

**Hardwood Creek Official Profile Restoration and Corridor
Rehabilitation**

Draft Scoping Decision Document

September 24, 2004

INTRODUCTION AND PURPOSE

An Environmental Impact Statement (EIS) is being prepared by the Rice Creek Watershed District (District) on the Hardwood Creek Official Profile Restoration and Corridor Rehabilitation. The purpose of this project is to (1) restore the main channel of the Judicial Ditch #2 (JD2) portion of Hardwood Creek, from Rice Lake to Highway 61, to its official profile and (2) enhance vegetation and habitat areas along the corridor.

The District has prepared an Environmental Assessment Worksheet (EAW) for the project. Notice of availability of the EAW and draft scoping document was published in the Environmental Quality Board (EQB) Monitor on May 24, 2004. Upon completion of the EAW, it was found that the proposed project would have the potential to “eliminate” Minnesota DNR public water wetland 82-205w. In addition, there were numerous concerns over the uncertainties about wetland impacts due to scope and effect and about assurances of wetland replacement under Track II. For the above reasons, on August 25, 2004, the District Board made a positive declaration for an EIS and initiated the scoping process.

The District is the responsible governmental unit for this EIS and this is a preliminary scoping decision for the purpose of facilitating public comment at the scoping meeting. Future development of the decision will occur on the basis of public comments received. A public scoping meeting will be held on September 29, 2004, at 7:00 p.m. in the Shoreview City Council Chambers, 4600 North Victoria Street, Shoreview, Minnesota.

Minn. R. 4410.2100 provides that an EIS scoping process be implemented for any EIS. The purpose of the scoping process is to: (1) reduce the scope and bulk of the EIS; (2) identify only those potentially significant issues relevant to the proposed project; (3) define the form used to determine the level of detail needed; (4) define the content of the document; (5) examine the alternatives to the proposed project; (6) establish the timetable for preparation and the preparers of the EIS; and (7) determine the permits for which information would be developed concurrently with the EIS.

The purpose of the EIS is the evaluation and disclosure of information about the significant environmental effects of a proposed action. The EIS is not intended to justify either a positive or negative decision on a project, but may be utilized by governmental units as a guide in issuing or denying permits or approvals for the project and in identifying measures necessary to avoid or mitigate adverse environmental effects. Mitigation measures that could reasonably be applied to eliminate or minimize adverse environmental effects will be identified in the EIS in both the section describing environmental effects, and in a separate section for permitting reference.

PREPARERS

An EIS will be prepared by the staff of the District with assistance from the District's consultant. The consultant will be responsible for reviewing the adequacy of the available data and reports, preparing technical information on expected impacts of the project, participating in the public meeting for the draft and final EIS, assisting the District in responding to public comments on the draft EIS, and preparing sections of the draft and final EIS.

TENTATIVE EIS SCHEDULE

Hardwood Creek Official Profile Repair and Corridor Restoration

Scoping EAW comment period/public meeting_____ September 29, 2004
Final Scoping Decision issued _____ October 13, 2004
EIS Preparation Notice published _____ November 1, 2004
Release of Draft EIS/public meeting _____ April 2005
Final EIS issued _____ June 2005
EIS Adequacy Determination _____ July 2005

EIS CONTENTS

This section of the scoping document outlines the items to be contained in the Hardwood Creek Official Profile Repair and Corridor Restoration EIS. In accordance with Minn. R. 4410.2300, the EIS shall be prepared in a prescribed/standard format and will include:

(1) a brief project description; (2) an updated list of governmental approvals; (3) evaluation of alternatives; (4) environmental impacts and economic impacts and (5) mitigative measures. The major issues listed below emerged during the EAW and could be addressed during the scoping process and the draft EIS:

- Modeling the groundwater system and quantifying the groundwater inputs into JD-2 ;
- Refine wetland drainage estimates;
- More in-depth assessment of avoidance of impacts to DNR wetlands;
- Better assessment of the amount of mitigation required for unanticipated regulated wetland losses

Substantial information about groundwater and wetland hydrology related to the proposed project have already been collected and included in the May 24, 2004 EAW. The EIS will review this and other available information, further assess current conditions, and describe the potential impacts of the various alternatives.

I. PROJECT DESCRIPTION

EQB Rules explicitly direct that a proposed project be described only in sufficient detail to identify its purpose, size, scope, environmental setting, location, and anticipated phases of development. Specific information was included in the EAW. Any additional information needed will be included in the EIS.

II. ENVIRONMENTAL IMPACTS AND MITIGATION

Environmental impacts and mitigation measures for the proposed project were conducted as part of the EAW. Any additional information will be included in the EIS.

III. ALTERNATIVES

The EQB rules require that an EIS include at least one alternative of each of the following types, or provide an explanation of why no alternative is included in the EIS: (1) alternative sites, (2) no action/no build, (3) alternative technologies, (4) modified designs or layouts [configuration alternatives], (5) modified scale or magnitude, and (6)

alternatives incorporating reasonable mitigation measures identified through comments received during the EIS scoping and draft EIS comment periods.

A. Alternative Site

There are no alternative sites for the proposed project to take place. An alternative site is not appropriate under EQB guidance because the site is an integral part of the project.

B. No Action (“No Build”)

If the “No Build” option is chosen, after going through the EIS process, the underlying need for the project will not be met. The EIS will include a discussion on the No Action “No Build” alternative.

C. Alternative Technologies

There are no alternative technologies that the District could pursue to meet the goals of this project.

D. Design Alternatives

An evaluation of a reasonably available alternative design will be conducted. This alternative scenario will include:

1. A shallower excavated depth profile with a connected floodplain;
2. A meandered channel;
3. Reconfigured base/bankfull channel
4. Reconnection of channel to a flat floodplain section;
5. Undulating bottom profile

Other alternatives may be further developed thru the scoping process.

E. Modified scale or magnitude

The alternative design as mentioned above is a modification of the magnitude of this project.

F. Alternative incorporating reasonable mitigation measures

Mitigation measures were performed as part of the EAW. However, further mitigation measure will be evaluated by performing a more thorough analysis of wetland impact. The EIS will identify mitigation measures, which will be evaluated and recommended as warranted. The EQB rules also require consideration of mitigation measures identified through comments on the scope or draft EIS. The EIS will consider the mitigations suggested through public comment, and will recommend incorporation of reasonable mitigation measures into project design and permitting. Mitigation measures may be linked to potential variances from Minn. R. 7050, the Minnesota surface water quality standard rules.

Alternatives may be excluded only if they meet any of the following three criteria: (1) underlying need for or purpose of the project is not met; (2) significant environmental benefit over the proposed project is not provided; or (3) another alternative is likely to be similar in environmental benefits, but will have less adverse socioeconomic impacts.

IV. NECESSARY STUDIES

Numerous technical analyses were conducted as part of the EAW including specific hydrologic and hydraulic information evaluating the current design including detailed existing and proposed water budgets for Hardwood Creek/JD-2 were included in the EAW. However, further groundwater assessment of the study area could be conducted as part of the EIS.

V. GOVERNMENT APPROVALS

The EIS will identify all permits and approvals required for this project. These permits were also spelled out in the EAW and are listed below. While some permit application review may occur concurrently with the EIS preparation, the EIS will not necessarily contain all information required for a decision on those permits.

NEEDED PERMITS

U.S. Army Corps of Engineers	Wetland alteration
MN DNR	Work in protected waters and wetlands/Dewatering
MPCA	NPDES phase II construction /401 Certification
City of Hugo	Fill/excavation and erosion control
City of Forest Lake	Construction/excavation and erosion control
Rice Creek Watershed District	WCA Replacement Plan

PERMITS NEEDING A RECORD OF DECISION

U.S. Army Corps of Engineers	Wetland alteration
MPCA	NPDES phase II construction /401 Certification

VI. ECONOMIC, EMPLOYMENT, AND SOCIOLOGICAL IMPACTS

- A. The EIS shall discuss the potential for the project and major alternatives to directly and indirectly affect the local economic and sociological impacts.
- B. The EIS shall evaluate the local economic and sociological impacts of the project and/or major alternatives.