 1, no build) to 21,655 (Scenario 2, 2400 housing units plus mixed use commercial/institutional). A number of phased transportation improvements would be needed to accommodate the traffic under either development scenario. These include:

- widening Third Street to a three-lane roadway with two-way left turn lanes;
- extending the 95th Street extension bridge over the railroad tracks prior to constructing the final phase of Scenario 2; and
- signalizing the intersections of Broadway/Third Street and Broadway/Summit when appropriate signal warrants are met.

If these improvements are made, the affected roads will have the capacity to handle the traffic generated by either development scenario. The draft AUAR does not specifically explain how these needed mitigations and improvements will be funded, however.
With the Wakota Bridge reconstruction project and the TH 61 upgrade now underway, the TH 61 interchange in St. Paul Park will have greatly increased capacity and is expected to operate at level of service "C" or better in the future even with development traffic added to currently forecasted volumes.

The AUAR also points out that the Rivers Edge development is likely to generate additional demand on the transit system for "home to work" trips because of its high concentration of residential units. Currently, about 40% of the work trips from St. Paul Park to downtown Minneapolis, and 20% of the St. Paul bound work trips from St. Paul Park use transit. Rivers Edge residents using express transit to the downtowns will place additional demand on the Cottage Grove Park and Ride lot and express transit service but would mitigate expected vehicle traffic on the roadway system.

**Item 25 - Nearby Resources**

Coordinating with Washington County parks will help plan for the future regional trail location and design details. AUAR Figure 25-1 does not show the regional trail.

Riverside Park in St. Paul Park appears to abut the northern edge of the AUAR. (Shown on figure 6-2).

Mitigation could include adding the wooded corner of the AUAR property to Riverside Park in order to protect this higher quality wooded area.

**Item 26 – Visual Impacts**

See items 27 and 31.

**Item 27 Compatibility with plans and land use regulations**

Table 8-1 points out that the Metropolitan Council is responsible for review and action on the amendments to the comprehensive plans for both communities that would be required to permit the proposed project. Amendments to the land use plan, transportation plan and possibly the parks and open space plan will be required. The Council will also review and make recommendations to the Department of Natural Resources concerning the amendments to the Critical Area plans of the two communities.

The following paragraphs describe how regional plans impact the two communities, the two communities comprehensive plans, and the communities critical area plans.

The AUAR refers frequently to the Blueprint 2030 plan. It should be noted that the Metropolitan Council is reviewing local comprehensive plan amendments against the 1996 Blueprint and metropolitan system plans in effect on March 27, 2002; not Blueprint 2030. However, communities may request that their plan amendments be reviewed against Blueprint 2030. For more detail on the Council’s review of comprehensive plan amendments, see Council Resolution 2002-12.

The anticipated comprehensive plan amendment for Grey Cloud Island Township will include urban sewered housing units in the community for the first time. If this is the case then, it will be necessary for the Council and Township to review how the Township’s comprehensive plan addresses the issue of affordable and life cycle housing.
Mr. Barry Sittlow  
June 25, 2003  
Page 6

The Regional Growth Strategy map in the 1996 Blueprint designates Saint Paul Park as, “Urban Area,” and Grey Cloud Island Township as “Urban Reserve” (Figure 4). The Regional Growth Strategy map (Figure 4) also shows an overlay designation of “Illustrative 2020 MUSA” for the section of Grey Cloud Island Township north of the Grey Cloud channel.

The Grey Cloud Island Township 1999 – 2020 Comprehensive Plan shows the site of the Rivers Edge project as guided for “RR” or “Rural Residential” with development limited to one unit per 10 acres. The City of Saint Paul Park Comprehensive Plan 2000 – 2020, does not include the proposed Rivers Edge project site as the project is outside the City.

The Grey Cloud Island Township Comprehensive Plan 1999-2020 calls for the Township to retain all lands as permanent rural without urban services. However, the Plan recognizes the possibility that the Rivers Edge project site could be developed for urban development with urban services (page 12 and Figure 13). The Plan also shows that the site has constraints with respect to “developing dwellings with basements,” (Figure 5).

The Council’s staff report on the Grey Cloud Island Township 1999 – 2020 Comprehensive Plan / MNRRA Critical Area Plan included the following finding and conclusion.

The plan is generally consistent with the Regional Blueprint Growth Strategy in that it retains undeveloped lands within the urban reserve at rural densities that would not preclude future urbanization if the areas were annexed into a neighboring city. The Council also accepts the township's plan to retain all areas as permanent rural and not extend urban services. There would be no significant impact on the Council's ability to accommodate the region's growth.

The Council's review of the Plan on January 5, 2000 included the following recommendation.

That the Metropolitan Council recognize and support the Township's efforts to retain the rural open space character of the Critical Area in fact finding reports related to future annexation hearings.

The Blueprint 2030 Growth Strategy map, shows Grey Cloud Island Township as “Diversified Rural.” Strategies for Diversified Rural Communities include, “Encouraging local zoning of land that prescribes no more than 64 units per 640 acres or other official controls that are equally effective in preserving agricultural land and rural character.” Council strategy includes the following guidance concerning regional infrastructure:

Regional infrastructure investments in Diversified Rural Communities will consist of expenditures for parks, open spaces and green corridor connections - including acquisition and development of regional parkland to serve the residents of the region. Investments in wastewater treatment and transportation infrastructure will be consistent with the Council’s intent to limit the amount of development occurring in Diversified Rural Communities.

The Blueprint 2030 document discusses Diversified Rural Communities on pages 55 – 57.

Item 28 – Infrastructure and Public Services

Additional information received from McCombs Frank Roos Associates, Inc. (MFRA) indicates that the potential sewer flow from the City at build out is .71 mgd. Adding that to the build out numbers for Rivers Edge .65 mgd, .096 mgd for Cottage Grove and .023 for something classified as “other property” brings the total build
out needs for the area to 1.49 mgd. The metropolitan interceptor was designed with a capacity of 1.6 mgd for the City of St. Paul Park. Thus, there is no impact to the Metropolitan Disposal System.

**Item 31 - Summary of Issues**

There are four key issues that the Final AUAR and subsequent plan amendments will need to address in order to successfully manage the impact of the proposed project.

23.6 Building heights and setbacks and their impacts on the Mississippi River corridor will require further study. The Council supports the development of an inter-agency approach to a visual analysis for the project.

11.5 The nature and extent of public improvements to the open space to be included in conservation easement lands, the development of the regional trail, and the on-going management of the conservation lands all need to be spelled out.

17.2 A plan to manage storm water in a manner that avoids discharges into the bay should be prepared.

21.2 The proposed traffic improvements will accommodate the anticipated traffic. Arrangements to ensure the timing completion of the proposed improvements should be spelled out.

**Conclusion / Questions**

This will conclude the Council’s review of the AUAR. The Council will take no formal action on the AUAR. If you have any questions or need further information, please contact Michael King, Principal Reviewer 651.602.1438 with any questions.

Sincerely,

**Ann Beckman**

Ann Beckman, Interim Director
Planning and Growth Management

Cc: Council Member Chris Georgacas
    Council Member Richard Aguilar
    Richard Adams, Grey Cloud Island Township
    Theresa Greenfield, MFRA
    Ann Pung-Terwedo, Washington County
    Matt Moore, South Washington Watershed District
    Steve Johnson, Minnesota Department of Natural Resources
    Wayne Barstad, Minnesota Department of Natural Resources
    Kate Hanson, National Park Service
    Michael King, Principal Reviewer
    Cheryl Olsen, Reviews Coordinator

Attachments: Figures
June 25, 2003

Barry Sittlow
St. Paul Park City Administrator
St. Paul Park, Mn 5571

Dear Barry,

With regard to the AUAR document, I have a few thoughts I wish to express.

I read about three scenarios for this building project, but feel the second and third scenarios get much more attention than the first. Building the first idea would certainly save the Mississippi River's edge as well as the sanity of the citizens of St. Paul Park. A hundred or so cars would be easier to take than what would happen if 1500 new units were built. A fewer number of single houses on the bluff is good.

Thinking about the traffic if more than 1500 housing (units, I guess is the proper language here) are eventually built, seems a hardship on the present citizens of St. Paul Park. Would this developer be responsible for the additional road upkeep, as well as the three stop lights they recommend, after they are out of the picture? Certainly the letter the Town Board received from the County tells us the County is not able to do any upgrading or is even interested. Did I read somewhere the County wants to turn the #75 back to the Town or the City.

The AUAR discusses a bridge at 95th St. and there has been no dialog with Cottage Grove. I would think someone would have some documentation that Cottage Grove is willing to be involved.

I haven't even touched on the environment in my letter. That little fresh water spring will be gone. It was here when Elias Scofield came in 1854 and was thrilled that he would have fresh water on the farm he would build and eventually lived at for 50 years. The Scofield house is pictured in the So. Washington Heritage Society 2003 Calendar.

This development presents a great number of problems and I wish you well dealing with all of them.

Respectfully submitted,

Alice Robinon
Alice Robinson
1221 Summit Avenue
St. Paul Park, Mn
June 25, 2003

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

Re: Comments on Rivers Edge Draft AUAR

Dear Mr. Sittlow,

Sierra Club North Star Chapter submits these comments on the Rivers Edge Draft AUAR for St. Paul Park's review and consideration. Pursuant to your request, a hard copy of these comments have been placed in the U.S. Mail.

As a national organization with over 20,000 members in Minnesota, Sierra Club has successfully worked with citizens and elected officials from communities who are choosing to grow while protecting natural resources. We encourage St. Paul Park to realize that your community's natural amenities are its greatest assets and truly sets apart from many other suburban areas who have little to show for their town identity other than highways, strip malls and cookie cutter housing developments.

The legacy of St. Paul Park also includes its proximity to the Pine Bend Scientific and Natural Areas, 168 acres recently placed into permanent protection by the Minnesota Department of Natural Resources ("DNR") and located directly across the river from the Nesvig property.

The proposed Rivers Edge Development will cause serious and irreversible environmental damage to the Mississippi River Corridor and its dependent and sensitive natural systems. The bluffs and natural bay serve as habitat for wildlife and will be irreparably damaged by this development. For these reasons the Sierra Club recommends that the City of St. Paul Park consider the following comments.

As the responsible unit of government ("RGU"), you have the right to request environmental information necessary to fully understand the impacts of the proposed development on your community. The AUAR proposed by the developer is completely inadequate in providing the city with the information it needs to review the project and to make an informed decision whether to allow the project to proceed as is, require reasonable and appropriate changes in the project design and scale, and to incorporate necessary mitigation measures.

The substantial and imminent threats proposed by this development require a full Environmental Impact Statement. This is not excessive, nor is it discretionary. Minnesota law requires that the level of detail of information and analysis of an AUAR should be commensurate with that of an EIS. This AUAR falls well below the bar of what an EIS requires for a development of this size, density and proximity to sensitive and unique natural resources.
We also advise you that the use of an AUAR for a development of this type is not permitted under Minnesota law. This single project exceeds the threshold that requires a mandatory EIS. AUARs were designed for RGUs who wish to take the lead role in planning for the developing a larger geographic area where several developments would take place over time. By reviewing all of these issues at once, including cumulative impacts, early in the planning process, the community could make informed choices as to how and where it would grow. This was why the level of detail was required to be equal to that of an EIS.

The AUAR process was not intended by Minnesota lawmakers to be used by a few developers as a convenient way to attempt to shield themselves from disclosing to RGUs the important information necessary to make the best decisions for their community.

One of the most serious issues concerning this project is proposed amendments to recently completed Mississippi River Critical Area plans. The amendments completely undermine the purpose of the plans and severely compromise the very river and shoreline areas it was designed to protect. Created to protect the Mississippi resources when planning for development near the river, these Critical Area plans serve a valuable role to guide communities through future planning decisions. These plans were created by citizen input and DNR review and allow communities the freedom and authority to reject development inconsistent with these plans.

Sierra Club urges the city to take a “hard look” at some of the AUAR somewhat misleading statements addressing what developers assert are the “environmental advantages” of the project. The AUAR repeatedly claims that 226 acres of “river open space” will be protected. Under close scrutiny, none of these acres were in danger of development because they do not occur in the developable area. Moreover 145 of these acres are open water and 81 acres are off-shore islands, shorelines and steep bluffs.

Additional areas of concern include that the AUAR fails to address cumulative impacts of the project beyond its boundaries. The AUAR does not adequately discuss the project applicability to the Washington County Shoreland ordinance that requires 150 foot setbacks and limits building heights to 35 feet. The AUAR proposed Scenarios 2 and 3 disregard the Critical Area Standards and offer no reasonable mitigation.

The AUAR downplays, and in some areas completely omits any substantial analysis on the project’s impact to fish and wildlife habitat. The bay is a pristine area for resident and migratory waterfowl. In particular, contrary to the inadequate assertions of the AUAR, the project would have significant impacts on bald eagle nesting areas. The proposed mitigation that is offered in completely inadequate to address these concerns. There will be development in the nesting season of these eagle, but the AUAR is silent in discussing the cumulative impact of the project on these eagle area after construction is complete and the residential and commercial buildings are occupied.

The area possesses a rare dry oak savanna forest on a northern bluff that is completely ignored by the AUAR, nor are there any assessment or ranking of any of the other floodplain forest. Proposed 40 foot setbacks are not sufficient to protect these areas from the substantial impacts that will result from erosion, and foot traffic and non-native species that often result from high density developments.

There are several hydrological issues that have not been adequately addressed by the AUAR. The site has springs and seepage areas that are quite rare and the proposed
The mitigation of 70 foot buffer for the springs is not sufficient to project these high quality areas. More study of the affects of the project on groundwater is also appropriate.

The AUAR’s stormwater management plan does not provide sufficient analysis and mitigation of the impact of stormwater runoff into the bay. The minimum requirements as defined by MPCA do not compensate for the additional measures that MPCA itself recommends when dealing with potential stormwater impacts to rivers and other water bodies such as the bay. To best minimize the impacts of stormwater to the river, much more than minimum must be employed.

Unfortunately, this AUAR comes close to the “don’t ask, don’t tell” process that often occurs with the development of ecologically sensitive areas. One wonders if they sincerely believe that an inadequate and incomplete analysis of these issues somehow assists or expedites the RGU’s review process. In the end, lack of detailed, credible and reliable information and analysis places the RGU at a substantial disadvantage in its responsibility to make the best land use decisions for its community.

It is appropriate for a RGU to request that a development project be modified substantially before approval is provided. Numerous RGUs have required that a project’s scale, location, density, be changed to accommodate the concerns of the community.

This authority has been specifically recognized when the developer is requesting a zoning change or variance or a comprehensive plan amendment. Mere ownership of property does not determine how it is to be developed. What should determine what will or will not be built is a communities comprehensive plan, its elected body, and its citizen input.

We therefore request that the RGU actively engage in these discussions with the developer, along with citizen representatives from the community and not to take as “whole cloth” the project as it was officially submitted.

Thank you for considering the Sierra Club’s comments to the Draft Rivers Edge AUAR. It is important to acknowledge that some form of development may still be appropriate for the overall site. A substantially revised project design that is consistent with the recently established standards in the Critical Area plans, and that reflects the desire of the community should be the essential elements that guide the city’s decision-making.

You have a rare opportunity to determine what your children and grandchildren will see when they think of St. Paul Park. Let them see a community that chose to protect its shoreland, its unique bay and slopes, and the river itself, while allowing reasonable and appropriate development to occur that is compatible with the River’s invaluable resources.

If you have any questions regarding our comments, please feel free to contact me. We look forward in providing

Best regards,

Sharon Stephens
Executive Committee
Sierra Club North Star Chapter
June 25, 2003

re: Alternative Urban Area-wide Review for
St. Paul Park, Gray Cloud Township, and "River's Edge"

Commenting on Section 21 and Section 28 dealing with Traffic, and Impact on Infrastructures & Public Services, the Draft AUAR completely fails to recognize the economic, social, and human impacts of road improvements to benefit "River's Edge.

The AUAR fails to warn how the new traffic will impact (perhaps literally) on the children at Pullman Elementary School, Oltman Junior High School, and two playgrounds on Pullman Avenue.

The AUAR fails to notice the vital and useful existence of the Post Office on Third Street, and ten private businesses on Third Street and Pullman Avenue. Do we want to lose the Post Office and important businesses as Newport business has been decimated by Highway 61 improvements?

The AUAR fails to notice 216 houses and residential structures on Pullman Avenue, 3rd Street, or south of Pullman in the path of disruptive construction, ruinous assessments to benefit "River's Edge"; nor the outright removal by eminent domain of homes, residents, and taxpayers to transfer wealth from St. Paul Park citizens to the pockets of unscrupulous speculators.

John Waldo
2121 Gray Cloud School Drive S.
St. Paul Park, MN 55071
July 2, 2003

Barry Sitlow, City Administrator
City of St. Paul Park
600 Portland Ave.
St. Paul Park, MN 55071

RIVERS EDGE MASTER DEVELOPMENT PLAN DRAFT ALTERNATIVE URBAN AREA-WIDE REVIEW (AUAR)

Dear Mr. Sitlow:

The Washington County Board of Commissioners has reviewed the draft AUAR for the Rivers Edge Master Development Plan. I have divided our comments by Transportation and Land Use concerns. Our Comments are as follow:

Transportation Comments:

1. The most critical transportation issue for this development is how drivers will access the regional transportation system from the development area. In general, the AUAR fails to adequately address how the transportation infrastructure, both inside and outside of the development will provide safe and efficient access to Trunk Highway 61.

   A. The extension of 95th Street South westward into the Rivers Edge development is a critical element in accommodating the traffic that will be generated. In order to make this connection, the requirements of the City of Cottage Grove must be met.

   B. Section 21c - Identification of Key Analysis Locations, lists seven results of the traffic assignment and analysis process (Page 59). We have the following comments on each:

      i. We agree with the statement on the capacity of the new Trunk Highway 61 interchange.

      ii. The statement on Broadway Avenue’s ability to accommodate the added traffic needs to be clarified. Lane configurations for handling the additional traffic need to be specified and the impact on parking, need for additional right of way, delay to cross streets, and other impacts to residents and the local street system need to be identified and discussed.

      iii. The concerns regarding impacts to Broadway Avenue apply to Third Street but are amplified because of Third Street’s more diverse mix of residential and business uses.

      iv. We recommend that the City and Township seriously consider whether this development is viable without an easterly connection at 95th Street South (or another location). We do not see Pullman Avenue as a reasonable alternative to a new connection.
v. We recommend a development agreement or escrow account to ensure that the developer pays for traffic signals necessitated by this development. Any traffic signals on County routes would need to meet traffic signal warrants, as specified in the Minnesota Manual on Uniform Traffic Control Devices, and would need to be approved by the County Engineer. Unless signals were developer-funded we would not install them until they were candidates for funding under the County’s Traffic Signal Ranking System.

vi. The data presented asserts that the surrounding roadways can accommodate the additional traffic with the recommended mitigations. However, the physical ability of the road system to carry the traffic does not address impacts that transforming them from residential/business streets to commuter routes will have on the residents and businesses that currently abut those streets. The interests of residents and businesses affected by this development should be protected. The recommended changes to the lane configurations of Third Street and Broadway Avenue would directly affect those residents and businesses. The traffic that this development would add to these streets will affect access to the streets and may create safety concerns.

C. Broadway Avenue is still under County jurisdiction. While the capacity analysis, which states that the road segment is of sufficient width to accommodate the projected traffic is technically correct, that traffic cannot be accommodated without reconfiguring the traffic lanes. This would affect property owners along the road segment, particularly in the commercial area where angle parking would need to be prohibited. Public input should be solicited on the changes that would be needed in this area also. We recommend that the City analyze traffic impacts to Pullman Avenue and possible mitigation scenarios. The public should be informed and their input sought on the impact of development traffic on this and other alternate routes serving the development.

D. While the proposed improvements to Third Street are issues for the City of St. Paul Park to consider, we are concerned that the AUAR recommends a three-lane configuration for this road segment and a four-lane configuration for the “parkway” segment through the development. This would create a “bottleneck” where traffic could be expected to increase. We strongly recommend undertaking a full public participation process to inform the affected residents and businesses of the impacts these improvements would have on their properties before any approvals are given.

Because County Road 75 primarily serves local traffic, it is a candidate for transfer to the City of St. Paul Park and Grey Cloud Island Township. This is amplified by the fact that County jurisdiction ends at the St. Paul Park city limits and at the 105th Street South/Grey Cloud Island Drive intersection. Roadway improvements described in Scenarios 2 and 3 describe a “parkway” replacing that portion of County Road 75 that traverses the development. If this road segment is to remain a County Road, any improvements must accommodate truck traffic and must be designed to meet Minnesota Department of Transportation State Aid Standards and County Standards. No information is given on design standards that would enable us to gauge whether these standards would be met.

a. Among the standards that any road which will be under County jurisdiction must meet are the Access Spacing Standards of the County’s Comprehensive Plan. County Road 75 is classified as a Collector route and as such, the access spacing standards
would specify 1/8 mile (660 feet) between access points. Because of the high
projected traffic volumes, center left-turn lanes would likely be required at all
intersections which would require greater spacing.

b. The drawings of the road systems for Scenarios 2 and 3 show two roundabout
intersections. Since roundabouts give approximately equal priority to all entering
roadways, we would need to assess whether more conventional intersection designs
would more properly accommodate the through movement of traffic on the County
Road legs of the intersections.

c. The General Development Schedule, shown on Table 6-5, would allow transportation
improvements to lag behind the need for them. Specifically, we would require that
the improvements to County Road 75 be done during Phases 1-3. We would
recommend that Third Street be upgraded to a three-lane section prior to the
completion of Phase 4 to avoid creating a “bottleneck”, and that the 95th Street
Connection be completed prior to the completion of Phase 4.

d. Table 8-1, which lists the required permits and approvals for the project, omits access
permits that will be required from Washington County for street access to County
Road 75. The table correctly states that multiple right of way permits will be required
at a separate permit for each utility installation. In addition, “Regional Trail Funding” is
listed in this table under County approvals.

3. At this time, Washington County does not have funds available for funding a trail through the
development. Any trail construction will be at the developer’s expense.

4. We concur with the figures in Table 21-1, Trip Generation Summary.

5. We have discussed the nearby mining operations with Aggregate Industries. This
discussion confirmed that the traffic volumes related to Aggregate Industries mining
operations listed in the AUR are essentially correct. The portion of aggregates trucked out
via County Road 75 tends to be project-specific. This results in highly variable truck traffic
through the development area. When aggregates are being hauled on County Road 75, the
truck traffic will be heavy for the duration of the project using the products. When that
demand is not there, there may be virtually no truck traffic generated for some time. It,
therefore, is not possible to average the number of trucks over the seven-month
construction season and arrive at a representative number for an “average” day. There will
be times that truck traffic from the mining operations will be heavy and this must be
accommodated.

6. Since the closure of the JAR Bridge, there has been discussion of a replacement
Mississippi River crossing, connecting Washington and Dakota Counties. Consideration
should be given to identifying a corridor for such a crossing. The road system of this
development could be designed to take advantage of a planned crossing but should at least
be designed so it will not preclude any possible crossing locations.

Land Use Comments:

1. We agree Washington County will need to amend the Washington County Comprehensive
Plan for Scenarios 2 and 3. The Washington County Comprehensive Plan identifies that
portion of the subject property west of County Road 75 as Rural Residential (1 home per 2 ½
acres) and land east of the road as Commercial/Industrial Rural. The development, as
proposed, is a significant departure from the adopted Washington County Comprehensive
Plan. The Washington County Comprehensive Plan does identify areas in the County as
transition areas where public utilities are likely to be extended in the future and transportation
infrastructure is in place for urban/suburban type development. The subject property is not identified in the Comprehensive Plan as a transition area. A Comprehensive Plan amendment and associated zoning and ordinance changes would be required.

Throughout the document, scenario 1 is used as a baseline for comparison purposes with scenarios 2 and 3. The development scenario for scenario 1 is not a likely way for the subject property to be developed. Individual drives onto County Road 75 would be restricted and it would be more likely for the property to be developed utilizing an open space design type subdivision, thus protecting the bluff and other natural characteristics of the property. In addition, there could be a common boat docking facility. Further, it should be noted if Scenario 1 were to take place, development would take place under the Critical Area standards adopted by the Township and Shoreland regulations of Washington County. Restrictions on tree cutting, land alterations, and development of steep slopes would be more restrictive under development Scenario 1 than Scenarios 2 and 3.

Under Scenarios 2 and 3, the Washington County Shoreland Management Ordinance would need to be amended ultimately changing the shoreland classification of the Mississippi River in this particular area. Currently, the Mississippi River is considered a natural environment waterbody requiring a 200-foot setback from the normal pool elevation and a 30-foot bluffline setback. It is unclear what the proposed setback from the normal pool would be, however it would appear to be approximately 100 feet.

The Metropolitan Council in their review did identify this area as a source of high quality aggregate. The Washington County Comprehensive Plan also supports preserving areas with high quality aggregate. This development would eliminate future mining of the property.

In the overall background/description of the project, it is indicated the project encompasses 667 acres. However, 145 acres is actually open water of the Mississippi River. It is misleading to include public waters as part of the project and include it as part of the open space in the development. In all scenarios, developable land should be used in calculations.

As noted on Pages 12 and 13 of the AUAR, Phase 5 of the proposed development indicates the clean-up of the auto salvage yard and ultimately redevelopment of this property. After discussing this with the developer’s planning consultant, we understand that the developer does not own this property, however, the auto salvage yard needs to be cleaned up to make the subject property marketable for residential purposes. If the property on which the auto salvage yard is located is ultimately going to be part of the overall project, it should be included in the AUAR. In addition, there should be discussion as to how the auto salvage yard on the adjacent property and the dumps/material storage areas are to be cleaned up and what environmental issues are likely.

The AUAR indicates significant excavation is necessary for installation of public utilities. However, specific details are lacking. Is the excavated material going to be crushed and removed from the site ultimately requiring significant truck traffic through the City? The extent of excavation needs to be detailed to be better able to evaluate both environmental impacts and impacts of the project on area residents during construction.

More detail on the extent of grading for the boat launch and other connections to the river is necessary to fully evaluate the environmental impact of the project. A preliminary grading plan with amounts of material to be moved or removed is needed.
9. The AUAR does not give a good description of the bluffline, for example: height above river, degree of slope, etc. This is needed in evaluating the impacts of the development close to the bluffline.

Thank you for the opportunity to comment on the Rivers Edge Draft AUAR. We look forward to working with the Township, City and the developer as the development progresses. If you have questions or comments, I can be reached at 651-430-4300.

Sincerely,

Donald C. Wisniewski, P. E.
Director of Transportation and Physical Development

c: Philip Dupre, Grey Cloud Island Township Board Chairman
Rich Mullen, Grey Cloud Island Township Clerk
Myra Peterson, Washington County Commissioner, District 4
Jim Schug, Washington County Administrator
Don Theisen, Washington County Engineer
Ryan Schroeder, Cottage Grove City Administrator
Kim Lindquist, Cottage Grove Director of Community Development
Nancy Hanzlik, Cottage Grove City Engineer
Rick Seifert, MFRA, St. Paul Park City Engineer/Grey Cloud Island Township Engineer
Theresa Greenfield, MFRA
Clara Schlichting, DSU
Allan Klugman, Westwood Professional Services
Peter Gualtieri, Bridgeland Consulting
Don Patton, D. R. Horton Homes
July 7, 2003

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

RE: Grey Cloud Township AUAR comments.

General comments.

1. Is the Township going to bear the costs of development outside of the development boundaries?
2. Are there provisions to repair or replace any of the existing residential water wells if it can be proved that the development activities have damaged these wells?
3. Shoreland Ordinance. The current Grey Cloud Township shoreland ordinance and critical area plans conflict with the proposed shoreland ordinance and critical area plans specifically with regards to setbacks and allowable building height. The current setbacks and heights are standard throughout the Mississippi River and St. Croix River corridors. Please explain the change and why these changes should be allowed.
4. Storm water management. Storm Water Ponds A and B direct water across private property. How will this be handled?
5. Height limitations. Nowhere in the river corridor are building heights of new structures allowed to exceed 35 feet. What acceptable reasons are there to allow increasing the building heights to 55 feet?
6. Deviations from slope requirements. Why is it necessary to change the slope of the land south of the bay?
7. Mitigation measures. What possible conditions or assumptions would require updating the AUAR in five years?
8. What provisions will be in place for allowing the City and school district to purchase vacant land for the new fire hall and the new elementary school?
9. General Mitigation Measures. Section that states “Amend, if necessary, etc…” should read, “Have to be consistent with the Critical Area and Shoreland Management ordinances.”
10. If the AUAR is approved, does this become a binding document?
1. Is the developer going to set up some sort of an escrow fund at the sale of each unit to cover the cost of a 95th Street bridge? If not, how will the bridge be funded?

12. Information is requested clarifying lot setbacks in the shoreland district in relation to the 100-year flood line, bluff line, setbacks and Ordinances of the City of St. Paul Park, Grey Cloud Township and Washington County.

13. Will the homes that are currently within the Township that will be annexed to St. Paul Park be assessed for street improvements such as curb and gutter, storm sewer, sanitary sewer, water or any other assessments as a result of the development?

14. Will the proposed boat ramp be limited to non-motorized watercraft?

15. Wouldn’t mitigation be simplified by reducing densities?

16. Critical area. The purpose of Executive Order 79-19 is: To protect and preserve a unique and valuable state and regional resource for the benefit of the health, safety and welfare of the citizens for the state, region and nation; To prevent and mitigate irreversible damage to this state, regional, and national resource; To preserve and enhance its natural, aesthetic, cultural, and historical value for public use; To protect and preserve the river as an essential element in the national, state and regional transportation, sewer and water and recreational systems; and To protect and preserve the biological and ecological functions of the corridor.

The developer proposes to change the designation of the property in question from Rural Open space to Urban Developed District. This is contrary to Executive Order 79-19 guidelines in order to manage the river corridor consistent with its natural characteristics and its existing development. Furthermore, the Urban Developed District definition clearly states that lands and waters within this district shall be maintained largely as residential.

17. Include in the AUAR, the original unpublished recommendations from Applied Ecological Services from their work in completing the natural resource inventory for the Rivers Edge development.

18. Include in its entirety the Applied Ecological Services natural resource inventory as an appendix to the AUAR.

Traffic comments.

The traffic analysis is woefully inadequate. These issues have not been addressed.

1. Figure F-7 only indicates added traffic levels. An additional figure needs to be added to include total traffic levels including the present traffic levels on all streets in St. Paul Park and Cottage Grove that will be affected by the development including but not limited to Pullman Avenue, 3rd Street, Broadway Avenue, the new Highway 61 interchange, Lincoln Avenue, Hastings Avenue, 9th Avenue, and 85th Street and Grange Boulevard to Highway 61 in Cottage Grove. Reason: A figure only depicting the additional traffic levels without adding the existing levels is unusable and does not adequately address the traffic problem locations.
2. A crash analysis needs to be completed comparing a three-lane roadway with continuous left turns that have numerous driveways to an alternative roadway. Reason: A three-lane roadway with numerous driveways will create unacceptable head-on crash rates.

3. How will on street parking be accommodated with the addition of traffic lanes on 3rd Street? Olmsted Junior High School needs the on-street parking for pick-up and drop-off and for special events. A comparative analysis needs to be completed to show roadways that are similar in traffic densities to the proposed densities on 3rd Street, such as 80th Street in Cottage Grove and Valley Creek Road in Woodbury. Reason: The residents of the City and Township require clear comparisons to make rational decisions.

5. The study needs to indicate the traffic levels and mitigation necessary for Lincoln Avenue, Hastings Avenue, 85th Street and Grange Boulevard in Cottage Grove. Reason: These roadways will be severely affected and have not been addressed.

6. The City is currently upgrading its streets, curbs and gutters, and utilities. How many of the upgrades that are currently under construction or scheduled for construction will not accommodate the increased traffic levels thus requiring additional construction?

7. Why are stoplights not required at 3rd Street and Pullman Avenue, Summit Avenue and Pullman Avenue, Pullman Avenue and Lincoln Avenue, Pullman Avenue and Hastings Avenue, 85th Street and Grange Boulevard? Traffic levels indicate that stoplights will be required at these intersections.

8. An analysis needs to be completed on the train traffic times and crossing closure durations. The resulting gridlock needs to be analyzed as to the length of time and its effect on connecting side streets. Reason: This extremely important aspect of the traffic study has not been addressed at all.

9. A crash analysis has not been included for the Y at Grey Cloud Trail and Grey Cloud Island Drive. The AUAR indicates that this intersection has experienced an unsatisfactory crash rate with absolutely no facts to indicate that this statement is true.

10. An analysis of the proposed roundabout within the development needs to be completed including examples of successful and unsuccessful roundabouts within the metro area. Reason: There is no information available to indicate if this proposed traffic control measure works, and to install this simply for aesthetics does not warrant using it.

11. The truck traffic analysis from the Aggregate Industries plant on Table F-3 does not indicate what levels will be experienced during flooding. This has happened three times in ten years. The traffic study needs to include such events.

12. Indications from Cottage Grove are that the City will not finance and will not provide assistance for the proposed 95th Street bridge construction and land acquisition. All references to the proposed 95th Street bridge should be excluded from the AUAR.
13. The traffic study does not include any information with regard to the 103rd Street underpass. This is a one-lane road. What are the proposed traffic level increases? What is the proposed accident rate?

14. The traffic study does not address the increased traffic levels on Grey Cloud Island Drive or Grey Cloud Trail. Include these traffic levels in the study.

15. The traffic study does not address the emergency vehicle routes or the ability to respond in the event of a multiple fire station required response. How does fire service equipment reach the development without a 95th Street bridge? The underpass at 103rd Street may not accommodate fire service equipment.

16. The AUAR indicates that roadway construction to accommodate the increased traffic levels will only commence after specific phases of the development are completed. This is both shortsighted and impractical. The roadway construction must occur prior to the start of the development Phase 2. Reason: Roadway construction occurring only after such construction is needed will cause undue delays, accidents, development construction and roadway construction traffic conflicts, and numerous other problems. Roadway construction must occur much earlier that the AUAR states.

Signed this 7th day of July, 2003.

Richard C. Adams
Richard C. Adams, Town Board Chair

Thomas N. Bell
Thomas N. Bell, Supervisor

Philip W. Dupre
Philip W. Dupre, Supervisor

Paul M. Schoenecker
Paul M. Schoenecker, Chair, Planning Commission

Richard E. Mullen
Richard E. Mullen, Clerk
July 9, 2003

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

Dear Mr. Sittlow:

I am writing in response to the draft AUAR for the Rivers Edge project dated May 1, 2003. The City of Cottage Grove has the following comments:

1. Traffic

Traffic is one of the main concerns the city has as it relates to Scenarios 2 and 3 found within the AUAR. The AUAR focuses only on the immediate local area and does not show the trip distribution within the City of Cottage Grove. My understanding of the traffic volume growth found in Table F-9 illustrates that trips within the St. Paul Park local system may drop by as much as 5,000 trips with the addition of the 95th Street Bridge and road extension. This bridge would add trips to the Rivers Edge project to Cottage Grove and would impact the Cottage Grove local street system, adding trips not contemplated when the road system was designed and built. Yet, the AUAR does not project the trip distribution of those additional trips within Cottage Grove’s local system.

On page 11, the AUAR notes that “it will also provide a route to TH 61 and southerly destinations via the 95th Street connection to Jamaica Avenue and the TH 61/Jamaica interchange.” The City has had two traffic studies commissioned as part of the Mississippi Dunes residential project review in 2001. One study dealt with the more immediate impact of the project while the second study addressed some of the local concerns about future development in the area and the impact on the existing roadway system. These studies are attached for your use and information. The studies found that the majority of traffic that will occur from development along Hadley Avenue, south of 95th Street, will use Hadley Avenue to access TH 61, via the 80th Street interchange, rather than travel east to Jamaica Avenue. This means that the additional traffic from the Rivers Edge project, estimated to use the 95th Street extension will also be added to the current Hadley traffic rather than using Jamaica as intimated by the AUAR. This is a primary concern of the City’s as the ADT on Hadley Avenue is more “typical of a major collector street,” rather than the local street as currently constructed.

The City Council has expressed concern over the potential impacts to Hadley Avenue that may be caused by future development within Cottage Grove. Therefore, unanticipated traffic from adjoining communities would cause additional concern. Cottage Grove has no intention of modifying the current design of Hadley Avenue, which presently has a two-lane design, no
pedestrian separation, and multiple property access points. Presently, the road is being reconstructed in its current design as part of the city's pavement management project.

The August 8, 2001, traffic study provided several options to the city to try to redirect more local traffic to the Jamaica intersection, especially traffic from new development. It would be expected that if the 95th Street connection was installed as part of the Rivers Edge development, the developer would need to also implement one or several of the proposed design solutions to mitigate adverse impacts to current residents living along Hadley Avenue. It also appears that the 95th Street extension and bridge is an integral part of the Rivers Edge project and it is expected that the developer will be significantly contributing to its construction and any necessary mitigative measures within the City of Cottage Grove.

Understanding that St. Paul Park and the developer cannot accurately project the tenant mix for the retail portion of the project, a composite rate for special uses makes some sense. However, the trip generation rates of the differing uses can be quite disparate and the traffic patterns dissimilar. An analysis of traffic impacts should be made at defined periods throughout the project build-out to more accurately portray what is occurring as compared to traffic projections. This will assist in assessing when appropriate implementation of traffic improvements should occur as the AUAR indicates that the traffic estimates are conservatively high for many of the residential units.

The City is currently requesting that St. Paul Park and the developer redefine the current traffic study to recognize the future impacts of the Rivers Edge project upon the local system currently in place within Cottage Grove. The extension of 95th Street may be seen as a mitigative measure to residents within St. Paul Park, but it is clear from the studies Cottage Grove has undertaken, that traffic will worsen on our local streets without additional improvements being constructed that are not currently mentioned or anticipated in the draft AUAR.

2. Environmental

The City of Cottage Grove also functions under the Critical Area regulations and our local MNRRA plan. Care should be taken in the Rivers Edge project that the standards and expectations of governmental agencies regulating and enforcing these programs are uniformly applied to differing governmental agencies.

Preservation of unique resources within the flood plain of the River and within the Critical Area of the River is a laudable goal that should be emphasized in every development. Implementation of this goal should occur regardless of whether Scenario 1, 2, or 3 is implemented. For example, there are a variety of mechanisms that can insure vegetative maintenance and bluff preservation under any of the development scenarios.
3. Stormwater

The City and developer are strongly encouraged to meet South Washington Watershed District permitting requirements. The current status of this area as it relates to watershed regulation is unclear. However, Cottage Grove has worked diligently to meet or exceed current run-off standards. We have also worked with the Watershed to provide less structural solutions to stormwater run-off and therefore encourage the use of infiltration and groundwater recharge where feasible and reasonable. Cottage Grove wants to ensure that any systems created as part of the project are consistent with the adjoining City system, which includes assessment of impacts from a rate and volume standpoint.

4. Infrastructure.

The City of Cottage Grove has in our 2020 Comprehensive Plan mention of a river crossing into Inver Grove Heights. They also mention the crossing in their Comprehensive Plan. While the exact location has not been determined, and no funding identified, the ability to have another crossing in this general area of Washington County should be fully explored and development projects should not physically preclude installation of a crossing at a later date.

Thank you for the opportunity to review and comment on the Rivers Edge AUAR. If you have questions or need additional information, please contact me at 651-458-2824.

Sincerely,

[Signature]
Kim Lindquist, AICP
Community Development Director

Cc: Mayor and Members of the City Council
   Ryan Schroeder, City Administrator
   Myra Peterson, Washington County Commissioner, District 4
   Don Wisniewski, Washington County Director of Transportation and Physical Development
   Matt Moore, SWWD
July 9, 2003

Mr. Barry Sittlow  
City Administrator  
City of St. Paul Park  
600 Portland Avenue  
St. Paul Park, MN 55071-1501

Re: Rivers Edge Draft AUAR  
Grey Cloud Island Twp., Washington County  
SHPO Number: 2003-1295

Dear Mr. Sittlow:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have reviewed the results of the archaeological survey of the project area. The survey identified one site in the area - 21WA99. We agree with the determination that this site is not significant.

We note that the response to question 25a includes a mention of two properties included in the SHPO history/architecture inventory. However, the discussion of these properties appears to relate to their potential archaeological significance. It is not clear whether there are any issues related to their potential historical significance.

Contact us at 651-296-5462 with questions or concerns.

Sincerely,

[Signature]

Dennis A. Gimmestad  
Government Programs & Compliance Officer

cc: The 106 Group
United States Department of the Interior

NATIONAL PARK SERVICE
Mississippi National River and Recreation Area
111 E. Kellogg Blvd.
St. Paul, Minnesota 55101-1256

L8023(MISS)-3/C

July 10, 2003

Barry Sittlow, City Administrator
City of St. Paul Park
600 Portland Avenue
St. Paul Park, MN 55017

Dear Mr. Sittlow:

This letter is in response to the draft Alternative Urban Area wide Review (AUAR) for the proposed Rivers Edge development by D.R. Horton Custom Homes. As noted in the AUAR, areas of the proposed project site west of Highway 75 are located within the Mississippi National River and Recreation Area (MNRRA), a unit of the National Park System, and the state-designated Mississippi River Critical Area.

As you know, the National Park Service (NPS) does not regulate land use within the Mississippi National River and Recreation Area, except on seven NPS-owned islands in the 72-mile river corridor. Our Comprehensive Management Plan, which guides our activities in the MNRRA, incorporates by reference requirements of the State Mississippi River Critical Area, Shoreland and Floodplain programs. It directs NPS to cooperate with local governments, the Department of Natural Resources, and the Metropolitan Council to implement the state land use standards through local plans and ordinances. All of the above-mentioned agencies and governments have cooperated in the development of St. Paul Park's and Grey Cloud Island Township's Critical Area plans and ordinances, which provide guidance for development in the river corridor in your communities. Both the City and the Township plans and ordinances also address many additional, voluntary policies from the MNRRA Comprehensive Management Plan.

We are concerned that Scenario Two and Scenario Three outlined in the AUAR are inconsistent with key Critical Area requirements and voluntary MNRRA policies, such as those regarding structure height and protection of steep slopes and bluffs. These and other standards were put in place to recognize and protect the unique scenic, natural, cultural, recreational and economic values of the Mississippi River in the Twin Cities metropolitan area.

The following comments on the AUAR detail our concerns.

Item 6: Description

- The land use classifications listed in tables 6-1, 6-2, 6-3, and 6-4 are not consistent across the various existing land use and proposed development scenarios, and certain classification details are lacking in the description. This makes it difficult to compare alternative scenarios or assess impacts. For example, tables 6-3 and 6-4 identify 226 acres as "River Open Space" but do not provide the area of open water, islands, floodplain, or bluffs. What acreage of each of these surface types is contained within the 226 acres? What is the specific boundary of the "River Open Space" in Scenarios 2 and 3?
In addition to the Parkway, what is the acreage of other proposed paved areas, such as roads and parking lots?

What portions of the "River Open Space" are developable under existing ordinances? How much land will be publicly dedicated and where will it be located?

Other than Figure 14-3, the AUAR contains no description, maps or plans of the proposed location of buildings throughout the proposed development area. Without information on the size and placement of individual structures, it is difficult to compare proposed development scenarios or to assess potential impacts. Based on the title “Village Center Concept Plan” in Figure 14-3, it appears that this figure represents structures near the bay as proposed under Scenario Two. If so, are the building footprints, roads and parking areas shown in Figure 14-3 identical to the footprints, roads and parking areas being proposed under Scenario Three for the corresponding “Multi-family” and “Commercial” land use categories in the same 33-acre area? If not, how would they differ? What specific heights are proposed for each of the buildings in Figure 14-3? If this figure represents the proposed footprints for both Scenario Two and Three, what is the proposed height of each building under each scenario? What are the sizes, heights and locations of buildings outside of the area immediately near the bay?

Information on proposed trail construction should be included in the document. Where would the trails and associated features such as the pedestrian boardwalk, lookouts and seating be located? How would the trails be built and maintained? How will vegetation be managed around trail features? This information is needed in order to adequately assess impacts on the bay environment.

The statement on page 14 that the "Rivers Edge Master Development Plan and PUD will be consistent with Metropolitan Council reviewed and DNR-approved Comprehensive Plan and Critical Area Plan amendments" is misleading. Such amendments are only proposed at this time and no such review and approvals have been completed.

**Item 7: Project Magnitude Data**

- Maximum building heights listed in table 7-1 for Scenarios Two and Three are in excess of the limits outlined in the existing Critical Area plans of both St. Paul Park and Grey Cloud Island. What would be the visual impact of such building heights? A comprehensive views analysis is needed to evaluate how proposed building heights under each proposed development scenario would impact the scenic character of this part of the river corridor. (See our comments on Item 25d for viewing analysis recommendations.)

**Item 8: Permits and Approvals Required**

- The legislation that created the MNRA requires review of federally funded projects or permits. The National Park Service would review and comment on any permits issued by another federal agency. Also, because we share a boundary with the Mississippi River Critical Area, we are generally contacted by state agencies to review permits issued within the MNRA.

**Item 10: Cover Types**

- In addition to the natural resources inventory descriptions in this section of the AUAR, it should also be noted that in its April 10, 2003 comments to City and Township officials regarding its informal review of Comprehensive Plan and Critical Area plan amendments and the Rivers Edge AUAR Scoping Document, the Metropolitan Council noted the regional significance of the portions of the Rivers Edge property that are located in the Mississippi River Critical Area/MNRA. In this letter, the Metropolitan Council recognized that "the regional Natural Resources Inventory and Assessment (NRI/A) identifies most of the lands west of County Road 75 as regionally significant. Conservation
easements should be considered to ensure the long-term protection of the site's high quality natural areas, notably, the river islands, bluffs and seepage areas." Additionally, a significant amount of the proposed development site in the Critical Area/MNRRRA corridor is given an "outstanding" rank (both for water and land) on the Metropolitan Council NRI/A maps included with the April 10, 2003 comments. The National Park Service recently evaluated the ecological significance of lands within the MNRRRA; this evaluation also indicated that portions of the proposed development area are of ecological significance (the same general areas that were identified through the NRI/A).

**Item 11: Fish, Wildlife, and Ecologically Sensitive Resources**

- Please provide details of the proposed mitigation measures listed on page 30, including conservation easements, distribution of educational materials, invasive species removal plans, and tree preservation plans. Who would assume the ongoing responsibility for each of these measures, and how specifically would each be implemented? It is difficult to assess impacts on fish, wildlife, and ecologically sensitive resources without this information.

**Bald Eagle and Mussels**

- The October 28, 2002 letter from Sarah Hoffman, Minnesota Department of Natural Resources Endangered Species Environmental Review Coordinator to Lee Marlowe, Applied Ecological Services, (Appendix D) indicates that information recently gathered on mussel species was not included in the data made available to Applied Ecological Services. Has this new information been taken into consideration when considering potential impacts of the various development scenarios? If this data has not been acquired, it should be considered in the assessment of project impacts. Additionally, has Joan Galli, Minnesota DNR Regional Nongame Specialist, been contacted as recommended in the letter to assess impacts on eagle nesting sites? If so, what recommendations were made and have they been addressed in the AUAR?

**Item 12: Physical Impacts on Water Resources**

**Affected Water Resources**

**Stormwater Routes and Outfall Structures**

- How would any planned outfalls in the bay impact water resources there? Will changes in water usage and consumption affect area water resources, including groundwater, seepages, and springs? If so, this should be addressed in the AUAR.

**Seepage Areas and Springs**

- Would the seeps and springs be impacted by blasting, dredging and ground disturbance associated with construction, and by installation of new wells? If so, this should be addressed in the AUAR.

**River Bay**

- Information on fluctuations in water levels and how water levels would affect boat access is needed in order to evaluate the impacts of development in and near the bay. Due to seasonal water level fluctuations, the bay periodically dries up, and at times is too shallow to allow boat passage. While the AUAR indicates that no dredging is planned, it seems that dredging would be required to provide reliable boat access in the bay. If the intent is to provide year-round boat access and docks, the impacts of dredging and of boat use should be considered. The boat landing at nearby Lion's Levee Park currently provides small boats and canoes ready and safe access to this area of the river,
including the bay as water levels permit, and there are several marinas in this area. Considering this, is there a need for additional public ramp and dock facilities in conjunction with this development?

Item 13b: Water Use

Water Appropriation and Groundwater Levels

- Would there be any impact to groundwater resources from blasting or excavation of bedrock? If so, this should be addressed in the AUAR.

Item 14: Water-related Land Use Management Districts

Mississippi River Critical Area Corridor

- The MNRRWA Comprehensive Management Plan incorporates by reference the state Critical Area Program, as well as Shoreland and Floodplain programs. Please consider comments from the Minnesota Department of Natural Resources regarding any concerns related to Critical Area, Shoreland and Floodplain.

Item 15: Water Surface Use

Scenario One

- How is watercraft usage expected to change under Scenario One? What watercraft and watercraft-related structures and uses would be possible under existing regulations in the approximately 19 proposed riparian lots? More specific information is needed on private access and the number and type of watercraft in order to evaluate impacts.

Scenario Two/Three

- Additional information is needed to evaluate impacts of watercraft on water surface use. For example, all boating facilities need to be shown in a map or diagram. What would be the location of the proposed docks, parking, fueling, maintenance, or other facilities that would service the proposed boat access? What specific types and sizes of boats would be allowed to use the boat launch? What types of boats would be prohibited from using the boat launch? A definition of “small angler boat” should be provided that includes information such as draft and engine size.

- What is the basis and data source for the figure given of two (2) to four (4) feet average water depth? What is the minimum water depth needed to support the type of boats proposed to be allowed to use the boat access and navigate through the bay? During what periods of the year would the boat access be open for use? During that open use period, how often could the water level in the bay be expected to be lower than the minimum water depth required to support the size and type of boats allowed to use the boat launch?

- Two NPS-owned islands (See Item 25c) across the river and slightly downstream (in the vicinity of river mile 827.5) periodically receive heavy boating use during the summer season. The proposed project could affect recreational use of the islands and their condition, depending on the type and number of watercraft and number of people using it from Rivers Edge.
Item 16: Erosion and Sedimentation

Earthmoving

- How much deeper than four feet will blasting be done? Will there be a need for blasting to accommodate parking?
- More details on excavation plans should be provided. Where, when, and how will these activities occur? What impacts are expected from excavation on the natural environment?

Mitigation Plan

- Specifically where and how will runoff be captured and infiltrated at the boat ramp prior to entering the river?
- Details of erosion control plans should be provided in the AUAR. For example, the AUAR indicates that stormwater will be diverted and that natural stabilization techniques will be used. Where and how will stormwater be diverted and what best management practices will be used? What adverse impacts are anticipated in the short term and would there be long-term impacts?

Item 17: Water Quality - Surface Water Runoff

Post Development Site Runoff

- What impacts will the expected increase in phosphate runoff have on water quality in the bay and river? What “other components” are expected to increase in the runoff and would they affect water quality?

Mitigation Plan

- What specific provisions are proposed for implementing and enforcing Homeowner’s Association covenants?

Item 24: Dust, Odors, and Noise Impacts

- Considering the importance of this area as a wildlife corridor, the AUAR should consider the impacts of any expected noise changes during and after construction on nearby wildlife such as eagles, migratory birds and other wildlife in the area?

Item 25: Sensitive Resources

a. Archaeological, historical, or architectural resources

- What plans are in place to address any archaeological, historical, or architectural resources that might be discovered during construction on this property?

c. Designated parks, recreation areas, or trails

- We suggest the following wording to replace the existing description of “Mississippi National River and Recreation Area”:

"The Mississippi National River and Recreation Area, a unit of the National Park System, is a 72-mile, 54,000-acre corridor extending from the mouth of the Crow River at Dayton and Ramsey, Minnesota, to
the Goodhue County line just south of Hastings, Minnesota. The MNRRA boundary is the same as that of the Mississippi River Critical Area. The Area was established by Congress in 1988 in recognition of the unique scenic, recreational, natural, cultural and economic values of this portion of the river. National Park Service activities are carried out in cooperation with 25 local units of government in the river corridor (including St. Paul Park and Grey Cloud Island Township) as well as numerous other federal, state and local agencies. The portion of the proposed Rivers Edge development west of County Road 75 is within the MNRRA”

- The second paragraph under the MNRRA description states that the National Park Service does not own any land in the vicinity of the project site. The National Park Service owns two islands across the main channel from Grey Cloud Slough, near the southwestern portion of the proposed project area. These islands (in the vicinity of river mile 827.5) are both visible on Figure 21-1. The larger of the two islands is shown directly under the word “Grey” in the “Grey Cloud Trail” callout label. The smaller island is shown just downstream from the larger island. The CMP provide direction that the National Park Service is to manage these islands primarily for their natural resource values.

- Please delete the last two sentences in the second paragraph, which state: “The project will provide public recreational opportunities that do not currently exist on the privately owned land. These opportunities are related to recreational boating, trails, parks and open space.” While the MNRRA was added to the National Park System in part because of its recreational significance, this does not imply that any new recreational development or facility introduced to the area enhances the MNRRA. We must consider the impacts of the recreational development on the environment and balance recreation with other nationally-significant resources (scenic, natural, cultural and economic). As indicated in this comment letter, the National Park Service has a number of questions and concerns regarding this project, such as inconsistencies with some key Critical Area and MNRRA policies.

- It seems more appropriate to the intent of this section of the AUAR to have a separate heading for “Riverside Park, City of St. Paul Park”, rather than mentioning it under the heading “St. Paul Park’s Adopted 2020 Comprehensive Plan”. The AUAR should also address whether the proposed development would affect use of this city park and habitat restoration underway in the park.

**Scenic views and vistas**

- Figure 25-2 reflects an artist’s rendering of one cross-section of the river corridor. As such, this figure does not adequately address how this proposed development would impact the visible environment from areas within and nearby the proposed Rivers Edge development. Considering the scenic and natural character of the river in this area, the AUAR should include a comprehensive viewsheet analysis for each of the proposed development scenarios in order to adequately assess potential visual impacts. Viewsheets (areas intervenable with one or more point locations) should be calculated from a variety of locations along the river corridor, including upland shoreline and bluffs, main channel locations upstream, downstream and across from the proposed project area, backwater locations, and within the bay itself. The analysis should include detailed information about how the viewsheet was modeled, including datasets used in the analysis, computer operations performed, and parameters used in making the viewsheet calculations. The analysis should also address any assumptions made, such as viewer position and height above surface, vegetative or other screening, and building heights and locations.

**Other unique resources**

- We believe the “yes” box should be checked with reference to unique features, such as sites of remnant biodiversity, boiling springs and seepages, bluffs, backwater channels, and the bay. The combination of these features is unique in the river corridor in the greater metropolitan area.
Item 26: Adverse Visual Impacts

- We believe the "yes" box should be checked. Lights from residences, streetlights, automobiles, commercial developments, and other elements of the proposed development would increase light levels in a currently unlit area. What changes in light level are expected under each of the development scenarios from existing light conditions? What would be the impacts of any expected lighting changes on nearby wildlife and the rural character of this area of the corridor?

Item 27: Compatibility with Plans

- The statement on page 68 of the AUAR that "the proposed project may deviate from the city and township's adopted MNRRA-CMP plans regarding vegetation management" does not identify other inconsistencies with regard to minimal disturbance in the 100-foot bluffline setback, such as roads, parking lots, and buildings.

- In addition to inconsistencies with MNRRA CMP policies noted on page 68, the proposed Rivers Edge Development appears to be inconsistent with a number of additional CMP policies such as:
  
  - New development in the riverfront area (defined as the first 300 feet back from the river's ordinary high water level or the floodplain, whichever is greater) should have a relationship to the river, a need for a river location, or the capability to enhance the river environment (CMP, page 16)
  
  - Provide uninterrupted vegetated shorelines where practical along the Mississippi and its tributary streams and ravines to preserve a natural look from the river and the opposite shore and to provide connections to adjacent natural areas (CMP, page 19)

In addition to the recommended 40-foot bluff setback:

- Provide additional setbacks in an additional 60-foot area (for structures over 30 feet tall outside downtown areas) for a total bluff preservation area of 100 feet from the bluff line (CMP, page 19)

- Reduce visual impacts and protect views of the river and from the river and its shoreline areas by establishing maximum building heights for the bluff line and riverfront preservation areas:
  
  - within 100 feet of the bluff line — 30 feet
  - within 200 feet of river — 30 feet
  - within 300 feet of river — 45 feet
  - beyond the areas above — no restrictions except those in local zoning codes (CMP, page 19)

- Work to increase and restore wildlife habitat and biological diversity in development projects. Protect bottomland forests, bluff prairies, woodlands, and riverine habitats (CMP, page 20)

- Apply setback and height restrictions to encourage careful site design to maintain the ability to view the river from existing open space and developed areas. Avoid significantly obstructing river views with development (CMP, page 20)

- Screen development wherever practical to minimize its visibility from the river or the opposite shoreline (CMP, page 20)
Protect endangered, threatened, and rare plant and animal species (including state-listed species) and their habitats in site development projects
(CMP, page 20)

Protect streambanks and water quality from the negative impacts of recreation activities
(CMP, page 32)

Item 31 B: Summary of Issues/Mitigation Plan

As stated in our February 24, 2003 comments on the preliminary draft AUAR Scoping Document, we do not consider amendments to existing plans and ordinances to constitute mitigation.

Again, thank you for the opportunity to comment on the draft Rivers Edge AUAR. The National Park Service recognizes the property owner's right to develop the Rivers Edge property and the City and Township's interest in developing the property. However, we cannot support the type of development proposed around the bay in Scenarios Two and Three, because of the extent to which they would be inconsistent with the existing City and Township Critical Area plans and ordinances and the state Critical Area requirements.

We are very interested in working with the City and Township to arrive at an alternative development scenario that would achieve the goals for the river that the state Critical Area Program and MNRRRA Comprehensive Management Plan are intended to achieve. For example, a thorough visual analysis would be very helpful in evaluating the scenic impacts of various building heights, sizes and locations. It may be possible to address many of our current concerns about scenic impacts and other aspects of the proposal by moving the high-intensity development currently proposed on and near the bay closer to the County Road.

Please contact us if you have questions or would like our participation in developing another development scenario. You may contact Kate Hanson at 651-290-3030 ext. 223, or Jim Von Haden at ext. 235.

Sincerely,

JoAnn M. Kyral
Superintendent

cc: Steve Johnson/Sandy Fecht, Minnesota DNR
    Michael King/Tori Dupre, Metropolitan Council
    Dennis Hanna/Richard Adams/Richard Mullen/Paul Schoenecker, Grey Cloud Island Township
    Jane Harper/Dennis O'Donnell, Washington County
    Theresa Greenfield, MFRA
June 10, 2003

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

RE: Draft Rivers Edge Alternate Urban Areawide Review (AUAR)

Dear Mr. Sittlow:

The Washington Conservation District (WCD) has received and reviewed the Draft Rivers Edge Alternative Urban Areawide Review (AUAR) dated May 1, 2003. Based on this review the WCD offers the following section-by-section comments.

Section 6 -- Description

Pg. 12 -- The stormwater management techniques that are listed in this section will not be able to achieve the mitigation goals listed later in the AUAR. Increased infiltration with the ultimate goal of achieve some sort of volume control is encourage to protect the resources of the area. Increased infiltration through the use of more innovative stormwater management techniques such as: grassed waterways, infiltration swales, rainwater gardens, etc. should be used. These techniques should be implemented in the designed not merely considered.

Section 10 – Cover Types

Land Cover with native community identification and ranking has been done. Was this done specifically done for the AUAR or is it borrowed from the Minnesota Land Cover Classification System (MLCCS), and Minnesota County Biological Survey, which were done by a city, DNR or others? If these are different, a comparison, especially of the ranking, should be done since they are subjective and could differ.

Pg. 21 -- The floodplain forest should be visited and inventoried despite the fact that the land cover will not change based on the proposed development. The proposed changes to the upland areas of the site could have large impacts on this area, and an inventory should be completed to provide baseline information to monitor and protect this resource.

Section 11 – Fish, Wildlife, and Ecologically Sensitive Resources

Pg. 30 – Mitigation proposed for the potential impacts to wildlife habitat should include infiltration techniques for protect of the habitat for the three threatened or endangered mussels.
Reducing as much as possible the stormwater entering the shallow water mussel habitat will be critical to maintaining a healthy ecosystem. Proper erosion and sediment control during and after construction will be important as well.

Pg. 31 – Dredging and riverbank erosion are not the only threats to the mussels. Most sediment in rivers is the result of upland erosion. Proper erosion and sediment control during and after construction is critical to keeping large amounts of sediment from reaching backwater areas of the Mississippi River.

Section 12 – Physical Impacts on Water Resources

This section has no mention of the impacts to the groundwater resources of the site; it should be addressed, especially in light of the recent groundwater supply issues in southern Washington County.

Pg. 33 -- Infiltration is important to maintain the springs and seeps in bluff area. The buffer area near the bluff is not necessarily the place where recharge to the aquifer that discharges at these springs and seeps occurs. The recharge likely occurs throughout the proposed development and beyond.

Pg. 33 – Again, more than consideration of innovative infiltration measures should be done. Some sort of volume control would be able help address the need for more infiltration which would help mitigate stormwater runoff and groundwater recharge on site.

Pg. 32 -- Wetland delineations are only valid for 3 years; if a delineation is done now but development delayed longer, the delineation may need to be re-done. This may be an important consideration in light of the proposed phasing of the project.

Pg. 33 -- Trails within floodplain areas will be under multiple jurisdictions (Corps, DNR, and potentially Wetland Conservation Act)

There are several sensitive areas that will not be disturbed or minimally disturbed as part of the development of the site. Drainage patterns should be documented, realizing than even though an area will not be disturbed it could still be impacted by alteration of the drainage area (more, less or different quality water).

Section 14 – Water-related Land Use Management Districts

Pg. 38 – This section identifies conservation easements for sensitive areas. The mechanism for conservation easements (who will hold, what will be restricted) needs to be further specified. For example, if the city is the sole holder of the conservation easement, and would allow a sensitive native community to be used as an active park.
Section 16 – Erosion and Sedimentation

In general, effective and timely erosion and sediment control during and after construction will be critical. This is especially true in light of site characteristics including sandy soils, shallow bedrock, potential karst features, bluff, Mississippi River, etc. Minimal soils information has been provided. Soil suitability information should be examined for infrastructure components, vegetation, building sites, construction materials, water management, as well as, erosion potential. (Additional information should be added to Table 18-4, and 16-1.) This information will effect the amount, type, and extent of land disturbance.

Pg. 43 -- Table 16-1 indicates soils information in regard to erosion. Water erosion potential, which is more applicable than the indicated wind erosion, needs to be included. A more accurate representation of water erosion (than only ‘K’) is Erosion Index, which includes RKLS.

Pg. 44 -- Item #6 in the list of erosion control practices should include mulch as an additional stabilization method.

Pg. 44 – Regular maintenance of the temporary sediment basin at the edge of the Mississippi River will be critical to allow it to properly function. After each significant rainfall this basin should have all sediment removed, as it is the last erosion and sediment barrier before water discharges into the Mississippi River.

Section 17 – Water Quality – Surface Water Runoff

The Rivers Edge proposed development of ~670 acres has quite high densities and will provide challenges in regard to stormwater management. In general, more detail is needed in the stormwater plan. Drainage patterns, drainageways, subwatersheds for each pond should be determined for the site. Areas of potential stormwater ponding for infiltration should sited based on soils and underlying geology to take advantage of areas with the highest infiltration rates. In general we recommend that as much infiltration as possible should be achieved to protect and maintain the surface water resources (Mississippi River) and the groundwater resources of the area.

Pg. 47 – We commend mitigation item #4. However, the current stormwater management plan cannot achieve the same quality or quantity of water infiltration to the aquifer. As mentioned earlier the innovative infiltration techniques will need to be implemented. Volume control would help accomplish this mitigation goal.

The stormwater system is interconnected and moves through all areas of the site. Despite the phasing of the development, does the construction of the stormwater system require disturbance of large areas of the site when Phase I begins?

Section 19 – Geologic Hazards and Soil Conditions

As mentioned earlier more detailed soils information is needed.
Pg. 54 – The AUAR states: "...with an engineered stormwater collection and treatment system, the potential for adverse impacts on the groundwater are limited..." The proposed stormwater system does significantly decrease infiltration from preexisting conditions. This will certainly decrease aquifer recharge and potentially impact seeps and springs in the bluff and municipal water supply.

The Washington Conservation District appreciates the opportunity to review this draft AUAR. We look forward to working with you regarding the water and natural resource concerns of this site. If you have any questions please call Bob Fossum, at 651-275-1136, ext. 21.

Sincerely,
Washington Conservation District

Bob Fossum
Water Resource Planner

Jyneen Thatcher
Wetland Specialist

Jeff Berg
Landuse Conservationist

Cc: Dennis O'Donnell, Senior Planner, Washington County
Ciarra Schlichting, Dahlgren, Shardlow, & Uban, Inc.
July 16, 2003

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

RE: Rivers Edge Draft Alternative Urban Areawide Review (AUAR)

Dear Mr. Sittlow:

The Department of Natural Resources (DNR) has reviewed the Rivers Edge Draft AUAR, a master planned community that includes urban residential development, a village center, and access to the Mississippi River.

When the DNR reviewed the Rivers Edge Project Scoping Document for the Draft AUAR, we had numerous comments on completeness and environmental concerns which were included in our letter to the City of St. Paul Park dated February 24, 2003. It appears that the majority of those concerns were not addressed in the current Draft AUAR. What follows are comments and questions that reiterate and elaborate on our earlier environmental concerns with the Rivers Edge Project.

Major Concerns and Recommendations within the Mississippi River Critical Area and National River and Recreation Area Corridor

The Mississippi River and adjacent Corridor lands in the Twin Cities Metropolitan Area was designated as a state Critical Area in 1976 to protect and preserve a unique and valuable national, state and regional resource for the benefit of the health, safety and welfare of the citizens for the state, region, and nation; prevent irreversible damage to this state, regional, and national resource; preserve its natural values for public use; and protect and preserve the biological and ecological functions of the Corridor. The same Corridor was also designated the Mississippi National River and Recreation Area (MNRRA) by Congress in 1988.

The proposed encroachment within 40 feet of the bluffline and other natural resources and construction on slopes greater than 12% will negatively affect the ecology of the river corridor by fragmenting habitats into isolated and small patches. There will be a loss of total habitat area and the resulting small patches will be less capable of supporting intact and diverse biotic communities. The corridor functions have been diminished by past activities and the proposed project will contribute further to cumulative impacts. We recommend a greater minimum bluffline setback for all
development of at least 100 feet, slopes greater than 12% be protected without exception, and the setback area be restored through the removal of exotic plant species and planting of native species. Doing so would improve and protect the natural community functions, be more consistent with Critical Area and MNRRA Corridor goals, and provide an excellent amenity to be enjoyed by all of the residents of the community.

Item 5. Description

The statement on page 5, “under Scenario One, the bluffs, shoreline, and islands would remain in private ownership and ownership would be divided amongst 19 riparian lots owners,” cannot be stated as fact or an assumption for one scenario consistent with the adopted comprehensive plan for that land. The comprehensive plan approved by DNR requires that all development will be consistent with Critical Area standards. For development of commercial, industrial, residential subdivisions, or planned developments, the developer is required to dedicate reasonable portions of riverfront access land (or other lands in interest therein), or in the case of difficulties, contribute an equivalent in cash to be used only for public services within the corridor. The apportioning in this Draft AUAR of only 1 acre of Park/Recreation in Scenario One cannot be assumed and is contradictory to the Critical Area standards, existing plan, and ordinance.

The DNR requests a copy of the flowage easements applicable to the project property to inform staff of the permitted uses and protected areas applicable for Scenarios One, Two and Three. The document should clearly show the coverage of all flowage easements, the rights held by the U.S. Corps of Engineers, and the rights of the property owner.

The existing zoning does not say that each riparian lot owner has the “right to access the river by constructing stairways, lifts, and/or landings,” as stated on page 5, but rather that stairways, lifts, and landings are permitted encroachments into setback areas and are the only permitted alterations for achieving access up and down bluffs and steep slopes to shore areas. Although exceptions from setback requirements are permitted with stairways, approval would be dependent on compliance with all other existing zoning provisions such as general development standards, vegetation management, erosion control, and grading/filling prior to approval, as well as county shoreland ordinance design requirements.

Additionally, the “right to locate a dock in the shore area” is tempered by compliance with MN Rules, part 6115.0210 for structures in public waters that must be met by all owners. It is the goal of the DNR to limit the occupation of public waters by offshore navigational facilities in order to preserve the natural character of public waters and their shorelands.

In order to adequately compare and evaluate the scenarios presented, the land use categories in Tables 6-2, 6-3 and 6-4 should be as consistent as possible for non-residential uses. Each table should include separate acreages for open water, river islands, floodplain, bluffs (all slopes greater than 18%, as defined by Critical Area), and existing and potential roads. However, if Scenarios Two and Three have the “identical” footprint on the land of proposed building locations, as stated on page 25 (item
10. Scenario Three has little meaning as an alternative scenario of urbanization since there is little difference in impacts on the land.

The DNR has concerns about the calculations and the discussion of River Open Space on page 8. Under the Shoreland, Floodplain, Critical Area and Public Waters Permit programs, all 226 acres of the proposed river open space are already unbuildable. (According to information provided by Dahlgren, Shardlow, & Urban, Inc., 145 acres are in water below the Ordinary High Water Level (OHWL), approximately 65 acres are unbuildable floodplain islands, 11 acres are generally steep slopes and bluffslands and approximately seven acres are mainland shoreline.) The Shoreland Management Rules require 50% open space for Planned Unit Development (PUD) approval. The preservation of water does not receive credit for calculating this required percentage. Under the proposed development scenario, the upland will be nearly 100% developed, which is contrary to the premises of cluster/PUD developments. Commercial PUDs must protect 50% of the shore impact zone in its natural or existing state. To receive full density bonuses, the setbacks of structures must be set back 50% greater than the minimum setback. Imperious surface coverage is limited to 25% in the Shoreland Management District. If the river open space system is 34% of the total project area, what percentage is the river open space system of the net developable area (i.e. lands able to be developed under all existing ordinance provisions)? What is the acreage and location of lands that will be publicly dedicated?

The bluff above the harbor on the north side is not appropriate for structure development described as part of the Village Center Mixed Use area. This area would be better preserved as passive recreational use for the enjoyment of the public and residents who will use the open space and trail connections.

Public workshops held by the developer and consultants have provided illustrations of private ownership and private lot lines of the lands south of the bay, similar to those depicted in the AUAR for Scenario One, riverward of the bluffs and shoreline. Will there be private ownership and private lot lines similar to Scenario One anywhere in the riparian lands within Scenario Two or Three, or will the publicly-dedicated River Open Space include all shorelines, bluff, and bluff setbacks south of the bay?

The document does not properly address the impact of the location of large structures within the close-to-surface bedrock areas of the property. Rock must be mined out in a number of locations in order to install utilities and to build structures. The potential impacts to groundwater and the susceptibility of the fragmented limestone bedrock to potential contamination has not been adequately addressed.

Item 7. Project Magnitude Data

The document implies that the acreage of existing bluffs will not change from Scenario One to Scenario Two and Three, and that no bluffs currently protected will be developed. However, Item 14
Barry Stilow, City Administrator  
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states that currently protected bluffs (as defined by Critical Area) are proposed to be graded and/or developed. There are other references in the document to uses within the floodplain. Development intentions for bluff and floodplain areas need to be made clear.

**Item 8. Permits and Approvals Required**

The Department of Natural Resources items listed on page 16 should be corrected as follows (add underlined text):

- Critical Area and Comprehensive Plan Amendments affecting lands within the Critical Area Corridor
- Ordinance Amendments affecting lands within the Critical Area Corridor

Additionally, the following approvals must be added to the DNR list:

- Shoreland Management District Ordinance Amendments for Washington County
- Shoreland Management District Ordinance for St. Paul Park following annexation
- Planned Unit Developments within Shoreland Management District of St. Paul Park

**Item 10. Cover Types**

A field visit by DNR staff on May 29, 2003, confirmed that the most significant native plant communities on the site are the floodplain forest, seepage areas, and cliff communities associated with the river, as mapped by the Minnesota County Biological Survey and summarized on pages 18-24 of the draft AUAR, with one exception. There is also an area of intact dry oak savanna near the mapped cliff communities on the north side of the proposed river access site, just above the river. This area includes bur oaks and northern pin oaks with open-grown savanna forms and an understory of relatively diverse dry oak savanna native plants, including pussytoes, starry false Solomon’s seal, northern bedstraw, wild lily of the valley, and rock cress.

The protection of this oak savanna area, the cliffs, the floodplain, and the seepage areas are dependent on setbacks that ensure that there will not be erosion, invasion of non-native exotic species, unregulated foot traffic, and impediments to burning the savanna. A 40-foot bluff setback is not adequate for protection of these resources. Construction of a road and turn-around area to the river access would disturb an area of floodplain forest with a diverse native understory. Construction of a structure north of the proposed river access area and near the oak savanna could have strong negative effects on the native plant communities in this area. The Park and Open Space Concept Plan in Figure 25-1 essentially sets aside some of those areas that cannot be developed due to slope and floodplain restrictions and does not adequately protect these important habitats.

The most effective protection of the bluffs and floodplains would be to establish a much larger setback and permanent protection of the sensitive areas through a conservation easement or fee title owned by an organization or association that would manage the site as a natural area.

The dry prairie areas mapped in Figure 10-1 are accurate. They are small and have been heavily
Barry Stillow, City Administrator
July 16, 2003

The impact of past land uses. However, the prairie area near the railroad tracks at the north end of the site could be significant if the adjacent prairie to the north were protected and the whole grassland managed with controlled burning to decrease exotics and increase natives. It could potentially support rare animals such as loggerhead shrikes if managed and protected properly. Developing the flat areas at the top of the slope would fragment the grassland and make it very difficult to manage in the future.

As previously noted in Item 6, the assumption that no public ownership is contemplated, as mentioned again on page 25, is incorrect because of the public dedication requirements in the DNR-approved comprehensive plan. The DNR approval for that Plan was also contingent on ensuring permanent protections of other sensitive land and water resources identified in the Plan through ordinance amendments.

Information provided on page 25 regarding existing areas in private ownership regulated by Grey Cloud Island Township ordinance needs to also include presently undeveloped islands, natural habitats, backwaters, natural drainages, significant vegetative stands, and shorelines. Additionally, "converting existing land cover to another use for the area outside the protection zone" can only occur if the proposed conversion is to another permitted use and if the new use is in compliance with all provisions of the ordinance and conditions for site plan approval.

Options are currently available for enforcing the clean up of the dumps/storage areas for any noncompliance with the township's and county's ordinance provisions for exterior storage, refuse, and nuisances, rather than depending on a future overall development plan to clean up those areas.

Figure 10-2 does not depict the potential public dedication, all areas that are protected by the plan and ordinance, all slopes greater than 18%, nor all 40-foot setbacks from slopes greater than 18%. Additionally, Figures 10-3 and 10-4 do not include all slopes greater than 18% nor all the 40-foot setbacks from slopes greater than 18%. These items must be included for adequate review.

Also on page 25 under Scenario Two/Three, the characterization of "minor" deviations is subjective and will be effective only after a DNR approval decision as to the consistency of these proposed amendments with Executive Order 79-19. As noted above, Scenario One cannot be assumed to not have "much of the river open space system in public ownership and/or conservation easements." Comparison of Scenario One (Fig. 10-2) to the impacts of Scenario Two/Three (Figures 10-3 and 10-4) is skewed without full disclosure of potential private lot lines and parcels in Scenarios Two and Three.

The City's ordinance has not been upgraded and approved to implement the required bluff setbacks in the DNR-approved Comprehensive Plan affecting lands within the Corridor. The Draft AUAR has also described other uses that are proposed to be located within the 40-foot setback area in the entire project area. Those should not be omitted whether in St. Paul Park or Grey Cloud Island Township,
but added and acknowledged in this item.

Where in the township’s ordinance is the stated consistency for roads and parking areas within the 40-foot bluff setback area, given all pertinent applicable provisions?

**Item 11. Fish, Wildlife, and Ecologically Sensitive Resources**
The Draft AUAR says no dredging is planned. However, recent conversations between DNR staff and the proposer/consultants have been to the contrary, alluding to future dredging for the river access area. A public waters permit will be needed for any dredging.

If there is a potential for dredging in the future, the AUAR needs to include information on the following:
- demonstration of need
- proposed depths, proposed cubic yards to be removed
- specific location of proposed dredging
- bathymetry
- detailed habitat; aquatic plant diversity; bottom substrate
- mussel survey
- analysis of sediment quality and characteristics because of the high risk of contamination
- alternatives and next steps if sediments are contaminated
- maintenance needs

**Item 12. Physical Impacts on Water Resources**
The document indicates on page 32 that a "...wetland delineation will likely be conducted during spring." The DNR would like to know if this has been done. If this information exists, it should be included in the AUAR.

We would like to know the alternatives considered for routes and locations of outfall structures. How do proposed routes provide rate control? (See other comments below on information also needed in the AUAR for stormwater components.)

The document notes the existence of seepage areas on the site. The primary seep is on the southeast side of the bay. It contributes to an intact, although not diverse, seepage meadow. A second seep is in the riparian area in the northwest part of the site. There may be other seeps as well. Although usually not protected by laws and ordinances, these features are ecologically important, particularly when they support plant communities.

According to the document (page 32), Dr. E. Calvin Alexander reviewed site information and is uncertain about the origin of the seeps; they may receive some water from the Jordan aquifer. In spite of this uncertainty, the document contends that a 70-foot buffer surrounding the seepage areas and springs and the preservation of 226 acres will minimize impacts to the seeps and springs. Lacking a
detailed analysis from which informed conclusions could be drawn, DNR staff has to conclude that this is speculation. There's no reason to believe that impacts will be minimized. It is possible that the land surface area contributing to the Jordan aquifer extends well east of the study area's boundary, in which case cumulative impacts come into play and should be addressed. This project, along with past and future developments in this part of Washington County all contribute to the alteration of recharge rates to the Jordan aquifer (or, possibly, the direct recharge of the seeps). It should also be noted that most of the 226-acre preservation area is down gradient of the springs (including islands and Mississippi River backwaters) and is unlikely to contribute to the seeps. Further information is needed on how the seepage areas and springs will be impacted and what the possible impacts may be to the seepage areas and springs for each of the development scenarios.

The AUAR also needs to include the following information:
- dye testing of the surficial groundwater table
- detailed groundwater analysis to determine which areas (within or outside of the project area) affect the seeps; alter the recharge rates; or provide groundwater recharge
- analysis of the impacts on the seepage areas and springs by the excavation of the dolostone for the utilities, grading, and development throughout the project
- analysis of the impacts on the seepage areas and springs by the proposed boat ramp, docks, and increased public access and boating
- analysis of the impacts on the seepage areas and springs by the proposed nearby two outfalls as shown in Figure 17-1 and stormwater components
- analysis of the impacts on the seepage areas and springs by additional water demand and additional wells discussed in Item 13
- analysis of the impacts on the seepage areas and springs by the proposed trails and by the proposed boardwalk
- analysis and information on the derivation of the AUAR's conclusion that the average 70 ft. buffer would minimize impacts
- detailed groundwater analysis to determine what optimal buffer width is needed to prevent impacts
- information on how the portions of the 226-acre open space area that are down gradient of the area will minimize impacts and how those portions upstream of the area will minimize impacts
- mitigation proposals to avoid and prevent adverse impacts
- any other alternatives considered

Discussion of the River Bay section (in Item 12 or Item 15) needs to include information on the proposed size and materials of the boat ramp and parking areas; proposed uses for the boat ramp; proposed location of the boat ramp and parking facilities; details of potential dredging (as mentioned in Item 11); a demonstration of need for the boat ramp and docks; proposed size, configuration, length, and location of docks; visual analysis of the docks, proposed number, types, and size of craft; duration of mooring and use of docks; location of the potential pond "destined to capture runoff from
the ramp"; the associated commercial uses with the access area, the associated fueling, repair, and storage areas; and alternatives considered for the boat ramp, docks and parking areas. Information is also needed on the impacts of the boat ramp and motorized boats for the potential for contaminants, introduction of exotic species, habitat disruption, and erosion of the islands in the area.

The paved boat access is unnecessary if kayaks, canoes and "small" fishing boats are the true intent. Owners of such boats do not need a paved road and turn-around to access the river. The more highly developed the access site is, the more likely other types of watercraft will try to use it. By developing the access site to a lesser degree, the need to cut through the bluff is greatly decreased if not eliminated. The Shoreland and Critical Area programs both require preservation of steep slopes and restrict grading activities. The Shoreland program prohibits structures and accessory facilities located within a bluff impact zone.

It is also possible that the commercial development above the access area will alter and perhaps eliminate the springs on the site. Certainly runoff from all hard surfaces will degrade water quality over time, even with storm water treatment. Trash from the commercial properties will also ultimately degrade the bay and shoreline areas.

Item 13. Water Use
The Draft AUAR does not adequately address water supply issues. A number of questions still need to be answered, such as: Where will the new wells be drilled to supply this development? Will seepage and spring areas be affected by this additional pumping? What aquifers will be used to meet this increased need and have those aquifers been tested to see if they can handle the additional pumping? Will any adjacent private wells be affected?

State law requires cities of over 1000 people to have and implement a water conservation plan. This plan will have to be amended to address the new growth. What conservation measures will the city require in the AUAR area? The DNR expects that the city will require extra conservation measures and these measures must be addressed in the mitigation plan.

Item 14. Water-related Land Use Management Districts
Under authority of the Critical Areas Act of 1973, the Mississippi River and its adjacent Corridor was designated a State Critical Area in 1976, reaffirmed through Executive Order 79-19 in 1979, and made permanent by action of the Metropolitan Council later in 1979. The purposes of designating the Mississippi River as a Critical Area include:

a) protecting and preserving a unique and valuable state and regional resource for the benefit of the health, safety and welfare of the citizens for the state, region, and nation;
b) preventing and mitigating irreversible damage to this resource;
c) preserving and enhancing its natural, aesthetic, cultural, and historical value for public use;
d) protecting and preserving the river as an essential element in the national, state and regional
transportation, sewer and water and recreational systems; and

e) protecting and preserving the biological and ecological functions of the corridor.

As noted in our February comments, Figure 14-1 incorrectly shows the boundary between the Rural Open Space District and the Urban Developed District. What is the source and date for that information? Was that source map approved by EQB Critical Area staff or DNR Critical Area staff as accurate? How does the boundary shown relate to the City of St. Paul Park’s Plan, including the District classification, approved by EQB in 1982, and DNR in 1999?

The City of St. Paul Park does not have a state approved Shoreland Ordinance, but Grey Cloud Island Township does under Washington County. Washington County considers the entire pool (19-5) to be classified as a Natural Environment Lake. Therefore, it has a 1000-foot shoreland district, rather than the 300-foot shoreland district that is shown in Figure 14-1. The minimum Shoreland District setbacks are 150 feet from OHWL in sewered areas. The maximum building height within the 1000-foot shoreland district is 35 feet.

If areas in Grey Cloud Island Township are annexed to St. Paul Park under the Settlement Agreement, the property would retain the shoreland classifications prior to annexation and the city of St. Paul Park would be required to adopt a Shoreland Management ordinance that includes the Natural Environment standards from the Washington County Shoreland Ordinance. Under the current scenario of ownership, the DNR would need to approve the PUD for the portion in St. Paul Park and Washington County would need to approve the portion in Grey Cloud Island Township, Figure 14-1 needs to be corrected to depict the 1,000-foot shoreland district for unincorporated areas under the Washington County ordinance, rather than the 300-foot area shown.

Appendix E omits key ordinance requirements and reframes and reinterprets the organization and context. This Appendix should not be titled a Summary, but rather Excerpts. This is an unreliable document that could be used erroneously as the actual complete ordinance. This should be omitted, or heavily annotated and cautioned on each page that landowners must check with their local zoning official for complete zoning ordinances that may apply to their property.

Under the paragraph for Scenarios Two & Three, the second sentence needs to be corrected to say that the proposed Rivers Edge project is proposed to deviate from components of the township’s existing land use restriction in the Critical Area, which are partially shown on Figures 14-2 and 14-3. The Figures and text do not include all deviations that have been proposed by the Draft Plan we received, dated December 20, 2002. The proposal for deviations is subject to a separate legal process of DNR approval and determination of consistency with Executive Order 79-19. The fourth sentence is an incomplete and misleading interpretation of Executive Order 79-19 and should be omitted.

We appreciate that the sixth sentence was quoted, but the Draft AUAR has not revealed any plans for such clustering on areas able to be developed. It appears that the design of Scenarios Two and Three
has instead massed the most intense uses and highest density structures within the Corridor, areas where such uses will have the most impact. No alternatives have been developed to mass the highest density and intense uses substantially away from the river and natural resources, or outside of the Critical Area Corridor. No alternatives have been proposed to permanently protect equal amounts of additional upland areas that are not already protected under existing laws.

The DNR needs to emphasize that in a separate legal procedure and timing, we will be reviewing all proposed amendments to plans and ordinances that affect lands within the Mississippi River Critical Area Corridor, including the District boundary modification, that are submitted by the City of St. Paul Park, Grey Cloud Island Township, and Washington County. The Standards and Guidelines in Executive Order 79-19 as well as Minnesota Statutes and Minnesota Rules, are required to be followed by all local units of government in the Corridor when preparing, updating, or modifying plans and regulations that affect lands within the Corridor. Following Metropolitan Council review, the DNR will review and determine whether the proposed amendments are consistent with Minnesota Statutes, Minnesota Rules, and Executive Order 79-19. When DNR has completed the review, the DNR will either approve the amendments or deny and return them to the local units of government for modification and resubmission to achieve consistency. A local unit of government can enact only the plans, regulations, and amendments affecting the Critical Area that have the written approval of DNR.

The AUAR needs to include the following information on the conservation easements referenced for bluff, island, and shoreline preservation:

- what they would accomplish
- specific locations covered
- what uses and activities would the easements allow and prohibit
- differences from existing ordinance requirements
- proposed holder of the conservation easement
- justification of higher protection if holder is not a governmental agency
- who would have rights of entry and use, and where
- who would have the authority to amend the provisions/contract
- how violations be prevented
- acreage/proportion/number and location of lots that would remain in private ownership under the easement
- acreage/proportion/number and location of lots that would remain in public ownership under the easement
- duration as per MN Statutes
- how perpetuity would be guaranteed

What is the acreage and locations of slopes greater than 18% throughout the Corridor that are proposed to be altered, or structures or development placed on them? How is the alteration proposal consistent with the Executive Order standard for plans and ordinances to protect such slopes and
have them remain in their natural state, thereby achieving bluff conservation? Have the 40 foot setbacks from all slopes greater than 18% been complied with for the "alterations... at the edge of two bluff areas"?

As noted previously, the assumption cannot be made that the bluff would have remained in private ownership or without conservation easements under Scenario One; nor the automatic right for stairways, docks, or island disturbance. Even if subject to a conservation easement, how much and where of the bluff, shoreline, and islands will be subdivided amongst property owners under Scenario Two and Scenario Three? If so, how will that preserve these areas under decentralized private ownership?

Regarding shoreline and river island conservation, again, the assumption cannot be made that 0% of the shoreline or river islands in Scenario One would not have been preserved. How do the conservation easements for the river islands differ from those of the existing ordinance? What incompatible recreation activities are assumed to be currently allowed under Scenario One?

Regarding restoration, the AUAR needs to include:

- information on how the comprehensive stormwater management plan will minimize runoff, both rate and volume within the entire Corridor;
- information on how the stormwater management plan will improve the quality of runoff discharged
- outfall and ponds locations
- method of construction of outfalls
- impacts and locations of stormwater plan components, including ponds and outfalls, on slopes greater than 18%, existing vegetation, and views
- information on how the stormwater plan components (outfalls, pipes, ponds, etc.) minimizes site alteration within the Corridor
- alternatives considered for avoiding impacts and noncompliance with Executive Order 79-19 standards

Regarding land use for Scenarios Two and Three, the AUAR needs to include the following for each Scenario within the Corridor:

- specific locations, and number of units and acreage in each location for each of the following: single-family; multi-family Mixed Residential; and Village Center multi-family homes of contiguous land use areas in the Corridor
- location and number of units of potential Village Center Mixed Use
- location and percentage of the proposed 226 acres for open space that is able to be developed under current ordinances today
- separate acreage figures for each of the following: islands, floodplain, and slopes greater than 18%
- percentage of types of impervious surfaces in the Corridor (subareas if % varies from land use
to land use); percentage of impervious surfaces on net developable area
* approximate number of acres to be graded or topographically altered, and approximate cubic yards moved

The AUAR needs to include a discussion of the impacts; appropriateness of location within the Critical Area that meets all purposes and guidelines; and consistency with applicable Executive Order standards for the following development proposals:

**Village Center**
- 10 acres commercial, including consistency with bluff protections, minimization of site alteration and runoff, retention of existing vegetation, site plan approval criteria
- 23 Acres senior or multi-family, including view standards, retention of existing vegetation, site plan approval criteria

**parking areas**
- consistency with bluff protections, minimization of site alteration and runoff, retention of existing vegetation, site plan approval criteria

**trails, scenic overlooks**
- consistency with bluff protections, vegetation retention, site plan criteria, site plan approval criteria

**pedestrian boardwalk**
- location information, site plan approval criteria

**boat launch/access**
- compatibility of surface uses with natural characteristics; impacts on lands above the ordinary high water level, site plan approval criteria

**proposed vegetative alterations - consistency with retention of existing vegetation throughout the Corridor, buffering, landscaping, and revegetation site plan requirements, site plan approval criteria**

**proposed topographic alterations - consistency with minimization of site alteration throughout the entire Corridor, minimization of runoff, improvement of quality, site plan approval criteria**

**utilities, stormwater, sewer**
- for outfalls and infrastructure of new or enlarged pipes in Corridor inside or outside project: consistency with minimization of site alteration throughout the entire Corridor, minimization of runoff (volume and rate), improvement of quality, utility standards; site plan approval criteria; capital improvement or public facilities program standards
internal roads within development
realignment of Co. Rd. 75 to parkway and traffic circles
future 95th Street connection
intersection of Co. Rd. 75 and Grey Cloud Trail

consistency with bluff protections, minimization of site alteration
and runoff, retention of existing vegetation, site plan approval
criteria, transportation standards, capital improvement or public
facilities program standards

Under Scenario One, the public dedication of open space and recreational potential is a possibility.

Regarding the proposed deviations, steep slope alterations, does the acreage of areas to be altered
include those slopes greater than 18% with proposed structures placed on them, or just those that are
graded or filled? Are there slopes greater than 18% not shown that will be altered?

The Critical Area definition for bluffline (and bluff) is a line delineating the top of a slope connecting
the points at which the slope becomes less than 18%. More than one bluffline may be encountered
proceeding landward from the water. If the areas proposed to be altered contain slopes greater than
18%, they are considered bluffs under Critical Area Executive Order 79-19. The term “non-bluff” is
erroneous and should not be used nor should the acreage be divided using that phrase as shown in the
parentheses. If any referenced “ravines” are slopes greater than 18%, they are also bluffs and subject
to all protections.

Figure 14-2 and its legend need to be changed to omit the term "non-bluff" and reflect the impacted
slopes greater than 18% equally throughout the Corridor as bluffs. As noted, the “anticipated
deviations” are not the only amendments that have been proposed to us that are preliminarily
reviewed as inconsistent with Executive Order 79-19.

Figure 14-3 contains omissions of some slopes greater than 18% and omissions of 40 foot bluff
setback areas (not shown as deviations either).

What is the use and purpose of each of the developments affecting slopes greater than 18%, including
the building and road/parking areas shown on Figure 14-3? The road/parking areas are not located
at least 100 feet from the OHWLI. What is the alternative and demonstration of need for each of these
particular developments to be placed on or alter slopes greater than 18%?

Which buildings in the Village Center are proposed to be 55 feet tall? What is the maximum height
contemplated for “5 stories”? How will cutting of existing mature trees in order to obtain clear views
of the river be prevented? (See Item 25 for additional comments.)
What is the purpose and use of the "small commercial building within the Flood Fringe district"? In addition to its demonstration of need for placement on slopes and within bluff setbacks, what is the demonstration of need for that placement?

**Item 15. Water Surface Use**
The AUAR needs to discuss the potential for a future new barge loading facility, as referenced in the Draft Critical Area Plan amendments sent to DNR for informal review.

When during the year does the depth in the bay average 2 - 4 feet? What is the time period expected for use of the bay from the ramps and docks without dredging, given depths of less than 1 foot experienced by DNR staff? If the purpose is canoes and small angler boats, how will the use by larger watercraft be prevented?

**Item 16. Erosion and Sedimentation**
On Figure 16-1 there are some omissions of slopes greater than 18% within the Corridor as defined by Critical Area on this map. A 2-foot contour map of the project site (without other elements that hide the contours), at a scale of 1 inch = 100 feet, will be required in order to accurately determine slopes, bluffs, and setbacks.

Tables 16-1 and 18-4 are inconsistent with Figure 16-2. Soil type number 1848B seen in Figure 16-2 seems to be missing from the tables and number 1847 is listed in the tables but not seen in Figure 16-2. The soil characteristics for slope also need to be made consistent.

The AUAR needs to address disposition and reuse of excavated dolomite and other earth materials, location and length of storage of excavated materials, discussion of potential for commercial mining, as referenced in the Draft Critical Area Plan amendments sent to DNR for informal review.

**Item 17. Water Quality - Surface Water Runoff**
Related to the seep issue discussed above under Item 12, the mitigation plan on page 47 for impacts to surface water runoff states that the proposed development will not decrease the natural rate of absorption of stormwater and the quality of water infiltration to the water table will be as high after development as it was before the development of the site. The document does not, however, provide the required detailed analysis showing how these two outcomes will be achieved.

The AUAR needs to include an analysis of stormwater issues, including the quantity of site runoff before the project under a range of specified climatic events - peak flow and volume discharges; quality and quantity of site runoff after project; modeling used and results for fully developed conditions and "worst case scenario" for project subareas; modeling scenarios to bracket a range of flows under maximum and minimum conditions; amount of increase in impervious surfaces after the project; and an analysis of any existing and post-development runoff that is received from areas...
outside the project area.

The proposed storm sewer river outfalls will require permitting by State and Federal agencies, not just permitting review.

**Item 18. Water Quality - Wastewater**
As noted in our February comments, a serious omission in this item that still needs to be discussed in detail in the AUAR is the relationship of the sewer system extension to the RGU's comprehensive sewer plan and to the Metropolitan Council regional systems plans.

**Item 19. Geologic Hazards and Soil Conditions**
Figure 19-1 does not show one or more pipelines crossing the southeastern portion of the AUAR property as described in Item 19. Correct to accurately show. See also rock mining comments in the last paragraphs of Items 6 and 16.

**Item 25. Sensitive Resources**
Figure 25-1 is inadequate in determining impacts on views within the Critical Area Corridor for all components of this project. Critical Area standards require minimization of interference with views of and from the river. The river includes all portions below the ordinary high water level, not just the main river channel. The AUAR must discuss and evaluate the impacts on views of and from all portions of the river. This should minimally include an array of views from potential vantage points of the bay, backwaters, main channel, National Park Service island, and all other public lands under:

- leaf-on and leaf-off conditions of existing vegetation and:
- leaf-on and leaf-off conditions of proposed retained vegetation following site preparation for each of the following:
  - the various types of proposed structures located in the Corridor including single-family, townhomes, rowhouses, four-plex to sixteen-plex, villas, senior housing, commercial uses;
  - potential structures throughout the project site at maximum heights of 35 feet, 45 feet, and 55 feet;
  - potential areas of clustered or massed structures;
  - the boat ramp and docks;
  - and proposed development within the setbacks.

Portions of this property are unique for their outstanding geologic features, including cliffs that overhang or drop straight into the river. Very few instances of these types occur in Minnesota outside of this vicinity, and are rarely seen again along the Mississippi River until Iowa. The AUAR must evaluate the impacts on these resources and include measures to avoid and prevent any impacts to these unique and fragile areas.

This stretch of the Mississippi River is unique to the Twin Cities metropolitan area in that it contains
geological and ecological conditions not found elsewhere in the area. The city and township should be encouraged to place high value on the water, landforms and plant and animal communities found along the river. The resources of value include the island, backwater channels, shore and bluff areas, cliffs, the woodland and grassland communities above the bluff, the backwater cove, and the springs and seepages. Cumulatively, these resources provide a diverse and robust complex of habitats. The destruction or diminishment of any part would effectively diminish the functions and values of the whole. In evaluating this project, the RGU should be careful to envision this as a whole system, not as parts that can be removed without paying a heavy ecological price. (Also see discussion in Item 14.)

The DNR is concerned that the alignment of a trail within or along the edge of the floodplain might be within the recommended secondary buffer zone for the eagle nest. DNR eagle guidelines recommend no human entry within that zone during the breeding season. No trail should be within the 660-foot buffer zone. In DNR’s experience, it does not work to seasonally close a trail. People do not respect signs and resource protection requests. A trail should not be located in the lowland riparian areas. It may be acceptable to propose that the trail join up with the park land to the north of the site, but locating a trail in the uplands would be a preferred alignment.

Additionally, floodplains are inappropriate for recreational trails, whether paved or left natural. These trails will flood, resulting in trail damage and curtailment of public use at certain times. Often, the consequence is that the users then "blaze" their own route around the flooded portions. This will lead to continued and escalating costs for repair and degradation as erosion is often the result from trails in inappropriate sites.

A trail along the upland area, well set back from the bluff with an occasional "spur" to a vista or lookout over the river, would be more enjoyable, protective of natural resources (out of the bugs and the wetlands, away from the eagles and the more sensitive habitats) and less costly to maintain.

The AUAR needs to include alternatives considered for trails and the pedestrian boardwalk, and include an analysis of why trail impacts on wetlands cannot be avoided (as referenced in Item 12).

Item 27. Compatibility with Plans
As previously mentioned, the assumptions of Scenario One are incorrect and do not include all of the DNR-approved requirements in order for Scenario One to be compatible with the Plans. Scenarios Two and Three should indicate that the plans and regulations identified will be proposed to be amended.

Under Rivers Edge Comprehensive Plan Amendment, the AUAR omits information regarding DNR’s approval over proposed amendments to Comprehensive Plans of the City of St. Paul Park, Grey Cloud Island Township, and Washington County approved by DNR in 1999 – 2001. Any proposed amendments to these local units of government’s Comprehensive Plans approved by DNR, and any
other amendments to Comprehensive Plans that affect lands within the Critical Area Corridor, must
be submitted, reviewed, and approved by DNR before becoming legally effective.

The height limitation of the current City of St. Paul Park Plan for the Mississippi River Critical Area
Corridor is incorrect as stated on pages 66-67. The DNR’s approval of the City of St. Paul Park’s
current plan did not approve that policy, nor accept the height limitation of all other buildings within
the Critical Area to 45 feet. The approval stated that other changes would have to be made for the
Urban Diversified District to approve 45 feet and for the Urban Developed District, 35 feet was most
appropriate and amendments to that will not be approved. (Also see Item 14.)

It is possible there may be additional proposed amendments that reflect the Final AUAR, but the Final
AUAR mitigation plan must commit to being consistent with and implementing all permit approvals
and the DNR-approved plan amendments and ordinance amendments that implement the DNR-
approved plan and Executive Order 79-19. The final DNR approval decision may differ from or be
more restrictive than the final mitigation plan.

Item 28. Impact on Infrastructure and Public Services
Outfalls should be included in the summary of the stormwater system. This section should include
discussion of the addition of other utilities such as electricity, phone and cable besides roads, sewer,
stormwater, and water infrastructures.

Item 29. Cumulative Impacts
The RGU states, “no response is necessary because the entire AUAR process deals with cumulative
impacts from related developments within the AUAR area.” This claim results in a missed opportunity
for the RGU to fully explore the broader scope of activities that can affect a given resource. From the
resource perspective, cumulative impacts are not limited to the effects of developments within a
project site or study area. Cumulative impacts may in part arise from activities outside of these
boundaries. If the AUAR’s analysis were to include the corridor in Washington County, decision-
makers should be able to see how much that corridor has been diminished by direct habitat loss and
fragmentation resulting from past actions. That information (the effects of past actions) needs to be
linked with the additional losses that will occur as a result of this project. To not require it would
restrict the ability of the responsible governmental units to make fully-informed decisions regarding
both the proposed project and future projects that may affect the same resources.

Item 31. Summary of Issues
The Executive Summary on Page vii is basically a project description and does not address EQB form
guidance that “...major emphasis should be on potentially significant impacts, the differences in
impacts between major development scenarios, and the proposed mitigation.” Likewise, the draft
Mitigation Plan is similarly weak, stating that development “may impact” various resources, not
differentiating impacts between scenarios, and listing mitigation strategies that basically just comply
with existing laws, regulations, and minimum standards. The Mitigation Plan and strategies must go
well beyond compliance by avoiding, minimizing, and compensating for environmental impacts to the Mississippi River corridor resources that are of regional, state and national significance.

Given that this project fits the mandatory EIS category and that MN Rules mandate that the AUAR must provide for a level of analysis comparable to that of an HIS, DNR is disappointed that the Rivers Edge AUAR items appear to be more descriptive and less rigorous in discerning impacts and analyzing alternatives than an EIS.

We request that the RGU notify DNR Waters Critical Area/MNRRA Hydrologist Sandy Fecht (651-297-2401) upon receipt of applications for specific development projects and issues within the Critical Area and please contact Area Hydrologist Molly Shodeen at 651-772-7915 for projects and issues relating to Shoreland Management, Floodplain Management, Public Waters Permits, and Water Appropriations Permits.

Thank you for the opportunity to review this document. We look forward to receiving the Final AUAR and Mitigation Plan at a later date. Please contact me at 651-296-4796 with any questions regarding this letter.

Sincerely,

Thomas W. Balcom

Thomas W. Balcom, Supervisor
Environmental Policy & Review Section
Office of Management & Budget Services

c: Kathleen Wallace
Wayne Barstad
Steve Colvin
Bruce Gerbig
Steve Johnson
Jack Enblom
Sandy Fecht
Dale Homuth
Molly Shodeen

Mike Martinez
Joan Galli
Diane Anderson
Dan P. Stimmett, USFWS
Jon Larsen, EQB
Mike King, Metropolitan Council
Kate Hanson, National Park Service
Peter Gualtieri, Bridgeland Consulting
Clara Schlichting, Dahlgren, Shardlow, & Uban, Inc.
To: Dennis O'Donnell, Senior Planner  
From: Cindy Weckwerth, Program Manager, Jeff Travis, Program Manager  
Date: August 26, 2003  

The Washington County Department of Public Health and Environment (Department) has reviewed Rivers Edge Alternative Urban Areawide Review (AUAR) prepared by Dahle, Shardlow & Uban, Inc. and Westwood Professional Services, Inc.

The Department takes no position on the potential development. However the Department has the following comments to ensure environmental compliance and minimize environmental impact should the development proceed.

I. Aquifer Quality
Washington County residents obtain 100% of the drinking water from groundwater. Based on samples collected by Washington County, nitrate-nitrogen (NO₃-N) concentrations appear to be increasing in the Prairie du Chien and Jordan Aquifers, which are the sources for the municipal wells and the majority of domestic wells in this area of Washington County. Local water managers and resource specialists are concerned about the increasing levels of NO₃-N being detected in the Prairie du Chien and Jordan Aquifers.

Land use practices in sensitive areas have introduced contaminants into the groundwater system. From the period starting in the 1970s to August 2003, 149 nitrate-nitrogen analyses were conducted on wells in Grey Cloud Island Township and 68 were conducted on wells in Saint Paul Park from samples collected by Washington County. The average NO₃-N level in domestic wells throughout Grey Cloud Island Township was 6.12 mg/l and 2.67 milligrams per liter (mg/l) in Saint Paul Park. The NO₃-N levels from all of Washington County averaged 2.09 mg/l. NO₃-N can be an "indicator compound" for other contaminants as well as NO₃-N. The NO₃-N molecule is very soluble in water and thus mobile. Because of this mobility, the NO₃-N molecule can rapidly infiltrate into groundwater.
II. Geology and Aquifer Conditions
The Prairie du Chien Group and Jordan Sandstone formations are the most heavily used aquifers in Washington County. They are confined in most areas by St. Peter Sandstone. According to Plate 5 of the Washington County Geologic Atlas from the Minnesota Geological Survey, monitoring wells indicate that the area of interest has 1000 – 2000 gallons per minute (GPM) potential yield. Measurements of water levels in 1989 indicate no regional changes in water level in the aquifer.

Washington County is currently in the final stages of Phase 1 of the Cottage Grove Area Nitrate Study. The Cottage Grove Area Nitrate Study is just east of the proposed development. A major finding in the study indicates that there are numerous faults in the bedrock, specifically in the Prairie du Chien and Jordan Aquifers throughout Cottage Grove and Denmark Township that are not identified on the Minnesota Geological Survey's Bedrock Geology and Structure of the Seven-County Twin Cities Metropolitan Area map published in 2000. The newly discovered faulting is approximately 4 to 6 miles east of the proposed Rivers Edge Development. It is possible that the fault zones also exist in the proposed development and well logs in this area should be evaluated to determine if faulting occurs.

III. Aquifer Sensitivity
A large majority of the proposed development site has a very high sensitivity of pollution to groundwater contamination in the Prairie du Chien – Jordan Aquifer according to Plate 6 of the Washington County Geologic Atlas. This means that contaminants at the surface will almost certainly reach the groundwater system in hours to months. The remainder of the land area is classified as high sensitivity and contaminants will most likely reach the system in weeks to years. The entire development area is sensitive to human activity at the ground surface.

Impervious surface and storm water system development may reduce the rate of surface water infiltration in developed areas, thereby inhibiting the recharge of groundwater aquifers which is important in ensuring that the water supply will continue to be reliable in the future. Thoughtful, environmentally friendly development should be integrated into the development plan.

IV. Special Well Construction Area (SWCA)
Rivers Edge Development is located approximately one-half of a mile (2740 feet) from the St. Paul Park/Park Penta Special Well Construction Area. These areas are designated by the Minnesota Department of Health (MDH) based on known contamination. According to MDH, contamination has been found in the Prairie du Chien and Jordan bedrock formations. Several groundwater contaminant plumes originating from the industrial spill sites have spread to the west and southwest toward the Mississippi River.
Special well construction and sealing practices are imposed within the SWCA to prevent human health exposure to harmful contaminants. Within these areas there are prohibitions on aquifer use as well as special precautions that must be taken when drilling a well. The developer needs to provide assurances as to well placement and that additional pumping will not draw the contamination into the Prairie du Chien – Jordan Aquifer.

V. Mosquito Populations

The Washington County Department of Public Health and Environment has removed over 20,000 used tires from the salvage yard located directly north of the Rivers Edge project area. This tire removal was accompanied by a rigorous reduction of other mosquito habitat. These efforts over 2001 & 2002 reduced Ochlerotatus triseriatus mosquito levels; however, levels are still elevated and pose a risk to workers and residents of a future development.

The Department recommends that if development occurs, the area directly adjacent to the salvage yard be developed last to avoid exposure to workers and future residents to potential disease carrying mosquitoes (AUAR section 6 c, page 4). Further, the Department recommends that if development proceeds, the Company will work closely with the Metropolitan Mosquito Control District to coordinate appropriate spraying and other efforts to adequately reduce mosquito exposure.

VI. Open Dumps

The Washington County Department of Public Health and Environment maintains an inventory of Open Dumps throughout the county. A review of this inventory found no dumps on property indicated in the AUAR. It is the Department’s experience that old farm dumps are often found during a development of this scope.

If such areas are encountered during development, the solid waste must be addressed within Minnesota Rules 7035 and the Washington County Solid Waste Ordinance # 114. If hazardous wastes are encountered during development they must be addressed within Minnesota Rules 7045 and Washington County Ordinance # 119 (to be revised). If Household Hazardous Waste (HHW) from existing structures is encountered during development, it could be delivered to the Washington County HHW facility with approval from this Department.

VII. Construction Demolition Debris

The Washington County Department of Public Health and Environment is a member of the Solid Waste Management Coordinating Board (SWMCB), a Metro area Solid Waste agency. The Department and the SWMCB encourage best management practices for utilization and minimalization of construction wastes.

This includes limited grinding wood scrap for mulch on construction sites and grinding concrete and shingles for road base. For more information on these pilot projects please contact this Department.
Recommendations

- It is possible that fault zones exist in the proposed development and well logs in this area should be evaluated to determine if faulting occurs.
- The developer needs to provide assurances as to well placement and that additional pumping will not draw the contamination into the Prairie du Chien – Jordan Aquifer.
- Develop the area directly adjacent to the salvage yard last to avoid exposure to workers and future residents to potential disease carrying mosquitoes. Work closely with the Metropolitan Mosquito Control District to coordinate appropriate efforts to adequately reduce mosquito exposure.
- Solid and Hazardous Waste located in the project area shall be disposed of in accordance with Minnesota Rules 7035 and 7045 and Washington County Ordinances #114 and #119.
Barry Sittlow  
City of Saint Paul Park  
600 Portland Avenue  
Saint Paul Park, MN 55071  

Re: Rivers Edge AUAR Comments 

Dear Mr. Sittlow, 

Please accept the following comments on the AUAR. 

1. The AUAR maps should illustrate the proposed housing locations with color coding for single family and multifamily units. 
2. The housing units proposed in the Land Use Scenarios 1-3 (Tables 6-1, 6-2, and 6-3) do not provide an option that is similar to the current StPP housing density. There should be a scenario that offers a mid-range number of housing units that is more reflective of the current StPP housing density. An important component of the housing density is open space and parks. One of the reasons StPP is a great place to live is that most of the homes are on big lots and there are a number of parks dispersed among the residential areas. Additionally, increased population densities can be offset by increased open space, but there is no increase of open space between Scenarios 2 and 3. 
3. It is misleading to state that the River Open Space is 33.9 percent of the proposed development proposal in Scenarios 2 and 3 because the acreage is not developable. The category Park/Recreation is not even an option in Scenarios 2 and 3. 
4. The proposed housing density in Scenario 2 appears to be extreme and would not likely be acceptable in other communities. 
5. The AUAR should address the traffic at all the affected residential roads especially Pullman and the other side streets that will become thoroughfares. Pullman Avenue is of special concern because of Pullman Elementary. There is already considerable pedestrian, car, and bus traffic on Pullman Ave every morning during the school year. Many parents drive their children to school, and many children have to cross Pullman Ave. when they walk to school. Traffic speed is an ongoing issue on Pullman Ave for these reasons. 
6. An analysis of the time railroad crossings are not open during peak traffic is warranted. An analysis of the peak traffic flows on and off Highway 61 ramps from StPP is needed. The analysis should include estimated car trips from the new residential developments in Cottage Grove at Highway 61 exits and on ramps shared with StPP. 
7. It is unreasonable for the AUAR to assume that potential future infrastructure road improvements like a bridge on 95th address the traffic congestion problems Scenarios 2 and 3 will cause in StPP. The AUAR does a very poor job of identifying car, truck, and train traffic problems and does not provide realistic solutions. The following road issues need to be addressed in the AUAR: 
   - Grey Clouds Island’s narrow bridges 
   - 103rd Street railroad track under pass
3rd street impacts to current residential/school use and needed improvements
The use of additional street signs and the need for traffic lights on impacted roads
The restricted sight distance on Pullman Ave at the bluff near the railroad tracts
Traffic volumes and speed within school zones (Oatman Jr. High, and Pullman Elementary) need to be addressed

8. The use of a 40 foot setback does not provide any real additional habitat due to edge effects that will result from development. A larger setback is needed to protect the existing habitat from these effects.

9. The AUAR does not adequately address potential impacts to groundwater from the proposed development Scenarios. The shallow overburden combined with fractured bedrock creates some additional risks to groundwater impacts from contaminated surface water infiltration. Understanding fractured bedrock hydrogeological systems can be very challenging. Therefore identifying contamination sources, recharge areas, sources of seeps, springs and assessing their vulnerability to potential development activities is formidable. The additional municipal water supply wells will need to be included in StPP's Well Head Protection Plan.

10. The AUAR uses the term “conservation” to liberally. In most cases the term is not needed because most of the easements are either required or are so small that they are not acts of conservation.

11. The AUAR does not include all the same information in every development Scenario Table. For example table 18-1 lists population estimates for Scenario 1, but table 18-2 and 18-3 do not list population estimates for Scenarios 2, and 3 respectively. It would be helpful in include all the same information in each table for comparison purposes. (See comment 3)

12. The AUAR assumes that Scenario 1 does not and cannot provide conservation easements. There are other tools that can be employed for conserving habitat such as covenants and deed restrictions. Besides, many of the same requirements and restrictions the developer must address would apply to any reasonable future use of the property.

13. I am very concerned that the development proposal is seeking variances to many established ordinances, policies, and master plans. The potential for the development of the annexed property to significantly alter the best aspects of StPP is great. In many ways this development will be a legacy of our City Government’s vision of the future. This is an opportunity to enhance the quality of life in StPP for generations to come. Please proceed with care in preserving the quality of life in StPP.

Thank You,

Daniel Peña