

From: [TOM DIMOND](#)
To: [Lilligren, Robert](#); [Vento, Susan](#); [Atlas-Ingebretson, Lynnea](#); [Cummings, Molly](#); [reva chamblis](#); [Johnson, Judy](#); [Lee, Chai](#); [peter lindstrom](#); [abdirahman muse](#); [Wulff, Wendy](#)
Cc: [Jane Prince \(CI-StPaul\)](#); [stephanie](#); [Melvin Carter](#); [Rebecca Noecker \(CI-StPaul\)](#); [chris](#); [nelsie yang](#); [dai](#); [amy](#); [mitra jalali](#); [rep jay xiong](#); [founghawj](#); [Sheldon Johnson](#); [Peggy Lynch](#); [Kiki Sonnen](#); [Jean Wulterkens](#); [Vicki Baucom](#)
Subject: Proposal to discharge 400,000 cubic yards of pollutant/waste in less affluent BIPOC Majority neighborhood
Date: Sunday, April 18, 2021 9:53:30 PM

Chair Lilligren,

I suspect you can appreciate the feeling of isolation and hopelessness when our government (Corps) excludes and ignores our BIPOC Majority residents. The Corps wants to get rid of 400,000 cubic yards of pollutant/waste so they discharge it in the poor neighborhood and exclude local residents from the process. This is part of the rage we see every day being vented in the community and taking a terrible toll on all of our future. Dumping huge amounts of pollutant into our park lake is not the same as being shot but it is a calculated disregard for the health and well being of those who live in poor and diverse communities. I know there are pressures to just rubber stamp projects and move on. I hope with your background you can see the importance of holding large government agencies accountable for their their negative impacts on those amongst us who have the least resources to fight back.

I appreciate any consideration you can give that would call for this proposal to get required Critical Area Review by the City Of Saint Paul. I believe you know as well as I do that this proposal would never have gone anywhere in an affluent neighborhood.

We must look out for our brothers and sisters.

Tom Dimond

Tom Dimond

2119 Skyway Drive
Saint Paul, MN 55119

RE: Proposal to discharge 400,000 cubic yards of pollutant/waste into Glacial Lake

Required Critical Area Review, Critical Area Development Permit and Meaningful Engagement of local residents as participants in planning from the outset are missing.

The Metropolitan Council was instrumental in the establishment of the State Critical Area. Saint Paul has full responsibility to review proposals regarding conformity with Critical Area plans and protections. A Critical Area Development Permit is required for the discharge of 400,000 cubic yards of pollutant/waste/fill into the lake. Pollutant and waste are State and Federal definitions of dredge spoils. The MPCA, MN DNR and others have separate permit review requirements. These do not supersede or exempt this project from State Critical Area

review. The more protective provision applies.

When it comes to the Critical Area the more protective provisions reside under the authority of the City of Saint Paul Critical Area Plan and Critical Area Zoning requirements.

The Corps Project Manager Nate Campbell clearly stated the Corps has no intention of applying for the required Critical Area site plan review and Development permit. **At a**

minimum, the Metropolitan Council should not act until the Corps proposal has received Critical Area Site Review and Development Permit has been issued. The Metropolitan

Council should not approve a proposal that is in clear violation of Critical Area requirements to apply for and receive a site plan review and a Critical Area Development Permit. Approving this proposal when the Corps has clearly stated they have no intention of complying with State Critical Area protections makes a mockery of the Critical Area program.

Protections for the Heron Rookery SNA/Sanctuary prevent construction at this time. The Metropolitan Council should require the Corps apply for site plan approval and Critical Area Development Permit prior to Metropolitan Council consideration. The Metropolitan Council should not undercut the authority of the City of Saint Paul to review and approve Development in the State Critical Area.

The staff report submitted to the MPOSC states that the proposal is in compliance with Saint Paul's 2040 Plan. This is not true. The proposal to discharge 400,000 cubic yards of pollutant/waste into our glacial lake is not part of any plan adopted by Saint Paul Plan for this area. The proposal is not part of the Great River Passage Plan or any other Saint Paul adopted plan for the area that have come out of decades of community engagement and review. This proposal is a lone wolf that has never seen the light of day in the Saint Paul Planning and Zoning process. The proposed discharge is not allowed in the lake according to the Critical Area Zoning Code.

The Saint Paul City Council did not vote to support this proposal. Saint Paul's letter in response to the 2018 EAW calls the EAW inadequate. The DNR's EAW response and the Metropolitan Council staff response should be read to understand their concerns with this proposal. There are clear concerns about the proposal and the lack of information to support claims made by the Corps. Hopefully, the Metropolitan Council has received and had a chance to review this relevant information.

Since 2012, the Corps has had the opportunity to submit this proposal to the City for Critical Area Permit and Site Plan Review. The Corps has had the opportunity since 2012 to submit this proposal for consideration as part of the Great River Passage Plan. The Great River Passage was not approved until 2013. The Corps is required to engage the local residents and our BIPOC Majority. The Corps openly admits they chose not to include those who have been long excluded. This in spite of a joint EPA/Corps Planning Manual that calls for them to do so. The Corps directives have been in place since long before this proposal.

The Corps has shown a pattern of blatant violation of required inclusion of local residents and the City planning process. The local news you see every day is rooted in exclusion of the public including BIPOC Majority residents. We can not keep kicking this can down the road. Please help us. Demand accountability and the required review and permits

The public have submitted extensive comments about this proposal to the Metropolitan Council. Hopefully, the Metropolitan Council has this information for your review. Equity and engagement of local residents as participants in parks planning is essential. This proposal has provided neither.

Fifty years ago, decisions were often made by a few white males without inclusion of the public, let alone women, BIPOC, disabled, young and old. The idea of including local residents from the outset of planning our neighborhood was a foreign concept to many. Thanks to the heavy lifting of many local residents, Congress, Governors, the Legislature, Metropolitan Council, and City Council, protections and plans have been put in place to protect these irreplaceable natural, historic, and recreational resources and ensure the rights of local residents to be participants from the outset of planning. This proposal has excluded local residents from the outset and refuses to participate in Critical Area review. These practices should not be rewarded.

As a Disabled Veteran, I know firsthand the importance of inclusion. Inclusive planning must not be lost. Inclusion of local residents from the outset of planning must include women, BIPOC, disabled, young, and old and must not be ignored because it inconveniences the Corps. The Corps feasibility study ignored the Corps' own Section 204 Planning Manual directives for engagement and inclusion. The study was largely done in house by the Corps for the Corps. It is not a grass roots plan that comes from the community or includes the community in a meaningful way. It does not conform to Critical Area Protections.

The January 31, 2021 Pioneer Press op-ed written for Saint Paul Strong by David Greenwood-Sanchez, Tony Parrish, and Dave Durenberger speaks to the need for real engagement, inclusion of diverse communities. The historic pattern of natural resources neglect and discharge of pollutant on the less affluent and more diverse Eastside must stop.

The Corps used Ramsey County wide demographics as a basis to exclude residents instead of demographics for Highwood to Dayton's Bluff neighborhoods that are Majority BIPOC.

The Corps Section 204 Planning Manual EPA842-B-07-001, Metropolitan Council Regional Park Planning directives, and Saint Paul Planning and Zoning call for a public process with real inclusion. The Corps Planning Manual calls for local residents to be included as participants from the outset. There was no public engagement and participation process to engage. The Corps told local residents they could not participate. Local residents had no say in alternatives and scoping. Meaningful involvement of all people regardless of race, color, national origin, ability, or income in development of the plan did not happen. It should.

The Corps excluded local residents from planning meetings and now plan to exclude the City of Saint Paul. I am concerned Critical Area protection requirements will not be reviewed or followed. I spoke with the Corps Project Manager and was told the proposed project will not be submitted to the City of Saint Paul for required Critical Area Development Permit and Site Plan review. The Corps Project Manager stated the MN DNR told him the Corps is not required to get a Critical Area development permit and site plan review from the City. I spoke to the MN DNR staff mentioned. I was told the DNR *did not* tell the Corps the proposal is exempt from Critical Area review and approval. The required permit, site plan review and public input

are essential to ensure any proposal is legal and conforms with Saint Paul's Critical Area Plan requirements, Comprehensive Plan requirements and Zoning Code requirements. No permits have been issued, no site plan review or hearings have been held.

Claiming an exemption from Critical Area protections, the Corps cites MN Rule 6106.0110 Subp. 6.C. This rule does not exempt projects from Critical Area requirements it references additional requirements.

MN Rule 6106.0030 Subp. 1 Applicability. The standards and criteria established in this chapter for the Mississippi River Corridor Critical Area pertain to public waters and to nonfederal public land and private lands within the river corridor boundary.

Subp. 4. Conflicting standards. In case of a conflict between this chapter and any other rule or ordinance, the more protective provision applies.

MN Stat. 116G.12 Development Permits -Subd. 3. Restrictions on Development. If plans and regulations for an area of critical concern have become effective under the provisions of section 116G.07, the local unit of government shall permit development only in accordance with those plans and regulations. ***St. Paul has adopted regulations that require a development permit and review to ensure the proposal is in accordance with Critical Area plans and regulations.***

The State defines dredge spoils as pollutant and waste. *Saint Paul's Critical Area zoning does not permit discharge of waste in the lake's Critical Area zoning district.*

Ramsey County Ordinance 2012-078 defines dredge soil as pollutant. Defines pollute as the discharge of pollutants into Waters of the State. Pollution is defined as the direct or indirect distribution of pollutants into Waters of the State. Pig's Eye Lake is Waters of the State. By the County's definitions the Corps proposal would pollute our park lake with the discharge of 400,000 cubic yards of pollutant.

The Ramsey County Ordinance also includes a More Restrictive Provision Controls. **Where requirements imposed by the provisions of this Ordinance differ from comparable conditions imposed by any other applicable law, ordinance, rule, and regulation, the provision that establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall apply.** *Saint Paul prohibits the discharge into Pig's Eye Lake and is the more restrictive provision that controls.*

Saint Paul's Critical Area Comprehensive Plan protects public views that would be impacted by the loss of a historic view of a glacial lake that goes back thousands of years. Glacial Lake Pig's Eye is a unique historic geological asset in Saint Paul's section of the Critical Area. Some might think the lake is a backwater of the river, a result of dams constructed on the river. This could not be further from the truth. The lake was created by glaciers before the Mississippi River existed in Saint Paul. As one of the oldest water bodies in Saint Paul's section of the River Corridor it must be protected. Saint Paul's Critical Area plans call for protection of views. The proposal states that different people have different perspectives so impacts on Critical Area Public Viewsheds should not be considered. Saint Paul's adopted plans and the MN DNR say otherwise. Saint Paul protects viewsheds that include the Glacial Lake. Hopefully, the Metropolitan Parks and Open Space Commission will not act before the Critical Area review.

There must be meaningful engagement of local residents including women, BIPOC, disabled, young, and old. Local residents and the broad public must have the opportunity to consider the pros and cons of the three proposals. City plan, Corps plan, and No Action plan.

Alternative 1. **Saint Paul's management plan** for Pig's Eye Lake calls for lake remediation. It is the management plan in Saint Paul's Great River Passage Plan (2010-2013). The plan enhances water quality and habitat with the removal of pollutant and sediment, aquatic habitat restoration, no wetland loss, game fish and invertebrate habitat enhancement, enhanced water clarity, enhanced water quality, enhanced recreational opportunities, and protection of historic views, reduces the pollutant in the lake food chain to protect the Heron population residing in the Pig's Eye Heron Rookery SNA and Sanctuary, removes 6-8 feet of unconsolidated polluted muck, and restores lake depths up to 12 feet depths. The 628 acres of lake will be cleaner, healthier, and provide more sustainable habitat for game fish, invertebrate, herons, eagles, and people. Section 206 is a remediation program. It does not involve the discharge of pollutant into the lake. Saint Paul submitted plan to the Corps in 2003 with support of Ramsey County.

Alternative 2. **The Corps plan** - discharge 400,000 cubic yards of pollutant into our Glacial Lake. Section 204 is not a remediation program. Section 204 is part of the dredge spoils management plan. The Corps Plan for Pig's Eye is part of the Corps published 40-year dredge spoils management plan. The plan lays out how the Corps rids itself of polluted dredge spoils. The Corps plan fills wetland, reduces the size of the lake, reduces lake depth increases pollutant, increases sediment, increases nutrient loading, reduces recreational opportunities, eliminates historic lake views as we know them and have been enjoyed for thousands of years. Adopted Critical Area protections include filling, views, wetlands, and water quality. Wetland loss is documented by MN DNR NWI wetlands map. The proposed artificial islands would fill existing category 5 wetlands. Category 5 wetlands are protected under adopted Critical Area Protections. Views are protected. Discharge of waste/pollutant into the lake is not permitted. The Corps proposed discharge of pollutant is enough to fill 13 % of Saint Paul's largest lake.

Alternative 3. **Take no action at this time.**

The stated reason why the County split from the City plan is the Corps did not have Section 206 funding to do the feasibility study. This raises a question how the Corps determines projects to fund. After the City submitted plans for a Section 206 feasibility study and before when the Corps encouraged the County to submit a Section 204 study request, the Corps received a Section 206 request from the Minnehaha Creek Watershed District for a feasibility study to clean up and restore Lake Minnetonka's Jennings Bay and Painter Creek. The Corps funded the Lake Minnetonka Section 206 feasibility study. Apparently, Lake Minnetonka has better connections. Does it surprise anyone, the Corps would support remediation at Lake Minnetonka and attempt to discharge their pollutant into our lake. The problem is not funding it is priorities that favor the affluent and exclude less affluent and Majority BIPOC Eastside residents from the planning process. There is also an obvious conflict of interest when the Corps denies lake remediation funding for Pig's Eye Lake when they have listed the Glacial

Lake as a convenient place to rid themselves of pollutant. The Critical Area was established to prevent this very thing from happening. Please consider this in your evaluation. Alternative 3 would allow time to pursue other sources of funding to do remediation.

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From: [Peggy Lynch](#)
To: [PublicInfo](#)
Subject: Lisa Barajas.
Date: Thursday, April 15, 2021 8:23:23 PM

Please forward email below to members of the Community Development Committee. Thank you, Peggy Lynch

April 15 2021

TO: Members of the Community Development Committee

FROM: Peggy Lynch

1621 Beechwood Ave.

St. Paul, MN 55116

peggyalynch@gmail.com

651-698-4543

I am writing to you in regards to the meeting on April 19th in which the Community Development Committee of the Metropolitan Council will review the Pigs Eye Lake Master Plan Amendment. I am very concerned about the Army Corps of Engineers proposal to create 7 artificial islands using dredge spoils topped by woody brush. To begin with, because Pigs Eye is a regional park, the review of a Master Plan Amendment requires a public hearing before the municipality in which the park is located. There has been no public hearing before the St. Paul City Council. I am specifically concerned regarding the future of Pigs Eye Lake.

I reviewed the Master Plan Amendment which listed elements of the plan. I do not know if any of these questions or concerns have been addressed. Below is a list of the concerns.

- No provision for Pigs Eye Lake in the Great River Passage Plan includes dredge spoil islands in Pigs Eye Lake.
- The Management Plan for Pigs Eye Lake recommends lake remediation for Pigs Eye Lake.
- No other lake in the Regional Park System allows dredge spoils to be dumped in a lake.
- The ACE plan is to dump 413,000 cubic yards of dredge material in the lake which will fill one third of the lake.

* There is no information about the costs of maintenance of the islands which will fall eventually on Ramsey County.

Use of the Pigs Eye Lake Area has been under dispute for many years and has been a dumping ground by private industry and government agencies. It has taken extraordinary time and effort by many, including dedicated individuals and environmental organizations to protect this area. I ask for your support in protecting the Pigs Eye area.

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April 4, 2021

Greetings Robert Lilligren,

I am writing to you since you are the Chair of the Met Council's Community Development Committee to support including information about Little Crow and Kaposia Village in the update to the Pig's Eye Park master plan.

I live on the east side of Saint Paul. Now that I am retired, and during the isolation of COVID, I took the time to explore our rivers and the history along them by going to our local parks.

At an interpretive kiosk between Simon's Ravine at Kaposia Park and Kaposia Landing park I read that Little Crow's village was originally on the east side of the river, across from where Kaposia Landing is today.

I recently learned that the forest I was looking at across the river from Kaposia Landing is Pig's Eye Park. And that a plan to upgrade it with \$4.3 million dollars of sales tax Lessard Sam's money is being put together.

The money will pay for building islands in Pig's Eye Lake to stop wave action, and improve the shore. Otherwise the lake will slowly shrink I see in the Amendment to the park master plan.

I have lived in the Twin Cities for 45 years but originally I am from southern Iowa. Until two years ago I managed our long time family farm down there (from 1854) for 18 years. I quickly learned that the best way to manage land in the Midwest is to understand how it was used and farmed by indigenous people – clay soil should be woods, prairie soil back to prairie or crops with wildlife corridors at the edges, do controlled burns as much as possible, remove invading plants. And that wildlife needs wildlife corridors to survive, and historical sites of all kinds are important to remind us of past land use. Doing this will save money and effort and lead to a rich natural environment.

As a Saint Parks volunteer I have spent many hours picking up trash at Frost Lake Park and the Bruce Vento Bike Trail, and thinking about how we should save and connect our natural areas as they were in the past here in the city. This helps our local endangered species like mussels in Pool 2, bats in the river caves, and rusty-patched bumblebees (I have 50 positive IDs on them on the East Side and they have been IDs at the north edge of Pig's Eye Archery Range).

Instead the Bruce Vento Bike Trail will become three lanes of concrete for the Rush Line in my neighborhood, at least two golf courses on the east side will become apartments, Frost Lake Park and Vento Trail and the Pig's Eye Archery Range are full of trash that blows in and from abandoned homeless camps, even though they are rich natural areas. And Pig's Eye Park is being used for

wood and pallet chipping and sewer sludge dumping, both of which are expanding and downgrading that part of the park, at the same time as the Pig's Eye Lake is considered for upgrade.

So as a resident I hope the plan for Pig's Eye Park makes sure that -

1. The Dakota people's history of the area is preserved and told, and the wider natural areas are preserved in the healthier traditional ways as part of that history.
2. The plan for Pig's Eye shows how it connects it with the surrounding natural and historical areas of Kaposia Landing and park, Mounds Park, Bruce Vento Nature Sanctuary, and up through the natural area corridor of Swede Hollow following Phalen Creek and along the Bruce Vento Bike Trail and Phalen Chain of Lakes up to where I live six blocks east of Lake Phalen, and south to Hastings.
3. The plan includes upgrading the City of Saint Paul's part of Pig's Eye with some of the Lessard Sams money. The money mostly comes from city people, access to the larger Pig's Eye Park starts at the Archery Range city park road, the City part of Pig's Eye will always be more accessible to more people, and wildlife sees it as one big area. Money to upgrade both Pig's Eye parks could come from not building all of the islands - restoring shoreline itself will reduce erosion. Also, reducing waves will cause the lake to freeze over in winter from what I see at Lake Phalen. It could then allow the river there to freeze over while it is now open and a magnet for overwintering Eagles across from Kaposia Landing. This will cause big changes to the over-wintering bird counts that Saint Paul Audubon members report during their annual Christmas Bird Counts in that area. I don't see this fund fairness and winter bird count impact considered in the plan Amendment.

Below and included in the email is a picture of the interpretive sign at the Kiosk at Simon's Ravine that mentions Little Crow's Kaposia Village being on the east side (Pig's Eye).

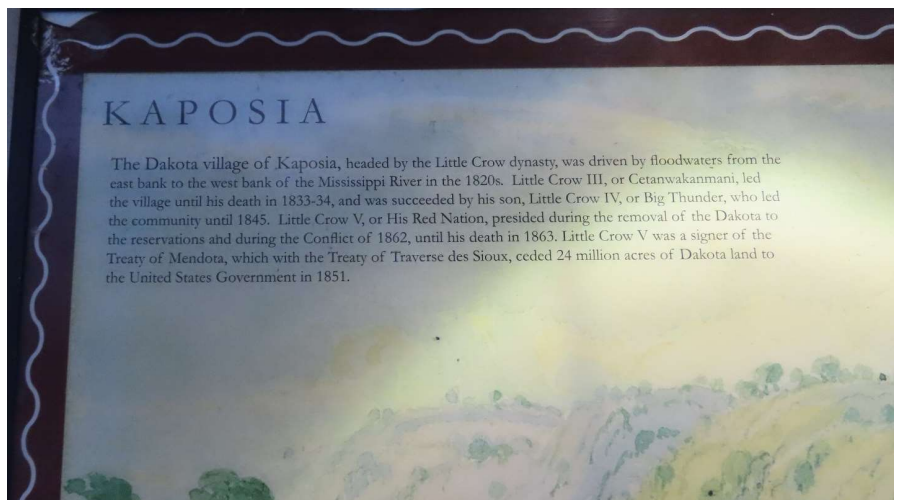
Thanks for working to involve us residents and our reactions and ideas in planning for Pig's Eye Park.

Kathy Sidles

1380 Winchell St.

Saint Paul, MN 55106

651-771-7528 (home)





Pig's Eye Park is trees behind industry and RR as seen from Mounds Park.



Red marker is Pig's Eye Archery Park, City of Saint Paul is – road through industrial area to Pig's Eye Park starts there then drive toward sludge and wood chip pile. Green marker is Kaposia Park, Kaposia Landing to the east, then Little Crow's Kaposia Village in 1820 east of there in Pig's Eye Park.



Follow the green wood chipping sign across the RR tracks to get to Pig's Eye Park.

From: [Kiki Sonnen](#)
To: [Lilligren, Robert](#); [Vento, Susan](#); [Johnson, Judy](#); [Chamblis, Reva](#); [Cummings, Molly](#); [Atlas-Ingebretson, Lynnea](#); [Muse, Abdirahman](#); [Lindstrom, Peter](#); [Lee, Chai](#); [Wulff, Wendy](#)
Subject: Pig's Eye Park Master Plan Amendment-Dredge Spoil Islands
Date: Friday, April 16, 2021 12:30:48 PM

Letter to Metropolitan Council's Community Development Committee :

April 16, 2021

St. Paul Audubon Society
PO Box 7275
St. Paul, MN. 55107

Dear Committee Members,

St Paul Audubon Society has over 50 years of experience studying, documenting and watching over the Pig's Eye area. We want no harm to come to the natural area there and we want the birds of Pig's Eye protected.

We had several concerns which we brought up at the April meeting in an email letter to the Metropolitan Parks and Open Space Commission. Councilmember Chai Lee was kind enough to speak on the issue of protecting the herons and egrets. A representative from the Army Corps of Engineers said they are working with the MNDNR to take materials through Red Rock Barge Channel and that there will be no encroachment on the Rookery island and a water boundary around the island. So that was good.

But we want to let you too know the main points of our concerns. So that we are on record with you. These concerns are:

1. Negative effects of 4-years of construction on the Heron & Egret Rookery Scientific and Natural Area and Sanctuary. (DNR permits restrict construction from starting before mid-July to protect bird nesting and fish spawning. This helps a lot!) But we need ongoing observations and recording of rookery activities to catch any problems before colony abandonment is imminent.
2. More evidence is needed that shoreline erosion is being caused by wind fetch as opposed to rising water tables / climate changes. (Dredge Spoil Islands will supposedly compensate wind fetch and stabilize Pig's Eye Lake shorelines. But Islands will add to problems if increased precipitation and rising water tables continues.)
3. More evidence is needed regarding project effects' on fisheries in the Lake. Pig's Eye Lake is a nursery for main river channel baby fish, who grow up in the lake and then mature to the point of starting their adult lives in the main channel. We need baseline information to compare project effects over time.
4. More evidence is needed regarding types of vegetation on the Dredge Spoil Islands and their effects of concentrating high loads of contaminants into the plants and its spread through the food chain of all the invertebrates, birds, fish, amphibians, reptiles and mammals.

Thank you for your careful consideration of this proposed project. We need to be good stewards of the complex ecosystem of Pig's Eye Lake area.

Sincerely,

Kiki Sonnen, Secretary
Board of Directors
St Paul Audubon Society

Sent from my iPhone

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