



ZONING APPEAL APPLICATION

To/From Board of Zoning Appeals

Dept. of Safety & Inspections
Zoning Section
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
(651) 266-9008

To / From Planning Commission

Dept. of Planning & Econ. Devt.
Zoning Section
1400 City Hall Annex, 25 W 4th St.
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only
File # 22-072764
Fee Paid \$ 547.00
Received By / Date KE - 7/8/2022
Tentative Hearing Date 8/8/2022

APPELLANT

Name(s) Friends of Pig's Eye Lake Park - Tom Dimond
Address 2119 Skyway Drive City St. Paul State MN Zip 55119
Email tdimond@q.com Phone 952-207-6923

PROPERTY LOCATION

Project Name Discharge of 80 Million Gallons of Pollutant into Pig's Eye Lake
Address / Location Pig's Eye Lake Park - Pig's Eye Lake Road

TYPE OF APPEAL: Application is hereby made for an appeal to the:

- Board of Zoning Appeals**, under provisions of Zoning Code § 61.701(c), of a decision made by the Zoning Administrator.
- Planning Commission**, under provisions of Zoning Code § 61.701(c), of a decision made by the Planning Administrator or Zoning Administrator.
- City Council**, under provisions of Zoning Code § 61.702(a), of a decision made by the Board of Zoning Appeals or the Planning Commission.

Date of decision June 30th, 20 22 File Number _____

GROUND FORS APPEAL: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission or Board of Zoning Appeals. Attach additional sheets if necessary.

See attached

RECEIVED
JUL 09 2021
BY: *Zonney KE*

If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Appellant's Signature *Thomas B. Dimond* Date 7-8-2022



June 30, 2022

Tom Dimond
2019 Skyway Drive
Saint Paul, MN 55119

RE: Your letter dated June 10, 2022, regarding dredging in Pig's Eye Lake and requesting issuance of a stop work order.

Dear Mr. Dimond:

Your letter of the date noted above was routed to me for review and response. Having done so, I have determined that the City does not have the authority to issue a "stop work order" that you have requested. I arrived at this decision having consulted various City departments to understand more fully the complaint and the request stated in your letter. The substantive reasons for this decision, which I have given careful consideration in light of the concern expressed in your letter, are as follows.

1. Pig's Eye Lake is a designated public water. Work within the basin of Pig's Eye Lake is not subject to the City's River Corridor Overlay District ordinance as these regulations apply only to work on lands which the City is able to assert authority pursuant to Critical Area regulations. The work you object to is taking place entirely within the basin of Pig's Eye Lake over which the DNR's regulatory authority is exclusive.
2. Likewise, because Pig's Eye Lake is designated public water and the work you have objected to is taking place within its basin, over which DNR regulatory authority is exclusive, the work also does not implicate the City's wetland regulations.
3. As noted above, the status of Pig's Eye Lake as a designated public water places exclusive authority over work within the basin with the Minnesota Department of Natural Resources ("DNR"). I am advised that the work you object to was reviewed and approved via a public waters work permit duly issued by the DNR.
4. Finally, Pig's Eye Lake Regional Park is owned and operated by Ramsey County and is not a component of the City's park system. I am advised that Ramsey County favors the work you have objected to within the basin of this public water.

This decision may be appealed within ten (10) days. A form to file an appeal is available from DSI. Be advised that there is a filing fee. If an appeal is filed, it will be heard by the board of zoning appeals.

Sincerely,

Andrew Hogg
City Water Resources Coordinator

Friends of Pigs Eye Lake Park
2119 Skyway Drive
Saint Paul, MN 55119

July 8, 2022

Appeal of DSI decision – Grading 80-million-gallon discharge of fill/pollutant without Planning Commission site plan review and approval or issuance of a grading permit

Friends appeals the DSI decision that asserts Saint Paul has no zoning, planning, or permitting authority when a developer fills, and grades land that is above the Ordinary High-Water Level (OHWL). The opposite is true. The City has the authority and responsibility to plan and regulate Development of land. There is an even greater responsibility in the floodplain, and Critical Area.

The decision incorrectly claims Development is “entirely” within the basin

The decision states that work “is taking place entirely within the basin of Pig’s Eye Lake over which the DNR’s regulatory authority is exclusive.” This is not the case.

Development work on land is administered by the City and includes fill and grading outside the basin. No site plan review or Development permit, as required for work on land is the question. The Ordinary High-Water Level is the upper jurisdictional boundary for public waters. (MN Stat. 103G.005) In this case, the Ordinary High-Water Level is the operating elevation of the normal summer pool. (MN Stat. 103G.005 Definitions) The Development includes filling and grading above the OHWL. Filling and grading above the OHWL are required to have a St. Paul Development Permit, Site Plan review and, public hearing at the Planning Commission before work can begin.

The basin is delineated by the OHWL. Filling and grading above the OHWL is not inside the basin. (Development outside of the basin is subject to City planning, zoning and permitting. The City of Saint Paul is the designated authority for flood plain zoning and MRCCA zoning above the OHWL.

MN DNR Permit does not infer exclusive authority

MN DNR Permit 2022-1818 - The DNR Public Water Permit Conditions clearly state: The permittee is not released from any rules, regulations, requirements or standards of any applicable federal, state, or local agencies; including, but not limited to, U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning. (The DNR permit does not infer exclusive DNR authority of rules, regulations, requirements or standards.)

Local Units of Government (LGU) are given the authority to adopt policy and administer planning, and zoning in the Critical Area, and the floodplain.

Public Waters Work Permit 2020-1818 (Pig's Eye Lake (62000400) states the permit is granted subject to the following CONDITIONS:

Conditions include Applicable Local Regulations: The permittee is not released from any rules, regulations, requirements, or standards of any applicable local agencies; including city and township zoning.

Public Water Permits are for work within a water basin. Basins are delineated by the OHWL. The Ordinary High-Water Level is the jurisdictional boundary of the basin. In this case the Ordinary High-Water Level is the operating elevation of the normal summer pool. (MN Statute 103G.05 Definitions)

A Developer is not exempt from any Saint Paul rules, regulations, requirements, or standards that apply to work above the OHWL.

St. Paul can elect to administer work in Public Waters

MN Statute 103G.245 WORK IN PUBLIC WATERS.

Subd. 5. Delegating permit authority to local units of government.

- (a) The commissioner may delegate public-waters-work permit authority to the appropriate county or municipality or to watershed districts or watershed management organizations that have elected to assert local authority over protected waters. An exclusive authority is not one that can be delegated.

Past practices of site plan review and permitting above the OHWL

Grading on an island in Bald Eagle Lake required site plan review and permit. Grading is defined as Development and requires site plan review and permit in St. Paul.

St. Paul's airport floodwall was stopped by inspectors when fill and grading of wetland occurred above the OHWL without a permit to do so.

Fill and grading a wetland south of the airport for a barge facility required site plan review and permit

Proposed fill and grading in Eagle Lake required review and approval by the City (not approved)

Proposed filling and grading at Pig's Eye Lake for a Coal terminal required site plan review and permit (not approved)

Fill and grading for Red Rock required site plan review and permit

Pig's Eye Lake Park is jointly owned by the City and County

The DSI decision incorrectly states the Park is owned by Ramsey County and is not a component of the City's park system. Sadly, on the eastside we often do not receive the recognition we deserve. The park is an amazing birding, canoe, kayak, cross country skiing, and hiking area.

Some of what is lost if City review and permitting is eliminated:

Adopted Critical Area plans are not considered

Impacts to protected views from the bluffs are not considered

The Planning Commission does not have input on wetland impacts and replacement

The joint City/County alternative agreement to restore lake depth by 8 feet greater depth by removing polluted muck will not be considered by the Planning Commission

Removing polluted muck as an alternative to discharge of 80 million more gallons of pollutant into the lake will not be considered by the Planning Commission

The pollutant removal plan would enhance fish habitat, reduce fish kill, reduce sediment, and reduce pollutant intake of the Herons, Egrets, Pelicans, Eagles and public who eat fish from the lake

The Planning Commission will not have a chance to consider Heron eggs were found to have the highest level of pollution found in the world and how best to reduce pollutant affecting them

The Planning Commission would not consider the health and recreational benefits for the public of pollutant removal and cleaner water

The largest lake in St. Paul, could offer training opportunities for rowers.

The Planning Commission and Public will not be given a chance to consider the EPA's June 15, 2022 pollutant advisory that PFAS levels should be reduced to near zero – Do park visitors want more PFAS discharged into the park?

The Planning Commission will not consider State Rules that prohibit placement of fill into a water body by an individual or organization to create upland areas

Apparent to many, this is about disposal of 80 million gallons of pollutant by discharging it into our park with a BIPOC majority residential population. The population most affected are those who are least able to access or afford other nature based opportunities.

When the City tells our neighborhood they have no authority to protect our health and natural resources it rings hollow.

Andrew Hogg
Water Resource Coordinator
City of Saint Paul

The health threat to current and future generations depends on compliance with EPA's PFAS Health Advisory – The proposed 80-million-gallon discharge of pollutant exceeds EPA limits

On June 15, 2022, the Environmental Protection Agency issued a health advisory that set health risk thresholds for PFOA and PFOS to near zero. "People on the front-lines of PFAS contamination have suffered for far too long," EPA Administrator Michael Regan said. "That is why EPA is taking aggressive action as part of a whole-of-government approach to prevent these chemicals from entering the environment and to help protect concerned families from this pervasive challenge". The revised health guidelines are based on new science and considered lifetime exposure to the chemicals, the EPA said. The "forever chemicals" bond are so strong that they do not degrade or do so only slowly in the environment and remain in a person's blood stream indefinitely.

PFAS has leached into waterways over the years after they were discharged by industry or the military. Testing has found dangerously high levels of "forever chemicals" in the proposed pollution discharge. The updated EPA advisory must be followed.

Previously, EPA set the health advisory for PFOA and PFOS at 70 parts per trillion. The new limits are much lower, at 0.004 parts per trillion for PFOA and 0.02 parts per trillion for PFOS. Last year, EPA found PFOA and PFOS to be a greater health threat than previously believed.

"Today's announcement should set off alarm bells for consumers and regulators." Said Melanie Benesh a legislative attorney at the Environmental Working Group. These proposed advisory levels demonstrate that we must move much faster to dramatically reduce exposures to these toxic chemicals."

The Minnesota Legislature just approved \$800,000 for the cleanup of the Pig's Eye Dump. The dump contains PFAS and other pollutants. St. Paul must ensure that any dumping within the park does not exceed EPA's health advisories.

PFAS is colorless, odorless chemicals that remain in a person's blood stream indefinitely. PFAS stays in water, soil, fish, and birds and has a cumulative effect. Park visitors, birds and fish have no way of avoiding this unseen toxic threat. Government inspectors must ensure these toxic chemicals are not discharged into our public lands and waters.

The EPA health advisory limit is 0.004 parts per trillion of PFOA. At Pig's Eye Lake, PFOS tested at 1.1 parts per trillion of PFOS. That is 55 times more PFOS than the EPA health advisory limit of 0.02 parts per trillion for PFOS. We exceed the health limit already.

Downstream near Hastings and Cottage Grove PFOS tested at 9.1 and 28.4 parts per trillion. Lower Pool 2 test results showed PFOS levels 455 to 1,400 times the health advisory limit. The 80 million gallons of pollutant is coming from down river where PFOS levels exceed EPA's Health Advisory limit. See PFOS map. The discharge of more toxic chemicals, that do not degrade, endangers park visitors, recreational opportunities, fish, and birds. The Park has Federal and State designations to protect the Scientific and Natural Area Rookery, birds, wildlife, and recreational opportunities. Increased toxic pollutant undercuts those efforts.

Testing of heron eggs in the SNA Heron Rookery found eggs with extremely high PFOS levels. Carp in the lake registered PFOS levels of 10.2. Higher PFOS levels in birds that eat PFOS polluted fish demonstrates one of the cumulative effects of PFOS pollution.

St. Paul is the Local Unit of Government assigned the responsibility to ensure required permits, public review, and compliance with plans and zoning. In the Mississippi River Critical Area, Mississippi National River and Recreational Area, and flood plain zoning a development permit must be applied for and approved before any work can start. Site Plan review and approval is required. **St Paul has not approved this development. Start of work is prohibited.**

MN DNR Permit 2020-1818 – Public Waters Work Permit states: This permit is granted subject to the following **CONDITIONS:** (partial list)

Applicable Federal, State, or Local Regulations: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to ,city and township zoning.

Wetland Conservation Act: Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the permittee shall not initiate any work under this permit until the permittee has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.

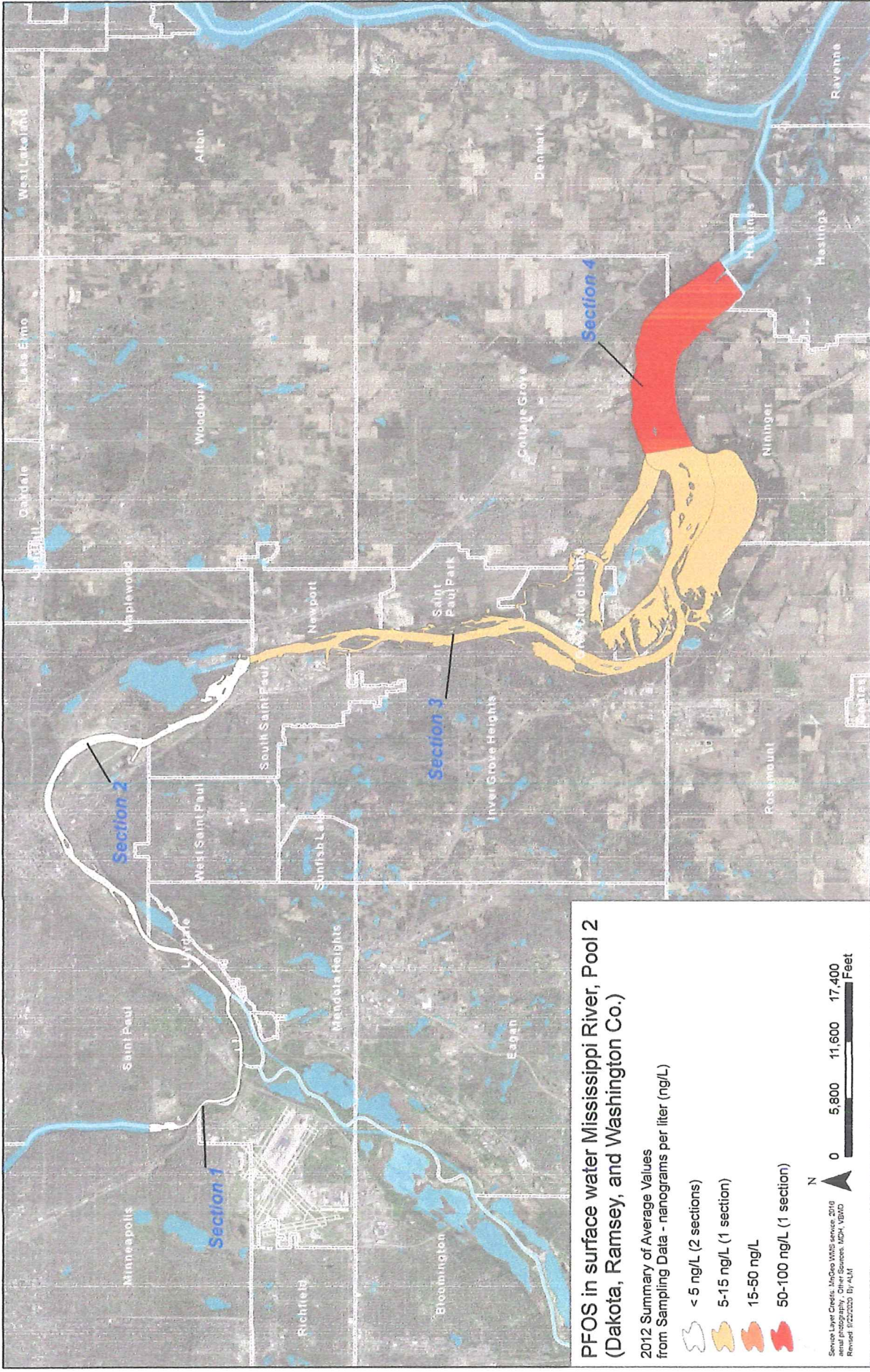
Discharging 80 million gallons of pollutant containing PFOS that exceeds health advisory levels creates greater health risks for people, fish, and birds based on the latest EPA health advisories dated June 15, 2022. We should not repeat the mistakes of the Pig's Eye Dump that we all regret now.

It would be criminal for the City to allow discharge of 80 million gallons of pollutant into the waters that Minnesotans drink and enjoy for recreation. The City should not break it's trust as protector of people, birds, recreational opportunities, and the ability to safely eat fish from our lakes. The Environmental Protection Agency "Health Advisory" calls for a near zero level of PFAS pollutants in our environment. The Department of Safety and Inspections and our City Council must immediately stop discharge of PFOS into the lake. The area exceeds the new EPA's Health Advisory without discharge of 80 million additional gallons of toxic pollutant.

The City has not issued a permit allowing discharge of pollutant. Saint Paul is legally and morally bound to immediately stop the pollutant discharge before more harm is done.





Federal Register 87 - June 21, 2022

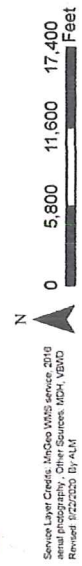
The interim updated health advisories for PFOA and PFOS are based on human epidemiology studies in populations exposed to these chemicals. Human studies have found associations between PFOA and/or PFOS exposure and effects on the immune system, the cardiovascular system, human development (e.g., decreased birth weight), and cancer. The most sensitive non-cancer effect and the basis for the interim updated health advisories for PFOA and PFOS is suppression of vaccine response (decreased serum antibody concentrations) in children. While there is evidence that PFOA is likely to be carcinogenic to humans, EPA has not derived a cancer risk concentration in water for PFOA at this time. There is suggestive evidence of carcinogenic potential of PFOS in humans. Cancer analyses are ongoing for both PFOA and PFOS.



**PFOS in surface water Mississippi River, Pool 2
(Dakota, Ramsey, and Washington Co.)**

2012 Summary of Average Values
from Sampling Data - nanograms per liter (ng/L)

-  < 5 ng/L (2 sections)
-  5-15 ng/L (1 section)
-  15-50 ng/L
-  50-100 ng/L (1 section)



Source: Lake County, MN Dept 14250 (4/14/12), 2012
aerial photography, City of St. Paul, MN, USGS
Revised 10/22/2020 By: ALM



NWI Wetland Finder

NWI Classifications:

Layers



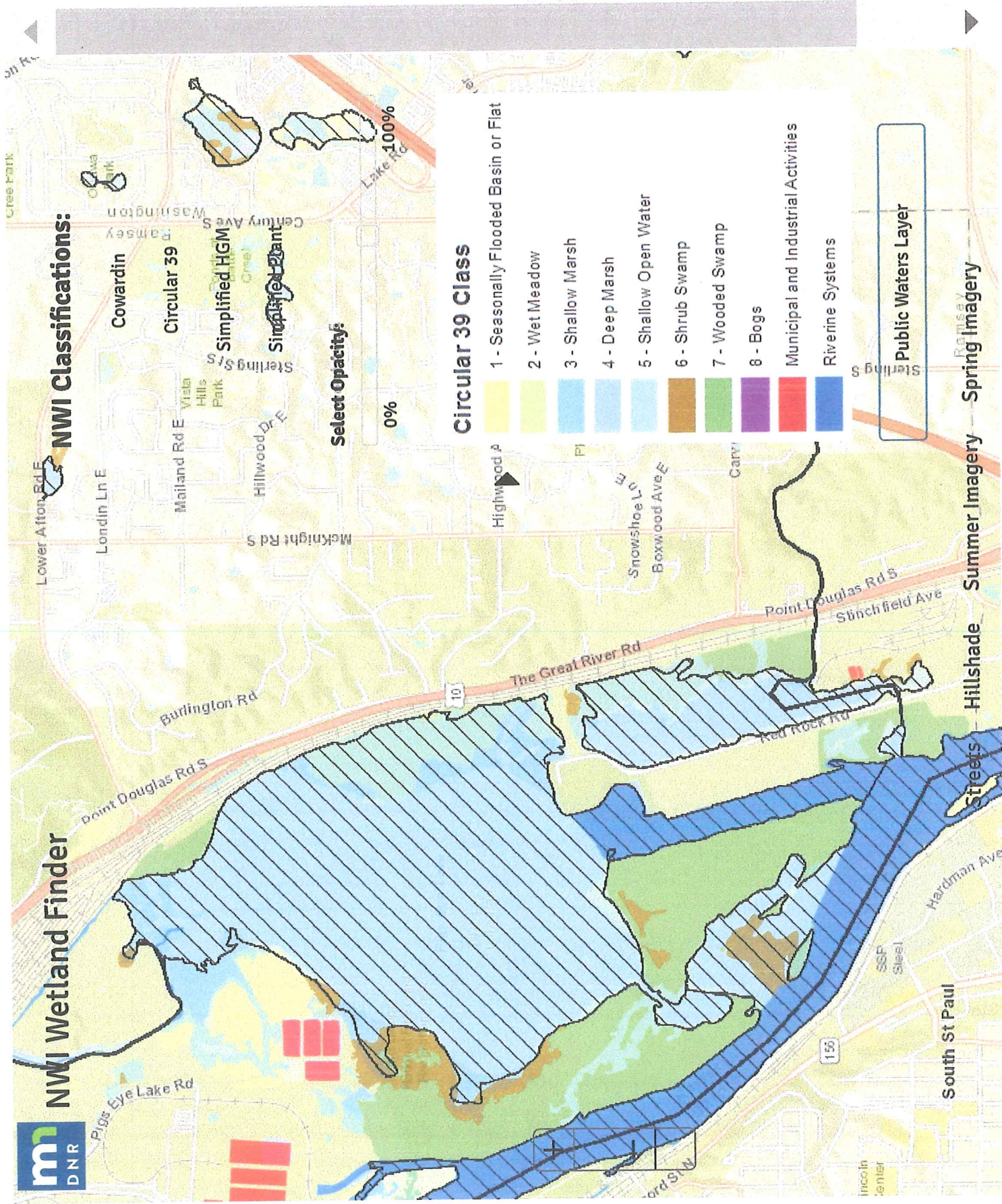
Search



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Circular 39 Class

- 1 - Seasonally Flooded Basin or Flat
- 2 - Wet Meadow
- 3 - Shallow Marsh
- 4 - Deep Marsh
- 5 - Shallow Open Water
- 6 - Shrub Swamp
- 7 - Wooded Swamp
- 8 - Bogs
- Municipal and Industrial Activities
- Riverine Systems

Public Waters Layer

Summer Imagery Spring Imagery

of the most contaminated areas would probably be a benefit for the lake by capping some of the lesser contaminated underlying sediments. Placement of the sand may cause short-term disturbance and redistribution of the sediment adjacent to the islands during construction, but as long as the possibility of mud waves are managed and the contaminated sediment is not discharged to the Mississippi River, there shouldn't be a long-term concern that the construction of the islands will further contaminate the lake.

- 3) Will the lake's water quality ensure a safe environment for a project that promotes a goal to attract larger and more diverse populations of wildlife?

The answer to this question is still an unknown and obtaining a scientifically defensible conclusion is probably not feasible within the scope and budget of this project. At this point, there is not enough water quality, biological and toxicity data available for the area to clearly demonstrate the risk. But, what is known is that the approximate residence time calculated for July 2015 was a little less than 5 days. This relatively short residence time for the lake suggests that there is probably not enough time for sediment contaminants diffusing into the water column to concentrate up to levels far exceeding what is seen in Pool 2 of the Mississippi River.

Tom Dimond
2119 Skyway Drive
Saint Paul, MN 55119

No Permit issued to allow dumping 80 million gallons of pollutant at Pig's Eye

A La Crosse, WI firm is currently installing a huge pipe into Pig's Eye Lake. The intent is to discharge more than 80 million gallons of pollutant into Pig's Eye Regional Park. The plan is to start discharging pollutant into the lake June 15th. A permit and site plan review is required. As far as I know, the City has not held a public hearing about pollution discharge in the Critical Area or issued a Development Permit. A stop work order should be issued.

Saint Paul's City Council "must exercise their power to further the purpose of" Critical Area protections which support public health, environmental protection and recreational opportunities by assuring public permit and site plan review.

Conflicting standards. In case of a conflict between this and any other law, regulation, rule or ordinance, the more protective provision applies.

The City of St. Paul is required to administer natural resource protections and enhancement within Minnesota's Mississippi River Corridor Critical Area and National Park's Mississippi National River and Recreation Area. Minnesota and St. Paul have adopted special protections and enhancement for natural resources and recreational opportunities within the Mississippi River Critical Area. The National Park is protected by the same enhanced protections as the State Critical Area.

Protection and enhancement of natural resources and recreational opportunities depends on local government's authority to adopt comprehensive plans and ordinances, review plans for conformance and administer the permitting process to protect and enhance natural resources and recreational opportunities.

Local government "must exercise their powers to further the purposes of this chapter" (MN Rule 6106.0030) and are responsible for adopting plans and ordinances in conformance with the regulations. "In case of a conflict between this chapter and any other rule or ordinance, the more protective provision applies." (MN Rule 6106.0030) "The standards and criteria established in this chapter for the Mississippi River Corridor Critical Area pertain to public waters and to nonfederal public land and private lands within the river corridor boundary." (MN Rule 6106.0030) Saint Paul and other local government are responsible for and required to administer the protection and enhancement of natural resources and recreational opportunities within the National Park and State Critical Area. As stated in 6106.0030 the more protective provision applies; be it Clean Water Act or Critical Area/National Park plans and ordinances.

**MN Statute 116G.15 MISSISSIPPI RIVER CORRIDOR CRITICAL AREA
Subdivision 1. Establishment; purpose.**

The federal Mississippi National River and Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of critical concern in accordance with this chapter. The purpose of the designation is to:

- (1) protect and preserve the Mississippi River and adjacent lands that the legislature finds to be unique and valuable state and regional resources for the benefit of the health, safety, and welfare of the citizens of the state, region, and nation;
- (2) prevent and mitigate irreversible damages to these state, regional, and natural resources;
- (3) preserve and enhance the natural, aesthetic, cultural, and historical values of the Mississippi River and adjacent lands for public use and benefit;
- (4) protect and preserve the Mississippi River as an essential element in the national, state, and regional transportation, sewer and water, and recreational systems; and
- (5) protect and preserve the biological and ecological functions of the Mississippi River corridor.

MN Rule 6106.0030 SCOPE; OTHER LAW.

Subpart 1. Applicability.

The standards and criteria established in this chapter for the Mississippi River Corridor Critical Area pertain to public waters and to nonfederal public land and private lands within the river corridor boundary.

Subp. 2. Government actions.

The state and all local governments, including councils, commissions, boards, districts, departments, and all other public authorities, must exercise their powers to further the purposes of this chapter.

Subp. 3. State land.

Land owned by the state and its agencies and subdivisions must be administered according to this chapter.

Subp. 4. Conflicting standards.

In case of a conflict between this chapter and any other rule or ordinance, the more protective provision applies.

Supreme Court of the United States Decision Rapanos v. United States Decided June 19, 2006. "Congress passed the Clean Water Act (CWA or Act) in 1972. The Act's stated objective is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 86

Stat. 816, 33 U. S. C. 1251(a). The Act also states that "it is the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation and enhancement) of land and water resources, and to consult with the Administration in the exercise of his authority under this chapter." 1251(b)

The Supreme Court states, "One of the statute's principal provisions is 33 U. S. C. 1311(a) which provides that the discharge of any pollutant by any person shall be unlawful." "The discharge of a pollutant" is defined broadly to include "any addition of any pollutant to navigable waters from any point source," 1362(12), and "pollutant" is defined broadly to include not only traditional contaminants but also solids such as "dredged spoil,...rock, sand, (and) cellar dirt," 1362(6).

Justice Kennedy's concurring opinion points out that Congress enacted the law to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters," 33 U. S. C. 1251(a), and it pursued that objective by restricting dumping and filling in "waters of the United States," 1311(a), 1362(12).

Section 1344 authorizes the Secretary of the Army, acting through the Corps, to "issue permits...for the discharge of dredged or fill material into the navigable waters at specified disposal sites." 1344(a), (d).

In Saint Paul, MN, the Corps proposes the discharge of 400,000 cubic yards/80,789,610 gallons of dredge spoils into a Glacial Lake in a National Park and State Critical Area. This lake precedes the existence of the Minnesota and Mississippi River in St. Paul. The Corps states this is not a disposal site and has nothing to do with disposal of dredge spoils. However, it is part of the Corps 2040 Dredge Spoils Disposal Plan.

Congress and the State of Minnesota have designated local government (St. Paul) as the administrator of more protective provisions adopted by the State and local government. The adopted protections prohibit discharge of dredged spoils/waste into the lake. The adopted protections require a State Critical Area development permit. The protections require no net loss of wetland.

The Corps has not applied for or received St. Paul's required Critical Area development permits or site plan review for development in the State Critical Area/National Park. Saint Paul also administers no net loss wetland replacement requirements. The law calls for replacement before wetlands are impacted. The Corps has not applied for permits or submitted to the City plans for replacement of wetland.

Sec. 61.402. - Site plan review by the planning commission.

Plan to be submitted. A site plan shall be submitted to and approved by the planning commission before a permit is issued for grading or the erection or enlargement of any building except one- and two-family dwellings, and including the following:

Any development in the river corridor critical area or in the floodplain district except one- and two-family dwellings which do not affect slopes of twelve (12) percent or greater.

Site plan review and approval. In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:

The city's adopted comprehensive plan and development or project plans for sub-areas of the city.

Applicable ordinances of the city.

Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.

Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.

Sec. 60.205. - D.

Development (river corridor district only). The making of any material change in the use or appearance of any structure or land including, but not limited to: a reconstruction, alteration of the size, or material change in the external appearance, of a structure or the land; a change in the intensity of use of the land; alteration of a shore or bank of a river, stream, lake or pond; a commencement of drilling (except to obtain soil samples); mining or excavation; demolition of a structure; clearing of land as an adjunct to construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land; or the dividing of land into two (2) or more parcels.

(c)

Sec. 60.224. - W.

Wetlands. Low-lying areas which may be covered with shallow water. They are frequently associated with a highwater table. Swamps, bogs, marshes, potholes, wet meadows and sloughs are wetlands. They may occur adjacent to or within natural drainageways or as freestanding low areas. Wetland shall consist of Types 1—8 as defined in U.S.D.I. Fish and Wildlife Circular 39.

Sec. 68.402. - Protection of shorelands, floodplains, wetlands and bluffs.

Grading and filling.

A minimum amount of filling shall be allowed when necessary, but in no case shall the following restrictions on filling be exceeded.

Fill shall be stabilized.

Only fill free of chemical pollutants and organic wastes shall be used.

Total filling shall not cause the total natural flood storage capacity of the wetland to fall below the natural volume of runoff from the wetland and watershed generated by a 100-year storm, as defined by the National Weather Service.

Solid waste disposal and landfill shall not be permitted in the River Corridor District.

Development shall fit existing topography and vegetation with a minimum of clearing and grading.

Deposit of dredged material shall not result in a change in the current flow, or in destruction of vegetation or fish spawning areas, or in water pollution.

Sec. 68.403. - Protection of wildlife and vegetation.

Development shall be conducted so as to avoid intrusion into animal and plant habitats.

No alteration of the natural environment or removal of vegetation shall be permitted when such alteration or removal would diminish the ability of dependent wildlife to survive in the River Corridor.

No wetland or bluffline vegetation shall be removed or altered except that required for the placement of structures.

Development shall not cause extreme fluctuations of water levels or unnatural changes in water temperature, water quality, water currents or movements which may have an adverse impact on endangered or unique species of birds or wildlife.

Sec. 68.404. - Protection of water quality.

Generally. Development shall occur so that surface and subsurface water is not adversely affected by contaminants. Water quality should meet or exceed state standards