

LAKE ANDREW DEVELOPMENT
ENVIRONMENTAL ASSESSMENT WORKSHEET
RESPONSE TO COMMENTS

Prepared for
City of Alexandria

FEBRUARY 5, 2018

The State Rules regarding an EAW and the EAW process are quite specific, and they do require commenters to address their concerns in a specific manner. The Minnesota Environmental Quality Board (EQB) gives the following direction to citizens seeking to comment to the Responsible Governmental Unit (RGU) on an environment review:

Accepted comments:

The RGU is required to evaluate and respond to substantive comments. Substantive comments address the content or issue raised in the EAW, AUAR or EIS. For example, "The project developer is a jerk," or, "I am against this project," would not be considered substantive. Public comments are particularly valuable and helpful to the RGU when they:

- List any inaccuracies in the EAW, EIS, AUAR or other accompanying documents.*
- Show potential environmental impacts that haven't been identified by the proposer or the RGU.*
- Show that certain environmental impacts have been identified, but haven't been adequately addressed.*
- Suggest possible mitigation measures that should be added to the proposal*

#	NAME	ADDRESS/ AGENCY	COMMENT AND RESPONSE
1.	Jason Gehrke	Pospisil Drive	<p>The commenter asks several questions about the development itself, including the style of homes, price point, tree removal, water source, etc. rather than providing comments on the EAW, as is required by this process.</p> <p>RESPONSE: While these questions are pertinent to the project, since they do not specifically address the EAW no response is required for the general questions. However, the City's Shoreland Ordinance and Tree Preservation Ordinance will both regulate tree removals at time of building permit issuance.</p>
2.	Jason Gehrke	Pospisil Drive	<p>The commenter provides statements regarding the development, itself, including the observation that unrelated currently-occurring construction noise is noticeable and would be worse with more construction, that DNR-permitted cattail removal would have a significant impact on the lake (although not what that impact would be), and that there may be more development in the future.</p> <p>RESPONSE: While these comments may be pertinent to the project, since they do not specifically address the EAW no direct response is required. However, the City Code does restrict the hours of construction activity, and DNR permitting would regulate the removal of aquatic vegetation.</p>
3.	Jason Gehrke	Pospisil Drive	<p>The commenter states that the intent of the project is for financial gain and not land and lake preservation.</p> <p>RESPONSE: This comment does not address the EAW. No direct response is required.</p>
4.	Dan Anderson	Lake Andrew Road	<p>The commenter asserts that this project has been previously denied</p>

(by the DNR) due to environmental impacts.

RESPONSE: This comment does not address the EAW. However, no previous review has been conducted, and no denial (by DNR or other regulatory agency) has occurred.

5. Dan Anderson

Lake Andrew Road

The commenter asserts that any type of development of the residential nature will negatively impact the lake, the fishery, the water quality, the loss of nature (sic) of bald eagles, turkeys, and deer.

RESPONSE: These comments do not specifically address the subject EAW. No reference is provided for the assertions. Non-specific general comments like this cannot reasonably be expected to be directly addressed.

6. Richard Gail

Lake Andrew Road

The commenter states that Lake Andrew is too small to support the development, and that fishing will suffer.

RESPONSE: This comment does not address the EAW. Additionally, no specific citation is given for the assertions. No direct response is required. (It is worth noting that Lake Andrew is the 11th largest of the approximately 351 lakes in Douglas County and that the minimum lot width for riparian lots on a lake in this classification is seventy-five (75) feet, which would allow as many as 16 such lots on the subject site, instead of the ten (10) as proposed.)

7. Kathy/Steve Busack

Lake Andrew Road

The commenters make the statement that pressure would be put on the lake, that the development will want a marina in the future, and that the development is encroaching on an eagles nest.

RESPONSE: No specific citation is given for the assertions. Generalized comments like these are not suitable for response. However, it should be noted that the comments from DNR are silent on any impacts on an eagle's nest.

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| 8. Karen Kromar | MPCA | <p>The Agency comments that the project "...does not appear to be consistent with the Zavadil Development Plan..." due to the ten (10) proposed lake lots.</p> <p>RESPONSE: This comment appears to reflect a misunderstanding of the Zavadil Development Plan, which does provide for private open space along the subject shoreline. That private open space is reflected in the project as a conservation easement on the proposed lake lots.</p> |
| 9. Karen Kromar | MPCA | <p>The Agency states that question 6.e is not answered.</p> <p>RESPONSE: Question 6.e is checked "No".</p> |
| 10. Karen Kromar | MPCA | <p>The Agency identifies additional MPCA protection strategies documents that are available for Lake Andrew and suggests that they should be considered.</p> <p>RESPONSE: Duly noted.</p> |
| 11. Karen Kromar | MPCA | <p>The Agency requests more detail on post-construction Stormwater Pollution Prevention plans and MS4 permit details.</p> <p>RESPONSE: The City's Stormwater Management Ordinance (Section 12.01 of the City Code) provides regulatory guidance consistent with the authorization and policies contained in Minnesota Statutes Chapters 103B, 105, 462, and 497, Minnesota Rules, Parts 6120.2500-6120.3900, and Minnesota Rules Chapters 8410 and 8420. The project development plans will be reviewed and subject to these City Code provisions.</p> |
| 12. Karen Kromar | MPCA | <p>The Agency requests modeling on phosphorous and sediment retention.</p> <p>RESPONSE: Duly noted.</p> |

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| 13. Karen Kromar | MPCA | <p>The Agency offers general comments relating to farmstead release of agricultural chemicals and minimization of stormwater impacts through Low Impact Design (LID).</p> <p>RESPONSE; Duly noted.</p> |
| 14. Theresa Ebbenga | MnDNR | <p>The Agency asks for clarification of the scope of the project, as it relates to the EAW, and further suggests that the Roth property is part of the planned project area as a future phase.</p> <p>RESPONSE: The original Zavadil Development Master Plan (2007) included approximately 220 acres of land that has subsequently been conveyed to Roth. Roth is a separate, unrelated entity, and the Roth land is properly neither part of the proposed PUD, nor a part of the subject EAW. However, it appears that additional Zavadil land lying to the north of the subject PUD/EAW area, although not included in the subject PUD, could be considered as "...other projects in the environmentally relevant area that might reasonably be expected to affect the same environmental resources, including future projects actually planned or for which a basis of expectation has been laid..." (Minn. Rules 4410.0200, Subp. 11a). See also Appendix E and Appendix F</p> |
| 15. Theresa Ebbenga | MnDNR | <p>The Agency notes that the project will occur within the Lake Andrew Shoreland zoning district, and requests additional information regarding structure height, setback, and impervious coverage.</p> <p>RESPONSE: The City of Alexandria has the land use jurisdiction for the subject area and its zoning ordinance contains the relevant regulatory provisions for Shoreland development. The overall PUD development, the public infrastructure, and individual lot development will all need to</p> |

be consistent with the City's published regulatory controls, along with controls from ALASD and other governmental units. The improvements will be subject to those regulatory reviews at the time of permit submittal and review and appropriate conditions necessary to ensure consistency with the regulations may be imposed at that time.

16. Theresa Ebbenga

MnDNR

The agency asks for additional information regarding timeline for connection to public water supply, number of private wells, estimated water use of the wells, whether landscape irrigation will use private wells, and where Stormwater retention basins will be located.

RESPONSE: The City requires extension of municipal water to newly subdivided areas within 300' of an existing main line. The nearest City water main line is approximately three miles from the subject site. Connection will be made when the service is available, but a timeline would not be useful. The number of private wells, presence of landscape irrigation lines, and location of storm water basins would be subject to review at the time of permitting, under the provisions of the City-enforced State Building Code, Zoning Ordinance, and Storm Water Management Ordinance. Appropriate conditions necessary to ensure consistency with the regulations may be imposed at that time. See also Appendix G

17. Theresa Ebbenga

MnDNR

The Agency states that it has concerns regarding potential impacts "...from this and future phases of this project..." due to increased boat traffic, run-off, habitat loss, and shoreland alteration. No specific citations are offered.

RESPONSE: No specific citation is given for the concerns. A specific response is not able to be made to generalized comments.

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| 18. Theresa Ebbenga | MnDNR | The Agency advises that Lake Andrew is infested with Zebra Mussel.
RESPONSE: Duly noted. |
| 19. Theresa Ebbenga | MnDNR | The Agency lists habitat types for large and small mammals, birds, turtles, snakes, etc. and asks for description of anticipated impacts on the species (presumably due to habitat loss) and means by which the project design might minimize these impacts.
RESPONSE: The EAW provides relevant mitigation discussion throughout, including EAW items 6.b, 8, 9, 11, 12, 13 and 19. |
| 20. Theresa Ebbenga | MnDNR | The Agency asks for potential impacts to the sea naiad (spiny water nymph) from changes in landscape run-off.
RESPONSE: The EAW provides relevant mitigation discussion throughout, including EAW items 6.b, 8, 9, 11, 12, 13, and 19. |
| 21. Theresa Ebbenga | MnDNR | The Agency makes recommendations for stormwater management and lighting.
RESPONSE: Duly noted. |
| 22. Theresa Ebbenga | MnDNR | The Agency makes suggestions for a larger conservation easement than is proposed, as well as requesting limited trail width and a setback greater than the proposed easement width.
RESPONSE: Duly noted. |
| 23. Theresa Ebbenga | MnDNR | The Agency asks if the conservation easements have been placed on property titles, what entity is enforcing the easements, and whether trees will be retained in the vegetative buffer. |

RESPONSE: The easement has not yet been created, and will not be so until the PUD is granted final approval. The easement will be recorded on property titles, and will run in favor of the owner's association. Tree removal is subject to the provisions of the City's Zoning Ordinance.

24. Theresa Ebbenga

MnDNR

The Agency asks for additional nutrient and sediment loading information, and recommends describing management practices that would be implemented to ensure consistency with the Douglas County Water Plan.

RESPONSE: Duly noted.

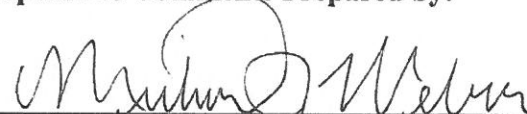
25. Sarah Belmers

MnSHPO

The Agency recommends a Phase I archaeological survey be completed on the site.

RESPONSE: Duly noted. This survey cannot be completed until soil test pits and shovel tests on the property can be made to determine if any archaeological artifacts are present. Such testing cannot be done until after frost is out of the ground. This would require an extension of the EAW review period. See also Appendix H.

Response to Comments Prepared by:

A handwritten signature in black ink, appearing to read "Michael J. Weber". The signature is written in a cursive style with a large initial "M".

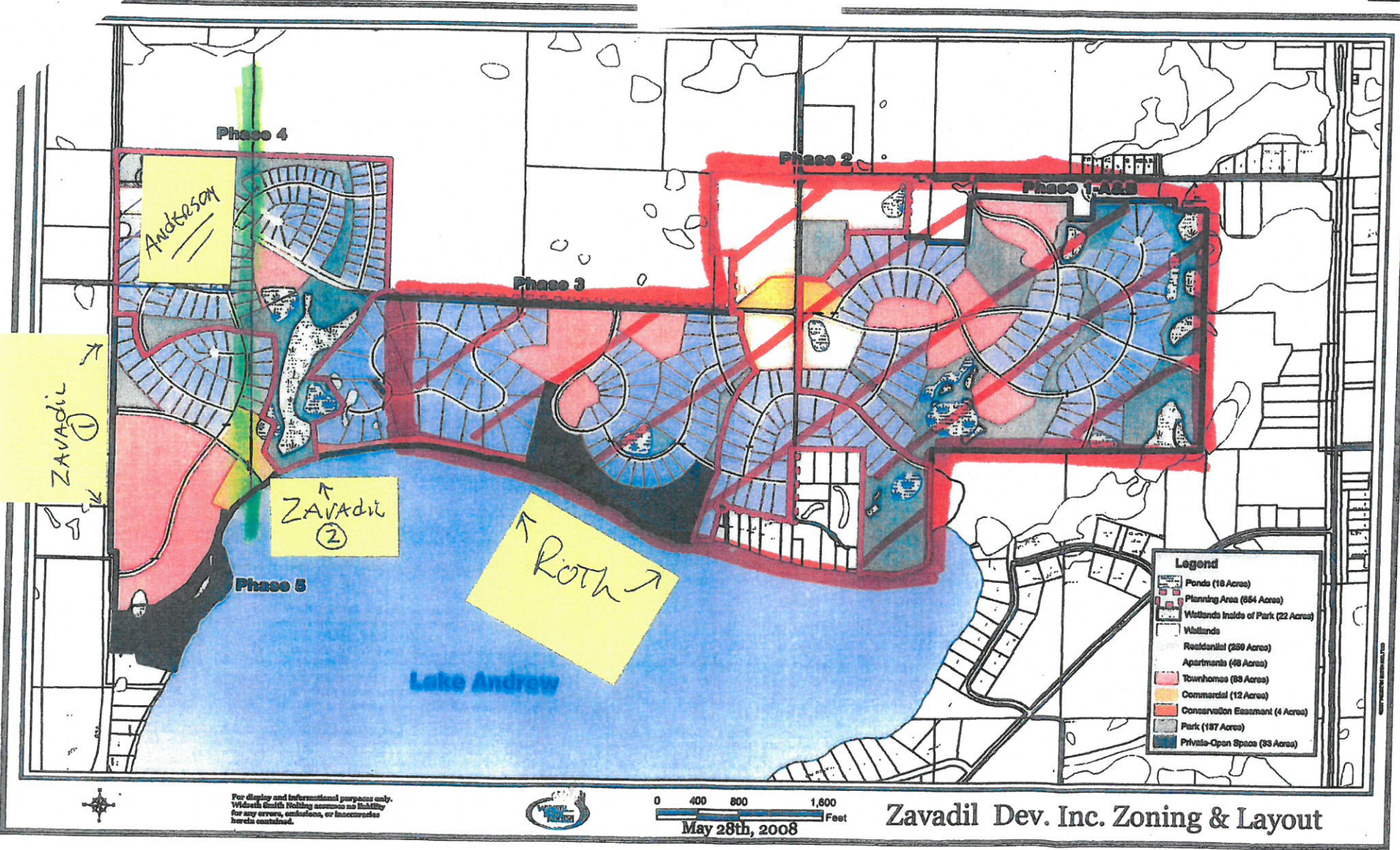
**Michael J. Weber, Alexandria City Planner/Community
Development Director**

February 5, 2018

The purpose of the EAW process is to disclose information about potential environmental impacts of the project; it is not an approval process. The information disclosed in the EAW process has two functions: to determine whether an EIS is needed, and to indicate how the project can be modified to lessen its environmental impacts; such modifications may be imposed as permit conditions by regulatory agencies. The information comes from three sources: the EAW, comments made on the EAW and responses by the RGU and project proposer to the comments. All three sources are important, but the EAW generally provides the most significant information.

Appendix E





For display and informational purposes only. Wilsch Smith Holdings assumes no liability for any errors, omissions, or inaccuracies herein contained.

Attachment: Appendix A - H (3289 : Environmental Assessment Worksheet - Lake Andrew Development)

Appendix H

Mike Weber

From: Brian Ross <Brian.Ross@wsn.us.com>
Sent: Friday, January 19, 2018 5:12 PM
To: Mike Weber; Paul Strong; Tim Schoonhoven
Subject: RE: Lake Andrew EAW

Hi Mike,

Yes, we have been involved with several projects where a **Phase I archaeological survey** has been needed. These surveys require doing a summary of paleohuman activity and a data search for known archaeological sites in the area. The Phase I archaeological survey then includes soil test pits and shovel tests on the property to determine if any archaeological artifacts are found. Obviously, the soil testing and shovel pits need to be completed when the ground is not frozen. This presents a predicament for the EAW process as the City has a limited time frame to make a decision. It could be that the an extension can be employed that could extend the timeframe, but I believe the limit is another 30 days. Alternatively, an agreement between the City and developer could be made that allows the RGU to wait to make a decision until the additional information is obtained. We were involved recently with an EAW where DNR and our client extended the review time for four months before DNR finally made their decision. Another option is a move forward with a determination and have a condition that the Phase I survey be completed as soon as possible, but before development. I am not sure if this last option would be in line with the EQB environmental review process.

Hope that helps. Let us know if you need further information.

Thanks, Brian

Brian Ross, PG

Director of Environmental Services | Vice President
 218-316-3628

Brian.Ross@wsn.us.com

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7804 Industrial Park Road | Baxter, MN 56425-2720

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From: Mike Weber [mailto:mweber@alexandriamn.city]

Sent: Friday, January 19, 2018 4:15 PM

To: Paul Strong <Paul.Strong@wsn.us.com>; Tim Schoonhoven <Tim.Schoonhoven@wsn.us.com>; Brian Ross <Brian.Ross@wsn.us.com>

Subject: RE: Lake Andrew EAW

Paul/Tim/Brian – just a cursory review of these comments reveals only one about which I'd be concerned, that from SHPO, recommending a Phase I archeological survey. Do you have experience with these? What's the timeframe for completion of such? I'd appreciate your thoughts on this, and any of the other comments forwarded.

fx - mjw

Attachment: Appendix A - H (3289 : Environmental Assessment Worksheet - Lake Andrew Development)