

From: [Heintz, Polly \(CI-StPaul\)](#)
To: [Weiner, Greg \(CI-StPaul\)](#)
Subject: FW: Support for Tom Dimond's Pig's Eye Lake island building appeal tomorrow 10/19/22
Date: Tuesday, October 18, 2022 9:55:32 AM
Attachments: [Appeal email from Tom Dimond 080122docx.docx](#)
[LostWater-PrintMap.pdf](#)

For #19
Thanks

Polly Heintz | Executive Assistant to Councilmember Jane Prince

Pronouns: she/her

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From: kesid@aol.com <kesid@aol.com>
Sent: Tuesday, October 18, 2022 9:43 AM
To: Yang, Nelsie (CI-StPaul) <Nelsie.Yang@ci.stpaul.mn.us>; Prince, Jane (CI-StPaul) <Jane.Prince@ci.stpaul.mn.us>; #CI-StPaul_Ward7 <Ward7@ci.stpaul.mn.us>; #CI-StPaul_Ward6 <Ward6@ci.stpaul.mn.us>
Subject: Support for Tom Dimond's Pig's Eye Lake island building appeal tomorrow 10/19/22

Think Before You Click: This email originated outside our organization.

Last August I wrote a letter of support for Tom Dimond's appeal to stop Pig's Eye Regional Park island building.

What I wrote then is still how I look at the issue, so I attached it to this email.

***In addition the dredge used to build the islands has a high level of PFAS. This summer the Federal government issued a warning that studies are showing that even low levels of PFAS are harmful. Even though the State of Minnesota hasn't lowered their legal limits yet that I know of this new information is another reason island building should stop, and the ability of the Corps of Engineers to put dredge below the Ordinary High Water Level in any public waters with no local public input, and their ability to determine what this level should be where shorelines have been changed by human activity, should be re-examined.

***And not having city maps showing islands, sludge piling, wood and pallet chipping, old dump contaminated areas makes it hard for people to know that this park exists, or to get there, and having it all green space on maps makes it seem like a clean big park - then public input where its allowed isn't accurate or helpful.

***I can't find the clean water document but one goal of our clean water plan is to restore bodies of water to historic shapes as we can, such as creeks and wetlands, and Pig's Eye Lake was a wetland - changes under the Public Water Act should respect this goal. I attached the "Lost Water" map I downloaded from a larger city goals/clean water document to this email.

***I hope you consider the goals of the City of Saint Paul to restore our water bodies to their pre-historic conditions (a wetland in the case of Pig's Eye Lake) and to have safe and accessible public parks, and to have local public input into decisions made to change or degrade our public waters should be upheld.

Tom Dimond's appeal of the ordinary high water level used for building the islands will be on the City

Council agenda a second time tomorrow, October 19, as I understand it.

Thanks for looking this over,
Join us for a hike on a Tuesday or Saturday at 9:30! I'm headed there now...

Kathy Sides
1380 Winchell St (six blocks east of Lake Phalen))
Saint Paul, MN 55106
651-771-7528

All,

Below and the attached are information on next Monday's appeal hearing.

Purpose: Appeal of a decision made by the Zoning Administrator pertaining to a Department of Natural Resources project within Pigs Eye Lake. Property Address: Pigs Eye Lake Date of Hearing: Monday, August 8, 2022 Time: 3:00 p.m. Location: 15 Kellogg Boulevard West (Room 330 – Courthouse) Public comment may be submitted to DSI-ZoningReview@stpaul.gov. Any comments and materials submitted by 2:00 p.m. on August 5, 2022 will be provided to the BZA for their review. You must include your name and address for the public record.

If you can speak at the hearing, please do. If you cannot be at the hearing, please submit what you want by this Friday.

Procedurally the appeal is based on the failure to submit a site plan for approval and failure to get a development permit from the City for filling and grading above the ordinary high-water level. DSI feels they have no authority. State statutes, State Rules, and City regulations specify that St. Paul must authorize work in the Critical Area and Flood Plain prior to the start of work. The City also calls for work to stop when an appeal is filled. DSI has taken no action because they believe they have no authority.

MN Rule 6115.0215 Restoration of Public Waters Sub.3 Prohibited Work. Public waters alteration, protection, or restoration work is prohibited when the work: D. violates the regulations of any local zoning authority or water management agency; (It is hard to reconcile the idea that the local zoning authority has no authority when the State Rule specifies that the work is prohibited if it violates local zoning authority regulations) Prohibited work also includes: F. uses material that are not clean and free of pollutants, nutrients, and exotic species sources; (It is hard to reconcile the known pollutant and nutrients in dredge spoils as clean and free of pollutants and nutrients)

Mn Rule 6115.0190 Filling Into Public Waters. Subp. 1. Goals. It is the goal of the department to limit the placement of any fill material into public waters in order to : C. maintain consistency with floodplain, shoreland, and wild and scenic rivers management standards and ordinances. (It is hard to

reconcile consistency with floodplain, and shoreland, and river ordinances if the administrator of those ordinances has no authority)

Subp. 5. Permits Required. Permits are required for the placement of fill in public waters,.....and a project must meet all of the following requirements:

B. the fill consists of clean inorganic material that is free of pollutants and nutrients; (It is hard to reconcile how the fill can meet the requirement to be free of pollutants and nutrients when dredge spoils are a defined pollutant)

H. The proposed filling is consistent with applicable floodplain, shoreland, and wild and scenic rivers management standards and ordinances for the waters involved;

I. the proposed filling is consistent with water and related land management plans and programs of local and regional governments, provided such plans and programs are consistent with state plans and programs. (MN Rules require compliance with local government plans and programs)

You can testify on whatever concerns you have. I just mention this as the legal case we are making.

Tom

From: "andrew hogg" <Andrew.Hogg@ci.stpaul.mn.us>

To: "Tom Dimond" <tdimond@q.com>

Cc: "David Eide, CI-StPaul" <David.Eide@ci.stpaul.mn.us>, "Tia Anderson, CI-StPaul" <Tia.Anderson@ci.stpaul.mn.us>

Sent: Friday, July 15, 2022 8:33:10 AM

Subject: Update

Tom,

See the attached ENS packet. The appeal is entered as an admin appeal to the BZA and set a tentative public hearing date of Monday, August 8, 2022. This is consistent with Sec. 61.701. - *Administrative appeals*. (a) The board of zoning appeals shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any order,

requirement, permit, decision or refusal made by the zoning administrator in carrying out or enforcing any provision of this code.

There is still a discussion taking place on the matter to issue a cease work order until the appeal is heard. Once I hear more on this issue, I will relay that information to you.

Thanks

Andrew Hogg

Water Resource Coordinator

(he/him/his)

Department of Safety and Inspections
375 Jackson Street

Saint Paul, MN 55102

Phone # 651-266-9112

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Original Land Survey - Surface Hydrology

