

October 20, 2021

Ellen Bogardus-Szymaniak
District Ranger: Lutsen DEIS Project
Tofte Ranger District
7355 West Highway 61, P.O. Box 2159
Tofte, MN 55615

RE: Lutsen Mountain Ski Area Expansion Project Draft Environmental Impact Statement

Dear Ellen Bogardus-Szymaniak:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) for Lutsen Mountain Ski Area Expansion project (Project) in St. Louis County, Minnesota. The Project consists of an expansion of the existing ski area. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

Chapter 1. Purpose and Need

The Project area is repeatedly documented in the DEIS as high quality, intact, sensitive ecosystems (outstanding biodiversity, highly erodible soil potential, native plant communities with conservation ranks of S1-critically imperiled/S2-imperiled/S3-vulnerable to extirpation, intact native plant and forest communities, etc.). However, the DEIS does not provide strong and broad public interest justification for why these ecosystems should be destroyed or altered for the proposed Project.

Per the DEIS introductory statements, this Project has a review lens to determine if the Project benefits the public interest and is appropriate within the context of the Forest Plan to “provide developed sites, facilities, trails, water access sites, and other recreation opportunities within health and safety, resource protection, cost, and maintenance requirements.” (U.S. Department of Agriculture Forest Service 2004, page 39) The DEIS report also states Lutsen Mountain Corporation’s overall purpose of the proposed projects and associated Special Use Permit application is to improve the guest experience at Lutsen Mountains, which cannot be accommodated on adjacent private land. The Forest Plan is a complex document and management process and it would be more informative to provide fuller context as to how this Project supports the Forest Plan desired future conditions and the public use and benefit described in the Plan.

Chapter 3.4 Traffic and Parking

Some sections of the DEIS may need further investigation as only partial information or confusing statements are provided. The traffic analysis is limited and would likely benefit from additional considerations to better clarify potential traffic impacts. For example, the analysis referred to current background traffic and notes that routine statistics indicate the State Highway (SH) 61 traffic has not increased in 20 years.

Another statement is made that during high ski season events, there is more SH 61 traffic in the document analysis, it is suggested an additional turn lane may be required as part of an SH 61 improvement. Since the proposal indicates a significant change to the usage on Moose Mountain, with additional supporting infrastructure and no access but a direct intersection with SH 61, this is critical infrastructure information. SH 61 has significant locations along the highway already in need of better traffic flow, passing is difficult, shoulders are narrow etc. The local government highway engineers, representatives, County engineer, Township Board may also need to engage and review more collaboratively since a county road now provides service to the primary ski area. Private frontal roads managed by the ski resort may be required to adhere to Project Design Criteria (PDC) the local governments determine.

Chapter 3.9 Soils

Geotechnical analysis will need to be a critical component to ensure safe development, not just in the pre-development stages but likely throughout the construction phase and possibly life of the development. The DEIS report indicates that 119 acres of soils with severe and very severe erosion potential will be disturbed. The additional PDC document indicates the requirement of a professional geotechnical engineer's evaluation. In addition, just as in the PDC reference to moving some of the roads and trails to best address the surficial erosion of these soils, a geotechnical report might indicate a problematic situation with subsurface stability. These instability issues were encountered in the Poplar River watershed. Road slumps and hillside slumps were problematic such that de-watering engineering and infrastructure investments were needed. The corrective action was not always associated with overland flow of water, but also sub-surface flow. That instability occurred not during construction but years later after development had been in place for some time, suggesting how problematic building in these soils can be. Hence the suggestion that this geotechnical analysis or evaluation is not just a one-time event but should be considered in some regular routine review if the full build-out development goes forward.

Chapter 3.10 Hydrology

- Removing trees and vegetation along with building roads and trails will alter the hydrology. This change may accelerate erosion of soils and have down gradient impacts to the water resources. The steep topography and the snowmaking, in conjunction with the tree clearing, synchronizes the snowmelt resulting in more snowmelt happening at the same time (versus desynchronized snowmelt in a heavily forested area, especially with conifer trees). The roads and trails also interrupt the natural patterns of flow, often concentrating that flow through ditches and culverts, which if not properly designed and sized, can contribute to unstable slopes, erosional gullies, and sediment being carried to low-lying areas (including wetlands and streams). Lessening the impact would be more protective of the environment than impacting it and counteracting the impact with Best Management Practices (BMPs). Even with Alternative 3 (no development on northern side of Moose Mountain), there are still significant impacts to the high quality environments.
- The PDC appendix notes that where possible hydrology impacts need greater avoidance. There is a comment on lessening wetland impacts via crossings and or lessening intrusions into the riparian corridors, and discussion on culvert and crossing engineering. The MPCA concurs with these more cautious and limiting proposals for several reasons. An "Exceptional" wetland complex is identified of old-growth white cedar. Numerous springs, seeps and intermittent streams are identified in the text and on map figures. These should be avoided to the greatest extent, not just for their inherent natural qualities, but also the more practical difficulty of building across these areas. These areas

have similar difficulties of stability as severe erosion soil areas. They can require more resources in operation and management, and be the source of safety concerns for downslope properties.

- The DEIS should include more information about protective measures such as BMPs to be utilized during construction to control stormwater runoff to downstream waters.
- The DEIS states four detention basins are planned. It is important to note that the Minnesota National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) requires a volume reduction practice to manage stormwater runoff such as infiltration vs. construction of detention ponds unless the ponds will be utilized to store and reuse stormwater. The Project proposer will first need to determine whether infiltration of stormwater would be prohibited due to shallow bedrock, high water tables or type C or D soils.
- Also, due to the sensitivity of the natural area, the proposer is strongly encouraged to utilize [https://stormwater.pca.state.mn.us/index.php?title=Green Stormwater Infrastructure \(GSI\) and sustainable stormwater management](https://stormwater.pca.state.mn.us/index.php?title=Green_Stormwater_Infrastructure_(GSI)_and_sustainable_stormwater_management) that mimic the natural hydrology of the site by keeping rainwater where it falls. Examples include: using pervious pavements for the parking lots and other paved surfaces to reduce the amount of stormwater needing treatment and minimize ice formation in winter, thereby reducing the need for salt applications. Construction of green roofs on buildings also helps to reduce stormwater runoff along with reducing building energy use. Stormwater can also be collected and reused for flushing toilets and for irrigation. Planting native vegetation in infiltration areas and in place of lawns also helps absorb stormwater and provide pollinator habitat. Please direct questions regarding CSW Permit requirements to Roberta Getman at 507-206-2629 or roberta.getman@state.mn.us.

Chapter 3.11 Wetlands

Alternative 2 would result in 0.88 acre of permanent wetland impacts, 929 linear feet of permanent stream impacts, 0.33 acre of temporary wetland impacts, and 576 linear feet of temporary stream impacts. There may be some indirect effects to 0.77 acre of wetlands; however, with the implementation of PDCs, these indirect impacts are anticipated to be insignificant. These wetland impacts are estimated and are likely to change upon detailed Project engineering. Any permanently impacted wetlands must be mitigated at a replacement ratio acceptable to all agencies that regulate surface waters for the State of Minnesota.

If the U.S. Army Corps of Engineers Section 404 permit is required in the Final EIS, the MPCA 401 Water Quality Certification must also be included and becomes an enforceable component of the associated federal license or permit, issued under either Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. The scope of a Clean Water Act Section 401 Certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. Revisions to the Section 401 rule became effective in September 2020. Along with an Antidegradation Assessment, the applicant is also required to request a pre-filing meeting from the certifying agency at least 30 days prior to submitting a 401 Water Quality Certification request. The MPCA is the certifying authority in the State of Minnesota.

Also, in accordance with Minnesota Statutes, the Project should include the MPCA as a regulator of all surface waters as defined by Minn. Stat. § 115.01, subd. 22. Waters of the state. Even though there may be surface waters that are determined to be USACE non-jurisdictional, or exempt from the Wetlands Conservation Act, *all surface waters are regulated by the MPCA* and any surface water impact needs to be described in the application and may require mitigation. For further information about the 401 Water Quality Certification process, please contact Bill Wilde at 651-757-2825 or william.wilde@state.mn.us.

October 20, 2021

We appreciate the opportunity to review this Project. 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 DEIS, 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/RG/WW:vs

cc: Dan Card, MPCA, St. Paul
Tom Estabrooks, MPCA, Duluth
Karen Evens, MPCA, Duluth
Roberta Getman, MPCA, Rochester
Bill Wilde, MPCA, St. Paul
Jeff Udd, MPCA, Duluth
Ken Westlake, EPA, Chicago