

Kingsbury Bay Watershed Sediment Reduction Project EAW

Attachment A

Public Comments

June 16, 2022

Becky Horton
Project Manager
MN Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155

Re: Kingsbury Bay Watershed Sediment Reduction Project Environmental Assessment Worksheet

Dear Becky Horton:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Kingsbury Bay Watershed Sediment Reduction project (Project) located in Duluth, St. Louis County, Minnesota. The Project consists of stabilization of a portion of two streams. 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.

Permits and Approvals (Item 9)

The table in this section lists the MPCA National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) as “possibly needed.” The EAW states the Project is 11.07 acres in size and the stormwater section states 3 acres will be disturbed. If that is the amount of area above the Ordinary High Water Level (OHWL), then the stormwater permit is required. Also, the number of acres disturbed in both the past and current phases of the overall Project are considered part of one Common Plan of Development that count towards the total number of acres requiring the stormwater permit. This means that even if one phase of the Project results in less than 1 acre disturbed, the site still requires CSW Permit coverage. Again, this would be the number of acres disturbed above the OHWL of the Project. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

Water Resources (Item 12)

Surface Waters

- The Project goals are to reduce erosion and stabilize the channel bed and banks. There will be short term, temporary impacts, but the long-term results will be positive. The completed Project will improve functionality, water quality, restore habitat, enhance recreational access, and reduce soil losses for the Kingsbury Bay Watershed.
- The unnamed tributary to Kingsbury Creek and Kingsbury Creek are both cold water trout streams. Additional care must be taken during construction in these waters and in-water best management practices (BMP) must be incorporated into the final plans. These in-water BMPs will be implemented to reduce or eliminate Total Suspended Solids (TSS)/sedimentation from entering the unnamed stream and Kingsbury Creek waters. The in-water BMPs may include but are not limited to weighted (double) floating silt curtains, low flow, no flow or winter construction conditions, coffer or check dams, etc.

Greenhouse Gas (GHG) Emissions/Carbon Footprint (Item 18)

The MPCA appreciates the transparent reporting of the calculations used and the source of the emission factors.

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

This document has been electronically signed.

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

KK:rs

cc: Dan Card, MPCA, St. Paul
Roberta Getman, MPCA, Rochester
Bill Wilde, MPCA, St. Paul
Jenna Ness, MPCA, St. Paul
Jeff Udd, MPCA, Duluth