

Tom Dimond  
2119 Skyway Drive  
Saint Paul, MN 55119

August 5, 2019

To: Chair Bobby Anderson - Lessard Sams Outdoor Heritage Council

Dear Bobby,

RE: Saint Paul residents, and City Council excluded from plans to dump 400,000 cubic yards of dredge spoils into Pig's Eye Lake

In response to the letter that Sheldon Johnson and I sent to County Commissioners and the Corps of Engineers, County staff has offered to set up a meeting with the Corps staff and County staff. I appreciate the offer and would certainly be willing to meet as surely Sheldon would.

This however misses the point. **All** residents should be welcome and able to attend and participate in planning for their neighborhood and park. We should all be able to hear the concerns of Saint Paul and Metropolitan Council staff and ask them questions. We should have the vital information that an EIS (Environmental Impact Statement) can provide. We should be able to consider what is best for the park, visitors, and the environment and not just what is best for the Corps. The Metropolitan Council staff offers great advice about stepping back, convening all stakeholders, and developing a shared vision. Residents must be included in planning our future.

*"Given the issues described in this letter, Council staff are concerned about this proceeding at this time. Because of the extent of environmental contamination and the number of stakeholders, including the Metropolitan Council, that might be affected by this project, we strongly encourage the project proposer and project sponsor to convene all stakeholders to develop a shared vision for this area and a comprehensive approach to addressing the environmental issues and reaching those goals. Without that comprehensive approach, we have concerns that individual projects might have unintended impacts or might not be effective in addressing the environmental concerns." Metropolitan Council staff Appendix A page 32*

Pig's Eye Lake is the largest lake in Saint Paul. Pig's Eye Lake is a stream fed lake created thousands of years ago, after the last Ice Age. Islands are not natural to the lake. Extensive Mississippi River Critical Area park and open space planning has been done by Saint Paul and our residents. Dumping dredge spoils into Pig's Eye Lake has never been approved in any park plan adopted by the City of Saint Paul.

*It is a fact. No public meeting has been held. A large amount of "waste" would be dumped in Saint Paul's lake without approval from the City Council. Vital information was not included in the Lessard-Sams application. No topographical or cross section evidence supporting claimed shoreland loss is of record. USACE agreements minimize or virtually eliminate claimed resting and nesting areas for waterfowl and American white pelicans. USACE and Ramsey County support a \$15.6 million expenditure to create artificial habitat, however they are not of record supporting protection of adjacent existing natural island habitat. The project should not proceed without public meetings, an EIS, and review and approval by the City Council and Metropolitan Council.*

The application for Lessard-Sams Outdoor Heritage Council funding failed to disclose vital information.

*The application for \$4.337 million does not disclose plans to dump more than 400,000 cubic yards of polluted dredge spoils into our lake. The dredge spoils are defined as regulated "waste" by the State of Minnesota.*

Page 2 of the Lessard-Sams application states the project has received widespread support.

*Saint Paul's letter states: "In short, the EA does not adequately evaluate the feasibility of the project, nor the potential impacts should any number of the assumptions used in project design prove to be unreliable." Saint Paul is an owner of Pig's Eye Lake Regional Park. (Appendix A, page 34)*

The application fails to mention MN DNR, NPS, and USFWS preference for remediation over the proposed dredge spoils disposal required by the Section 204 program.

*Meeting notes of the MN DNR, NPS, and USFWS: "Remediation would be preferable and should occur (although it can not be a goal of this project based on the Corps authority the project is being funded under)" Appendix A page 72*

The Lessard-Sams application fails to mention Saint Paul's concern that a required EIS has not been done.

*Saint Paul's letter states why an EIS is required. "Title 32 of the Code of Federal Regulations, Volume 4, Sec.651.29 describes criteria used by the USACE in determining whether or not an Environmental Assessment (EA) for a proposed action is sufficient and if the preparation of an Environmental Impact Statement (EIS) is required. This section states that an EIS is required if the proposed action has the potential to "significantly affect... public parks and recreation areas, wildlife refuge, or wilderness areas." Pig's Eye Lake is part of a regional park, located within the Mississippi National River and Recreation Area (MNRRA, a unit of the National Park System) and is located in close proximity to a Minnesota Scientific and Natural Area and important heron Rookery." (Appendix A, page 33)*

The Lessard-Sams application does not mention USDA opposition, and concerns of FAA and MAC.

*The Lessard-Sams application for \$4.337 million cites the proposed islands as a significant value for American white pelican (special concern). The application for Lessard-Sams funding does not mention USDA opposition to the proposal and USACE agreements to blunt opposition by shrinking the area of habitat and planting habitat that minimizes or eliminates resting and nesting on the proposed islands for waterfowl and American white pelicans. USDA WS MN October 11, 2016 letter not supporting the proposed Pig's Eye Lake project. USDA cites Bald Eagles, American white pelicans, swans, and waterfowl among their concerns. USDA recommended planting thick, woody scrub brush species on the proposed islands to minimize waterfowl resting and nesting. The application does not cite USACE's January 18, 2017 letter agreeing to minimize waterfowl nesting, by shrinking the amount of shoreline by 32%, and planting woody shrubs to prevent resting and nesting of waterfowl. The application for Outdoor Heritage Funds does not cite Metropolitan Airport Commission March 20, 2017 letter that calls for the project management to include wildlife harassment, nest and egg destruction, and lethal control. Application page 3, Appendix A Airport Correspondence Letter Chain pages 44-55*

Agreements of record undercut the Lessard-Sams application claimed benefits for waterfowl, claim of significant value for American white pelicans and makes it look a lot more like a dredge spoils disposal site funded with Lessard-Sams Outdoor Heritage resources.

This park is seen by some as the place to dump their waste. We already have two superfund sites within our park with a cleanup cost exceeding \$800 million. Dumping more waste in our park must stop.

The Lessard-Sams application does not include any statement from USACE or Ramsey County supporting protection of existing publicly owned natural habitat that is threatened. *If the project purpose is to prevent habitat loss why are USACE and the County not of record supporting preservation of existing natural habitat that is threatened with removal by dredging?* A greater quantity of existing natural island habitat may be lost. Protecting and enhancing existing habitat is a priority under MN Critical Area protections. *The record indicates this Section 204 proposal has more to do with disposing of waste than habitat protection.*

The Lessard-Sams application does not mention Saint Paul and Metropolitan Council concerns about island stability.

*Saint Paul questioned the long term stability of the islands and woefully inadequate maintenance budget. (Appendix A, page 34)*

*Saint Paul's concerns were not mentioned in the application to the Lessard-Sams Outdoor Heritage Council.*

The Lessard-Sams application does not mention the numerous and detailed concerns from the Metropolitan Council staff.

*The Metropolitan Council has responsibilities for the Regional Park System and Mississippi River Corridor Critical Area.*

*Excerpts of their Concerns - Feasibility Study Report*

*Section 2.5 - Water Quality...Council staff believes that this level of water quality information for the 628 acre basin is inadequate to base a \$15M+ Project's objective assumptions that the construction of sand bench islands as proposed will lower basin turbidity and result in improved aquatic plant diversity, fishery, and migratory bird habitat in the basin. Water column turbidity would likely persist after construction....With no DO, BOD/COD, ammonia/nitrogen, phosphorus, pH, heavy metals, or chronic/acute aquatic toxicity test data available on the basin water column to support the Project's many assumptions, we believe it is premature to move the Project forward. Appendix A page 26*

*Section 3.2.3 - Shoreline Erosion ...Council staff is not convinced that they are primarily due to wind fetch, or that the proposed project will be effective in stabilizing the shorelines if constructed as proposed....We believe that the degraded quality of the water and accumulated sediment may have contributed to the gradual die-off of more sensitive vegetation species over the observed period of time. And, since neither the extensive accumulations of benthic muds in the basin, nor the upstream 300-acre dump are proposed to be further encapsulated or removed, their negative*

*influence on the basin's health can be expected to continue....Council staff believes that a primary contributor to erosion of the basin shoreline is water level fluctuation in the basin and extended periods of root crown inundation during periods of high water elevation....normal summer elevation is 687.1 feet...the water level exceeded 690 feet (also the approximate maximum elevation of Project constructed sand islands) for approximately 50 days in 2016 and 65 days in 2017...Few plant species are able to withstand that extent of water level rise and period of inundation....The study does not provide any shoreline cross sections or elevations at any locations around it's perimeter to adequately determine the full potential negative effects of water surface level fluctuations of this magnitude and frequency. (underline emphasis added) Appendix A pages 26-27*

*Section 6.2-Design Considerations...sediment consolidation of soft soils was estimated at 1.5 to 3 feet. Should that estimate fall short of actual settlement by one half foot, and the islands continue to settle to a maximum of 3.5 feet during the first few years after construction, they will all be submerged during all but low River flow periods. Would this situation be considered a maintenance issue, and the responsibility of Ramsey County, or might alternatives be considered to either abandon the effort or add further material to the constructed islands and replant all vegetation? Appendix A page 28*

*Section 7.1.6.2 - Proposed Fill Material The text indicates the potential use of benthic muds from the basin for Proposed island topsoil. Council staff strongly discourages any use of benthic muds sourced from the basin as topsoil for the Project. Appendix A page 28*

*Appendix A Section 2 ...We have grave concerns relative to the potential for the Project to discharge significant quantities of benthic materials into the Mississippi River...Appendix A page 30*

*Contaminated waste*

*USACE said no polluted/contaminated material will be dumped in Pig's Eye Lake. The spokesperson for MPCA said the dredge spoils are contaminated. The record shows dredge spoils proposed for dumping in Pig's Eye Lake are classified by the State of Minnesota as regulated waste. The Minnesota Pollution Control Agency lists Arsenic, Lead, Cyanide, Mercury, PCB's, dioxin, and DDT as just some of the lengthy list of toxic pollutants allowed in dredge spoils of the type proposed for dumping in Pig's Eye Lake.*

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Experience - Minnesota House of Representatives, MN Mississippi River  
Parkway Commission

July 16, 2019 - sent to Ramsey County and USACE

**RE: Stop the dumping of polluted dredge spoils into Pig's Eye Lake**

The US Army Corps of Engineers (USACE) *must halt* the planned dumping of more than 400,000 cubic yards of polluted dredge spoils into Pig's Eye Lake. The \$15.6 million of tax payer money should not be spent on dumping dredge spoils into our beautiful Eastside lake. Saint Paul's adopted plans for Pig's Eye Lake call for boat access, trail access, signage, parking, fishing, birding, and, picnic facilities in Pig's Eye Lake Regional Park. *Dumping polluted dredge spoils into Pig's Eye Lake is not in any park plan adopted by the City of Saint Paul, Ramsey County, or the Metropolitan Council.*

The Eastside riverfront has been used as everyone's dumping ground. However, funding to provide waterfront recreation opportunities is spend everywhere except the Eastside riverfront. Eastside residents should have recreational access to the largest lake in Saint Paul. Residents deserve a say whether more dumping or dump cleanup and recreation is the future for our riverfront regional park.

Natural resource recreation opportunities for our diverse Eastside could be permanently lost if polluted dredge spoils are dumped in our lake.

Four hundred thousand cubic yards is a pile of polluted dredge spoils three feet high and three feet wide stretching from Pig's Eye Lake to Silver Bay on Lake Superior (227 miles).

There has never been a public meeting to present plans for dumping polluted dredge spoils into Pig's Eye Lake. The public must be allowed to comment, discuss, and thoroughly vet this proposed project.

The project report assured the USACE Commander that dumping 400,000 cubic yards of dredge spoils in Pig's Eye Lake "is not likely to be controversial nor involve significant public dispute as to the size, nature, or effects of the project or to the economic or environmental costs or benefits of the project." *The public has never supported dumping dredge spoils in Pig's Eye Lake.*

The application for Lessard-Sams Outdoor Heritage funding does not mention in the application the funding would be used to dump more than 400,000 cubic yards of polluted dredge spoils into the lake.

The Minnesota Pollution Control Agency's April 2014 Dredged Materials report lists Arsenic, Lead, Mercury, Cyanide, PCBs, and DDT as just some of the toxic pollution in dredge spoils of the type proposed to dump in our lake.

Restoration of Public Waters MN Rules 6115.0215 prohibits the use of materials that are not clean and *free* of pollutants, nutrients, and exotic species sources

The application for Lessard-Sams Outdoor Heritage funding indentifies shallow depth of the lake as contributing to water quality issues. The application states that the proposed project would improve Pig's Eye Lake by creating depth and substrate diversity. Creating depth is not of record. The proposed project actually reduces the depth of the lake.

USACE and the feasibility study touch on planning for island removal adjacent to Pig's Eye Lake and the Rookery. The \$4.3 million State funding is to dump polluted dredge spoils into Pig's Eye Lake. Millions more would then be spent for island removal. *The use of dredge spoils and planning for island removal are not in the application to receive \$4.3 million from the Lessard-Sams Outdoor Heritage Council.*

The proposal does not consider potential impacts on scenic values. The lake is classified by the DNR as a Natural Environment Lake. The lake is part of the Mississippi National River and Recreation Area. Scenic impacts must be considered. Converting the mid section of the lake into marshland would significantly alter the lake and negatively impact protected public river corridor views. The large expanse of open water would be lost. Thousands daily experience the scenic views from surrounding parks and overlooks, the Mississippi River Trail, Mississippi Water Trail, and Great River Road. The Great River Road is a National Scenic Byway. Sunsets and sunrises over this vast reflecting pond would be lost.

Recreational opportunities on the lake would be diminished for rowing, birding, fishing, recreation, and scenic enjoyment from skulls, canoes, kayaks, small fishing and sailing boats because the depth in the mid section of the lake will be reduced by dredge spoils and mud waves. The already shallow 3 to 4 foot depths would be reduced to as little as zero depth. It will be difficult if not impossible to traverse from one end of the lake to the other. No cross sections of existing and proposed lake depths are of record.

There have been ongoing efforts to expand the Paddle Share Program to Pig's Eye Lake. Dumping more than 400,000 cubic yards of polluted dredge spoils in the lake could jeopardize this effort.

The approximately 1.2 billion pounds of dredge spoils would force soft bottom material up to the surface.

The initial review cited five issues that affect water quality in Pig's Eye Lake. The five are shallow lake depths, nutrients from storm water runoff, toxic material leaking into the lake from the superfund site, high numbers of rough fish (carp) that stir up sediment and impact aquatic vegetation, and shore erosion. Removing polluted soils from the bottom of the lake to increase depth diversity, remove toxins, remove soft soils, shoreline stabilization, and improving storm water runoff quality could provide real benefits to the lake. The proposed project focuses instead on creating islands.

The proposed dumping of dredge spoils is tied to the Section 204 program, a program to get rid of dredge spoils. The Section 206 program is not tied to dredge spoils and can be used for habitat restoration.

The City of Saint Paul has parkland at Pig's Eye Lake. Pigs's Eye Lake is part of the Met Council Regional Park System. *The City of Saint Paul and the Met Council are not listed as parties Ramsey County and USACE coordinated with.*

Ramsey County should hold public meetings to hear from the public and work to address public concerns. Saint Paul residents have been working for years on river corridor planning only to be ignored. USACE and Ramsey County should listen to residents, familiarize themselves with the good work residents and the City have done on park planning, and work to eliminate conflicts with adopted plans and regulations.

The claim that 111 acres have eroded away is based on aerial photos taken in 1951 and 2015 showing where the shoreline is. From that assumption they extrapolate future losses. If you go to

<https://www.ramseycounty.us/residents/property/maps-surveys/interactive-map-gis> and open the *aerial base map* you will see an aerial photo that contradicts claims that aerial photos show the location of the shoreline. The information needed to determine the shoreline on any of the photos is not of record.

The record should include vital information including, the aerial base map photo, MN DNR NWI wetland delineation map, water levels when aerial photos were taken, two foot gradient elevations, ordinary high water level, dredging and fill records, records of pool elevation changes, and ordinary high water level prior to Hastings Dam construction. The information is vital to determining what if any shoreline change is attributable to erosion. *This information should be available to the public before there is a public meeting to discuss this proposal.*

Pig's Eye Lake is a spring, stream and storm water fed lake. Willow Brook, Battle Creek, Pine Creek, Ogden Creek, and Fish Creek all feed Pig's Eye Lake. Pig's Eye feeds the Mississippi River. There is no other stream and spring fed lake like this in Saint Paul. This 674 acre lake has nearly 9 miles of shore and is by far the largest lake in Saint Paul. It's size provides expansive views to and from the lake.

The growing diversity of Eastside residents deserve equitable access to our riverfront, including water based recreation, that is provided elsewhere. The present lack of access needs to be addressed. Dumping dredge spoils in the lake will seriously restrict water based recreational opportunities for the Eastside. The size and depth of Pig's Eye Lake provides unique water recreation opportunities of a large lake without large high powered watercraft. The great expanse and shallow nature (3-4 feet) make it a great resource for canoes, kayaks, skulls, paddle boards, and small fishing boats. Hiking, biking, birding, fishing, and picnics are popular outdoor activities. Pig's Eye Lake can provide these opportunities. It can be even better if programming is jointly developed with our neighbor, the MN DNR Regional Headquarters and State Fish Hatchery. Residents have called for public access including trails, boat ramps, wildlife viewing, fishing, picnic tables, parking and cleanup of the environment. Dumping dredge spoils goes the wrong direction and endangers many of environmental and recreational values the park is predicated on protecting.

There is an unfortunate track record of dumping what nobody wants on our Eastside riverfront. We get the Metro area sewage. We have two superfund dump sites with an estimated \$800 million cleanup cost. We have a waste treatment ash dump, and car battery dump. We have a "temporary" diseased tree and pallet dump site and construction material dump site. We

have hazardous material that was moved off Minneapolis's riverfront by the MPCA because of the threat to neighborhood residents. Coal dust from coal dumping. Now, a proposal to dump 400,000 cubic yards of polluted dredge spoils into the middle of our lake. *There has been no public meeting with residents of affected neighborhoods and the general public.*

For years, neighborhood residents and the City have worked on and adopted plans for our riverfront park. Unfortunately, there has been little, if anything spent to implement even basic access to Pig's Eye Lake Regional Park. We wait for signs identifying it as a park and providing visitor information. We wait for even a basic gravel parking, and gravel trail to access the lake. We wait for the existing boat ramp to be opened. There is no boat access currently to the largest lake in Saint Paul.

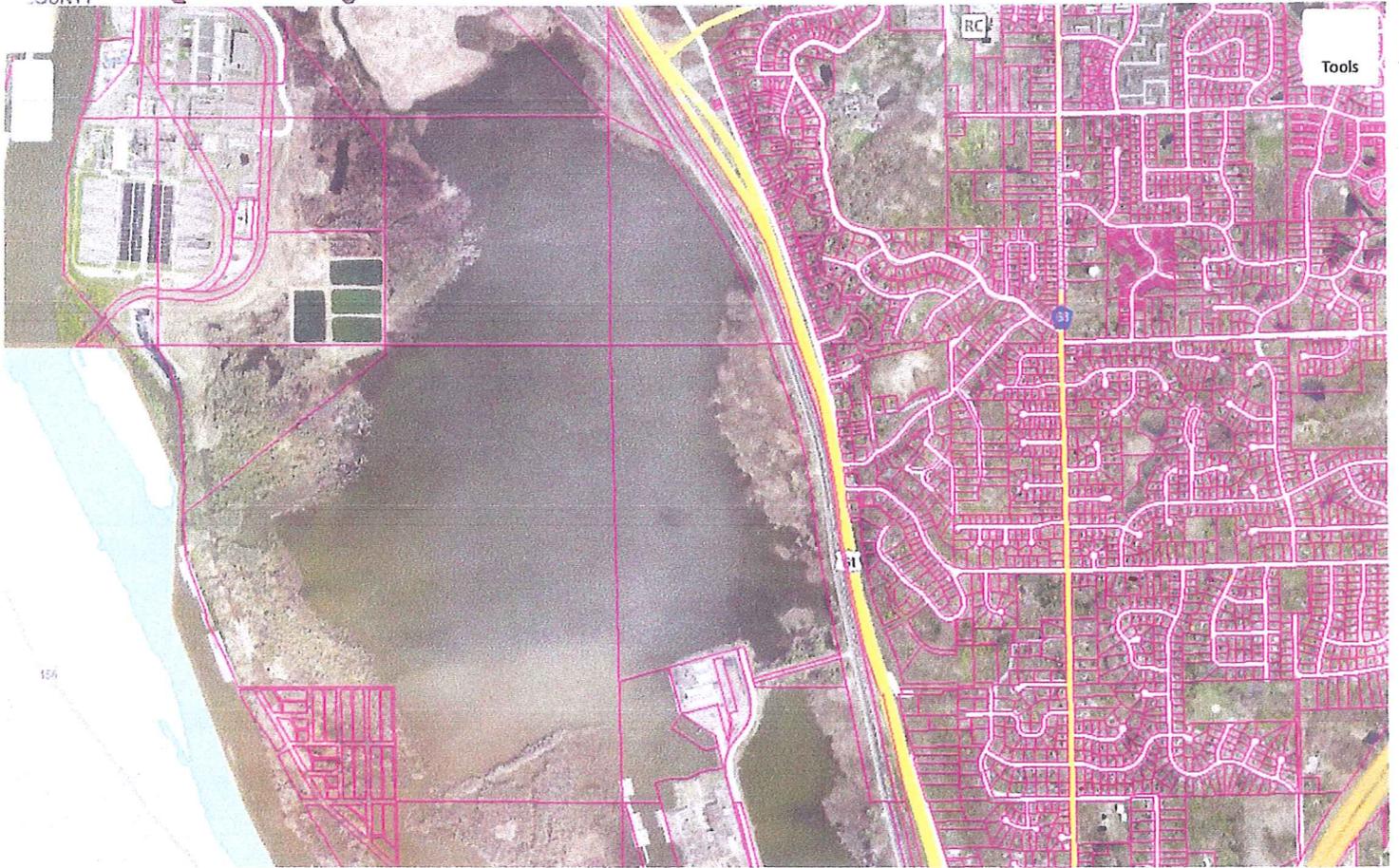
The Great River Passage, along with all Saint Paul Riverfront Plans, do not recommend dumping dredge spoils in Pig's Eye Lake.

The proposed USACE project is a wolf in sheep's clothing. The USACE needs to get rid of polluted dredge spoils. The 9,000 year old lake created when the last glacier receded does not need polluted dredge spoils.

The USACE claims dredge spoils are not as polluted as they used to be. There is little comfort from that.

The MPCA estimated cost of cleanup of the existing pollution (superfund sites) is over \$800 million. MPCA is looking for help to fund the cleanup. If the State and County assisted MPCA in cleaning up the super fund sites it would be appreciated. There is no interest in adding more pollutants to our park or reducing the depth of the lake. *The County should not dump 400,000 cubic yards of polluted dredge spoils into the lake.*

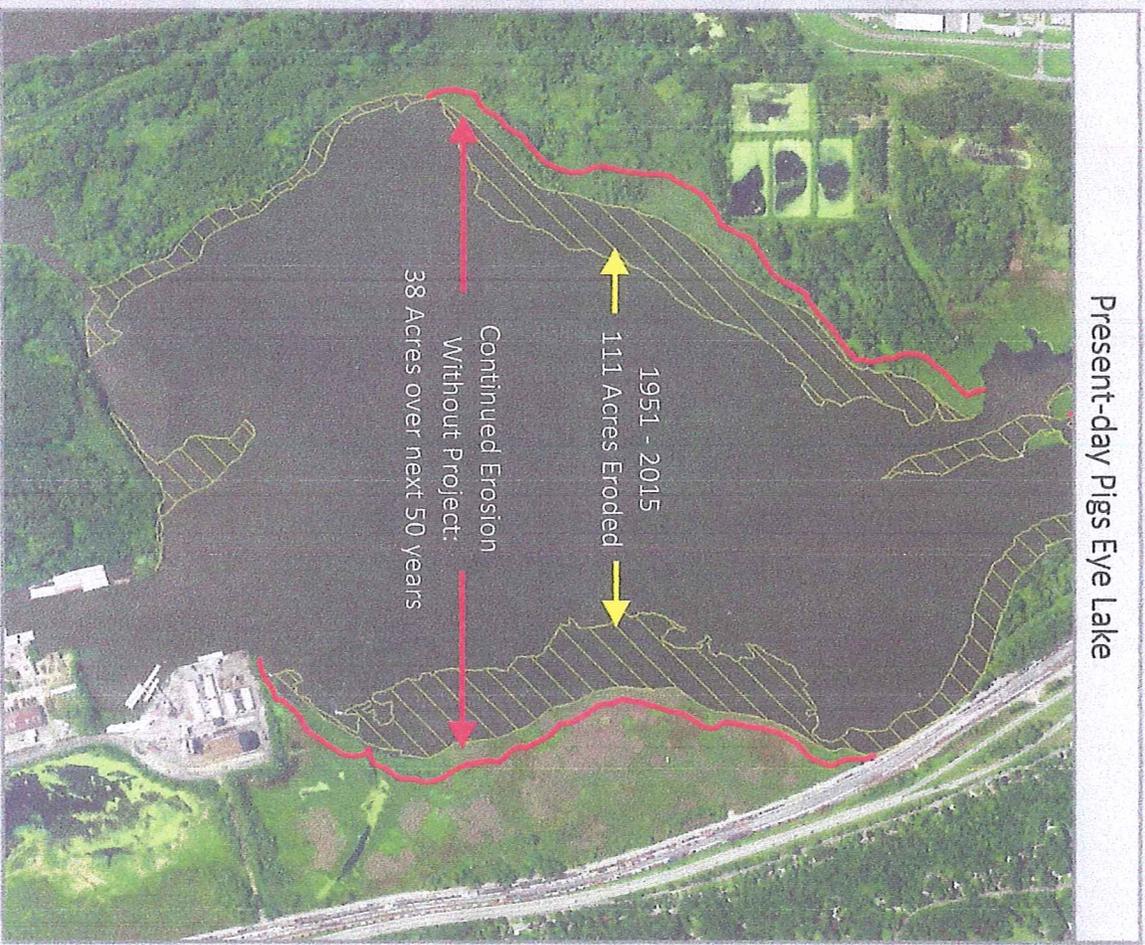
**The dumping in Pig's Eye Lake Regional Park needs to stop. We should invest in public access to the lake and parkland and cleanup of past dumping in the park.**





# The Problem | Shoreline Erosion, Past and Future

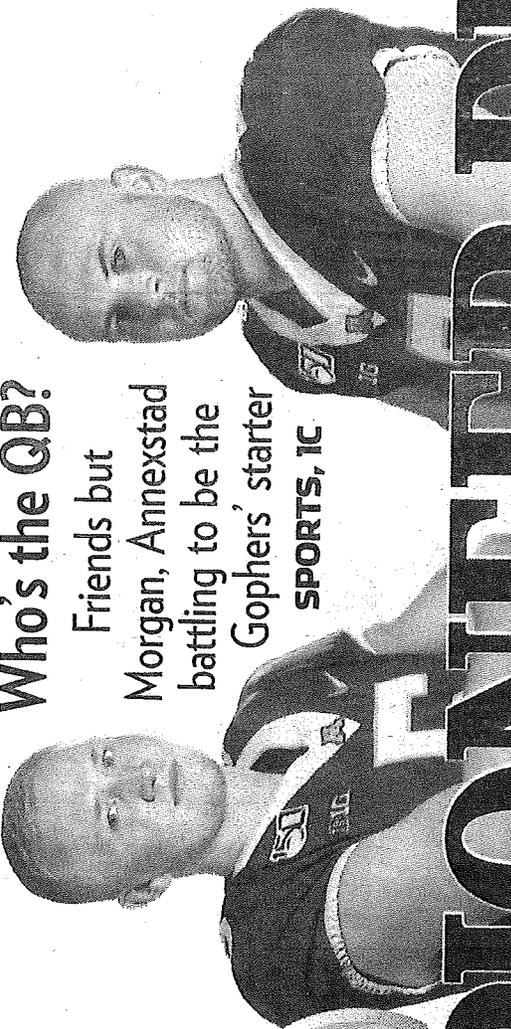
Large, open water + Wind-generated waves + Loose mucky sediments = Turbid water, no vegetation, and more erosion!



# Who's the QB?

Friends but Morgan, Annexstad battling to be the Gophers' starter

SPORTS, IC



# Morning Report

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EARLY METRO

A MediaNews Group NEWSPAPER

AUGUST 4, 2019

# Pig's Eye Lake islands project questioned

## Residents who live nearby seek public input session, criticize plan to use river dredge spoils

By Tad Vezner  
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Some East Side St. Paul community activists are concerned about a multimillion-dollar plan to build islands in the center of St. Paul's largest lake — questioning the need and effect, and alleging a lack of public process.

The U.S. Army Corps of Engineers announced weeks ago that they will be building seven islands in the 638-acre Pig's Eye Lake, in the city's Battle Creek neighborhood, using \$11.5

million of their money and another \$4.2 million from funding set up by the state's Clean Water Land and Legacy Amendment.

They say the lake is in bad shape because of eroding shoreline, carp tearing at its bottom and extra sediment from Battle Creek, which empties into it.

The sheer length of open water, they add, allows for bigger waves that erode the shore even more — and building the islands will hinder that, along with creating shelter for waterfowl.

Former city council member Tom Dimond and former state Rep. Sheldon Johnson, both of whom live near the lake in the city's Highwood neighborhood, say they were caught unaware by the project and question its premise.

Both are asking for at least one public input session about the project.

In particular, Dimond objects to the Corps' use of 400,000 cubic yards of "dredge spoils" to build the islands — materials dragged from the bottom of the Mississippi River

and placed in growing stockpiles.

"The proposed USACE project is a wolf in sheep's clothing. The USACE needs to get rid of polluted dredge spoils," Dimond said. "If you ever get anybody down to see this park, they'd be raising holy hell."

It's true that the park is difficult to find. Nestled among rail yards and barge terminals, U.S. Highway 61 to the east and the well-hidden Pig's Eye Regional Park to the north, the park can only be accessed by driving through a wood chipping yard. As far as pollution, Dimond

acknowledges that the dredge materials meet standards of the Minnesota Pollution Control Agency — but chafes at the idea of any pollution at all being placed in an area of the city that has seen plenty of it.

"No polluted/contaminated material will be dumped in Pig's Eye Lake," the Corps wrote in response to Dimond and Johnson, noting the materials were tested and found suitable for constructing aquatic habitats, as called for in the project.

The Minnesota Pollution Control Agency says everything dredged from the Mississippi is contaminated

PIG'S EYE LAKE PLAN, 6A

... Klipsch said. "Our river-  
is one of the major attributes  
our community. We want to be  
to maintain that and embrace

river, her business partner Nicole  
Perez noted, "We fixed our prob-  
lem. We moved up higher from the  
river."

CONTINUED FROM 1A

## > Pig's Eye Lake plan

to some degree — but adds  
that placing it into the lake  
would likely be beneficial,  
given the lake's history.

In previous years, the land  
to the north was Pig's Eye  
Dump: the largest Super-  
fund site in the state, reme-  
diated just after the turn of  
the millennium.

"To take sentiment from  
farther down the Mississip-  
pi, which is probably much  
less contaminated than  
Pig's Eye Lake, and to put  
them in Pig's Eye Lake, it's  
probably a good thing," said  
MPCA spokesman Walker  
Smith.

"Everything's contaminat-  
ed with something, and  
heaven knows the stuff that  
goes into the Mississippi is  
contaminated. ... But for  
sure, where they have  
dredged up that stuff is less  
contaminated than the sedi-  
ment in Pig's Eye Lake."

Dimond also questions  
whether the lakeshore is in  
fact eroding — noting no  
topographical data was col-  
lected, and instead the  
Corps relied on photograph-  
ic evidence for a lake whose  
levels fluctuate throughout  
the year. He himself pro-  
duced photos showing the  
waterline fluctuating over  
decades.

Corps officials say their  
photos asserting a decline  
in water levels were taken  
on days with "similar and  
normal water levels."

"I don't know Tom's quali-  
fications. We have biolo-  
gists and geo-spatial infor-  
mation systems experts  
looking at this and believe  
that it is eroding," said  
Corps spokesman Nate  
Campbell.

Former Rep. Johnson, who  
worked on the Pig's Eye  
Dump project for decades  
both as a legislator and citi-  
zen, largely confines his  
criticisms to the need for a  
public input session.

"I would like to see more  
public input of what the  
plan entails and its implica-  
tions. I've read through the  
material — I think St. Paul  
raises an important point,"  
Johnson said.

In a letter to the Corps, St.  
Paul officials expressed  
some reservations about  
the project, worrying about  
the islands' long-term sta-  
bility and calling the ongo-  
ing maintenance budget  
"woefully inadequate."

Corps project manager  
Campbell said his organiza-  
tion followed all procedural  
rules for input, and received  
feedback from various state  
and local agencies. But, he  
added, no public comment  
session was mandated.

"I was unaware of it (the  
project), and I don't know  
anyone that was aware that  
I hang out with," said John-  
son, adding, "My peers in  
the neighborhood are very  
involved in land-use issues."

Construction on the proj-  
ect is slated to begin in sum-  
mer 2020.

*Tad Vezner can be reached at 651-  
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Twitter at @SPnoir.*

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