



STAR LAKE EAW – EIS NEED DECISION

OTTER TAIL COUNTY BOARD – AUGUST 22, 2017

AGENDA



- Background
- Process
- Items of significance
- Review responses to Comments
- Decision

EAW - PURPOSE



- Presents basic information on the project
- Provides permit information
- Informs the public about the project,
- Identifies ways to protect the environment

EAW PURPOSE



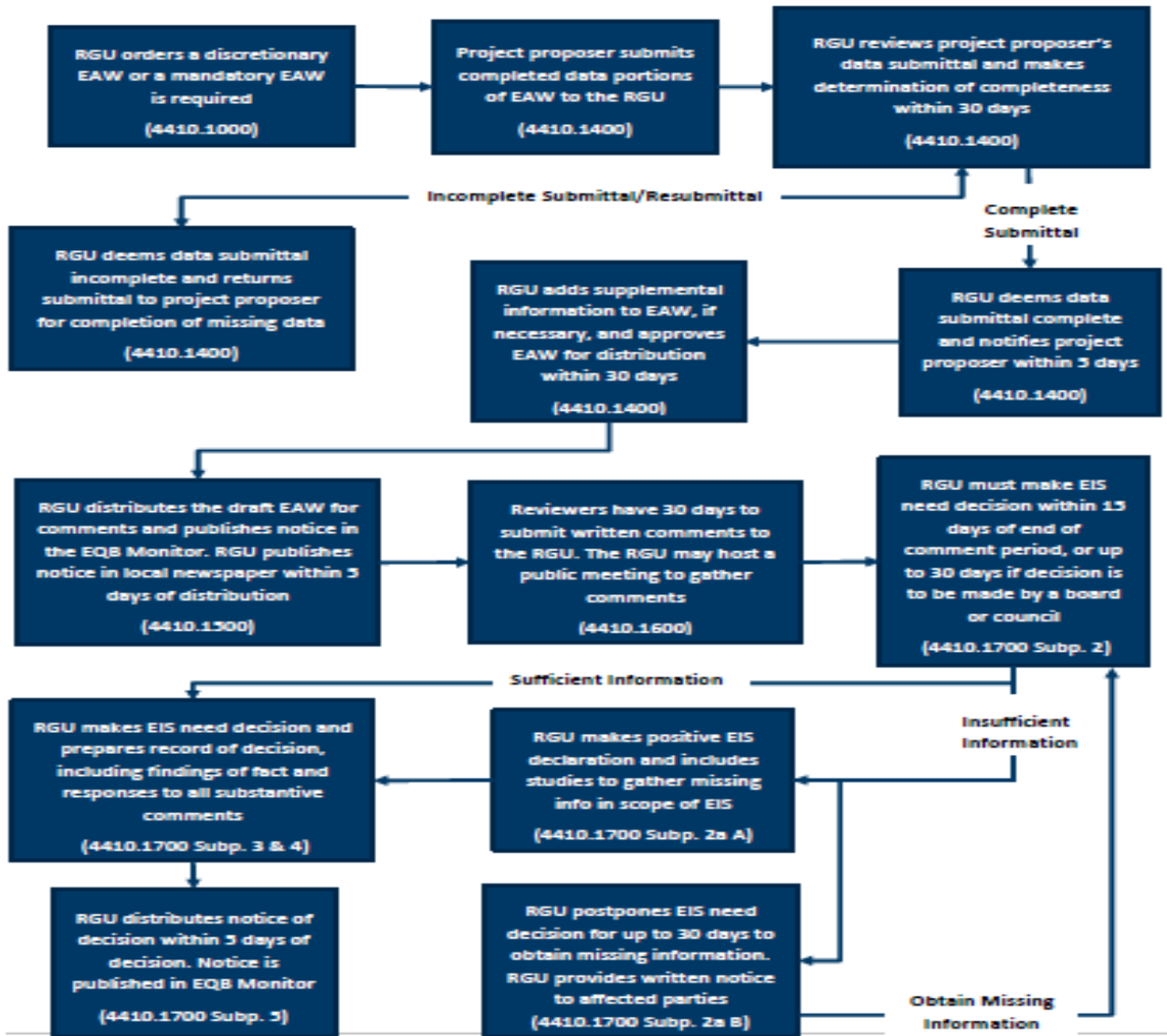
- Is not an endorsement, approval, or denial of the project
- Source of information for subsequent decisions
- Leads to a decision on the need for an EIS

PROCESS TO DATE



- EAW was developed and ordered for the project as a discretionary (proposer initiated) EAW
- EAW published (5/22/17) and comment period closed (6/21/17)
- On July 11, 2017, the Board granted an extension under Minnesota Rule Section 4410.1700, Subp. 2a, until Tuesday, August 22, 2017, at 1:00 pm.

EAW PROCESS



CONSIDERATIONS



- Project occurs on lands in fee and in trust
- Environmental Review requires project as a whole be considered
- Components required to be on certain parcels
- Jurisdiction of state and local actions limited to portions of the project
- Environmental Review initiated as discretionary and subsequently identified as meeting mandatory categories

RECOMMENDED PATH FORWARD



- Project meets two mandatory categories for an EIS
 - Construction of a new or expansion of an existing industrial, commercial, or institutional facility, other than a warehousing or light industrial facility, equal to or in excess of 250,000 square feet;
 - Construction or expansion of a resort, 200 or more units sites in a nonsensitive shoreland area

RECOMMENDED PATH FORWARD



- Mandatory categories are triggered and an EIS ordered by RGU on that basis
- Process for Discretionary EIS followed going forward

FLOW CHART OF NEXT STEPS

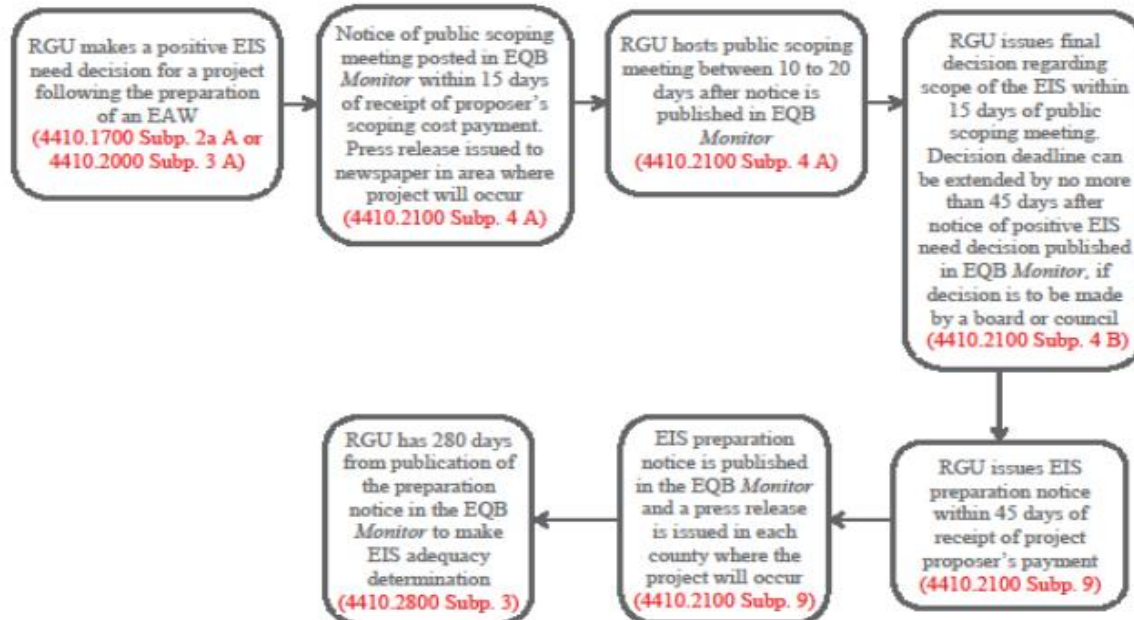


Quick Reference: Environmental Impact Statement

EIS Scoping Process Steps for a *Discretionary* EIS

(Minnesota Rules 4410.2000 - 2100)

This EIS scoping process is the direct result of an RGU making a positive EIS need decision, after the completion of an EAW according to [Minnesota Rules 4410.1700](#), Subpart 2a A or [Minnesota Rules 4410.2000](#), Subpart 3 A. The EIS scoping process occurs before the preparation of an EIS and is intended to reduce the scope and bulk of the EIS by identifying only the potentially significant issues related to the project, outlining the EIS document and preparation timeline, and determining the permits that require information in order to be developed concurrently to the EIS. The flowchart below details the EIS scoping process for an EIS prepared pursuant to [Minnesota Rules 4410.1700](#), Subpart 2a A or [Minnesota Rules 4410.2000](#), Subpart 3 A.



POTENTIAL OF SIGNIFICANT EFFECT



- EIS shall be ordered for a project found to have the potential for significant environmental effect
- Compare reasonably expected impacts from the project
- Considerations:
 - Type, extent and reversibility
 - Cumulative effect of related or anticipated future projects
 - Extent to which effects are subject to mitigation by ongoing regulatory authorities
 - Other studies that can anticipate or control environmental effects

POTENTIALLY SIGNIFICANT



- Boating
- Land use
- Wetland losses – mitigation offsite
- Habitat effects to wild rice lake and lake of biological significance
- Waste Water Treatment
- Groundwater
- Traffic
- Social



- Current access limited - future access not described as part of the project
- EAW and supplement adequately describes the potential effects from project
- Aquatic Invasive Species (AIS)
- Boating impacts – not considered significant



- EAW and supplement adequately describes the potential effects from project
- Primary consideration of shoreland ordinance – meets all standards except height of building
- Regulatory control consideration – the project does not unify site under OTC Shoreland standards. Trust land not subject to shoreland standards.
- Potential for significant effect – due to height of proposed structure and consideration as a unified site



- EAW and supplement provide relevant information
- Functions and Values assessment needs to be formalized into report
- Significance of habitat inadequately assessed
- Reliance on regulatory requirements for mitigation



- Function of wetlands in context to adjacent Star Lake near shore environment should be considered
- Subject to ongoing regulatory authority – need to fully describe sequencing in context of the project as a whole, and the regulator frameworks as they apply
- Additional information needed

BIOLOGICAL SIGNIFICANCE



- The EAW and supplemental reports provide details on many of the effected environments
- The relationship of project components, specifically to the near shore habitats, and the relationship of those near shore habitats to the designation of Star Lake as a lake of high outstanding biological significance
- There is a potential for significant environmental effect requiring further analysis



- The EAW and supplemental information adequately describe the potential for significant effect
- The project will meet or exceed existing regulatory standards
- No potential for significant effect



- The EAW and supplemental information adequately describe the potential effects to groundwater
- The appropriation is subject to ongoing regulatory controls and a water appropriation permit cannot be issued if the use is found unsustainable and is subject to future modification at anytime
- No potential for significant effect



- The EAW and supplemental report adequately describe the potential for significant effect.
- Road design and entrance improvements continue the road function in its current classification
- Ongoing oversight by state and local transportation authorities
- No potential for significant environmental effect



- Environmental effects associated with social concerns are not generally addressed
- Concerns regarding work force, gambling, additional services are valid social concerns, but do not translate to specific environmental concerns as identified in the EAW



- Comments have been summarized into the following categories:

1. General
2. Request for EIS
3. Fish and Wildlife
4. Land use
5. Transmission Line
6. Transportation
7. Wetlands
8. Water Quality
9. Social

- Discussion



- Scoping and Scoping Meeting
- Final Scoping
- EIS Preparation Notice
- EIS Preparation
- The content of an EIS is prescribed in MN Rules 4410.2300.