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Director Schmitz:

Friends of the Mississippi River (FMR) appreciates the opportunity to comment on the Draft Environmental Impact Statement (EIS) for the proposed Nelson Mine Backwaters Project.

FMR is a non-profit organization with a mission to engage community members and other stakeholders to protect, restore and enhance the Mississippi River and its watershed in the Twin Cities region. We represent thousands of people in the metropolitan area who care deeply about the river, including over 6,000 who participate as FMR advocates, volunteers, and members each year.

We have serious concerns about this proposed Nelson Mine expansion into the Mississippi riverbottom. The Mississippi River is a natural, cultural, and historic wonder that helps define our metro area. In recognition of this, its 72-mile stretch through the Twin Cities is not only a state-designated Critical Area but also a national park afforded special protective policies.

A change to the Mississippi River this significant for the sake of extractive mining requires the most careful consideration of project impacts and alternatives. We do not believe that the consideration paid in this draft EIS is sufficient.

Thank you for your attention to the following comments:

#### 1.2.1 – Project purpose

*“The proposed Project’s purpose is to exercise Holcim’s lease to continue mechanical dredging operations in an adjacent backwaters area of the Mississippi River to supply the Twin Cities and other local markets with high-grade, construction-quality natural aggregate for an additional 20 to 25 years. The proposed Project will extend the functionality of the existing Nelson Sand &*

*Gravel processing facilities and ship the aggregate to market using the existing Holcim barge system” (1-1).*

The project purpose is exceedingly narrow. It is excessively focused on private interests over the public interest.

Rather than address the Twin Cities’ aggregate supply needs, this purpose statement emphasizes Holcim’s business needs (use of its existing lease and infrastructure). This purpose limits adequate consideration of other alternatives that may suitably meet the region’s supply needs, because Holcim is improperly focused solely on maximizing its returns and minimizing its costs.

The draft EIS also suggests that low aggregate costs should be a primary public interest (Appendix A-20). But the public interest extends beyond simply cheap aggregate supply. Market rates must and do change in response to other public interests such as environmental protection.

There is a significant public interest in preserving the resources of the Mississippi River: clean water; protection of endangered species; recreational enjoyment; and for some, cultural heritage and significance. The proposed alternative would greatly impact all of these in a way that can’t be mitigated.

A project purpose insistent on using Holcim’s existing lease and processing facilities disregards all of these other public interests in service of corporate profits. Destruction of these environmental resources carries both financial and other costs that the city fails to account for in its balance sheet.

The city and other permitting authorities should be assessing this project based on how well it or other alternatives could meet the full scope of public interests, not one private corporation’s preferences.

#### 4.1.1 – Affected environment

The term “Grey Cloud Island Access and Rest Area” (4-4) appears to be referring to Hazen P. Mooers Park. This should be updated accordingly.

#### 4.1.1 – Planning and zoning – Mississippi National River and Recreation Area

*“The National Park Service (NPS) Mississippi National River and Recreational Area (MNRRA) Comprehensive Management Plan outlines various goals, policies, and actions for management of development and uses in the river corridor. Several goals and policies support the proposed mining and barging activities” (4-8).*

This section cherry-picks a few Comprehensive Management Plan goals and policies while ignoring larger Plan principles. This misrepresents the proposed project's compatibility, or lack thereof, with the National Park's mission and responsibility to protect and enhance many different resources.

The Plan's general land use and protection policies emphasize preservation and enhancement of natural shorelines. The Plan notes, "Sensitive areas (including shorelines, floodplains, wetlands, endangered species habitat, steep slopes, bluff lines, and significant historic and archeological sites) will be buffered from other land uses."

Alternatives B, C, and E provide no buffering from sensitive shorelines, floodplains, wetlands, endangered species habitat, and significant historic and archeological sites. All of these sensitive resources are within the proposed project area.

Specific site development policies incompatible with Alternatives B, C, and E include:

1. "Provide uninterrupted vegetated shorelines where practical along the Mississippi and its tributary streams and ravines to preserve a natural look from the river and the opposite shore and to provide connections to adjacent natural areas... New developments should appear as natural as possible when viewed from the river using setbacks, landscape treatments, and vegetative screening, and shoreline restoration is encouraged in existing commercial and industrial areas."
6. "Encourage shoreline area preservation and restoration."
8. "Protect views as seen from designated overlooks in the corridor."
12. "Protect existing wetlands and, where practical, restore degraded wetlands."
14. "Apply setback and height restrictions and encourage careful site design to maintain the ability to view the river from existing open space and developed areas. Avoid significantly obstructing river views with development."
18. "Protect endangered, threatened, and rare plant and animal species (including state listed species) and their habitats in site development projects."

We also disagree with the statement that "several [Comprehensive Management Plan] goals and policies support the proposed mining and barging activities." The Plan acknowledges the ongoing importance of barge transport within the national park, and the draft EIS notes some of the policies that support that. That should not be interpreted as support for mining, as mining and barging are two distinct activities with very different impacts to park resources. The proposed project is an extractive mining project, not a transport project.

#### 4.1.3 – Planning and zoning – Mississippi River Corridor Critical Area

*“New nonmetallic mining is prohibited within the Shore Impact Zone and Bluff Impact Zone and within the required structure setback from the bluff line and ordinary high-water level (OHWL). Alternative B would not include the installation of a new mine but rather an expansion or movement of an existing mine. Therefore, the Project has been found compatible with the MRCCA regulations” (4-33).*

We disagree with the assertion that Alternatives B, C, and E are compatible with Mississippi River Corridor Critical Area (MRCCA) regulations.

Minnesota Rule 6106.0050 subp. 43 defines “nonmetallic mining” as “construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such as stone, sand, and gravel.”

Therefore, the prohibition on “new nonmetallic mining” within the Shore Impact Zone in state rules and city ordinance is clearly interpreted as a prohibition on “new construction, reconstruction, repair, **relocation, expansion**, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals.”

Minnesota Rule 6106.0050 subp. 43 further clarifies, “For purposes of this subpart, ‘facility’ includes all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures that drain or divert public waters to allow mining.”

This is a clear prohibition on expanded or relocated mine pits, quarries, and processing equipment in the Shore Impact Zone. The proposed mining area in Alternatives B, C, and E includes Shore Impact Zone as mapped by the Minnesota Department of Natural Resources. Therefore these alternatives are not compatible with MRCCA regulations and are not legally feasible.

#### 4.11 – Visual impacts

The visual impacts of Alternatives B and E are understated. The draft EIS suggests that the barrier berms may partially mitigate other visual impacts of the mining operations from certain vantage points (4-240). However, this assumes that the berms will blend in with the existing landscape. They will not.

The berms will not look similar to the surrounding islands, as they will be long piles of a uniform shape, height, and width. Vegetation will take years to fully cover these berms and will still not disguise their unnatural shape. The riprap proposed for scour mitigation (6-2)

would exacerbate the berms' visual incompatibility with the surrounding landscape as riprap is not a natural shoreline condition.

The EIS should discuss whether these visual impacts could be mitigated through more varied berm shapes, rapid vegetation installation and ongoing vegetation maintenance, and no use of riprap.

We also question the proposal to leave the barrier berms in place after mining is complete (4-80). This would lengthen the visual impact of Alternatives B and E from 20-25 years to indefinite. Removal of the berms should be included as a visual mitigation strategy.

In addition, we would like to note that the MRCCA Rural and Open Space District's management purpose is "to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas."

To achieve this management purpose, preserving viewsheds with minimal structures is a priority. To this end, structures are limited to 30 feet in height and must be set back 200 feet from the shoreline. These limits were set after careful analysis of scenic impacts and an extensive stakeholder engagement process.

We understand that the floating dredge unit proposed in Alternatives B, C, and E is not a structure per the MRCCA rules and is not subject to these height and setback limits. However, at 100 feet wide, 100 feet long, and 65 feet high, the dredge unit is larger than many buildings. It's nearly twice as high as what a building in this area would be allowed to be, and would have no setback from the shoreline. This equipment will cause undeniable scenic impacts that cannot be fully mitigated.

#### 4.4.3 – Wetlands

Holcim has suggested a mitigation concept that would create a backwaters area within the boundaries of the existing Nelson Sand & Gravel Mine (4-115). FMR opposes any mitigation that awards Holcim with wetland credits for simply cleaning up its own existing damage. Holcim should be held accountable for proper restoration of its current mine site regardless of whether or not it is permitted to create new environmental damage somewhere else.

#### 4.10.3 – Cultural resources

*"Consultation with interested tribes is also recommended during permitting for the Project to understand any tribal concerns regarding cultural resources" (4-231).*

The Grey Cloud Island area is historically and culturally significant to Indigenous people for several reasons. Holcim's and the city's tribal engagement so far has been insufficient; they have relied upon prior engagement from over 15 years ago and have only reached out to one tribe about this new proposal. The EIS should not be considered an adequate representation of tribal perspectives or cultural resources impacts.

FMR expects to see a full tribal engagement process led by permitting agencies before any project permits are issued. This process should begin early in the permitting timeline and must allow sufficient time for tribal nations to participate as fully as desired in the process. This is a complex proposal that may require tribes to contribute many hours of cultural and technical expertise.

While the city as the Responsible Government Unit is able recoup its staff costs from the project proposer for assessing this project, tribes do not receive the same compensation for their input. And tribal nations have fewer financial and staff resources than the state and federal agencies also reviewing this project. Engagement must be sufficiently early and lengthy in recognition of the strain this proposal places on limited tribal staff resources.

#### 4.15.2 – Present and reasonably foreseeable projects

*“Washington County and the Met Council are interested in developing at least a portion of Lower Grey Cloud Island as a regional park” (4-271).*

Washington County's approved Grey Cloud Island Regional Park Master Plan clearly states that the preferred park concept includes designating the entire lower island as parkland. The suggestion that the county and Metropolitan Council may only prefer to develop “a portion” of Lower Grey Cloud Island into parkland is not substantiated and should be corrected in alignment with the approved county plan.

Thank you for your consideration.

For the river,



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