
From: Elizabeth Karre <elizabethkarre@gmail.com>
Sent: Wednesday, January 22, 2025 10:19 AM
To: #CI-StPaul_Ward1 <Ward1@ci.stpaul.mn.us>
Subject: Tree preservation policy

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

Dear CM Bowie,

I'm writing regarding the tree preservation policy draft that the council is considering. My concerns that I would like to see addressed:

-how does the policy fit with the MN Environmental Rights Act that prohibits impairment or destruction of natural resources of the state unless there is no feasible and prudent alternative?

-who will judge if tree damage or destruction is avoidable or not? I think that needs to be an independent expert, not the city if it's a city project so people have more confidence in the judgement.

-I'd like to see the policy include a lot more details about the rules that will be used to make determinations and how the public is going to be involved in developing those rules and raising concerns if they think the rules aren't being followed.

Thank you for listening and taking this into consideration. And thank you for your service to St. Paul!

Elizabeth Karre
801 Hague Ave., Saint Paul, MN 55104

From: Virginia Housum <ginny.housum@gmail.com>

Sent: Wednesday, January 22, 2025 01:06 PM

To: #CI-StPaul_Ward4 <Ward4@ci.stpaul.mn.us>

Subject: trees on Summit Avenue

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

I have just heard that city council is taking up a proposal this afternoon for the retention of trees on Summit Avenue. While this is a good first step, the proposal clearly needs more "teeth" for the protection of trees. I want to insure that the proposed ordinance includes the following terms:

1. We have already seen that the Department of Public Works, as opposed to the Department of Forestry, is not sufficiently knowledgeable to determine the feasibility of tree retention. Three changes in the proposed ordinance are therefore necessary: first, the ordinance should specifically mention that it is subject to the Minnesota Environmental Right Act (Minn.Stat. section 116B); second, it should not be up to DPW to determine feasibility of tree retention; an independent expert or at the very least, the forestry department should make the determination; third, and most important, the retention of as many trees as possible should be the primary consideration in determining feasibility of retention--not cost, not inconvenience, and not the goal of adding infrastructure in the customary way. We have all seen what happens when DPW is involved: witness the destruction of every single tree along Grand Avenue east of Fairview, some of which could have been valuable amenities. Each tree should be assessed separately based on its siting on the street. It is the trees which make Saint Paul a livable city. Let's make sure we keep as many as can continue to live in an urban setting.

2. DPW should not be the agency to define "feasibiity" of tree retention, for the same reasons stated above. They are people well versed in pipes and cables, not living trees. We need the forestry department to define feasibility, and have an ombudsman--an independent expert voice--be an essential element of the process. Further, no standards of feasibility should be adopted without the opportunity for significant public input based on reasonable advance notice.

Without these or similar modifications, the ordinance will fail in its goal of protecting trees--which should be a lodestar of city policy. Let's keep Saint Paul as

the livable city it historically has been, with extensive tree cover. After the plague of Dutch elm disease and now emerald ash borer, it is obvious that our well being as humans is highly dependent on keeping a viable urban forest.

Thank you for supporting the ordinance with the changes requested. I am available to discuss these points with you or your staff by email, telephone or in person.

Virginia Anne Housum
ginny.housum@gmail.com
612-384-6452

From: [Bethany Gladhill](#)
To: [*CI-StPaul>Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#)
Subject: proposed tree ordinance
Date: Wednesday, January 22, 2025 1:47:09 PM

You don't often get email from bethany@gladhill.org. [Learn why this is important](#)

Councilmembers:

I'm so glad you all are beginning consideration of a tree ordinance, as proposed by Councilmember Noecker.

I was reminded today, while driving down a street in Highland that had undergone street construction in the last couple of years, how important this kind of regulation is. I've attached one of the photos I took at that time showing how many trees were lost. They were replaced with the saplings you see in the photo, but the difference between these young trees and established trees is substantial.

To that end, I have some concerns about the proposed regulation and how well it correlates with state law, particularly MERA (which stipulates that natural resources can only be eliminated if there is "no feasible or prudent alternative," meaning the other two replanting options would be far less necessary of possible at all), and MN Statute 561.04 which stipulates treble damages for tree destruction in public or private places. I've looked over the materials about the proposed ordinance I can find online and don't see any reference to how these all work together.

I would also like to see this in tandem with a larger tree planting plan for the city. I know, for instance, the east side has a smaller canopy than other parts of the city and I would like to see how this would be addressed.

The proposed ordinance is a good start, but I respectfully request that you delay voting on it until some of these issues are addressed and broadcast, so that it can be the robust and enforceable ordinance that will serve the city!

Thank you.

Bethany Gladhill
she/her/hers
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blog - <http://prologuist.blogspot.com>



From: [Tom Darling](#)
To: [#CI-StPaul_Ward2](#); [#CI-StPaul_Ward3](#); [#CI-StPaul_Ward4](#); [#CI-StPaul_Ward5](#); [#CI-StPaul_Ward6](#); [*CI-StPaul_CityClerk](#); [#CI-StPaul_Ward1](#); [#CI-StPaul_Ward7](#)
Cc: [Katherine Cairns](#); harrywalsh375@gmail.com; fluikart@comcast.net; [Tom Darling](#); [ROBERT MUSCHEWSKE](#); [James Goman](#); [Lori Brostrom](#)
Subject: Public Comment on Ord 25-4
Date: Wednesday, January 22, 2025 12:17:34 PM
Attachments: [Tree Preservation Ordinance proposed by T Darling 1-22-25 for St Paul City Council.docx](#)

Comments of Thomas Darling and the Summit Avenue Residential Preservation Association (SARPA) regarding Tree Preservation Ordinance (Ord 25-4)

I am a resident of St Paul residing on Summit Avenue. I am also the president of the Summit Avenue Residential Preservation Association (SARPA). Tree preservation is an extremely important issue for SARPA. The city of St Paul and the City Council members know this from SARPA's active participation in efforts in opposition to the proposed Summit Avenue off-road-above-the-curb bike trail. That proposed trail will condemn hundreds of beautiful mature trees to destruction which is one of the many reasons SARPA has opposed it. SARPA's deep concern for maintaining the tree lined nature of Summit Avenue has been expressed to the city and the City Council many times both in oral and written testimony and in-person conversations. Despite its well-known interest in tree preservation SARPA was not asked to review the proposed ordinance before it was introduced at the City Council meeting last week. Indeed, SARPA was not even given notice that such a proposed ordinance had been drafted. I learned of the proposed ordinance (Ord. 25-4) which is denominated as a tree preservation ordinance only two days ago. Based on my recent conversations with others interested in tree preservation I believe that SARPA is not the only one that has been kept in the dark on this important matter. This complete failure of the city and City Council to publicize the proposed ordinance and to solicit public input has prevented SARPA and many others from providing vital input. I use the word "vital" advisedly because the ordinance as drafted will not work to actually protect trees. All it will do is allow the city and City Council to proclaim that trees are important to them and that they love trees. This self-congratulation will not save trees. To actually save trees a much stronger ordinance is required.

An effective ordinance—one that actually will protect trees from destruction—must have teeth. The reason is obvious. All city projects that have the potential to harm trees will by definition have important sponsors within the city administration or on the City Council who are convinced that this project needs to be done for "important" reasons. There will be powerful special interests that demand that the project needs to be done for "important" reasons. In the face of such pressure saving trees will not be "feasible". There will be no one to speak for the trees and their preservation will come second as always. Cutting down mature trees and planting saplings somewhere is not tree preservation yet that is precisely what will continue to happen even if this proposed ordinance is adopted. It is simply not up to the job of preserving trees. It does not have teeth.

To assist the city and the City Council I am attaching a proposed Tree Preservation Ordinance that has teeth and should be up to the job of actually protecting trees. The attachment is in Word format. However, I am also pasting in below the text of the document in case the attachment is difficult to open.

In sum, SARPA has two requests. First, SARPA requests that the City Council hold over consideration of proposed ordinance 25-4 for at least three months until April 2025 and actively solicit public input and carefully consider such input. There is no need to rush to pass proposed ordinance 25-4. It will be far better to pass an improved version of a tree preservation ordinance that actually protects trees in April than to pass a weak and ineffectual version now.

Second, SARPA requests that the City Council carefully review and consider the attached proposed ordinance. If the City Council believes that it must act now even though there has been no meaningful public notice and opportunity to comment then it should enact the attached proposed ordinance instead of the proposed ordinance 25-4.

Submitted January 22, 2025 by Thomas Darling individually and as president of the Summit Avenue Residential Preservation Association (SARPA)

City of Saint Paul, Minnesota – Tree Preservation Ordinance

I. Purpose and Intent.

The Saint Paul City Council finds it is in the best interest of the City of Saint Paul to protect, preserve, and enhance the natural environment of the City in all City infrastructure projects. In the interest of achieving these objectives, the City has established the comprehensive tree preservation regulations herein to promote the following:

- A. Protection and preservation of the environment and natural beauty of the City;
- B. Assurance of orderly development to minimize tree and habitat loss;
- C. Evaluation of the impacts to trees and wooded areas resulting from development and/or construction activities in areas adjacent to trees and wooded areas;
- D. Establishment of minimal standards for tree preservation and the mitigation of environmental impacts resulting from tree removal and adjacent construction activities;
- E. Enforcement of tree preservation standards to promote and protect the public health, safety and welfare of the community.

II. Definitions.

For purposes of this section, the following definitions shall apply:

- a. **"City"** means the City of Saint Paul Minnesota.
- b. **"City Forester"** means that person appointed as City Forester.
- c. **Coniferous Tree"** means a woody plant bearing seeds and cones oftentimes, but not always, retaining foliage throughout the year.
- d. **"Construction Area"** means any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land or the improvements such as roads, curbs, trails, sidewalks, carriageways and driveways thereon occurs as a result of site preparation, grading, building construction or any other construction or preconstruction activity.
- e. **"Critical Root Zone"** means the area around a tree measured from the trunk of the tree with a radius that is equal to 1.5 feet for each one inch of DBH of the tree. For example, if a tree's DBH is ten inches, then its critical root zone radius is 15 feet (10 x 1.5 = 15).
- f. **"Dead, Diseased, Dying and Hazard Trees"** means any tree with those characteristics as determined prior to removal by the City Forester.
- g. **"Deciduous Tree"** means a woody plant which has a defined crown, and which loses leaves annually.
- h. **"Diameter of Tree at Breast Height" or "DBH"** means the diameter of a tree as measured 4½ feet (54 inches) above the ground. Trees that branch near or below 4½ feet from the ground will be measured at the widest point below 4½ feet. Trunks that originate from the ground shall be considered separate trees.
- i. **"Hardwood Deciduous Tree"** means a Deciduous Tree recognized as hardwoods by the City Forester, including ironwood, catalpa, oak, maple (hard), walnut, ash, hickory, birch, black cherry, hackberry, locust and basswood.
- j. **"Healthy Tree"** means a tree that is in the 30th percentile or better condition and vitality for the area.
- k. **"Heritage Tree"** means a Healthy Softwood Deciduous Tree that is 30 inches or greater in DBH, a Healthy Hardwood Deciduous Tree that is 25 inches or greater in DBH, or a Healthy Coniferous Tree that is 25 inches or greater in DBH.
- l. **"Landscape Architect"** means a person licensed by the State of Minnesota as a landscape architect.
- m. **"Nursery Stock Dealer" or "Nursery Stock Grower"** means a person licensed by the State of Minnesota as a nursery stock dealer or a nursery stock grower.
- n. **"Public Infrastructure"** means the construction or maintenance of:
 - a. Streets as defined by the City.
 - b. Trails.
 - c. Stormwater infrastructure.
 - d. Installation or maintenance of utility infrastructure as described in City documents; or Any essential service or public improvement.
- o. **"Removal" or "Tree Removal"** means:
 - a. Manual, mechanical, chemical, or abiotic or biotic (fire, water, insects or inoculation) actions or methods which result in the death or physical removal of a tree;
 - b. Grading impact, compaction, or other damage of a tree's Critical Root Zone;
 - c. Excessive pruning or other activities that severely impact the long-term survivability of the tree; or
 - d. Any other impact to a tree that compromises the long-term health or structural stability of a tree.
- p. **"Significant Tree"** means a Healthy Deciduous Hardwood Tree that is six inches or greater in DBH, a Healthy Softwood Deciduous Tree that is 12 inches or greater in DBH, or a Healthy Coniferous Tree that is 12 feet or greater in height or 12 inches or greater in

DBH.

- q. **"Site Plan"** means the site plan established and described in this section.
- r. "Softwood Deciduous Tree" means a Deciduous Tree recognized as softwoods by the City Forester, including cottonwood, poplar/aspen, box elder, willow, silver maple and elm.
- s. **"Tree Preservation Plan"** means the tree preservation plan established and described in this ordinance.
- t. **"Tree Preservation Zone"** means the tree preservation zone established and described in the following section.

III. Establishment of Tree Preservation Zone.

A Tree Preservation Zone is hereby established in order to aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce stormwater runoff and the costs associated therewith and replenish ground water supplies; aid in the removal of carbon dioxide and generation of oxygen in the atmosphere; provide a buffer and screen against noise pollution; provide shade and the significant environmental benefit of counteracting the so-called "heat-island" effect; provide protection against severe weather; aid in the control of drainage and restoration of denuded soil subsequent to construction or grading; protect and increase property values; conserve and enhance the City's physical and aesthetic environment; provide a haven for birds, animals and flora to thrive; and generally protect and enhance the quality of life and the general welfare of the City.

The Tree Preservation Zone shall be applied to and superimposed upon all City public property.

IV. Process.

B. Public Infrastructure. The following process for preserving trees shall be required for all Public Infrastructure projects which shall be part of the Tree Preservation Zone:

1. The City must prepare a Tree Preservation Plan that is incorporated into all master plans, engineering plans and specifications, requests for bids or proposals, and contracts for Public Infrastructure projects. Such Tree Preservation Plan must meet all of the requirements in the Tree Preservation Plan section of this ordinance
2. The City must implement the Tree Preservation Plan prior to and during site development.
3. The City must require all contractors, subcontractors, material suppliers and any other third parties retained to work on or provide services or material in relation to any Public Infrastructure project to provide guarantees for compliance with the Tree Preservation Plan in accordance with the Guarantee section of this ordinance.
4. The City must comply with the tree replacement procedure and requirements set forth in this ordinance.

The Tree Preservation Plan required hereby must be certified as complying fully with the provisions of this ordinance by the City Forester and also by an independent, International Society of Arboriculture Certified Arborist.

V. Tree Preservation Plan.

A Tree Preservation Plan must include the best overall tree design for the Public Infrastructure project involved. It shall ensure to the maximum extent possible the preservation, renewal and health of Significant and Heritage Trees. It shall ensure that to the maximum extent possible that damage to the trees on the property and the natural environment are mitigated. The City staff responsible for the Public Infrastructure project shall meet with the City Forester to determine the placement of buildings, parking, driveways, streets, trails, storage and other physical features which will result in the fewest Significant and Heritage Trees being Removed (as defined herein), destroyed or damaged. Any Tree Preservation Plan must be implemented prior to and during site plan development and preparation. The Tree Preservation Plan must include the following items:

- A. The identity of the City agency or agencies responsible for the Public Infrastructure project.
- B. Delineation of the buildings, structures, impervious surfaces, utilities, and other site improvements situated in the Construction Area of the Public Infrastructure project or contemplated to be constructed in the Construction Area of the Public Infrastructure project.
- C. Delineation of all areas to be excavated, graded and otherwise subject to land disturbance, including the contouring of all areas to be graded or otherwise disturbed in the Construction Area of the Public Infrastructure project.
- D. Size, species, location, condition and Critical Root Zone of all Significant and Heritage Trees located on the property affected by the Public Infrastructure project as well as on adjacent properties where the Critical Root Zones of the trees are within the proposed Construction Area of the Public Infrastructure project. The size of Deciduous Trees must be recorded in DBH and the size of Coniferous Trees must be recorded both in DBH and approximate height.
- E. Identification of all Dead, Diseased, Dying and Hazard Trees.
- G. Identification of all Significant and Heritage Trees proposed to be Removed as defined herein, or destroyed or damaged within the Construction Area of the Public Infrastructure project.
- I. Measures to ensure that Heritage and Significant Trees are protected to the maximum extent possible including those measures outlined in the Tree Protection Section of this ordinance.
- J. Size, species, and location of all replacement trees to be planted on the affected property in accordance with the tree replacement requirements.
- K. Calculations of the total amount of tree inches proposed to be removed, the allowed removal percentage, and the tree replacement inches required and proposed.
- L. Signature of the person preparing the plan and a statement which includes acknowledgment of the fact the trees to be used as replacements are appropriate species with respect to survival of the replacement trees.

VI. Tree Protection.

The following tree protection measures are required for any Public Infrastructure project:

A. **Mandatory Protection.** Measures to protect Significant and Heritage Trees must include:

- Installation of snow fencing, silt fence, or polyethylene laminate safety netting placed at the Critical Root Zone and any other areas identified by the City Forester for the protection of Significant and Heritage Trees to be preserved on or adjacent to the Construction Area of the Public Infrastructure project.
- Trees proposed to be removed must be clearly tagged or otherwise marked on the site, in a non-permanent manner, as specified by the City Forester. Trees must be tagged or marked at least four weeks before they are removed.
- Identification of any oak trees requiring pruning between April 1 and July 15; any oak trees so pruned are required to have any cut areas sealed with an appropriate, non-petroleum-based tree wound sealant, such as shellac.
- Installation of retaining walls or tree wells to preserve trees by eliminating the filling or cutting of soil within Critical Root Zones of Significant and Heritage Trees on or adjacent to the Construction Area of the Public Infrastructure project.
- Placement of utilities in common trenches outside of the Critical Root Zone of Significant and Heritage Trees, or use of tunneled installation.
- Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
- Use of tree root aeration, fertilization, and irrigation systems when appropriate.
- Transplanting of Significant Trees into a protected area for later moving into permanent location within the Construction Area of the Public Infrastructure project.
- Safety pruning for people working within the construction limits and for the trees involved.

B. **Use of independent, International Society of Arboriculture Certified Arborist**

Upon the written request of fifteen residents of the City to the City Arborist all tree protection measures proposed for a Public Infrastructure project shall also be reviewed by an independent, International Society of Arboriculture Certified Arborist satisfactory to such requesting residents. If such independent, International Society of Arboriculture Certified Arborist recommends additional tree protection measures those measures shall be utilized in the Public Infrastructure project.

VII. Tree Replacement.

A. **Tree Replacement Formula.** Replacement of Removed (as defined herein) or disturbed or damaged trees in connection with a Public Infrastructure project shall be according to the following ratios.

1. All Significant Trees shall be replaced at the ratio of one caliper inch per one inch of DBH removed.

2. All Heritage Trees must be replaced at the ratio of two caliper inches per one inch of DBH removed.

B. Size, Types and Diversification of Replacement Trees. Unless an approved Tree Preservation Plan sets forth a different requirement, all replacement trees must be of a similar species to those that are removed. A Tree Replacement plan must include a diversity of tree species that are suitable for the property given soil conditions, hydrology, topography, and tree pathogens. Replacement trees must be no less than the following sizes.

1. Deciduous Trees shall be no less than 2½ caliper inches; and
2. Coniferous Trees shall be no less than six feet in height.

C. Recommended Tree Replacement Species. In order to encourage a diverse tree canopy in the City, the following list of tree species are recommended for planting as part of a tree replacement plan:

- Arborvitae.
- Black cherry.
- Butternut.
- Cedar.
- Elm (disease resistant).
- Fir.
- Hackberry.
- Hickory.
- Hemlock.
- Kentucky Coffee.
- Linden/Basswood.
- Maple (except Silver Maples).
- Oak.
- Pine.
- Spruce (except Colorado Blue).
- Tamarack.
- Walnut.

D. Prohibited Tree Replacement Species. The tree replacement plan may not include any tree species included in the Minnesota Department of Natural Resources Terrestrial Invasive Plants List.

E Tree Replacement Location. Replacement trees must be located only on the property affected by the Public Infrastructure project.

F. Other Replacement Tree Requirements. Choice of replacement trees species and location of the trees should also consider the following information:

1. Soil Composition. Comparisons should be made between soil conditions and the ecology of the proposed species to make sure they are compatible. This is particularly important for the existing and proposed soil composition for the root balls of spaded and B&B trees.
2. Spatial Requirements. The potential height and crown spread of the proposed replacement trees should be known. Generally, half of the adult tree crown diameter is the amount of distance a tree should be planted

from any aboveground objects.

3. Pathogen Problems. Appropriate replacement choices shall also consider insect and disease problems that may be common with particular species in the part of the state in which the City of Saint Paul is located.

VIII. Guarantees of compliance with Tree Preservation Plans and Tree Protection measures.

- A. **Contractual Provisions.** The City shall include a mandatory provision in all contracts with any contractors, subcontractors, material suppliers and any other third parties retained to work on or provide services or material in relation to any Public Infrastructure project requiring them to strictly abide by the provisions of the Tree Preservation Plans and Tree Protection measures applicable to the Public Infrastructure project. If the City is not in a direct contractual relationship with any subcontractors, material suppliers and any other third parties retained to work on or provide services or material in relation to any Public Infrastructure project then it shall require all contractors with which it has a direct contractual relationship to include a mandatory provision in all contracts with all of its subcontractors, material suppliers and any other third parties retained to work on or provide services or material in relation to any Public Infrastructure project requiring them to strictly abide by the provisions of the Tree Preservation Plans and Tree Protection measures applicable to the Public Infrastructure project.
- B. The city shall also include a mandatory provision in all contracts with any contractors, subcontractors, material suppliers and any other third parties retained to work on or provide services or material in relation to any Public Infrastructure project imposing substantial financial penalties if they or any subcontractors, material suppliers and any other third parties retained to work on or provide services or material in relation to the Public Infrastructure project do not strictly abide by the provisions of the Tree Preservation Plans and Tree Protection measures applicable to the Public Infrastructure project.
- C. For each Public Infrastructure project the City shall retain an independent, International Society of Arboriculture Certified Arborist to inspect the construction activities for the Public Infrastructure project. Inspections shall be made daily. The independent, International Society of Arboriculture Certified Arborist shall report on any aspects of the construction that are or may be in violation of the Tree Preservation Plans and Tree Protection measures applicable to the Public Infrastructure project. The independent, International Society of Arboriculture Certified Arborist shall have the power to require that anyone working on the Public Infrastructure project cease and desist any activities that are or may be in violation of the Tree Preservation Plans and Tree Protection measures applicable to the Public Infrastructure project.

IX. Post Public Infrastructure project audit and report.

- A. Beginning one (1) year after completion of any Public Infrastructure project and each year for the following four (4) years thereafter the City Forester shall inspect trees in the Construction Area of all Public Infrastructure projects to ensure the health of the trees thereon and prepare and publish a report

specifying for each Public Infrastructure project for each tree, including but not limited to Significant Trees and Heritage Trees, whether each tree is determined to be dead, dying, or in general poor health. The City Forester shall include its opinion as to whether the state of each tree is due to the construction activities associated with the Public Infrastructure project.

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Tom Darling
tsdarling@earthlink.net

From: Chris Schirber <cschirber123@gmail.com>

Sent: Wednesday, January 22, 2025 08:09 AM

To: #CI-StPaul_Ward4 <Ward4@ci.stpaul.mn.us>

Subject: tree preservation policy

Some people who received this message don't often get email from cschirber123@gmail.com. [Learn why this is important](#)

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

Dear Ms Jalali,

Please include these important suggestions in your drafting of a tree protection policy for St. Paul's trees:

1. By creating the presumption that trees, even significant numbers of them, may be sacrificed for a City project if it is not feasible to preserve them, the Ordinance irreconcilably conflicts with Minnesota's Environmental Rights Act (MERA)

· MERA *prohibits* the impairment or destruction of natural resources of the state unless there is "**no feasible and prudent alternative.**" Mn. Stat. 116B.04.

The Ordinance needs to add specific qualifying language along the lines of "subject to the requirements of Minn. Stat. 116B" to make clear that City projects cannot destroy natural resources unless there is no feasible alternative to the project.

· Further, to avoid concerns over self-interest, the Ordinance should provide for *an independent expert to determine feasibility* of avoiding sacrificing trees if the City's assertion of infeasibility is challenged in good faith (e.g. if 100 residents of the City affected by the proposed project sign a petition that challenges the City's claim that preservation of trees is not feasible).

2. The tree preservation plan needs to define "the Rules" by which it determines it is feasible – OR NOT – to save the trees.

· The current draft of the ordinance states the city should preserve all existing trees in unless it is "not feasible as determined by the Rules" which will be written by the Department of Public Works. By failing to create any standard for feasibility, and allowing the City to in essence police itself, the Ordinance has the very real potential for self-dealing with no meaningful public input.

· The Ordinance needs to provide an opportunity for public participation and comment when the Rules are developed, and a mechanism for challenge if they are applied improperly (see second point above).

3. Monitoring and enforcement of Tree Impact Plans needed during construction.

- Without daily monitoring and enforcement for tree impact, city construction projects and the hired contract workers feel no compulsion to follow a stated plan to protect trees and the critical root zones.
- The Ordinance should include a requirement that all City employees are subject to the Ordinance, and contracts for projects include a requirement that the contractor comply with the Ordinance.
- Without those safeguards, the city of Saint Paul will always be reacting to tree loss rather than preventing tree loss.

4. Impact measurement should extend post-construction:

- Trees may take up to 10 years or more to die of a combination of construction-related injuries and construction-related changes that endanger the life of the tree long term.
- The Ordinance should require that city monitor the death rate of all city trees potentially affected by City Projects, and contracts should include fines correlated to tree size, age and species where the death rate of trees directly adjacent to their projects exceeds expected standards.

5. Wanton or negligent destruction of City trees, unrelated to construction.

- Anyone who willfully or negligently causes the death of a city tree shall be subject to a fine commensurate with the age and species of the tree.

Thank you in advance for your consideration.

Chris Schirber

Ord 25-4 public comment

From: Bridget Allan Ales <bridgetales2@gmail.com>
Sent: Wednesday, January 22, 2025 1:49 PM
To: ward4@ci.st.paul.mn.us; Jenna Sadjadi <Jenna.Sadjadi@ci.stpaul.mn.us>
Subject: Tree Ordinance, please hold over for language review

CM Nocker,

Appreciate the Tree Protection Ordinance.

Asking to hole this over for a MORE ROBUST definition of FEASIBILITY.

A hierarchy of feasibility to various disciplines is not well understood.

Thank you.

Bridget Allan Ales
715 Linwood Avenue
St. Paul, MN 55105
651-338-4007

From: Colleen Halpine <colleenhalpine@gmail.com>

Sent: Wednesday, January 22, 2025 10:30 AM

To: #CI-StPaul_Ward1 <Ward1@ci.stpaul.mn.us>

Subject: Tree Preservation Policy needs more public input and provisions for third party oversight

Some people who received this message don't often get email from colleenhalpine@gmail.com. [Learn why this is important](#)

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

Dear Anika,

I am writing today to ask you to advocate for more time to debate needed modifications to this important ordinance on preserving trees. **The Ordinance needs to provide an opportunity for public participation and comment when the Rules are developed, and a mechanism for challenge if they are applied improperly.**

I am particularly concerned about the provision that gives Public Works the authorization to determine if a tree can be saved or not. An outside third party with public input should determine if a tree can be saved or not.

Already the City is short staffed so that recently planted trees are not properly watered. The City should undertake means to educate the public through social media and other available efficient means to remind people to water trees or else the city's tree planting work is for nothing.

Thanks for your support of a lower budget. It is important especially for new homeowners and retirees.

Colleen Halpine

110 Virginia St.

Ward 1

Ord 25-4 public comment

From: Shannon O'Toole <sotoole.esq@gmail.com>

Sent: Wednesday, January 22, 2025 10:37 AM

To: #CI-StPaul_Ward1 <Ward1@ci.stpaul.mn.us>; #CI-StPaul_Ward3 <Ward3@ci.stpaul.mn.us>; #CI-StPaul_Ward4 <Ward4@ci.stpaul.mn.us>; #CI-StPaul_Ward5 <Ward5@ci.stpaul.mn.us>; #CI-StPaul_Ward6 <Ward6@ci.stpaul.mn.us>; #CI-StPaul_Ward7 <Ward7@ci.stpaul.mn.us>

Subject: Fwd: Tree Policy

Happy New Year Councilmembers. Strangely, no one in the media reported on the tree policy first aired last week, and I first heard about it today from SOS. I agree with SOS that Councilperson Noecker is to be lauded for a first step; I also agree that it is too little and not in conformance with state law. Because I still have to work, I don't have time to restate SOS's points in my own prose, so I am cutting and pasting from their position paper. I value our trees and observe that large, healthy trees define a neighborhood and undeniably increase the health of the neighbors. I hope you will consider SOS's points as you tackle this issue. Thank you.

These are the points from the SOS position paper:

1. By creating the presumption that trees, even significant numbers of them, may be sacrificed for a City project if it is not feasible to preserve them, the Ordinance irreconcilably conflicts with Minnesota's Environmental Rights Act (MERA)

· MERA *prohibits* the impairment or destruction of natural resources of the state unless there is “no feasible and prudent alternative.” Mn. Stat. 116B.04.

The Ordinance needs to add specific qualifying language along the lines of “subject to the requirements of Minn. Stat. 116B” to make clear that City projects cannot destroy natural resources unless there is no feasible alternative to the project.

· Further, to avoid concerns over self-interest, the Ordinance should provide for *an independent expert to determine feasibility* of avoiding sacrificing trees if the City's assertion of infeasibility is challenged in good faith (e.g. if 100 residents of the City affected by the proposed project sign a petition that challenges the City's claim that preservation of trees is not feasible).

2. The tree preservation plan needs to define “the Rules” by which it determines it is feasible – OR NOT – to save the trees.

· The current draft of the ordinance states the city should preserve all existing trees in unless it is “not feasible as determined by the Rules” which will be written by the Department of Public Works. By failing to create any standard for feasibility, and allowing the City to in essence police itself, the Ordinance has the very real potential for self-dealing with no meaningful public input.

· The Ordinance needs to provide an opportunity for public participation and comment when the Rules are developed, and a mechanism for challenge if they are applied improperly (see second point above).

3. Monitoring and enforcement of Tree Impact Plans needed during construction.

· Without daily monitoring and enforcement for tree impact, city construction projects and the hired contract workers feel no compulsion to follow a stated plan to protect trees and the critical root zones.

Ord 25-4 public comment

- The Ordinance should include a requirement that all City employees are subject to the Ordinance, and contracts for projects include a requirement that the contractor comply with the Ordinance.
- Without those safeguards, the city of Saint Paul will always be reacting to tree loss rather than preventing tree loss.

4. **Impact measurement should extend post-construction:**

- Trees may take up to 10 years or more to die of a combination of construction-related injuries and construction-related changes that endanger the life of the tree long term.

- The Ordinance should require that city monitor the death rate of all city trees potentially affected by City Projects, and contracts should include fines correlated to tree size, age and species where the death rate of trees directly adjacent to their projects exceeds expected standards.

5. **Wanton or negligent destruction of City trees, unrelated to construction.**

- Anyone who willfully or negligently causes the death of a city tree shall be subject to a fine commensurate with the age and species of the tree.

--

Shannon O'Toole
223 Avon Street South
Saint Paul, MN 55105-3319
612-750-3393
sotoole.esq@gmail.com

Ord 25-4 public comment

From: Marilyn Bach <marilynbach123@gmail.com>

Sent: Tuesday, January 21, 2025 9:55 PM

To: #CI-StPaul_Ward1 <Ward1@ci.stpaul.mn.us>; Polly Heintz <polly.heintz@ci.stpaul.mn.us>; *CI-StPaul_Contact-Council <Contact-Council@ci.stpaul.mn.us>; #CI-StPaul_Ward2 <Ward2@ci.stpaul.mn.us>

Subject: Ordinance 25-4--request to delay vote on proposed Ordinance 25-4.

I am writing to urge the Saint Paul City Council to DELAY a vote on proposed Ordinance 25-4.

First, I want to commend council member R. Noecker for bringing this draft ordinance forward. Saint Paul **needs** a comprehensive and enforceable tree preservation mechanism.--to protect existing and foster its future tree canopy.

However Ordinance 25-4, as presently written, is neither comprehensive nor enforceable. Other cities, both locally and nationwide, have effective tree preservation ordinances to guide the development of a comprehensive and enforceable ordinance for Saint Paul.

Elements of those ordinances should be incorporated into Saint Paul's ordinance.

As noted by by others:

The Substance of the Ordinance Creates Serious Practical and Legal Problems:

1.

There is no requirement to support its decision with any credible professional or expert opinion, and **no mechanism to challenge** any decision by the City other than through the courts under standards that are very deferential to any decision by the City (arbitrary/capricious or an error of law).

2. Finally, by **reversing the presumption** in Minnesota's Environmental Rights Act (MERA) that an action resulting in the destruction of natural resources can only be allowed if there is **no feasible or prudent alternative**, at best the proposed Ordinance creates unnecessary confusion, and at worst could be interpreted as attempting to repeal MERA.

Thank you for addressing my concerns.

Marilyn Bach, Ph.D.

9 Saint Albans Street S.

Saint Paul, MN 55105

ORD 25-4 Maggie Dayton public comment

From: Maggie Dayton <maggiedayton@mac.com>
Sent: Wednesday, January 22, 2025 8:54 AM
To: #CI-StPaul_Ward2 <Ward2@ci.stpaul.mn.us>
Subject: Tree preservation policy

Dear Councilperson Noecker-

While I applaud your efforts toward tree canopy preservation, an important element of the high quality of life we all value in St. Paul, the ordinance under consideration would be unenforceable. It's lack of clear language leaves opportunities for conflict with state MERA laws, and it's failure to define "the Rules" within the policy framework would fail to provide an opportunity for public participation and comment when the Rules are developed, and a defined mechanism for challenge if they are applied improperly.

Further, this ordinance lacks the far-sightedness required to consider tree damage from construction. Nature works on its own timelines, and it can take years for trees to die from damage. Monitored construction projects are essential, but 'the Rules' should require enforcement occurs not just persistent attention during a construction project, but over time.

Sadly, the ordinance under consideration at today's hearing is insufficient in detail. Please vote no to preserve and protect this precious resource.

Respectfully-
Maggie Dayton
340 Summit Avenue
Saint Paul
MHD Couture, LLC
651-605-1848

From: [Jenna Sadjadi](#)
To: "colleenhalpine@gmail.com"
Cc: [*CI-StPaul_Contact-Council](#)
Subject: RE: Tree ordinance needs more public input time and third party oversight
Date: Friday, January 24, 2025 5:07:13 PM
Attachments: [image001.png](#)

Dear Colleen -- Thank you for contacting the Ward 2 office to share your concerns regarding Ordinance 25-4 (amendments to Tree Preservation for City Sponsored Projects). I will share your message with Councilmember Noecker so that she can take your perspective into account as she makes her decision on this issue. Your statement will also be added to the public comments section for this item.

Thank you again for sharing your perspective.

Best regards,

Jenna Sadjadi (she/they)
Interim Executive Assistant to Councilmember Noecker
Saint Paul City Council - Ward 2
15 W Kellogg Blvd, Ste 310
Saint Paul, MN 55102
651-266-8620, www.StPaul.gov/ward2



SAINT PAUL
MINNESOTA

From: Colleen Halpine <colleenhalpine@gmail.com>
Sent: Wednesday, January 22, 2025 10:46 AM
To: #CI-StPaul_Ward2 <Ward2@ci.stpaul.mn.us>
Subject: Tree ordinance needs more public input time and third party oversight

You don't often get email from colleenhalpine@gmail.com. [Learn why this is important](#)

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

Dear Rebecca,

I am writing today to ask you to advocate for more time to debate needed modifications to this important ordinance on preserving trees. **The Ordinance needs to provide an opportunity for public participation and comment when the Rules are developed, and a mechanism for challenge if they are**

applied improperly.

I am particularly concerned about the provision that gives Public Works the authorization to determine if a tree can be saved or not. An outside third party with public input should determine if a tree can be saved or not.

Already the City is short staffed so that recently planted trees are not properly watered. The City should undertake means to educate the public through social media and other available efficient means to remind people to water trees or else the city's tree planting work is for nothing.

Thanks for your support of a lower budget. It is important especially for new homeowners and retirees.

Colleen Halpine

110 Virginia St

From: [Jenna Sadjadi](#)
To: ["Shannon O'Toole"](#)
Cc: [*CI-StPaul_Contact-Council](#)
Subject: RE: Tree Policy
Date: Friday, January 24, 2025 5:05:19 PM
Attachments: [image001.png](#)

Dear Shannon -- Thank you for contacting the Ward 2 office to share your concerns regarding Ordinance 25-4 (amendments to Tree Preservation for City Sponsored Projects). I will share your message with Councilmember Noecker so that she can take your perspective into account as she makes her decision on this issue. Your statement will also be added to the public comments section for this item.

Thank you again for sharing your perspective.

Best regards,

Jenna Sadjadi (she/they)
Interim Executive Assistant to Councilmember Noecker
Saint Paul City Council - Ward 2
15 W Kellogg Blvd, Ste 310
Saint Paul, MN 55102
651-266-8620, www.StPaul.gov/ward2



SAINT PAUL
MINNESOTA

From: Shannon O'Toole <sotoole.esq@gmail.com>
Sent: Wednesday, January 22, 2025 10:30 AM
To: Rebecca Noecker <Rebecca.Noecker@ci.stpaul.mn.us>
Subject: Tree Policy

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

Happy New Year Rebecca. Strangely, no one reported on your tree policy, and I first heard about it today from SOS. I agree with SOS that you are to be lauded for a first step; I also agree that it is too little and not in conformance with state law. Because I still have to work, I don't have time to restate SOS's points in my own prose, so I am cutting and pasting their position paper. I value our trees and observe that large, healthy trees define a neighborhood and undeniably increase the health of the neighbors. I hope you will consider SOS's points. Thank you.

These are the points from the SOS position paper:

1. By creating the presumption that trees, even significant numbers of them, may be sacrificed for a City project if it is not feasible to preserve them, the Ordinance

irreconcilably conflicts with Minnesota’s Environmental Rights Act (MERA)

· MERA *prohibits* the impairment or destruction of natural resources of the state unless there is “**no feasible and prudent alternative.**” Mn. Stat. 116B.04.

The Ordinance needs to add specific qualifying language along the lines of “subject to the requirements of Minn. Stat. 116B” to make clear that City projects cannot destroy natural resources unless there is no feasible alternative to the project.

· Further, to avoid concerns over self-interest, the Ordinance should provide for *an independent expert to determine feasibility* of avoiding sacrificing trees if the City’s assertion of infeasibility is challenged in good faith (e.g. if 100 residents of the City affected by the proposed project sign a petition that challenges the City’s claim that preservation of trees is not feasible).

2. The tree preservation plan needs to define “the Rules” by which it determines it is feasible – OR NOT – to save the trees.

· The current draft of the ordinance states the city should preserve all existing trees in unless it is “not feasible as determined by the Rules” which will be written by the Department of Public Works. By failing to create any standard for feasibility, and allowing the City to in essence police itself, the Ordinance has the very real potential for self-dealing with no meaningful public input.

· The Ordinance needs to provide an opportunity for public participation and comment when the Rules are developed, and a mechanism for challenge if they are applied improperly (see second point above).

3. Monitoring and enforcement of Tree Impact Plans needed during construction.

· Without daily monitoring and enforcement for tree impact, city construction projects and the hired contract workers feel no compulsion to follow a stated plan to protect trees and the critical root zones.

· The Ordinance should include a requirement that all City employees are subject to the Ordinance, and contracts for projects include a requirement that the contractor comply with the Ordinance.

· Without those safeguards, the city of Saint Paul will always be reacting to tree loss rather than preventing tree loss.

4. Impact measurement should extend post-construction:

· Trees may take up to 10 years or more to die of a combination of construction-related injuries and construction-related changes that endanger the life of the tree long term.

· The Ordinance should require that city monitor the death rate of all city trees potentially affected by City Projects, and contracts should include fines correlated to tree size, age and species where the death rate of trees directly adjacent to their projects exceeds expected standards.

5. Wanton or negligent destruction of City trees, unrelated to construction.

· Anyone who willfully or negligently causes the death of a city tree shall be subject to a fine commensurate with the age and species of the tree.

--

Shannon O'Toole

223 Avon Street South
Saint Paul, MN 55105-3319
612-750-3393
sotoole.esq@gmail.com

From: [Jenna Sadjadi](#)
To: "dmciresi@gmail.com"
Cc: [*CI-StPaul_Contact-Council](#)
Subject: RE: Tree Ordinance
Date: Friday, January 24, 2025 5:03:36 PM

Dear Dominic -- Thank you for contacting the Ward 2 office to share your concerns regarding Ordinance 25-4 (amendments to Tree Preservation for City Sponsored Projects). I will share your message with Councilmember Noecker so that she can take your perspective into account as she makes her decision on this issue. Your statement will also be added to the public comments section for this item.

Thank you again for sharing your perspective.

Best regards,

Jenna Sadjadi (she/they)
Interim Executive Assistant to Councilmember Noecker
Saint Paul City Council - Ward 2
15 W Kellogg Blvd, Ste 310
Saint Paul, MN 55102
651-266-8620, www.StPaul.gov/ward2

-----Original Message-----

From: Dominic Ciresi <dmciresi@gmail.com>
Sent: Wednesday, January 22, 2025 11:51 AM
To: Rebecca Noecker <Rebecca.Noecker@ci.stpaul.mn.us>; Rebecca Noecker <rebeccanoecker@gmail.com>
Subject: Tree Ordinance

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

Rebecca,

I know you drafted the tree ordinance up for discussion today but I urge you to hold off on voting for passage this hastily. Upon brief review it seems to lack any real endorsement mechanism and just looks like window dressing. It seems to me that more discussion with some experts and officials from other cities would yield a better document.

Best,
Dominic

From: [Jenna Sadjadi](#)
To: ["proongily@comcast.net"](mailto:proongily@comcast.net)
Cc: [*CI-StPaul Contact-Council](#)
Subject: RE: SOS responds to proposed Saint Paul Tree Preservation Policy
Date: Friday, January 24, 2025 5:02:02 PM
Attachments: [image001.png](#)

Dear Cynthia -- Thank you for contacting the Ward 2 office to share your concerns regarding Ordinance 25-4 (amendments to Tree Preservation for City Sponsored Projects). I will share your message with Councilmember Noecker so that she can take your perspective into account as she makes her decision on this issue. Your statement will also be added to the public comments section for this item.

Thank you again for sharing your perspective.

Best regards,

Jenna Sadjadi (she/they)
Interim Executive Assistant to Councilmember Noecker
Saint Paul City Council - Ward 2
15 W Kellogg Blvd, Ste 310
Saint Paul, MN 55102
651-266-8620, www.StPaul.gov/ward2



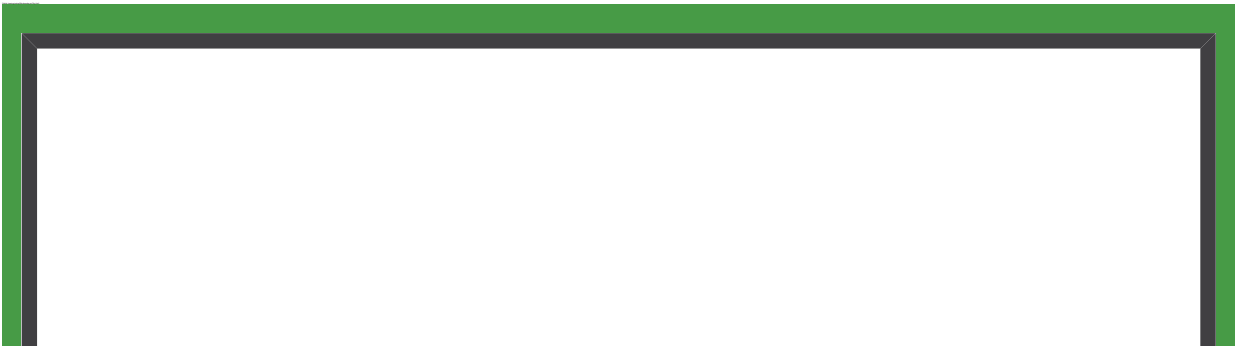
SAINT PAUL
MINNESOTA

From: Cynthia McKeen <proongily@comcast.net>
Sent: Wednesday, January 22, 2025 3:51 PM
To: #CI-StPaul_Ward2 <Ward2@ci.stpaul.mn.us>
Subject: FW: SOS responds to proposed Saint Paul Tree Preservation Policy

You don't often get email from proongily@comcast.net. [Learn why this is important](#)

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

Thank you for your work on this. We agree with Save Our Street's detailed points, below. Please make sure what sounds considered in your Tree Preservation Ordinance actually leads to the specific accomplishment of SOS' points. I am sorry to miss the meeting today I did not hear about it in time. Cynthia McKeen 62 Dale Street S Saint Paul, MN 55102





TT

FOR IMMEDIATE RELEASE

January 21, 2025

A tree preservation policy for Saint Paul

Good only if it's enforceable

Otherwise, it's coffee table material

(Saint Paul, MN) Saint Paul Councilmember Rebecca Noecker introduced a tree preservation policy at the January 15 city council meeting. During the city council meeting, 3:30 p.m., Wednesday, Jan. 22, city councilors will open their meeting to public comment on the policy.

Here's our response:

SOS applauds this first step toward producing a tree preservation policy with defined standards and enforcement. **Unfortunately, it creates a potential conflict with existing Minnesota law, and is missing both clear standards for preserving trees and enforcement measures.**

We want to provide meaningful protection of trees from destruction by City projects. [Here is a link to read CM Rebecca Noecker's Tree Preservation Policy.](#)

Please call and/or email your council member to state these points:

1. By creating the presumption that trees, even significant numbers of them, may be sacrificed for a City project if it is not feasible to preserve them, the Ordinance irreconcilably conflicts with Minnesota's Environmental Rights Act (MERA)

· MERA *prohibits* the impairment or destruction of natural resources of the state unless there is “**no feasible and prudent alternative.**” Mn. Stat. 116B.04.

The Ordinance needs to add specific qualifying language along the lines of “subject to the requirements of Minn. Stat. 116B” to make clear that City projects cannot destroy natural resources unless there is no feasible alternative to the project.

· Further, to avoid concerns over self-interest, the Ordinance should provide for *an independent expert to determine feasibility* of avoiding sacrificing trees if the City's assertion of infeasibility is challenged in good faith (e.g. if 100 residents of the City affected by the proposed project sign a petition that challenges the City's claim that preservation of trees is not feasible).

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· The Ordinance needs to provide an opportunity for public participation and comment when the Rules are developed, and a mechanism for challenge if they are applied improperly (see second point above).

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- Without daily monitoring and enforcement for tree impact, city construction projects and the hired contract workers feel no compulsion to follow a stated plan to protect trees and the critical root zones.
- The Ordinance should include a requirement that all City employees are subject to the Ordinance, and contracts for projects include a requirement that the contractor comply with the Ordinance.
- Without those safeguards, the city of Saint Paul will always be reacting to tree loss rather than preventing tree loss.

4. Impact measurement should extend post-construction:

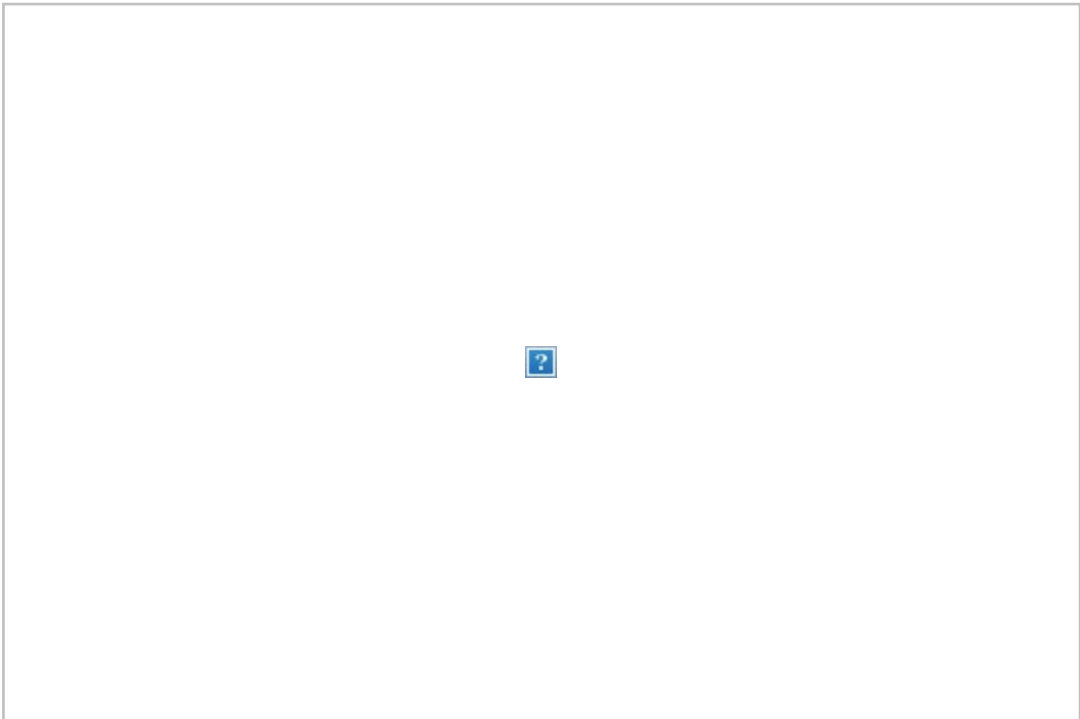
- Trees may take up to 10 years or more to die of a combination of construction-related injuries and construction-related changes that endanger the life of the tree long term.
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5. Wanton or negligent destruction of City trees, unrelated to construction.

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About SOS (Save Our Street)

Save Our Street is a citizen group that seeks to educate and advocate for preserving the historic streetscape of Summit Avenue as a treasured St. Paul destination and a safe, tree-lined, multi-modal corridor for generations to come. <https://www.savesummitavenue.org>




SOS Steering Committee Chair: Gary Todd Grtodd@comcast.net 651-470-4720

SOS Public Relations Carolyn Will carolyn@cwcommunications.info 612-414-9661



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	<p>Constant Contact</p> 	
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From: [Polly Heintz](#)
To: [Greg Weiner](#)
Subject: FW: SOS notice about tree preservation policy
Date: Thursday, January 23, 2025 4:17:01 PM
Attachments: [Essential Living Infrastructure to Ensure Social and Economic Health.docx](#)

From: Sharon Pfeifer <pfeif001@alumni.umn.edu>
Sent: Wednesday, January 22, 2025 1:29 PM
To: #CI-StPaul_Ward1 <Ward1@ci.stpaul.mn.us>
Cc: C Will <carolyn@cwcommunications.info>; Sharon Pfeifer <pfeif001@alumni.umn.edu>
Subject: SOS notice about tree preservation policy

Some people who received this message don't often get email from pfeif001@alumni.umn.edu. [Learn why this is important](#)

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

It was on very short notice that I heard about your discussion today. I put together my thoughts in hopes that someone might take the time to consider them.