



CITY OF SAINT PAUL

Mayor Christopher B. Coleman

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March 9, 2012

Councilmember Dave Thune
310-B City Hall
15 Kellogg Blvd., West
Saint Paul, MN 55102

Re: Lilydale Regional Park

Dear Councilmember Thune:

We have received the email message you had forwarded earlier this week from Ms. Amy Garcia regarding the potential Environmental Assessment Worksheet (EAW) requirement for the road construction in Lilydale Regional Park. I have asked Parks Design and Construction staff to examine the requirements of the referenced Minnesota Statute, and to pay particular attention to the issues raised. Thank you for the opportunity to respond to these questions.

Staff reviewed the May 2010 Environmental Quality Board (EQB) Guide to Minnesota Environmental Review Rules which details environmental review requirements to be implemented in conformance with the state laws, and identifies steps and process involved. An EAW is intended to provide information about potential environmental effects of the project, assist in decision making to avoid or minimize those effects, and provide information for approvals.

Numerous conversations were held with staff from various City departments in seeking a determination of the requirements as they apply to this project. Those conversations were with representatives from Public Works and Planning and Economic Development, and State of Minnesota Pollution Control Agency (MPCA). (The EQB is currently not staffed thus questions are referred to the MPCA.)

The EAW process is intended to inform the decision-making of the government agency most involved in the project - Responsible Government Unit (RGU). The City of Saint Paul would be the RGU to lead an EAW process were it deemed necessary. This was confirmed in conversation with MPCA/EQB staff. The Saint Paul Department of Planning and Economic Development would be responsible for making the final determination.



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Based on review of the statue, conversations held with other departments and the EQB staff, the conclusion reached is that an EAW is not required for this project. However, the Department of Parks and Recreation intends to proceed with completion of a 'discretionary' EAW to dispel any perception of these concerns being overlooked. The cost of this process will be born by the project budget and the timeline for work will likely require extension of the project into 2014.

Ms. Garcia has raised a number of issues that have been examined by Parks staff in their professional role of project management, and are being addressed as appropriate. These include:

1. The mandatory EAW requirements listed in Minnesota Statute 4410.4300, Subp.22A referenced by Ms. Garcia are noted correctly. It is clear the construction of new roadway of more than a mile in length triggers the requirement for an EAW. While the total length of road through Lilydale Regional Park is 2 ½ miles, it is important to note that the length of road on new alignment is less than a mile at only 3,610 lineal feet.

Specific exemptions in the statute address the types of road construction that meet the criteria for new roadway. MN Statute 4410.4600, subpart 14 'C' and "D" states that the following examples are exempt from qualifying toward the 1 mile threshold: "Modernization of an existing roadway or bridge by resurfacing, restoration, or rehabilitation . . ." and "Roadway landscaping, construction of bicycle and pedestrian lanes . . . within existing right-of-way." Staff has discussed the correct interpretation of these exemptions with MPCA staff, and was advised that these exemptions apply to the addition of bike lanes and renovation of the road where the proposed alignment remains within the existing right-of-way. In consideration of the above exemptions, we have established the length of new roadway to be 3,610 lineal feet.

2. Lilydale Regional Park is considered a natural resources based park as reflected in the approved master plan.

3. In 2009, as a step in the Master Planning process, Bonestroo (now Stantec) was retained to provide a [Natural Resources Management Plan](#). The plan identifies significant natural communities and documented threatened and endangered species at state and federal level in the park. In addition the plan provides information on the water quality issues with regard to sub-watershed drainage into Pickerel Lake. **The information in the Natural Resources Management Plan shaped decisions made in the development of the Master Plan and concluded that an EAW is not required for this park based on the Master Plan layout.**

4. The DNR has been engaged in all phases of planning and implementation. National Parks Service and US Fish and Wildlife Services have been contacted and have provided recommendations on construction practices to protect endangered species. The City of Saint Paul has conducted wetland delineation for the park in order to ensure that we are proceeding with park enhancements in a responsible manner.

5. Extensive Phase I and II environmental testing of the park has been conducted, which was essential in environmental cleanup conducted to date, as well as additional cleanup included in the roadway project. A Response Action Plan (RAP) was approved by the MPCA prior to proceeding with any remediation work. The project is enrolled in the VIC program, and the MPCA has monitored the numerous steps of the remediation project to date.

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6. The large Cottonwood tree near the site of the former Lilydale Town hall is indicated on the site survey, and is not endangered by the current or future roadway construction phases.

7. Projects implemented in the park to-date, including trail developments, the DNR boat launch, the Pickerel Lake shoreline restoration, and the environmental cleanup work, have all included considerable effort to protect water quality during construction, and Best Management Practices (BMP's) that provide water quality protection. All projects have complied with applicable permits of the Clean Water Act, and the anticipated projects will be held to the same standard of practice.

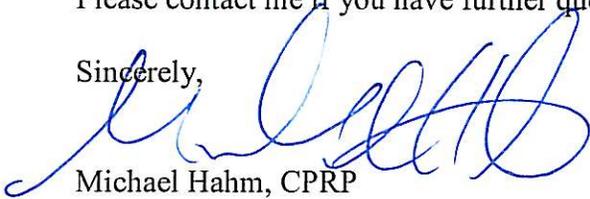
8. We agree that changes to trails and the roadway need to be sensitively designed to minimize impacts on the park. Therefore, the proposed roadway and associated trail are being designed to minimize the impervious surface and emphasize views through and experience of the park.

I know that Parks and Recreation staff and consultants have expended considerable effort to make sure that due diligence and best management practices are promoted and followed in their professional responsibility to protect the environment and develop Lilydale Regional Park for the residents of Saint Paul and the region.

This correspondence will be made available for the project record on the City's [Lilydale Regional park website](#) under Announcements and Updates. City documents referred to in this letter are available on that same site under Project Resources.

Please contact me if you have further questions.

Sincerely,



Michael Hahm, CPRP
Director

cc:

Jody Martinez, Parks and Recreation

John Maczko, Public Works

Lucy Thompson, PED

Anne Hunt, Environmental Policy Director for Mayor Coleman

Karen Kromar, MPCA