

From: Kitty <misskitty66@hotmail.com>
Sent: Wednesday, January 22, 2025 9:14 PM
To: #CI-StPaul_Ward3 <Ward3@ci.stpaul.mn.us>
Subject: Tree Preservation Policy

Dear Councilmember Jost,

As always, thank you for all you do!

And, thank you for the work done on creating and reviewing a tree preservation policy for St. Paul. Would you please study the list of five items below and incorporate them into the final policy?

Sincerely,

Kathleen Croswell
1218 James Ave
St. Paul 55105

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.