

**FINDINGS OF FACT AND RECORD OF DECISION
ENVIRONMENTAL ASSESSMENT WORKSHEET**

**For the City of Thief River Falls Oxbow Restoration and Stormwater
Treatment Project**

Location: Thief River Falls, Pennington County, Minnesota

**Responsible Governmental Unit: City of Thief
River Falls**

Responsible Governmental Unit

Contact Person	City of Thief River Falls
Title	Wayne Johnson
Address	Water and Wastewater Utilities Superintendent
City, state, ZIP	305 Pennington Ave. S
Phone	Thief River Falls, MN 56701
E-mail	218-681-3809
	wjohnson@citytrf.net

Proposer

Contact Person	City of Thief River Falls
Title	Wayne Johnson
Address	Water and Wastewater Utilities Superintendent
City, state, ZIP	305 Pennington Ave. S
Phone	Thief River Falls, MN 56701
E-mail	218-681-3809
	wjohnson@citytrf.net

Final action: Based on the Environmental Assessment Worksheet, the "Findings of Fact and Record of Decision," and related documentation for the above project, the City of Thief River Falls concluded the following on February 19, 2021:

1. The Environmental Assessment Worksheet, this "Findings of Fact and Record of Decision" document, and related documentation for "The City of Thief River Falls Oxbow Restoration and Stormwater Treatment Project" were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (1993).
2. The Environmental Assessment Worksheet, this "Findings of Fact and Record of Decision" document, and related documentation for the project have satisfactorily addressed all the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.4300 Subp. 27):
 - o Type, extent, and reversibility of environmental effects.
 - o Cumulative effects of related or anticipated future projects.
 - o Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.

- o Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.
- 4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal by the City and cannot be relied upon as an indication of such approval. This finding allows the proposer to formally initiate the City's process for considering the specific discretionary and ministerial permissions necessary for redevelopment, and for the City in this process, informed by the record of the EAW, to identify and encourage the elements for compatible redevelopment, and assure their implementation at this important site.

Consequently, the City makes a Negative Declaration and does not require the development of an Environmental Impact Statement for the project.

I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION

The City of Thief River Falls prepared a Mandatory Environmental Assessment Worksheet (EAW) for the Oxbow Restoration and Stormwater Treatment Project according to the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300 Subpart 27, Public waters, public waters wetlands, and wetlands. The City of Thief River Falls is proposing to restore an oxbow of the Red Lake River in the SE ¼ of Section 33 T154N, R43W within the city limits. The Project would include removing sediment in the eastern portion of the existing oxbow and installing a sediment removal system to reduce the sediment contained in stormwater entering the basin.

II. EAW NOTIFICATION AND DISTRIBUTION

On December 21, 2020, the City provided the EAW to be published and distributed to the official EQB mailing list and to the project mailing list. The EQB published notice of availability in the *EQB Monitor* on December 28, 2020.

A notice was also posted on the city website at www.citytrf.net, and in the Thief River Falls Times/Northern Watch. These notices provided information on where copies of the EAW were available, notified the public of a public hearing, and invited the public to provide comments during the 30-day comment period.

III. COMMENT PERIOD, PUBLIC MEETING, AND RECORD OF DECISION

Exhibit A includes the three comment letters/emails received during the comment period. No public meeting was held for this project.

Exhibit B includes a table which provides a response to individual agency substantive comments. The general comments were regarding water permits, proper disposal of excavated sediment, stormwater detention facility design, incorporation of native plants and implementing measures upstream to reduce pollutants from reaching the oxbow. These issues are described in Section V, below.

IV. COMMENTS RECEIVED AND RESPONSES TO THESE COMMENTS

The City received 10 substantive comments from 3 agencies via email during the public comment period from December 28, 2020 to January 27, 2021.

Comments were received from the following:

1. Minnesota Department of Natural Resources (MnDNR) - Christine Herwig (1/26/2021)
2. Minnesota Pollution Control Agency (MPCA)- Karen Kromar (1/25/2021)
3. Minnesota State Historic Preservation Office (SHPO)- Sarah J. Beimers (1/25/2021)

The City analyzed the comment letters to identify individual substantive comments that required a specific response. From the 3 letters, the City identified 10 substantive comments. The complete comments and responses are attached.

V. ISSUES IDENTIFIED IN THE EAW

The following impact issues were identified in submitted the EAW comment letters. They are listed by the Comment Letter ID number as shown in Appendix A. For responses to each individual comment see the table in Appendix B.

Public Water Permit

The MnDNR provided a comment indicating that the oxbow within the project area is a designated public water wetland (Lake Number 57002200). As such, an individual public water work permit will be required for the proposed activities within this basin.

EAW Item 11 mistakenly noted that the oxbow is not a public water and would not need a MnDNR work in public waters permit. However, as indicated by the MnDNR, the project would require a permit and the city will work with the MnDNR on the permit application.

Stormwater

MDNR recommended the development of an Operation and Maintenance Plan for all stormwater detention facilities to ensure each structure is functioning as designed and intended.

The Project will comply with MPCA's stormwater guidance regarding operation and maintenance of stormwater during the design, construction and post-construction phases. The City will explore native planting options by consulting the guidance provided by the MPCA Plants for Stormwater design. The results of this effort will be incorporated into the design of the stormwater settling basin.

Wetland Acreage

Table 3 in EAW Item 7 shows 2.85 acres of wetlands within the project area before and after construction. Prior to construction, the Minnesota Wetland Conservation Act and the federal Clean Water Act will be followed to minimize impacts to wetlands as directed by the appropriate regulatory agencies. This could include a wetland delineation and other permitting requirements. If necessary, a Pre-Construction Notification to the United States Army Corps of Engineers will be submitted during the final design process.

Pollutants

The scope of the EAW did not include a detailed discussion of pollutant load or municipal stormwater, but chloride and other potential pollutants from the snow storage area were a topic of concern. The purpose of the sediment settling pond in the snow storage area is to reduce sediment transport into the oxbow, and the oxbow restoration will increase the filtering of runoff before it enters the Red Lake River. The

Red Lake River is listed for suspended sediment.

The Project will apply for all applicable construction and stormwater permits and plans including a MnDNR Public Waters permit, MPCA National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater General Permit (MN R 100001) and a Stormwater Pollution Prevention Plan (SWPPP). The Project plans to use structural and non-structural BMP controls to minimize erosion and sediment transport during construction.

VI. COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the Minnesota Environmental Quality Board rules (4410.1700 Subp. 6 & 7) require the responsible governmental unit, the City in this case, to compare the impacts that may be reasonably expected to occur from the project with four criteria by which potential impacts must be evaluated. The following is that comparison:

A. Type, Extent, and Reversibility of Environmental Effects

The City finds that the analysis completed during the EAW process is adequate to determine whether the project has the potential for significant environmental effects. The EAW describes the type and extent of impacts anticipated to result from the proposed project. In addition to the information in the EAW, the agency comments received during the public comment period (see **Appendix B**) were taken into account in considering the type, extent and reversibility of project impacts.

B. Cumulative Effects of Related or Anticipated Future Projects

Cumulative effects of related or anticipated future projects include routine park maintenance of the Thief River Falls Cemetery, Greenwood Cemetery, and Greenwood Trails Recreation Area. Similarly, the City is working with the Minnesota Department of Transportation on several road projects and a bridge project south of the Project area. Established detour routes would move traffic away from the Project area, reducing traffic near the Project.

C. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

The Proposer will acquire any required permit and approvals that may be required by federal, state and local agencies and implement any required conditions necessary, including those that will reduce impacts and further protect the environment. Table 1 lists the permits or approvals that may be required for project construction and operation. Based on information developed during the review of public comments, some permits originally presented in the EAW have been removed as they would not be required.

Table 1 - Permits and Approvals

Unit of Government	Type of Permit or Approval
FEDERAL	
United States Army Corps of Engineers	Section 404 of the Clean Water Act Permit

United States Fish and Wildlife Service	Section 7 Federal Endangered Species Act Consultation - Review for Threatened and Endangered Species based on 404 Permit – informal coordination
Federal Lead Agency	Section 106 of the National Historic Preservation Act review of historical and archaeological resources
STATE	
Minnesota Department of Natural Resources	Public Waters Work General Permit (depending on transmission line work)
Minnesota Board of Water and Soil Resources/ Pennington Soil and Water Conservation District	Minnesota Wetland Conservation Act Approval
Minnesota Pollution Control Agency	Clean Water Act Section 401 State Water Quality Certificate
	NPDES General Permit (Construction Stormwater; Stormwater Pollution Prevention Plan)
LOCAL	
Pennington County Soil and Water Conservation District	Shoreland Permit Summary Form
	Shoreland Building Permit Supplemental Form
	Floodplain Permit Form
	Land Alteration Permit Form (if filling or grading over 50 yards of fill)
Red Lake Watershed District	RRWMB Funding Application Form for Water Quality Projects
	Watershed Permit

D. Extent to which Environmental Effects Can be Anticipated and Controlled as a Result of other Environmental Studies Undertaken by Public Agencies or the Project Proposer, or of Environmental Reviews Previously Prepared on Similar Projects.

Although not exhaustive, the City reviewed the following documents as part of the environmental impact analysis for the Project:

- Data presented in the EAW
- Permits and environmental review of similar projects

The environmental effects of the Project have been addressed by the design and permit development processes, and by ensuring conformance with regional and local plans. There are no elements of the Project that pose the potential for significant environmental effects.

VII. DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision,” and related documentation for this project, the City of Thief River Falls, the responsible governmental unit (RGU) for this environmental review, concludes the following:

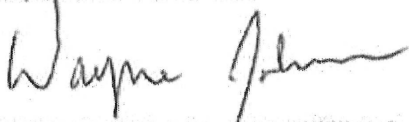
1. The Environmental Assessment Worksheet, this “Findings of Fact and Record of Decision” document was prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (1993).
2. The Environmental Assessment Worksheet, this “Findings of Fact and Record of Decision”

document, and related documentation for the project have satisfactorily addressed all the issues for which existing information could have been reasonably obtained.

3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
 - Type, extent, and reversibility of environmental effects.
 - Cumulative effects of related or anticipated future projects.
 - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
 - Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal by the City and cannot be relied upon as an indication of such approval. This finding allows the proposer to formally initiate the City's process for considering the specific discretionary and ministerial permissions necessary for redevelopment, and for the City in this process, informed by the record of the EAW, to identify and encourage the elements for compatible redevelopment, and assure their implementation at this important site.

Consequently, the City makes a Negative Declaration and does not require the development of an Environmental Impact Statement for the project.

City of Thief River Falls,



Water and Wastewater Utilities Superintendent

Appendices

- A – Comment letters
- B – Comments and Responses

ATTACHMENT A: AGENCY COMMENTS

- Comment Letter 1: MnDNR
- Comment Letter 2: MPCA
- Comment Letter 3: SHPO



Ecological and Water Resources
2115 Birchmont Beach Rd NE
Bemidji, MN 56601

January 26, 2021

Wayne Johnson
Water and Wastewater Utilities Superintendent
City of Thief River Falls
305 Pennington Ave. South
Thief River Falls, MN 56701

EAW, City of Thief River Falls Oxbow Restoration and Stormwater Treatment

Wayne Johnson,

Thank you for the opportunity to review the Oxbow Restoration and Stormwater Treatment Environmental Assessment Worksheet (EAW). The Minnesota Department of Natural Resources (MDNR) completed a review of the EAW and offers the following comments:

MDNR Public Water Permit

The oxbow within the project area is a designated public water wetland (Lake Number 57002200). An individual public water work permit will be required for the proposed activities within this basin.

Details required during the public water permitting process may include but are not limited to:

- Project objectives and alternatives
- Longitudinal profile through existing and proposed bottom of the public water basin, and placement of the rock weir
- Soil boring and bottom sampling data
- Excavation methods and disposal information including equipment proposed to be used
- Water quality and provision for future water quality monitoring
- Timetable of any future anticipated excavations, volumes of material to be removed and disposal methods

Excavated Materials

The EAW notes that soil will only be tested if oils or staining is observed. MDNR recommends consultation with Minnesota Pollution Control Agency (MPCA) regarding any need for testing of excavated sediment regardless of staining to ensure any contaminated soils are properly disposed.

Stormwater Detention

MDNR recommends development of an Operation and Maintenance Plan for all stormwater detention facilities to ensure each structure is functioning as designed and intended. See the MPCA webpage on [“Operation and Maintenance of Stormwater Ponds”](#) for maintenance and inspection scheduling guidance.

Also, consider the incorporation of native plants into the stormwater settling basin design. Native plants can provide superior habitat for pollinators, water uptake, and drought survivability than their non-native counterparts. See the MPCA [Plants for Stormwater Design](#) manual for ideas and information.

Thank you for consideration of these comments. We look forward to continued coordination through the public water permitting process. For additional public water permitting information and coordination, please contact Area Hydrologist Stephanie Klamm at Stephanie.klamm@state.mn.us.

Sincerely,



Christine Herwig
Northwest Region | Ecological and Water Resources

CC: Jaimé Thibodeaux, NW Environmental Assessment Ecologist
Stephanie Klamm, Area Hydrologist

Equal Opportunity Employer

Links:

Operation and Maintenance of Stormwater Ponds

https://stormwater.pca.state.mn.us/index.php?title=Operation_and_maintenance_of_stormwater_ponds

Plants for Stormwater Design

<https://www.pca.state.mn.us/water/plants-stormwater-design>



520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

January 25, 2021

Wayne Johnson
Water and Wastewater Utilities Superintendent
City of Thief River Falls
305 Pennington Avenue South
Thief River Falls, MN 56701

Re: City of Thief River Falls Oxbow Restoration and Stormwater Treatment Environmental Assessment Worksheet

Dear Wayne Johnson:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the City of Thief River Falls Oxbow Restoration and Stormwater Treatment project (Project) in the city of Thief River Falls, Pennington County, Minnesota. The Project consists of restoration of an oxbow of the Red Lake River. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

Water Resources (Item 11)

The number of acres to be disturbed is not specified in the EAW, but the Project proposer should be aware that work within the pond would be under the jurisdiction of the Department of Natural Resources Public Waters permit. Only construction activity above the Ordinary High Water Level (OHWL) of a public water resulting in 1 acre or more of soil disturbance requires the National Pollutant Discharge Elimination System/State Disposal System (NPDES) General Construction Stormwater Permit (CSW Permit). If the CSW Permit is required, the Stormwater Pollution Prevention Plan (SWPPP) for the Project will need to include additional best management practices (BMPs) for the impaired water as specified in the permit.

The Project is intended to reduce sediment and pollutants reaching the Red River, which is impaired for total suspended solids. The EAW indicates the sediment basin will be constructed in a snow storage area. The Project proposer does not mention potential pollutants from the snow storage that may contribute to the runoff, including chloride and other pollutants from snow removal areas that could potentially increase pollutants reaching the oxbow pond and river. The Project proposer is strongly encouraged to implement measures at the contributing upstream development to reduce pollutants from reaching the oxbow, including salt reduction practices, street sweeping, public education and installing green stormwater infrastructure practices to reduce stormwater runoff at the source. Also, consider relocating the snow storage away from the river to a more upland location.

It should also be noted that the CSW Permit prohibits use of wetlands for stormwater treatment unless they have gone through the wetland mitigation process. Please direct questions regarding CSW Permit requirements to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,

Karen Kromar

Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Roberta Getman, MPCA, Rochester
Jim Ziegler, MPCA, Detroit Lakes

January 25, 2021

Wayne Johnson
Water and Wastewater Utilities Superintendent
City of Thief River Falls
305 Pennington Ave S
Thief River Falls, MN 56701

RE: EAW – City of Thief River Falls Oxbow Restoration and Stormwater Treatment
T154 R43 S33, Thief River Falls, Pennington County
SHPO Number: 2021-0650

Dear Mr. Johnson:

Thank you for providing this office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

Due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed for any areas of proposed ground disturbance on non-hydric soils. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website preservationdirectory.mnhs.org, and select "Archaeologists" in the "Search by Specialties" box.

We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. **Note:** plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

If you have any questions regarding our review of this project, please contact Kelly Gragg-Johnson in our Environmental Review Program at kelly.graggjohnson@state.mn.us.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager

ATTACHMENT B: SUBSTANTIVE COMMENT RESPONSES

Comment Letter ID	Agency	Contact	Comment	Comment Response
1	DNR	Christine Herwig	<p>MDNR Public Water Permit</p> <p>The oxbow within the project area is a designated public water wetland (Lake Number 57002200). An individual public water work permit will be required for the proposed activities within this basin.</p> <p>Details required during the public water permitting process may include but are not limited to:</p> <ul style="list-style-type: none"> • Project objectives and alternatives • Longitudinal profile through existing and proposed bottom of the public water basin, and placement of the rock weir • Soil boring and bottom sampling data • Excavation methods and disposal information including equipment proposed to be used • Water quality and provision for future water quality monitoring • Timetable of any future anticipated excavations, volumes of material to be removed and disposal methods 	In <i>EAW Item 11 Water Resources Section</i> it was mistakenly noted the oxbow was not a designated public water. However, as identified in <i>EAW Item 8</i> , the need for a Mn DNR work in public waters was identified. The project will require this permit and will coordinate with the MN DNR on the application for a Public Water Works Permit.
	DNR	Christine Herwig	<p>Excavated Materials</p> <p>The EAW notes that soil will only be tested if oils or staining is observed. MDNR recommends consultation with Minnesota Pollution Control Agency (MPCA) regarding any need for testing of excavated sediment regardless of staining to ensure any contaminated soils are properly disposed.</p>	A Soil Management Plan will be developed for the project to address excavated soils that will be stored, reused, or hauled offsite. The SMP will outline a procedure to screen soils (which may include laboratory sampling) to confirm that contaminated soils are properly addressed in accordance with state and local standards.
	DNR	Christine Herwig	<p>Stormwater Detention</p> <p>MDNR recommends development of an Operation and Maintenance Plan for all stormwater detention facilities to ensure each structure is functioning as designed and intended. See the MPCA webpage on “Operation and Maintenance of Stormwater Ponds” for maintenance and inspection scheduling guidance.</p>	The Project will comply with the requirements of all environmental permits, including the permanent stormwater treatment requirements in MPCA General Stormwater Construction Permit (MN R 100001). An operation and maintenance plan for the stormwater pond will be developed as part of the Project.
	DNR	Christine Herwig	Also, consider the incorporation of native plants into the stormwater settling basin design. Native plants can provide superior habitat for pollinators, water uptake, and drought survivability than their non-native counterparts. See the MPCA Plants for Stormwater Design manual for ideas and information.	The Project will explore the incorporation of native plants into the stormwater settling basin during the design process.

2	MPCA	Karen Kromar	Water Resources (Item 11) The number of acres to be disturbed is not specified in the EAW, but the Project proposer should be aware that work within the pond would be under the jurisdiction of the Department of Natural Resources Public Waters permit. Only construction activity above the Ordinary High Water Level (OHWL) of a public water resulting in 1 acre or more of soil disturbance requires the National Pollutant Discharge Elimination System/State Disposal System (NPDES) General Construction Stormwater Permit (CSW Permit). If the CSW Permit is required, the Stormwater Pollution Prevention Plan (SWPPP) for the Project will need to include additional best management practices (BMPs) for the impaired water as specified in the permit.	Table 3 in <i>EAW Item 7</i> identified 2.85 acres of wetlands before and after construction. Impacts to wetlands are not anticipated. As identified in <i>EAW Item 8</i> , the project will require a MN DNR Work in Public Waters Permit and a General CSW permit. It was mistakenly noted in <i>EAW Item 11 Water Resources</i> that Mn DNR work in public water permit was not needed. The project does require this permit and will coordinate with the MN DNR on the application for a Public Water Works Permit and MPCA on the application for a General CSW permit.
	MPCA	Karen Kromar	The Project is intended to reduce sediment and pollutants reaching the Red River, which is impaired for total suspended solids. The EAW indicates the sediment basin will be constructed in a snow storage area. The Project proposer does not mention potential pollutants from the snow storage that may contribute to the runoff, including chloride and other pollutants from snow removal areas that could potentially increase pollutants reaching the oxbow pond and river.	The project proposer will implement best management practices to minimize runoff from both the snow storage area and upstream of the site. Runoff from the Project will be managed in accordance with the permanent stormwater treatment requirements of the CSW permit. Pollutant load discussion as it relates to the municipal storm water system is beyond the scope of this EAW.
	MPCA	Karen Kromar	The Project proposer is strongly encouraged to implement measures at the contributing upstream development to reduce pollutants from reaching the oxbow, including salt reduction practices, street sweeping, public education and installing green stormwater infrastructure practices to reduce stormwater runoff at the source.	The Project proposer will implement best management practices to minimize runoff from both the snow storage area and upstream of the site. Pollutant load discussion as it relates to the municipal storm water system is beyond the scope of this EAW.
	MPCA	Karen Kromar	Also, consider relocating the snow storage away from the river to a more upland location.	Moving the existing snow storage facility is not a component of the EAW and is beyond the original scope.
	MPCA	Karen Kromar	It should also be noted that the CSW Permit prohibits use of wetlands for stormwater treatment unless they have gone through the wetland mitigation process.	The Project will not utilize the restored wetland area as storm water treatment device.

3	SHPO	Sarah J. Beimers	<p>Due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed for any areas of proposed ground disturbance on non-hydric soils. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation and should include an evaluation of National Register eligibility for any properties that are identified. We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. Note: plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way. Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.</p>	<p>It is assumed that all the soils in the oxbow were at one time hydric. Aerial photographs from 1939 show the entire project area as part of the oxbow (including the snow storage area). Since that time the area has been developed and bisected by Pennington Ave. Currently soils in the Project area and immediately adjacent areas are classified as Urban Land Endoaquents complex, 0 to 3 percent slopes. This complex is composed of 65 percent urban land and 35 percent endoaquents and similar soils. This classification is due to the disturbance associated with developing the city. Based on the prior hydric soils and previous development disturbance, the city does not believe additional cultural resource surveys are warranted. In the event that a resource is inadvertently discovered during the construction of the sediment basin, work will stop, and the state archeologist will be contacted. In addition, any NHPA Section 106 compliance that may be necessary will be directed by USACE during the Clean Water Act permitting process.</p>
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