

RECORD OF DECISION

Attachment A

**Spider Creek Stream Restoration Project
Environmental Assessment Worksheet**

Public Comments

Spider Creek Stream Restoration Project Environmental Assessment Worksheet

Comments provided by
Kari Hedin, Watershed Specialist
Fond du Lac Reservation
1720 Big Lake Road
Cloquet, MN 55720

1. In heading #7, Cover Types, the following statement appears: “The area of wetland is expected to remain unchanged following the stream restoration.” However, elsewhere in the document are passages that state, “The proposed project would elevate the groundwater levels and reconnect the floodplain, which may promote the formation of wetland plant communities.” In addition, wet soil conditions are described as being present at the site even though wetland soils are not present. As hydrology is restored and hydrophytic vegetation will be added, would it be unreal to assume that hydric soils and wetland hydrology indicators would follow? The reference reach downstream has considerably more wetlands than the reach that will be restored. Wetland types are PFO6/4B and PFO4B, although some upland conditions also exist in the reference reach. Though the area of wetland will likely remain the same immediately after restoration, it is likely that all three wetland indicators (hydrology, soils and vegetation) may form in additional areas during the five-year monitoring period. Though it may be hard to predict how much more wetland will be gained, it is unlikely it will be zero, as stated in heading #7. I would suggest revising some information under heading #7.
2. Please provide dimensionless ratios for at least one reference reach or for one of the proposed restoration reaches. I’m curious to see the relations between pool-to-pool spacing and how that defines the linear wavelengths for this stream restoration. I’m also curious to see inner berm ratios in pools and riffles.
3. In the five-year monitoring strategy, I would like to see a discussion of how beavers will be managed. Has there been any discussion about constructing a small oxbow lake to integrate beaver activity into the restoration? In addition, the grade controls at the beginning and end of the restoration will help reduce impacts upstream and downstream, but will the monitoring plan include inspections for potential upstream headcuts, both on the main channel of Spider Creek and in the two unnamed channels that are immediately upstream of the proposed restoration?
4. Overall, a well-planned and designed stream restoration project.

From: [g3brady](#)
To: [MN_Review_Environmental\(DNR\)](#)
Subject: Spider Creek EAW
Date: Tuesday, August 15, 2017 12:55:31 PM

My concern is high water years for most part the berm holds out the water butt the years the water is high i have seen the water as close as 50 yards from cabin with out the berm the water will get closer and flood driveway i hope you may consider this in your dession on the project that we strongly appose thank you spider creek hunting association

Sent from my Samsung Galaxy smartphone.

From: [Demmer, David \(BWSR\)](#)
To: [MN Review, Environmental \(DNR\)](#)
Cc: [Felix-Gerth, Annie \(BWSR\)](#); [Novak-Krebs, Cynthia \(DNR\)](#)
Subject: Spider Creek EAW_BWSR Wetland Comment
Date: Wednesday, August 09, 2017 9:12:40 AM

To whom this may concern,

I appreciate the opportunity to review the Spider Creek Stream Mitigation EAW.

I have one comment:

- 1) I recommend that the wetland delineation of the site conducted in 2016 is reviewed by the Technical Evaluation Panel (TEP) and approved by the Local Government Unit (LGU).

The wetland delineation report has a section titled "Disturbed Conditions". This section describes the soil and hydrology within the investigation area as altered (Section 4.3 of delineation report). The delineation is also noticeably different from the National Wetland Inventory dataset (Figure 3 of delineation report) and appears to be what the Corps Manual would consider a problem area for wetland delineations. I would typically recommend to a Local Government Unit (LGU) that problem areas in wetland delineations are reviewed by TEP prior to approval.

To the best of my knowledge there is no documentation of a TEP review or decision approving the wetland boundary and type. The document suggests that the applicant will be requesting a No-Loss decision (a decision based greatly upon the wetland boundary). While it's true that an applicant *may* apply for a wetland boundary decision and they often "wrap" the delineation review into subsequent wetland permitting; this appears to be a problem site and I'm of the opinion that it may be more efficient to "nail down" the wetland boundaries before moving much further along in the wetland review process. Suppose the wetland lines get adjusted during a review? That No-loss application the agent is preparing will be much different as a replacement plan.

Again, thank you for the opportunity to comment. Feel free to contact me with any questions...

Thanks,

David Demmer
Wetland Specialist
MN Board of Water & Soil Resources

394 South Lake Avenue, Room 403
Duluth, MN 55802

(218) 464-8289

STATE HISTORIC PRESERVATION OFFICE

August 14, 2017

Ms. Kate Fairman
Planning Directory
MN Dept of Natural Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155

RE: EAW – Spider Creek Stream Restoration Project
T52 R19 S24 NE, Ness Twp, St. Louis County
SHPO Number: 2017-2574

Dear Ms. Fairman:

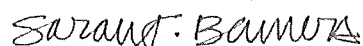
Thank you for the opportunity to comment on the Environmental Assessment Worksheet for the above project. It has been reviewed pursuant to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have reviewed the cultural resources survey report that was prepared for this project. One archaeological site was identified as a result of the investigations, 21SL1244, Spider Creek Farmstead. This site has not been evaluated to assess whether or not it is eligible for listing in the National Register of Historic Places. Provided that site 21SL1244 is avoided by all construction activities as stated in the report, we conclude that there are **no properties** listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties that will be affected by the project as currently proposed.

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.

Please contact our Compliance Section at (651) 259-3455 if you have any questions on our review of this project.

Sincerely,



Sarah J. Beimers, Manager
Government Programs and Compliance



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

August 16, 2017

Ms. Cynthia Novak-Krebs
EAW Project Manager
MNDNR Division of Ecological and Water Resources
500 Lafayette Road
St. Paul, MN 55155-4025

Re: Spider Creek Stream Restoration Project Environmental Assessment Worksheet

Dear Ms. Novak-Krebs:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Spider Creek Stream Restoration project (Project) located in St. Louis County, Minnesota. The Project consists of restoration of an approximately 2,660-foot reach of Spider Creek. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Geology, Soils and Topography/Land Forms (Item 10)

The MPCA recommends the Project proposer submit the Notification to Dredge without a Permit form and follow the best management practices in the Best Management Practices for the Management of Dredged Materials guidance. Both documents are available on the MPCA website at: <https://www.pca.state.mn.us/water/wastewater-dredged-materials-management>. For questions regarding dredging, please contact Emily Schnick at 651-757-2699.

Noise (Item 17)

The MPCA appreciates US Steel's thorough address of applicable noise standards and preemptive efforts to mitigate project noise. Please note that all construction equipment should be fitted with appropriate mufflers to help mitigate noise and to better maintain state noise standards throughout each phase of the stream restoration process. Additionally, in response to point 4 on page 28, it should be noted that vegetation has been shown to be an ineffective method of noise mitigation. For questions regarding noise standards, please contact Christine Steinwand at 651-757-2327.

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.

Ms. Cynthia Novak-Krebs

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August 16, 2017

Sincerely,

A handwritten signature in blue ink that reads "Steve Sommer for". The signature is written in a cursive style.

Karen Kromar

Planner Principal

Environmental Review Unit

Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul

Christine Steinwand, MPCA, St. Paul

Emily Schnick, MPCA, St. Paul

Patrick Carey, MPCA, Duluth

From: [David Polster](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Comments on Spider Creek restoration
Date: Monday, July 31, 2017 9:04:05 PM

Please be sure the folks looking after this restoration project are certified ecological restoration practitioners (see SER website for details).

Cheers,
Dave Polster

From: [Melissa Ramberg](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Spider Creek EAW
Date: Tuesday, August 15, 2017 7:52:25 PM

Leave the creek the way it is. Will not be good for us land owners that have land that is getting used for this project. Spider creek has been that way since I have known. IT is no good for us land owners to reck over land for some big company.

Sent from my HTC

From: [Bonnie Swanson](#)
To: [MN_Review_Environmental \(DNR\)](#); [Novak-Krebs, Cynthia \(DNR\)](#)
Subject: SPIDER CREEK EAW
Date: Tuesday, August 15, 2017 9:22:20 PM

Please reconsider the application for the US Steel Corporation Spider Creek Restoration Project.

My father and 7 others built our cabin in 1970 for their families to enjoy and learn to do so many things there. In 2012 8 sons and nephews of the original owners, built a new cabin to continue the tradition.

We were taught how to snowmobile and to enjoy the winter sports.

We were taught how to correctly hunt for deer, grouse and other game.

We were taught to love and appreciate and enjoy nature.

We have taught our children the same things and now some of us are teaching our grandchildren.

By moving the creek, you are adversely taking away hunting areas, a protective area that keeps our area private, snowmobiling areas.

Thank you for your consideration of this matter.

Sincerely,

Wendell Swanson
P.O. Box 6
Harris, MN 55032

From: [John Swanson](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Spider Creek
Date: Wednesday, August 16, 2017 9:42:36 AM

I feel that this Spider Creek restoration project would have a negative impact, there is a serious beaver problem damming up things like a short distance out in the woods they created a pond by damming up a small creek less than 15 years ago and spider creek further west ,if they wind the creek instead of leaving it straight they could dam it up causing further flooding ,and if the banks of the old channel are removed would we have flooding on our property spider creek hunting association and it would remove a natural barrier to keep people out,also for years we have learnt to ride snowmobile and four wheelers in them fields and are teaching our children the same, also a fun play area in them fields would be taken away, our group Spider creek hunting association feels it would be a negative project not a positive in any way
sincerely John Swanson.

From: lindaanddavidswanson
To: [MN Review, Environmental \(DNR\)](#)
Subject: Spider Creek EAW
Date: Monday, July 31, 2017 12:12:16 PM

My name is David Swanson. I am the secretary of Spider Creek Hunting Association. The proposed restoration project impacts a large portion of our land. We did not ask for this nor want it. The creek as it stands has been a natural fence for our property since we have owned it in 1969. The meadow it is going to go through has been used for three generations of kids to learn how to snowmobile. The restoration will change the look and usage of our property. How can a private company go through our property without consent or even offering compensation? Spider Creek Hunting Association has several concerns and questions on this matter.

David Swanson
Secretary
Spider Creek Hunting Association
651 468 7540

Sent from my T-Mobile 4G LTE Device

From: [Shane Swanson](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Spider Creek EAW
Date: Wednesday, August 16, 2017 2:17:00 PM

To whom it may concern,
my name is Shane Swanson and I am the president of the Spider Creek Hunting Association(SCHA). My cousin David Swanson is the vice president and he was contacted by U.S. Steel over a year ago and spoke with a couple gentleman whose names I am not aware of. David shared with me the conversation he had with the Gentlemen. One immediate concern that we both share is that when David asked several times if we had a say-so as to whether or not the creek would be changed while going through our property, he stated that throughout the conversation his question was never answered. After reading the EAW I have several questions and concerns and they go as follows.

1. In 9c it was stated that they will obtain permission for the proposed plan through our land. In 17.2 it was mentioned that SCHA indicated support of the restoration project, that is false. After a lot of discussion between the SCHA members it has been clarified that this is not something we are interested in having happen to our property. As mentioned, we own 28% of the affected area. To be clear, unless there is an easement that does not allow us a choice in the matter, we would prefer for the restoration project to not happen on our property.

2. My dad Kermit Swanson, who is one of the original owners and the last remaining member to still use this land also does not wish to have the restoration project happen. He has been enjoying this property since the late 60s and has seen all of our families grow up hunting, learning how to snowmobile and four wheel etc on the proposed affected areas and does not want this to change. The area that is been proposed to reroute the creek will affect its current plan use. To reiterate, our land as well as the county land, has been used for over five decades for learning, family bonding and camaradery.

3. We have also had several discussions over the years with plans of planting a feedlot on sed property to help the animals over the harsh winter months.

4. It was also mentioned about taking the berm away. When the water levels are high, the berm has protected our property from flooding as we have seen in the past. It was also mentioned that the proposed new creek channel will be 1 to 2 feet higher than the existing channel. This is of great concern for flooding. Another area of concern is with beaver dam's. Currently the banks of the Creek are high, but with the proposed plan and the area the new Creek would go through which is low, I foresee beaver dam's being an concern for flooding the entire area. We also do not wish to see the berm removed.

5. We are also very concerned about how this restoration project would affect the fall hunting seasons.

6. In 10a, they spoke about fish. I think it is very important to note that when the creek was evaluated, trout were discovered in Spider Creek. With how sensitive Trout can be, it is of concern what this would do to the current population.

Overall, I understand what U.S. Steel is trying to do and I think that is great to restore a previously rerouted creek, however, we do not wish for this to occur on our property due to the disruption of what our family and friends have enjoyed for almost 50 years. We are all conservationists and avid outdoorsman who would be greatly affected by the changes suggested.

Thank you for your consideration,
Shane Swanson

From: [RONALD Vieths](#)
To: [MN Review, Environmental \(DNR\)](#)
Subject: Spider Creek EAW
Date: Wednesday, August 16, 2017 10:45:15 AM

To whom it may concern;
I have a few issues with this proposed creek rerouting.

1st - After reading through the documentation on this proposal, I see nothing in here about providing an alternate route to our property. As Richardson road is the only access road to our property and looking at the plans, that road will be worked/alterd in a couple of locations for the new creek route. Will an alternate route be provided for us to access our property during this work? And at whose cost?

2nd - It has been a family tradition for more than 50 years, for the relations to all meet up there for all the weekends during deer hunting season to strengthen family bonds. As well as provides a great location to base out of for snowmobiling with the family, and with this planned work, I feel this may be adversely effected. As many of the family are getting up in age every chance we have to get together is very important.

****Main concern****

When this work starts it will surely force the wildlife in the area to flee out of the area. What kind of reassurance is there or studies showing that the wildlife will return? This is the only area that the family hunts for the reason stated previously. When they do leave, what do studies say is the usual repopulation period for the wildlife to return?

Without the answers to these questions, I'm strongly against this proposal at this time and would ask for this to be pushed out until these can be addressed.

Thank You,

Ronald Vieths

Sent from [Outlook](#)