

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2019-078

***A RESOLUTION DENYING A PETITION FOR PREPARATION OF AN
ENVIRONMENTAL ASSESSMENT WORKSHEET FOR THE PROPOSED MOUNTAIN
BIKING TRAIL PROJECT IN SUNFISH LAKE PARK***

WHEREAS, on October 7, 2019, the City of Lake Elmo (the “City”) received from the Environmental Quality Board (EQB), a petition requesting that the City Council require an environmental assessment worksheet (EAW) for the potential mountain bike trail project which has been proposed to be located at Sunfish Lake Park in the City (the “Project”); and

WHEREAS, the EQB has designated the City as the responsible governmental unit (RGU) for the Project; and

WHEREAS, the City Council considered the request for the EAW at its meeting on October 15, 2019 and the petitioners and their representatives were provided the opportunity to present information; and

WHEREAS, the City Council considered all of the information presented at its October 15, 2019 meeting along with the staff report and its supporting documentation; and

WHEREAS, the EQB rules (Minnesota Rules Part 4410.1100, subpart 6) require the City to determine whether, because of the nature or location of the Project, the Project may have the potential for significant environmental effects; and

WHEREAS, the EQB rules (Minnesota Rules Part 4410.1700, subpart 7) further require the City to consider the following factors:

- a. Type, extent, and reversibility of environmental effects;
- b. Cumulative potential effects: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;
- c. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority;

- d. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

NOW, THEREFORE, BE IT RESOLVED THAT that based on all of the evidence presented and the findings below, the City Council determines that the Project does not present the potential for significant environmental effects:

1. The Project involves construction of approximately 4.20 miles of single-track mountain bike trails within Sunfish Lake Park.
2. Multi-use single-track trails are unpaved and average 18-24" in width. Single-track trails have been shown to have minimal impact on the environment, resist erosion through proper design, construction, and maintenance, co-exist with the natural environment, and blend with the surrounding area.
3. All trails--whether improved or unimproved or for use by pedestrians, bicycles or mountain bikes--have some environmental impacts. The evidence demonstrates that the Project is not likely to have *significant* environmental impacts, which is required by Minnesota Rules Part 4410.1100, subpart 6.
4. Studies have shown that the environmental impacts from properly designed mountain bike trails are similar to those of hiking trails. The City has hiking trails throughout wooded areas of the City, including within Sunfish Lake Park and the City has not found those trails to have caused significant environmental impacts to those areas.
5. The petitioners assert that the Project will have significant environmental effects in the following ways. Each of these assertions is addressed in the findings below:
 - a. *Negative effects on the fragile environment of this specific area.* The City has not found any evidence that the Project will have a negative effect on the environment in Sunfish Lake Park and the petitioners have not provided any evidence to that effect. Furthermore, the Minnesota Land Trust holds a conservation easement over the area in Sunfish Lake Park and the purpose of the conservation easement is to protect habitat for wildlife and native plant communities. The Minnesota Land Trust has consented to the Project. It would not have consented to the Project if it had found that the Project had a negative effect on the environment as protecting the environment is the purpose of the conservation easement.

- b. *Erosion concerns – soils are erodible throughout the terrain of the park. Trails in this area will inevitable erode, requiring ongoing maintenance as well as present possible hazards.* There is no evidence that the soils in Sunfish Lake Park are any more erodible than soils in other areas of the City. As stated above, any erosion caused by the mountain bike trails would be similar to those of hiking trails, which also are present in Sunfish Lake Park. Furthermore, the mountain bike trails will be designed, constructed, and maintained so they resist erosion. Mountain bike trails will follow existing contours that will minimize erosion potential. There has been no evidence presented by the petitioners that these techniques or plans will be insufficient to prevent a significant environmental impact.
- c. *Habitat destruction and the changing nature of the park that the trails would present.* Potential habitat loss due to the Project is minimal (approximately one acre of ground disturbance) and represents a small fraction of the habitat within the 268-acre park. Additionally, the mountain bike trails will be unpaved and construction of the trail system will result in minimal tree removal, so there will be very little disturbance to the nature of Sunfish Lake Park or its habitat. Trails will be designed to go around mature trees to avoid their removal.
- d. *That habitat loss would be significant.* As noted above, potential habitat loss due to the Project is minimal.
- e. *Wildlife and sensitive species would be lost.* There is no evidence that the Project will negatively impact any wildlife or any sensitive species.
- f. *Protected areas would be forever changed.* The Minnesota Land Trust holds a conservation easement over the area within the Park. It has consented to the Project. The Minnesota Land Trust would not have consented to the Project if it had found that the Project was going to change the conservation easement area as the purpose of the conservation easement is to preserve the land in its natural state.
- g. *Incompatible uses and promises were made when the park was established, not all parks are appropriate for all uses.* Mountain bike trails provide opportunities for bikers to observe and appreciate natural surroundings in the same manner as existing trails through Sunfish Lake Park. The mountain bike trails are being designed in order to avoid trail cross-over conflicts with other trails in the park and are predominately located in areas which do not have an established use, thus not now actively used. When trail crossings occur, they will be established in a way that will require mountain bikers to slow down to a speed that allows them to safely cross the other trails.

6. Minnesota Rules Part 4410.1700, subpart 7 also requires the following factors to be considered when determining whether the Project has the potential for significant environmental effects. Each of these factors is considered by the City Council in the findings below:

- a. *Type, extent, and reversibility of environmental effects. Type, extent and reversibility of environmental effects.*

The City recognizes that adding mountain bike trails to Sunfish Lake Park will have some environmental effects with the minimal grading, tree removal, loss of habitat and trail construction. None of these activities will be significant and if needed, their minimal effects could be reversed with restoration if the City was to close the mountain bike trails.

- b. *Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project:*

There is nothing in the design of the mountain bike trails or in the EAW petition showing any significant environmental effects from the construction of the mountain bike trails. In fact, the City has designed the proposed trails to minimize their potential environmental effects by taking into account the slopes and the waterbodies in the trail design. As discussed above, single-track mountain bike trails have minimal impact on the environment and their effects are on par with a hiking trail.

- c. *The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and*

The City may need to mitigate the environmental effects of the trail as they are used - especially in regard to erosion. This is a responsibility the City acknowledges and accepts as part of the Project.

- d. *The 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, including other EIS's."*

There are no other projects or environmental studies in this area in the City of Lake Elmo at this time.

NOW THEREFORE BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF LAKE ELMO FINDS THAT:

1. The petition to require preparation of an EAW is hereby denied because the evidence presented has failed to demonstrate that the Project may have the potential for significant environmental effects.

This resolution was adopted by the City Council of the City of Lake Elmo on this 15th day of October, 2019.



Mike Pearson, Mayor

ATTEST: 
Julie Johnson, City Clerk