

Resolution No. 2017-4-57

RESOLUTION DECLARING THAT PREPARATION OF AN  
ENVIRONMENTAL IMPACT STATEMENT IS NOT NEEDED FOR  
FOR A NEW HIGH SCHOOL SITE IN  
SECTION 33, TOWNSHIP 124 NORTH, RANGE 28 WEST

WHEREAS, the City of St. Cloud on February 13, 2017 authorized the distribution of an Environmental Assessment Worksheet (EAW) for the construction of a new high school in Section 33, Township 124 North, Range 28, West, Stearns County, Minnesota; and,

WHEREAS, a press release was issued on February 14, 2017 inviting public comment regarding the EAW; and

WHEREAS, notice of the EAW comment period was published in the EQB Monitor on February 20, 2017; and

WHEREAS, upon completion of the 30 day review and comment period on March 22, 2017 responses had been received from the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, and Minnesota Historical Society (attached as Exhibit A); and

WHEREAS, the City of St. Cloud finds (attached as Exhibit B) that sufficient information exists regarding potential environmental impacts of the project and that those issues will be mitigated and/or controlled through regulatory permits and actions.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE CITY OF ST. CLOUD, MINNESOTA THAT:

1. The Record of Decision for the proposed new high school project is hereby accepted and approved.
2. An Environmental Impact Statement is not required for the proposed new high school project as defined in the Environmental Assessment Worksheet.

ADOPTED this 24th day of April 2017.

## EXHIBIT A

### COMMENTS RECEIVED

Three agencies submitted written comments on the EAW which were dated or received prior to the comment period deadline. Copies of these timely comment letters are included at the end of this document. The following table lists the comment letters received in chronological order.

Comment Letters Received				
No.	Comment Letter Received From	Signatory	Abbreviation	Date
1.	Minnesota Pollution Control Agency	Karen Kromar	MPCA	March 22, 2017
2.	Minnesota Historical Society	Sarah J. Beimers	MHS	March 22, 2017
3.	Minnesota Department of Natural Resources	Rebecca Horton	DNR	March 22, 2017

## EXHIBIT B

### RESPONSE TO COMMENTS

#### Commenting Agency – MPCA

**Comment:** Permits and Approvals (Item 8) - This section indicates that a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for project related wetland impacts may be necessary. Please be aware that if a USACE Section 404 Individual Permit is required for any project activity, then an MPCA CWA Section 401 Water Quality Certification or waiver must also be obtained as part of the permitting process. The Section 401 Water Quality Certification ensures that the activity will comply with the state water quality standards. Any conditions required within the MPCA 401 Certificate are then incorporated into the USACE 404 Permit. You can find additional information about the MPCA's 401 Certification process at [www.pca.state.mn.us/water/401.html](http://www.pca.state.mn.us/water/401.html). For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Bill Wilde at 651-757-2825.

**Response:** Comment noted. Impacts are believed to remain under the Individual Permit thresholds. If impacts ultimately exceed these thresholds, the USACE will notify the MPCA.

#### Commenting Agency – MHS

**Comment:** MHS recommended that a qualified archaeologist conduct investigations to determine if the project could adversely impact archaeological resources.

**Response:** ISD 742 has agreed to complete a Phase I archaeological survey prior to commencing site grading and construction.

#### Commenting Agency - DNR

##### Section 8. Permits and Approvals

**Comment:** A DNR Water Appropriation permit will likely be needed for irrigation of athletic fields. This should be added to the list of permits and approvals required. As a note, due to the sensitive nature of the nearby Robinson Hill Creek, a designated trout stream, it cannot be guaranteed that a permit will be granted. Impacts to designated trout streams are limited to temporary impacts only, and as such, negative impacts to Robinson Hill Creek would not be allowed on a permanent basis. Multiple conditions including fish exclusion dates (September – April), discharge locations, water temperature, location of crossings, etc. would be placed on any permit that can be issued. Use of groundwater may not be able to be permitted, unless the project can demonstrate that groundwater depletion will not have a negative impact on the base flow of Robinson Hill Creek.

**Response:** A MNDNR Water Appropriation permit will be added to the list of permits and approvals. The school will continue discussions with both the City of St. Cloud and the MNDNR regarding the use of water on the proposed school site.

### **Section 10. Geology, soils and topography/land forms**

**Comment:** The EAW statement that “Susceptible geological features (listed above) are not present in the project area” is incorrect. The County Geologic Atlas supports the statement, “The outwash deposits are thin or absent leaving the area with a shallow depth to bedrock.” Thin outwash deposits and shallow depth to bedrock mean that groundwater resources are unconfined, shallow, and thus highly susceptible to contamination. Robinson Hill Creek, listed as an “Outstanding Resource Value Water” and designated trout stream, is a surface expression of the groundwater table and susceptible to contamination.

**Response:** The item described specifically addresses geologic features. Although there is an unconfined/shallow aquifer, it will not inhibit construction activities of the Project. Specific water resources issues are addressed under Item 11.

### **Section 11.b.ii. Stormwater**

**Comment:** The EAW states, “One inch of runoff from impervious areas will be allowed to infiltrate and the rest of the runoff will be controlled so that the redevelopment discharge is less than or equal to the existing discharge.” Please describe how runoff will be controlled to less than or equal to existing runoff?

**Response:** Stormwater management will follow the guidelines provided by the City of St. Cloud Off-Site Development standards and the NPDES SWPPP guidelines near trout streams. Engineers continue working on the site layout and design features which will be reviewed as part of the zoning and subdivision entitlement process. Stormwater management and protection of the trout stream are in the forefront of the planning.

**Comment:** The runoff, above the first one inch amount, from impervious surfaces and fertilized areas will negatively impact the designated trout stream if there is no pretreatment to remove nutrients, sediment, and reduce water temperature prior to discharge to Robinson Hill Creek. The stormwater ponds as shown on Figure 6 appear to be undersized. High rainfall events are becoming more severe and more frequent, hence the need for a larger margin of safety in stormwater plans. Additionally, stormwater retention ponds should be located as far from the designated trout stream as possible to minimize the amount of warm water and sediment carried overland to the stream, if and when capacity is exceeded. Measures to reduce runoff and eliminate the need for additional stormwater ponds include incorporating rain gardens and pervious pavement for parking lots, sidewalks, and access roads.

**Response:** Comment noted. Engineers will design the stormwater treatment to meet the guidelines established by the regulatory agencies.

### **Section 11.b.iii. Water appropriation**

**Comment:** Please describe if the project proposes to appropriate surface or groundwater, including dewatering. Describe the source, quantity, duration, use and purpose of the water use and if a DNR Water Appropriation permit is required. Irrigation for lawns and athletic fields should be addressed in the EAW. Athletic fields could be irrigated using a water recovery

system to minimize the need for well water or purchase from the City. Groundwater resources at the project site are limited due to the shallow depth to bedrock, which means that there will be a higher potential for a negative impact to the designated trout stream if a high capacity groundwater well is installed. It is possible that monitoring wells, with monitoring requirements, may be required as a part of any permit application for irrigation.

**Response:** Comment noted. If a MNDNR Water Appropriation permit is required ISD 742 will apply.

#### **Section 11.b.iv.a. Wetlands**

**Comment:** The site layout in Figure 6 does not match the layout shown in Figures 8 and 11. There appears to be opportunities to avoid wetland impacts, partially or entirely, by realigning and rearranging athletic fields. The EAW states that athletic fields were moved around to minimize the number of impacts, however alternatives that were considered were not discussed in the EAW, per the section guidance. Please include this discussion of alternatives in the EAW.

**Response:** Figure 6 was an older layout of the athletic fields as compared to Figures 8 and 11. The baseball fields were removed from the southern portion of the project area due to the existing topography and the amounts of fill that would have been required to make the area “flat” for the athletic fields. Sequencing guidelines will be followed throughout the permitting process.

**Comment:** The baseball field to the east, which impacts the wetland, could be moved to the west side near the other softball/baseball fields. Perhaps the rectangular fields can be shifted around. Also, eliminating one or two rectangular fields could also lessen wetland impacts and allow for rearrangement of the baseball field.

**Response:** Comment noted. Alternatives for the number, size, and type of athletic fields are still being considered. ISD 742 and the consulting firms are working on utilizing the property to provide opportunities to their students and the use of the athletic fields. The athletic field layouts will consider wetland impacts in the alignments.

**Comment:** If wetland bank credits are not available for purchase to mitigate impacts to the wetlands, what other options have been considered to avoid wetland impacts?

**Response:** Compensatory mitigation guidelines will be followed throughout the permitting process.

#### **Section 11.b.iv.b. Other surface waters**

**Comment:** It does not appear that the 100 foot buffer along the corridor of Robinson Hill Creek will be met for the driveway entering from County Road 74 or from the northwest portion of the high school as shown in Figure 6. No structures should be placed within the 200 foot setback (per the Stearns County Zoning Ordinance). The site appears to be large enough to reconfigure the design to allow proper buffering. The number and type of amenities should be carefully considered with buffering in mind.

**Response:** City of St. Cloud and best management practices for buffering and setbacks will be observed throughout the design, platting, and construction process.

**Comment:** The EAW notes, "Direct impacts to the stream include the extension of the existing culvert on CSAH 74 to accommodate additional traffic lanes and a new crossing for the north access road. The type of new crossing (culvert or bridge) is still being evaluated and surveying activities are currently occurring." A DNR Public Waters Work Permit will be required for both of these impacts.

**Response:** A MNDNR Public Waters Work Permit will be applied for by ISD 742.

**Comment:** We strongly recommended that the engineers consult with DNR staff regarding possible location and hydraulic study requirements regarding these permits. A full span bridge is preferable to culvert and fill within the designated trout stream. Minnesota Rule 6115.0191 Subpart 7 states that filling into a designated trout stream is only allowed if the amount, method of placement, and location of the fill will not result in increased water temperature, excessive sedimentation in the stream, or destruction of fish habitat, and the intended purpose of the fill is reasonable with respect to all other alternatives and there are no feasible and practical means to attain the intended purpose without filling. With this in mind, was potential access to the south from 40th Street South reviewed? If so, what was the justification for not using that road for secondary access? This question will have to be answered for any permit application for a crossing on the north side of the school property.

**Response:** Comment noted.

### **Section 12. Contamination/Hazardous Materials/Wastes**

**Comment:** Hazardous products such as asphalts and heavy oils, and waste from construction vehicles (oil, antifreeze, and lubricants) can negatively impact surface waters and pose a threat to Robinson Hill Creek. Please better describe how these types of materials will be contained on site, and how the project will prevent leaks and spills of such materials. If the project plans on incorporating concrete wash stations as part of the project, please address this as well.

**Response:** The NPDES SWPPP will address hazardous products storage, waste, and concrete wash stations.

### **Section 13. Fish, wildlife, plant communities, and sensitive ecological resources (rare features)**

**Comment:** Section D should include more details regarding measures to avoid, minimize, and mitigate adverse impacts to the natural resources described in this section. A 100 foot buffer from the stream boundary is not sufficient measure alone to protect: (1) Blanding's turtle (*Emydoidea blandingii*), a state-listed threatened species, (2) Robinson Hill Creek, a designated trout stream, and (3) the Minnesota Biological Survey (MBS) Site of High Biodiversity Significance located north of the site.

**Response:** Buffers are the primary source of protection for the stream. The 100-foot buffer also protects many of the wetlands associated with the stream. The MBS site located north of the site will not be impacted. The eastern 1/3 of the north parcel will potentially be disturbed by the construction of a northern access road. The permitting process will assist in further protecting the natural resources located within the project area.

**Comment:** As noted, Blanding's turtle have been documented in the vicinity of the project. The proposed project is also within a Blanding's Priority Area, a potentially important area for the

Blanding's turtle. Although the DNR considers these areas as priority areas for research and management activities, information is lacking on the size and health of the Blanding's turtle populations that inhabit these areas. However, due to the widespread development occurring statewide in Blanding's turtle habitat, these areas are becoming increasingly indispensable for maintaining the species' security in the state.

**Response:** Comment noted.

**Comment:** Attached to this letter is a Blanding's turtle fact sheet that describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. The first list is relevant for all areas inhabited by Blanding's turtles while the second list contains additional protective measures for areas known to be of statewide importance to this species. Because the proposed project is within one of these Blanding's Priority Areas, please refer to both lists of recommendations to avoid and minimized impacts to this rare turtle. In addition, if erosion control mesh will be used, the DNR recommends that the mesh be limited to wildlife-friendly materials (see attached fact sheet).

**Response:** Comment noted.

**Comment:** Robinson Hill Creek, a designated trout stream: Measures that will be taken to avoid, minimize, and mitigate adverse impacts to the water quality of Robinson Hill Creek and aquatic organisms, including trout populations within the stream should be described. Areas of concern that should be described include how any loss of groundwater to the stream will be avoided (due to irrigation), how water flowing back to the stream will be managed to control amount of flow, temperature, sediment, road salt/ice melt, or other materials (auto fluids from parking lot) entering the water. In addition, stream crossings should be limited as much as possible; the design of the crossing can help minimize adverse effects. The DNR recommends full span bridges for any stream crossings related to this project. A full span bridge would allow fish passage and sediment transport while minimizing habitat loss; improperly placed culverts can function as fish and sediment barriers. Tree and shrub removal should be limited near stream crossings since stream shading reduces water temperature and raising water temperature in the stream can adversely affect trout and other cold water fauna. Any stream crossings should be chosen in consultation with DNR Fisheries staff to better minimize effects to the stream and aquatic organisms, including trout.

**Response:** Comment noted. The above mentioned concerns will be addressed during the permitting phases by the respective regulatory agency.

**Comment:** MBS Site of High Biodiversity (Figure 10): For the most part, the EAW does not show development within the MBS Site of High Biodiversity located north of the project site, with the exception of the driveway from the north. Eliminating this driveway should be considered in order to minimize fragmentation of this high quality wooded area, and to preserve trees to shade the designated trout stream.

**Response:** Comment noted.

**Comment:** There appears to be good potential for the high school to use this area as an outdoor classroom. However, having hundreds of people adjacent to this woodland poses the potential for impacts to occur. Care should be put in to how the woods to the north of the project site will be used, and how much use the area can sustain without long term negative impacts. If

there is interest, the high school should consider enrolling the forest in the DNR School Forest Program (<http://www.dnr.state.mn.us/schoolforest/index.html>).

**Response:** Comment noted.

**Comment:** Other comments: Additional mitigative measures to avoid impacts to wildlife could include outdoor lighting. DNR recommends that lighting be dark-sky compliant and does not project over the designated trout stream.

**Response:** Comment noted.

### **Section 16.c. Dust and odors**

**Comment:** Please describe what amount of dust is considered “fugitive dust” and how will fugitive dust be handled? Dust may settle in the designated trout stream, which may cause habitat degradation for invertebrates and trout via turbidity.

**Response:** Fugitive dust is not a calculation. Fugitive dust will be handled in the NPDES SWPPP process. Generally fugitive dust is controlled by application of water to exposed soil areas. The SWPPP may recommend minimizing the amount of exposed soils in the construction area or alternative methods to minimize dust. Protection of the trout stream will be discussed in the SWPPP.

### **Section 18. Transportation**

**Comment:** Is the driveway from 33rd Street South necessary? If this was eliminated from the design, this could reduce the number of stream crossings that will occur and would keep the wooded area from becoming fragmented as well as preserving trees to shade the trout stream. If two access roads are required, access from the south of the property should be considered.

**Response:** Comment noted. Two access are required for traffic safety concerns and emergency vehicle access to the school campus. The final location of these access will be approved throughout the permitting and site plan approval process.

**Comment:** When discussing the Traffic Analysis, the Ranks of A – F are not described. These appear to be a type of grading system, and it would be helpful to the reader if these were described and what the criteria is for each rank.

**Response:** Comment noted. They are a ranking system with A being a better score than F.

### **Section 19. Cumulative potential effects**

**Comment:** All foreseeable projects have the potential to negatively affect the designated trout stream. Future projects also have the potential to impact the Blanding’s turtle. In addition to impacting wetlands, the additional widening of 33rd Street South could impact the MBS Site of High Biodiversity.

**Response:** Comment noted.

**Comment:** Several of the figures included in this EAW show future build of neighboring Neenah Creek Park. Many of the issues pointed out in this letter relating to the designated trout



stream impacts are relevant to the development of Neenah Creek Park. Stream crossings for the trail (Figures 4, 8, and 11) should be kept to a minimum; full span bridges are preferred and may provide less impact, and should be coordinated with DNR Fisheries staff. A DNR Public Waters Work permit will be required with similar conditions noted previously in this letter, and the concerns regarding water appropriations and irrigation would be similar. Efforts to minimize impacts to Robinson Hill Creek, an outstanding natural resource value water, should be implemented.

**Response:** Comment noted.