

**AVAILABILITY OF THE FINAL “FINDINGS OF FACT AND RECORD OF
DECISION” DOCUMENT, WHICH IS PART OF THE ENVIRONMENTAL
ASSESSMENT WORKSHEET FOR THE DOCKS OF WHITE BEAR PROPOSED
EXPANSION**

The Final “Findings of Fact and Record of Decision” document provides additional information to complete the Environmental Assessment Worksheet (EAW) process for the Docks of White Bear proposed expansion. Upon development the expansion would add an additional 100 slips to the existing 200 slip marina, for a total of 300 slips at the site.

Copies of the Final “Findings of Fact and Record of Decision” document and the EAW are available for review at the White Bear Lake Conservation District Office located at 4701 Highway 61 North, White Bear Lake, MN. Copies will be posted at www.wblcd.org, and can be provided to individuals upon request.

White Bear Lake Conservation District
4701 Highway 61 North
White Bear Lake, MN 55110
651-429-8520
wblcd@msn.com

FINDINGS OF FACT AND RECORD OF DECISION ENVIRONMENTAL ASSESSMENT WORKSHEET

for the

Docks of White Bear Expansion

4420 Lake Ave South, White Bear Lake, MN 55110

Ramsey County, Minnesota

Responsible Governmental Unit: White Bear Lake Conservation District

Responsible Governmental Unit

White Bear Lake Conservation District

4701 Highway 61 North

White Bear Lake, MN 55110

651-429-8520

wblcd@msn.com

Proposer

Docks of White Bear Lake, Inc

Brian McGoldrick

3050 Echo Lake Ave

Mahtomedi, MN 55115

Final action: Based on the Environmental Assessment Worksheet, and related documentation for the Docks of White Bear Proposed Expansion, the White Bear Lake Conservation District concluded the following on January 20, 2009:

- The Environmental Assessment Worksheet for the Docks of White Bear Proposed Expansion satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
- The Proposed Expansion does not have the potential for significant environmental effects.

Consequently, the White Bear Lake Conservation District does not require the development of an Environmental Impact Statement for the Project.

I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION

The White Bear Lake Conservation District prepared a Mandatory Environmental Assessment Worksheet (EAW) for the Docks of White Bear Lake Proposed Expansion according to the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) under Rule

4410.4300 subpart 25, Marinas. The Project includes the addition of 100 slips within its current riparian boundary and associated Authorized Dock Use Area.

II. EAW NOTIFICATION AND DISTRIBUTION

On December 15, 2008 the WBLCD published and distributed the EAW to the official EQB mailing list.. The EQB published notice of availability in the *EQB Monitor* on December 15, 2008. A press release was submitted on December 16, 2008. The EAW was also available on the WBLCD's website and in the WBLCD's office.

III. COMMENT PERIOD, PUBLIC MEETING, AND RECORD OF DECISION

Exhibit A includes the comment letters received. At its meeting on 11/18/08, the White Bear Lake Conservation District officially received the EAW. Public comment time ran from December 15, 2008 – January 14, 2009. Notification of the Board's meetings was distributed via the WBLCD's standard notification methods.

IV. SUBSTANTIVE COMMENTS RECEIVED AND RESPONSES TO THESE COMMENTS

The following section includes highlights and requests for response from the written comments received. Exhibit A provides the complete written comment submitted by all respondents. Comments on the EAW were received from:

1. Metropolitan Council, Phyllis Hanson, January 14, 2009
2. Minnesota Department of Transportation, Jon Solberg, January 13, 2009
3. U.S Army Corps of Engineers, Robert Whiting, January 14, 2009
4. Department of Natural Resources, Joseph Kurcinka, January 14, 2009
5. Al Carrier, January 7, 2009
6. Keith Dehnert, January 8, 2009
7. Richard Galena, January 13, 2009

The WBLCD's response to the comment follows each summary.

1. Metropolitan Council

Comment: Item 18 Water quality – Wastewater

An interceptor pipe is located near the shoreline at this project location. "Prior to initiating this project, final plans should be submitted for review and comment".

Response: Noted for the record

Comment: Item 25 Nearby Resources

"The EAW site is within .5 miles of the confluence of two existing and planned regional trail corridors.... The development described in the EAW is not anticipated to have an impact on either of these regional trails."

Response: Noted for the record

2. MN Department of Transportation

Comment: "... a drainage permit may be required. The proposed development will need to maintain existing drainage rates".

Response: Noted for the record

Comment: "any use of or work within or affecting Mn/DOT right of way requires a permit."

Response: Permit requirements noted for the record

3. U.S. Army Corps of Engineers

Comment: "a permit from the Corps of Engineers will not be required for this project, provided it is done in a manner that does not involve the discharge of dredged or fill material into waters/wetlands".

Response: Noted for the record

4. MN Department of Natural Resources

Comment: "This project requires a DNR Public Waters Permit."

Response: Permit requirements noted for the record

Comment: "This shallow bay of White Bear Lake provides spawning habitat for bluegill, crappie, and largemouth bass. Placement of the floating structures and piling likely will disrupt bottom sediments and vegetation, thereby negatively affecting the success of natural reproduction of these fishes."

Response: Noted for the record

Comment: "The installation of 2.11 acres of docking is a physical alteration of the lake".

Response: Noted for the record

Comment: "the City of White Bear Lake has ordinances covering both shoreland and floodplain management."

Response: Noted for the record

Comment: "The proposed increase in the number of slips likely will increase surface water use, which may lead to more user conflicts and crowding".

Response: Noted for the record

Comment: "From the DNR's perspective, this project does not require the preparation of an Environmental Impact Statement (EIS)."

Response: Noted for the record

V. ISSUES IDENTIFIED IN THE EAW

The EAW in this instance addressed the impact to the Lake (White Bear) that an approximate 50% increase in the total number of boat "slips" would have on the shore and waters with an emphasis on the increased intensity of use in the area. Specific comments as made in the review process address these and were noted for the record.

VI. COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the Minnesota Environmental Quality Board rules (4410.1700 Subp. 6 & 7) require the responsible governmental unit, the WBLCD in this case, to compare the impacts that may be reasonably expected to occur from the Project with four criteria by which potential impacts must be evaluated. The following is that comparison:

A. Type, Extent, and Reversibility of Environmental Effects

The EAW provided a study of the potential environmental impacts for the Project and found negligible potential impact. The site is currently used as a 200 slip marina and would be permitted through the White Bear Lake Conservation District on an annual basis. In the event that environmental deterioration is noted and becomes an issue, the Conservation District can limit or modify the permit to ameliorate the environmental effects.

B. Cumulative Effects of Related or Anticipated Future Projects

Due to the physical layout of the bay in which the prospective project would be located, little room or geographic surface-water would be available for any related or anticipated future projects. While at some time in the future a project may be brought forward that could have a 'cumulative' effect, since none are on the horizon, it is the opinion of the Conservation District that the potential for any significant cumulative or unanticipated environmental effects from the project is minimal.

C. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

As above, the White Bear Lake Conservation District permits "commercial" marinas on an annual basis. While the negative finding on this EAW accomplishes a specific task, it does not imply that the District will grant a permit for the requested number of slips (the basis upon which the permit is evaluated). Ongoing monitoring of the situation and annual permit reviews should serve to mitigate any future environmental effects from the completed project, whatever that is. Several other public agencies will also be considering this project through their own permitting processes which further secures the mitigation of environmental effects.

D. Extent to which Environmental Effects Can be Anticipated and Controlled as a Result of other Environmental Studies Undertaken by Public Agencies or the Project Proposer, or of Environmental Reviews Previously Prepared on Similar Projects.

The Conservation District has been regulating and permitting operations such as the one proposed for several decades. To our knowledge, the applicant herein is the first to actually conduct an EAW or perform any environmental analysis with respect to their plans for expansion. As explained above, the District is very active in monitoring the lake and also gets feedback from residents when problems are observed. Through this monitoring and the annual permitting process, Environmental Effects, while not anticipated, can be controlled.

VII. DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the Environmental Assessment Worksheet, and related documentation for the Docks of White Bear Proposed Expansion, the White Bear Lake Conservation District concluded the following on January 20, 2009:

- The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document and related documentation for the Docks of White Bear Proposed Expansion were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000-4410.1700.
- The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document and related documentation for the Docks of White Bear Proposed Expansion satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
- The Proposed Expansion does not have the potential for significant environmental effects based upon the above-findings and the evaluation of the following four criteria as laid out in Minnesota Rules Part 4410.1700, Subpart 7):
 1. Type, extent and reversibility of environmental effects.
 2. Cumulative effects of related or anticipated future projects.
 3. Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
- Extent to which the environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the Project proposer, or of environmental reviews previously prepared on similar projects..

Consequently, the White Bear Lake Conservation District does not require the development of an Environmental Impact Statement for the Project.

Exhibits:

- A. Comment letters
- B. WBLCD Board action