

**Minutes of the Meeting of the
METROPOLITAN PARKS AND OPEN SPACE COMMISSION**

Thursday, April 1, 2021

Committee Members Present: Cecily Harris, Anthony Taylor, Todd Kemery, Tony Yarusso, Jeremy Peichel, Assata Brown, Monica Dillenburg, Cana Young, and Lynnea Atlas-Ingebretson, liaison to the Council.

Committee Members Absent: None

CALL TO ORDER

Secretary Dingle did a roll call for a quorum.

With a quorum being present via WebEx, Committee Chair Yarusso called the meeting of the Council's Metropolitan Parks and Open Space Commission to order at 4:06 p.m. on Thursday, April 1, 2021.

APPROVAL OF AGENDA AND MINUTES

Chair Yarusso asked for a consensus to approve the April 1, 2021 agenda with one addition. He asked that the Appointment of Vice Chair 2021 be added as a Business item. It was motioned by Peichel and seconded by Kemery to approve the amended agenda. Secretary Dingle issued a roll call vote.

Aye – 9 (Brown, Dillenburg, Harris, Kemery, Moeller, Peichel, Taylor, Yang, Yarusso)

Nay – 0

Abstention – 0

The agenda was approved.

With a quorum present, Chair Yarusso asked for a motion to approve the February 4, 2021 minutes. Harris motioned, and it was seconded by Kemery to approve the February 4, 2021 minutes of the Metropolitan Parks and Open Space Commission meeting. Secretary Dingle issued a roll call vote.

Aye – 9 (Brown, Dillenburg, Harris, Kemery, Moeller, Peichel, Taylor, Yang, Yarusso)

Nay – 0

Abstention – 0

The February 4, 2021 minutes were approved.

PUBLIC INVITATION

Chair Yarusso noted that the posted Agenda asked that anyone wishing to address the Commission should please email the Chair at mposc@tonyyarusso.org. He noted that he has not received a request to address the Commission at today's meeting.

BUINESS

Appointment of Anthony Taylor as Vice-Chair to the Metropolitan Parks and Open Space Commission for 2021 – Tony Yarusso, Chair

In accordance with the terms of the MPOSC bylaws, Chair Yarusso stated he is appointing Anthony Taylor as Vice-Chair subject to approval by the Commission. The term would commence on April 1, 2021 and go to the first meeting of the Commission in January 2022.

It was motioned by Chair Yarusso and seconded by Moeller to recommend that the Metropolitan Parks and Open Space Commission approve the appointment of Anthony Taylor as the Commission's Vice-Chair for 2021.

With no further discussion, Chair Yarusso called for a vote. Secretary Dingle issued a roll call vote.

Aye – 9 (Brown, Dillenburg, Harris, Kemery, Moeller, Peichel, Taylor, Yang, Yarusso)

Nay – 0

Abstention – 0

The motion was approved.

2021-68, Battle Creek Regional Park – Pigs Eye Lake Master Plan Amendment, Ramsey County –

Colin Kelly, Planning Analyst

Colin Kelly, Planning Analyst, presented the staff report to the Metropolitan Parks and Open Space Commission at its meeting on April 1, 2021. He, Emmett Mullin (Parks Unit Manager, Metropolitan Council), Scott Yonke (Director of Planning and Development, Ramsey County Parks and Recreation) and Aaron Mcfarlane (Biologist, U.S. Army Corps of Engineers) responded to questions.

Harris asked multiple questions. First, she asked why Ramsey County (County) was requesting the master plan amendment now when the project was really started back in 2015. Mullin responded that the Council directed the County to conduct a master plan amendment in 2019, after the County contacted the Council to determine what was needed from a planning perspective. Harris then asked for clarification around funding; that it appeared some additional funds would be needed for planning. Kelly responded that the island-building project is fully funded by the Corps and the Lessard-Sams Outdoor Heritage Council grant, but that other aspects of the master plan amendment – including additional natural resource restoration activities and planning for public protection and safety – may require additional funding. Harris then asked for clarification on the location of the former dump site and ash ponds and asked why cleanup or remediation would not occur before island building. Yonke oriented the Commission to the location of the former dump site and ash ponds and noted the Corps' Feasibility Study found the island-building project would not impact the cleanup process. Additionally, because all the funding is in place for the island-building project, Ramsey County felt it could move forward with that project first. Harris then asked whether the island-building project was mitigation for another Corps project elsewhere on the river, and Yonke responded that it was not.

Dillenburg asked how the island-building project will benefit wildlife. Yonke noted that the islands will reduce wind fetch and turbidity and create additional habitat in the lake. Mcfarlane noted the Corps has a lot of experience with habitat projects such as this, having managed an environmental restoration program on the Upper Mississippi River for about 35 years. Between the project site and St. Louis, Missouri, the Corps has built 56 floodplain habitat restoration projects and restored over 100,000 acres of habitat. The Mississippi River is an impounded river and these types of projects have led to significant increases in aquatic vegetation, improved water clarity, and healthier wildlife including fish.

Peichel asked multiple questions. First, he asked what mitigation measures are planned to protect the investment in island creation once remediation of contamination occurs. Mcfarlane noted that most of the contaminated land is north of the lake and that remediation will likely not occur where the islands are being built, further south in the lake itself. The Corps worked closely with MPCA to ensure none of the island-building activities would impact any future remediation techniques or strategies. Peichel then asked what the average contamination levels are in Pigs Eye Lake and what the risk would be for people fishing or consuming fish from the area. Mcfarlane reiterated that it is the area to the north where higher contamination levels were found by MPCA and that areas in the lake are generally at lower levels and not harmful to aquatic life. Regarding fish specifically, Mcfarlane added the MDNR has issued fish consumption advisories for Pool 2, clarifying public health and safety information.

Brown asked how the public was engaged in Ward 7 of the City of Saint Paul, both during the development of the Feasibility Study and the master plan amendment. Yonke reiterated how partners and the public were engaged during the development of the Feasibility Study, noting how the Corps and County followed the public review processes specified in the National Environmental Policy Act (NEPA) and Minnesota Environmental Policy Act (MEPA) respectively. The Feasibility Study was posted on the Environmental

Quality Board (EQB) website – the standard protocol for such studies– and the County issued press releases and posted information on their website and via social media to notify the public. Yonke noted that public input was received during this time and that feedback is included in the Feasibility Study. This process occurred between 2015-2018. With regard to the master plan amendment, Yonke noted the County provided a 45-day public review period, shared information via the County’s website, and hosted a virtual public meeting. Comments were also received from the public during this time and are documented in the master plan amendment. This process occurred 2019-2021. Brown sought clarification on how the County specifically engaged communities of color or any of the neighborhoods that have concentrated poverty that could possibly be affected. Yonke said the County tried to engage those communities as much as possible by using advocates in the community and by notifying District Councils of the opportunity to review and provide comment on the plan amendment.

Harris noted Commission members recently received emails from individuals expressing concerns and asked why the City of Saint Paul (City) is not a partner on this project or did not submit a letter of support. Yonke responded that the City was a part of the agency task force that was a part of the Feasibility Study development, but that the City Councilmember representing the area felt the County’s public engagement during the master plan amendment process was inadequate and therefore chose not pursue a letter of support from the full City Council.

Council Member Atlas-Ingebretson noted Council Members also received emails from individuals expressing concerns and one of the main issues raised was a perceived lack of engagement with underrepresented populations. Atlas-Ingebretson noted the Council’s shared values of advancing equity and inclusion and suggested there is nothing that precludes implementing agencies from going beyond minimum engagement standards.

Peichel asked whether the equity analysis requirement should be addressed here, recognizing this master plan amendment is focused on the island-building project and natural resources, primarily, or if it will be included in a future master plan amendment. Mullin responded that the equity analysis requirement was not adopted when the Council specified the required master plan amendment components to the County. Mullin added that the County has indicated the broader Battle Creek Regional Park Master Plan will include an equity analysis. It is anticipated that the County will bring this more comprehensive master plan forward for Council review later this year.

Taylor asked multiple questions. First, he sought clarification around future public engagement around the Pigs Eye unit. Yonke noted this master plan sets up the framework for long-term remediation work, which will have a more robust community and agency engagement component. Taylor further clarified that this future engagement would fall under the guidance of the most recent *Regional Parks Policy Plan* update, which includes the equity analysis requirement. Mullin responded affirmatively. Taylor then asked whether there would be an element of programming that comes out of future planning processes. Yonke responded that the public safety component has to be implemented first, before any recreational amenities or programming can be considered. Mullin noted that a future master plan amendment would be needed to address recreation, access, and other topics. n

Moeller asked what the implications of extending public engagement for 60 to 90 days would be as it related to project timelines. Yonke responded the planning process for the island-building project is complete and that there are strict timelines for funding, both from the Lessard-Sams Outdoor Heritage Council and the Corps. Yonke added that extending public engagement and delaying the start of the island-building project could jeopardize those funds.

Council Member Lee referenced a letter from Saint Paul Audubon, asking whether the island-building project would impact the heron rookery. Yonke responded there are no anticipated impacts to the heron rookery and that construction activities will not occur during sensitive nesting times, and there will be no

access to the scientific and natural area (SNA) during construction. Mcfarlane added the Corps has been working closely with the Minnesota Department of Natural Resources (MNDNR) and their Natural Heritage staff and SNA representatives to ensure there will be no impacts during construction.

Kemery raised the topic of the City of Saint Paul choosing not to provide a letter of support and asked if there is any way for the City to voice its concerns. Yonke reiterated comments that the City was at the table during the Feasibility Study and that City staff have provided comments on it. Yonke added that the County would like to coordinate with the City as much as possible in future processes.

Harris asked whether a proposed action could be added that would require the County to conduct a more robust community engagement process on any Pigs Eye unit-related topics in the future. Chair Yarusso responded that it is a possibility, and it is at the discretion of the Commission.

Dillenburg noted that, regardless of the extent and depth of engagement in many planning processes, there are often people who will feel they were not adequately engaged. Dillenburg added that she thinks the project will improve wildlife and resources.

It was motioned by Peichel and seconded by Dillenburg to recommend that the Metropolitan Council:

1. Approve Ramsey County's Battle Creek Regional Park – Pigs Eye Lake Master Plan Amendment.
2. Require Ramsey County to continue to coordinate with the Army Corps of Engineers and the Metropolitan Council during the development and implementation of the island monitoring plan.
3. As represented by Ramsey County, acknowledge the Corps' responsibility for monitoring and determining ecological success for the restoration projects it constructs for up to 10 years following project completion, including financial responsibility.
4. Require Ramsey County, prior to initiating any development of the regional park unit, to send preliminary plans to the Environmental Services Assistant Manager at the Metropolitan Council's Environmental Services Division.

With no further discussion, Chair Yarusso called for a vote. Secretary Dingle issued a roll call vote.

Aye – 8 (Dillenburg, Harris, Kemery, Moeller, Peichel, Taylor, Yang, Yarusso)

Nay – 0

Abstention – 1 (Brown)

The motion was approved.

INFORMATION

MPOSC Commission Equity Conversation Follow-up and Next Steps - Amanda Lovelee

Lovelee led MPOSC in an equity conversation, following up on the Commission's March equity training, exploring next steps as outlined in the presentation provided.

Atlas-Ingebretson suggested breaking the topic down, thinking about smaller 'equity nudges' every time we meet. She asked how we create common knowledge and language around this important topic. She noted that not everyone was able to participate in the small group discussions, due to technical issues.

Peichel stated he wants to be a parks and trails champion the way Anthony Taylor is, but doesn't feel he has the resources.

Taylor wants to go deeper into the idea of being anti-racist and anti-oppression. He added, we need to arm this team with the knowledge of what is going on around us, recognizing the regional system as public space. Also, he added we need to know what the challenges are. He stated it is critical that we make a statement as a commission to be leaders in this work].

Atlas-Ingebretson stated this body is already leading in the work of equity here at the Council. She acknowledged and thanked the previous and new members that are committed to this work.

Moeller stated he is not sure how to 'do it'. Yet he likes the idea of a 10-minute segment to look at best practices from agencies at each meeting.

Harris stated she loves everything she is hearing. She noted that we all learn in different ways. She learns by reading and would appreciate any materials or resources on this topic.

Kemery likes the idea of intentionally taking up equity. He also appreciated Taylor's comments.

REPORTS

Chair: Chair Yarusso welcomed the new Commissioners. He noted that work is starting for next year's equity grant program. He also noted that he found a few communications in his SPAM and that commissioners may want to check their spam folders, to make sure they have not missed any messages. Additionally, he said all comments related to today's meeting received will be attached to the minutes.

Commissioners: Harris attended the Washington County Cottage Grove Regional Park ribbon cutting. She also noted that Lake Elmo Park Reserve is looking at designing a single track.

Staff: Mullin reported that the Legislative session marches on working on Parks and Trails Legacy Bill and operations and maintenance funding. He also stated that they are considering two Legislative Citizen Commission on Minnesota Resources' bills, to provide funding for land acquisition in the Regional Parks System.

Mullin wished everyone a Happy April Fool's Day and discussed 30-Days of Biking that Three River's Park District is promoting.

Council Liaison: Atlas-Ingebretson welcomed everyone and stated that this is the first Commission at the Council with a BIPOC majority – race, age, and equity inclusion. She thanked those who agreed to another term and those who are new to the Commission.

Atlas-Ingebretson thanked Chair Yarusso for his willingness to serve for another term as chair and support this work and she offered her condolences for his recent loss.

ADJOURNMENT

Business completed the meeting adjourned at 6:05 p.m.

Sandi Dingle
Recording Secretary

Public Comments Received Prior to the April 1, 2021 MPOSC Meeting

1. Melissa Wenzel

From: Melissa Wenzel <melissa.a.wenzel@gmail.com>
Sent: Wednesday, March 31, 2021 6:40 PM
To: Dingle, Sandi <sandi.dingle@metc.state.mn.us>
Subject: Fwd: Metropolitan Council meeting agenda tomorrow - Pigs Eye Master Plan Amendment.

Good evening Sandi,

I'm a Ramsey County Parks and Rec Commission member and I support the Pigs Eye Lake Master Plan Amendment that involves adding islands to Pigs Eye Lake. There are a number of people opposed to the plan and will likely be attending tomorrow's meeting in opposition. I didn't receive the email where "Tom sums it up nicely" but based on other emails from him on the topic, I can assume I know most of what he wrote.

Just thought I'd give you the heads up.

Thanks!

~Melissa

2. Romi Slowiak

 Romi Slowiak <romislowiak@gmail.com>
To: [Atlas-Ingretson, Lynne](#); [mposc](#); [Mullin, Emmett](#); [sproditz](#); [bob](#); [canayang](#); [assatabrown](#); [speichert](#); [ceely999](#); [createbalance](#); [takemery](#)
Cc: [Durenberger Dave](#)

[Reply](#) [Reply All](#) [Forward](#) [...](#)
Wed 3/31/2021 9:29 PM

It has been Covid quarantine. We, on the East Side, and everywhere, have been preoccupied. Now, comes on my horizon, a proposal to create man made islands that may do some good things, but possible many bad things at a rare ecological catch basin south of us: Pigs Eye Glacial Lake.

I live upwind and upstream from this part of the Mississippi; on Lake Phalen. I am more than aware of the pollution that is increasing in our neighborhood. I smell it. I watch the readings on AQICN.org. St. Paul Harding High School's are almost always the worst in the region. Pigs Eye is a fragile natural area. It is possibly an environmental filter. But also possibly about to be stirred into toxicity.

I think it is patently unfair that a change of this magnitude has not had the public input it deserves. Please do your job and put the brakes on this until an informative and interactive community input process can be offered.

I am neither Hmong, Latinx, Karen or African-American. I am Polish-Scottish/English American, via Australia and the chance romance brought by World War II. I love the East Side and my neighbors and have lived here for 40 years. We deserve to be informed and to be heard.

In harmony,

Romi Slowiak
1492 East Shore Drive
St, Paul, MN 55106

3. Saint Paul STRONG op-ed published in the Pioneer Press

Good Intentions are No Substitute for Authentic Engagement Around Pig's Eye Plans in St. Paul's Disenfranchised East Side

By David Greenwood-Sanchez, Tony Parrish, David Durenberger are members of Saint Paul STRONG

The Army Corps of Engineers, in collaboration with Ramsey County, is planning to use materials dredged from the Mississippi River to create seven islands in Pig's Eye Lake, for the stated goals of improving wildlife habitat and reducing shoreline erosion. As can be expected with a multi-million-dollar project, it has both proponents and opponents. We do not wish to weigh in on the merits of the project but do wish to call attention to the lack of meaningful community engagement and the precedent it sets for other large projects, including those affecting our most diverse and historically neglected communities.

Pig's Eye Lake sits immediately east of the Mississippi River in St. Paul's East Side, in Battle Creek Regional Park, the largest park in the city. The area surrounding the lake is part of the homelands of the Dakota. Today it boasts a diverse community, including at least half of Saint Paul's Somali and Oromo communities and large populations of Hmong, Latinx, Karen and African American people. Although the East Side comprises over a third of the city's land mass, the city's investments in neighborhood revitalization, parks and housing have lagged the rest of Saint Paul.

The lake itself is most known for its birdwatching – it is prime habitat for herons, egrets, cormorants, and pelicans– and for its unique wetland ecosystem within city limits. However, despite these

important natural features, the area has also been subjected to countless environmental offenses. In the 1950s, an area adjacent to the lake became the largest unpermitted dump site in the state of Minnesota for the next 20 years. Afterwards, the site became used for disposing sludge ash from the neighboring Metropolitan Council Wastewater Treatment plant. In 1989, the Minnesota Pollution Control Agency declared the dump a Superfund site, and a 2000 report from that agency identified that polychlorinated biphenyls (PCBs), lead, boron, cobalt, aluminum, zinc, ammonia, chloride, and mercury had been discharged from the dump site into the lake at levels that exceeded water quality standards. Over the years, numerous agencies and citizen groups have worked to clean up the area. However, despite these efforts, it continues to hold significant levels of contaminated materials.

Given the lake's unique features, the troubled management of this site, the history of neglect toward its surrounding East Side communities, and the potential risks related to existing contamination, one might expect projects concerning the site to display an abundance of sensitivity and outreach toward affected communities. However, the Army Corps of Engineers and County have largely pursued the opposite route, minimizing outreach to affected communities, curtailing opportunities for citizen engagement, and relegating the meaningful engagement to the level of closed inter-agency meetings. This type of engagement strategy is best captured in the Army Corps' May 2018 Feasibility Report and Environmental Assessment, which declares in its Environmental Justice section that: "*Minority groups were identified in communities surrounding the project area; however, the project itself would not have any adverse effects on surrounding communities. Therefore, neither the no action alternative nor the proposed action would cause a disproportionate impact on any population.*" The unilateral determination of no adverse effects on surrounding communities is deeply troubling and highlights a type of paternalism that should have no place in 21st century land management.

Unfortunately, this approach is reflected throughout the project's community engagement process, which was almost non-existent. No presentations were made at District Councils, for example, nor were the councils invited to submit comments. Instead, engagement was mostly restricted to two public comment windows in Spring 2018 and Fall 2020. During the first window, no comments were received from ordinary citizens or community members; they simply had no reasonable way of knowing about this project. While citizens did respond to the second comment window, it is evident that this was not designed as a back-and-forth engagement, but rather as a final defense of the project; a box to be checked en route to the project launch.

While the project itself may have valid objectives, it falls embarrassingly short of minimum standards for what might be considered meaningful community engagement. Rather than reaching out to neighboring communities early in the process, the Army Corps and County determined they were unaffected and made no reasonable effort to promote an open dialogue: the right of residents to ask questions, to be heard, to offer perspectives, and to be included in the planning process. This is not in keeping with 21st century standards of community engagement, and it creates good reason to question the advancement of this project. As part of the effort to foster inclusivity, respect for diverse communities, and confront legacies of discrimination, our city leaders would do well to step back and re-evaluate the Pig's Eye Lake project.

4. Kiki Sonnen
Letter to:
Metropolitan Council's Parks and Open Space Commissioners

Dear Commissioners,

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 write to you to express our concerns regarding the Pig's Eye Lake Dredge Island Project, which is a Plan Amendment to the Battle Creek- Pig's Eye Regional Park. This is on Metropolitan Parks and Open Space Commission agenda for your April 1, 2021 meeting.

Main points of our 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 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 needed regarding project effects' on fisheries in the Lake. Pig's Eye Lake is a nursery for baby fish, who grow up in the lake and then mature to the point of starting their adult lives in the Mississippi River's main channel. We need baseline information to compare project effects over time.
4. More evidence 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. We appreciate your help in doing so.

Sincerely,

Kiki Sonnen, Secretary
For the Board of Directors of
St Paul Audubon Society
PO Box 7275
St. Paul, MN. 55107