

From:
To: [Laura Jester](#)
Cc: [Lucius N. Jonett](#); [Derek Asche](#)
Subject: Re: Plymouth Creek Restoration Project
Date: Tuesday, July 11, 2017 2:11:31 PM
Attachments: [IMG_9010MotherGreyFox.jpg](#)
[IMG_9087GreyFoxCubs.jpg](#)

Please forward to Basset Creek Watershed Management Commission

Laura Jester BCWMC
Administrator

Plymouth Creek Channel Restoration Project: Annapolis Lane Upstream Through Plymouth Creek Park

As the owners of the property at 3450 Fernbrook Lane N, we attended the public hearing on September 15, 2016 and were introduced to the project.

At the meeting we mentioned a conservation area adjacent to our property but it seems there was a misunderstanding on what this was. Other than the meetings, we were never contacted about the planning even though our property intersects with the creek and is connected by a conservation agreement with the property owners of the property surrounding reach 3. This is PID: 2211822220030. We also attended the June 26, 2017 meeting and found that many things in the design had changed. Again we brought up a conservation agreement and were told that it was just a drainage easement. We contacted the city during the next few days and sent them a description of the August 22, 1991 Conservation Agreement. We were told they were interpreting this as an easement. The city went through their legal department and on July 6 we received an email stating that CIP had jurisdiction over the conservation agreement. We feel that there are requirements in this document that need to be addressed.

As for the specific planning, the early plans described alternatives. Later plans had recommendations. Then plans had changed again in the week following the June 26 meeting. We are now waiting to hear things such as the specific tree removal plans. The feasibility report mentions 100 - 150. We feel that this tree removal is overly damaging to the forest, wildlife and environment.

We treasure every maple tree, from the largest to the smallest. We have many "understory" trees that have had their growth stunted by the shade of the maple canopy. These trees experience explosive growth when exposed to sunlight from openings in the canopy from tree loss or tree storm damage.

Historical information links this area to old growth forest. Much is discussed in the DNR website about value given to older woods and forests. Unique habitats and species benefit. There is a place for trees in the changing urban landscape.

http://www.dnr.state.mn.us/forests_types/oldgrowth/description.html
http://www.dnr.state.mn.us/forests_types/oldgrowth/importance.html

Our property's sugar maple canopy gives us the benefits of seeing wildlife commonly

associated with a hardwood forest.

“Nesting” seen from our back windows: Red fox den, grey fox den (see attachment photo), raccoon families, Great Horned Owls nest, Barred Owls nest, Red-tailed Hawk nest, Wild Turkey nest, Wood Duck nest, Pileated Woodpecker’s nest, Mallard duck nest

Other animals seen in our back yard: deer, pheasant, mink, many woodpecker species (including red-bellied & red-headed), other unidentified hawks, owls & other species of birds.

A few years, we tapped some of our sugar maple trees and enjoyed the syrup for many years.

We give you this wildlife information in hope that it will be considered in the final planning. The MN drainage code mandates that “conservation values be weighed by drainage authorities in deciding whether to establish, improve or repair drainage systems.” The drainage code was amended in 1955 to require the drainage authority to duly consider “conservation of soil, water, forests, wild animals, and related natural resources, and ... other public interests affected” in deciding whether to authorize work on a drainage system. Laws 1955, c. 681, §1 (Ref: MINNESOTA DRAINAGE LAW ANALYSIS AND EVALUATION; Smith Partners; Mpls,MN; August 15, 2011)

We realize that this is a very short time frame to have our questions answered. We were unaware the city did not seem to be aware that there was a conservation agreement that involved over 6 acres in Reach 3. I sent them a copy and they sent it to their legal department the week of July 3, 2017. All approvals were given in the feasibility study without input that there was a Conservation Agreement. We had no time to verify any details. The project could be finalized on the July 20 meeting with the BCWMC.

We also have general comments and questions specific to our situation. Some details were outlined in our July 4, 2017 email to the CIP

- On July 4 we contacted CIP about erosion control on the hill on the north side of our home. The erosion change at the base of this hill is dominated by the flow of water from the culvert changes and addition of the storm sewer. It seems the land use in Reach 3 has less impact than storm sewers on the hydrology. The trees have only seasonal impact. Storm sewers and flow from upstream land use have a continuous impact.

- What area would be contracted out to eliminate the buckthorn? What is the project area? 50 feet? The woods will still disappear with the adjacent areas growing buckthorn and **no one will remove it since it is in the conservation area.**

- Periodic mowing? This will affect wildlife? There will be different habitat.

- The identified trees are promised to be shown towards the end of planning. We have questions.

- We also have questions on the access driveway (permanent parts to this?) What does the 50 foot access area mean in its entirety and in the long term?

- Is this a stormwater maintenance problem? Do we need take down maple trees? Can we use other measures such as sediment removal and stabilizing without reduction in forest?

- This Conservation area has to be protected.

ATTACHMENTS: IMG_9010MotherGreyFox.jpg and IMG_9087GreyFoxCubs.jpg (June, 2017 - our back yard)

John and Jeanne Starr (Starczewski)
3450 Fernbrook Lane N
Plymouth, MN 55447
(763)559-0489



From:
To: [Derek Asche, Plymouth](#)
Cc: [Laura Jester](#)
Subject: Re: Plymouth Creek Restoration Project
Date: Tuesday, July 4, 2017 10:42:35 PM

Earlier comments
to city

Derek Asche
Water Resources Manager
City of Plymouth

Thank you for your time in meeting with us on Friday, July 30. We had some questions and concerns on the plans for the Plymouth Creek Restoration Project in the area adjacent to our home. Among the items we discussed were:

1. Steep slope on north side of our home. *Site 15 Reach 3 as shown in Appendix A of Final Feasibility Report for Plymouth Creek Restoration Project (March 2016)*

The suggested stabilization of the bottom of the hill still leaves us vulnerable to much erosion from the entire slope. We note that since we have lived here (over 40 years), Fernbrook Lane more than doubled in width. The culvert changed twice and storm sewers were put in, increasing amount and direction of water flow. In 1980 the road width changed and a corrugated steel round culvert was used. Then recently the corrugated culvert (center flow) was replaced by a flat bottom. Combined with the storm sewer it caused a significant increase in flow at the creek southern bank near our house. This area has a very steep north facing slope with some trees and very few other plants and is in full shade.

We have noticed a significant increase in the erosion in the last few years.

Of note: the culvert redo in 2014 left wood and other debris in the creek and contributed to jams in the creek.

Our request would be that you do more to prevent erosion on the steep slope (shown in Appendix A Erosion Site Photos, Photo 14, *Final Feasibility Report for Plymouth Creek Restoration Project (March 2016)*) up to our property line on the north side of our home. A combination of erosion measures may be needed including construction and shade tolerant planting.

We would note that our roof slopes and gutter downspouts have always pointed to the east and west, not towards this area. Also, the house is less than 20 feet from the hill.

2. Site 16 Reach 3 Proposed significant tree removal.

The areas uphill from this site are naturalized with many small maple trees and other shrubs that slow drainage down the hill. Contour mapping shows drainage directed to the east of this spot.

The proposed tree removal may not have the expected sun-lighting of the creek

banks. The other existing trees adjacent to this area are on a hill. There is a virgin maple canopy that may continue to shade the area. There are also hundreds of small sugar maples in the understory. The proposed tree removal will not allow much sunlight to support the expected benefits and encourage growth on the opposite bank (north side). This is due to the observed path of sunlight through the hours of the day. Site 16 is a low treed area.

Sites 16 through 20 are included in a conservation area which may impact removal of trees and other vegetation. The slightly more than 6 acre conservation area east of Fernbrook Lane North is mainly virgin sugar maple trees. There are hundreds of understory trees that can be observed on the site photos. Taking out the maples for vegetation may make it more suitable for buckthorn and other invasive species that will grow on the perimeter. As a conservation area, no one may clear it: especially in the long term. Eventually the maples may disappear.

In researching after meeting with you, we realized that this is perhaps a small scale rare maple stand that is very old. We wonder about cutting an old-growth area of sugar maples to improve the creek. We did not discuss this much, but hope most trees are preserved. We have lived here many years and the conservation area fits the DNR description of an Old Growth northern hardwood stand of trees:

- Large, dead standing trees and branches (snags) are common.

- Large fallen trees and branches lie on the ground.

- The forest is a mix of young, old, and middle-aged trees (multi-aged).

- Small openings (canopy gaps) are visible between the tree crowns.

- Dirt piles and holes from tipped-over trees (tip-up mounds and pits) dot the ground.

3. We expressed questions on how the overall project affects, or is affected by the conservation agreement.

We would like to know the final proposed tree removal including type of tree. Thank you for your help.

John and Jeanne Starr
3450 Fernbrook Lane N
Plymouth, MN

From: [Derek Asche](#)
To: [\[REDACTED\]](#)
Cc: [Laura Jester](#); [Lucius N. Jonett](#)
Subject: RE: Plymouth Creek Restoration Project
Date: Thursday, July 6, 2017 3:22:40 PM

Response to comments
from 7/4/17

Good afternoon John and Jeanne,

I reviewed the slope on the north side of your home with the project engineer. The erosion seemed minimal and with such a significant amount of shade on the north slope, the canopy would need to be opened for more sunlight and a long term solution. This exposes your property more to Fernbrook Lane and I am uncomfortable with that exposure. We are proposing to work from the top of the stream bank towards your house for 16 feet but further work up slope would not help with the project goal of improving water quality and would be difficult to justify to the Bassett Creek Watershed who is funding the project.

The area is a moderate quality Maple-Basswood Forest so we will take precautions on tree removal always starting with the dangerous trees such as leaners or damaged trees and then to those trees susceptible to disease such as Ash (Emerald Ash Borer) followed by trees that are necessary to be removed. The City will contract for long-term maintenance within the project area to combat buckthorn or other invasive species which may want to creep into this area. I did look into the conservation easement but it provides that the restrictions do not apply to any action required to be taken pursuant to law, ordinance or requirement of a governmental unit having jurisdiction over the conservation areas so the conservation easement does not affect this project.

We will work on getting you some details on the tree removals in this area.

Last, I did reach out to the City Forester regarding any Maple tree diseases in the area but he indicated there was nothing specific out there at this time.

[Derek Asche](#) | [Water Resources Manager](#)
