MPCA offers the following additional comments on the draft EAW

1. In Section 6b, the construction and/or modifications that will be made to the dikes should be discussed in detail. In addition, in section 27, there appears to be significant questions related to the flood plain analysis, how the dikes may be modified, and what features will be flooded. It would be helpful if these issues were further clarified before the EAW is finalized.

2. Regarding Section 6d of the EAW, if the development of the marina area is a possibility in the future, it should be said. It should also be made clear that the marina area is part of the Freeway Sanitary Landfill property, therefore, any proposed development of this property will also need to be approved by the Commissioner of the MPCA.

3. In Section 7, please give the distance to residences in feet rather then miles. In addition, please list the distances from the properties affected by the noise test in this section.

4. Regarding the list of permits in Section 8, will the city need a permit or approval from the U.S. Fish & Wildlife Service? We would suggest that you note that a noise variance from the MPCA would be required if modeling shows that noise standards will not be meet.

5. In Section 9, no mention is made of the Wildlife Refuge areas adjacent to the development property. No mention is made the city of Bloomington does not consider this project to be compatible with the residential area on the north side of the river. The sound test described later also identified potential residential areas in Burnsville that may be impacted by this land use.

6. Neither section 11a. nor 11b address areas near the property. US Fisheries and Wildlife Service will likely comment on this deficiency, as well as the DNR.

7. Section 13 appears contradictory to the introductory section. Pumpout wells will need to be used to maintain the water table for the amphitheater and possibly for ground water cleanup at some time in the foreseeable future. In addition, WT-3 is not active *perse*, but was buried by the McGowan's during the placement of additional soils on the levy.

8. Also in Section 13, it was stated that the city planned to install a number of new up-gradient municipal wells. Will these wells be pumping water from the bedrock aquifer or a deeper aquifer for use as drinking water for the city?

9. Regarding figure 14, the map appears to be misleading as to where the boundaries of the flood fringe and floodway are located. In addition, the HEC II model indicated that the maximum height of the dike should be at the 709.5-foot elevation not the 713-feet elevation as stated in the EAW.

10. Section 18 anticipates four to six sellouts per season. There is a discrepancy in Section 6, which anticipates two to three sellouts.

11. As the development is near a river and other wet areas, there likely will be a significant amount of insect nuisance during performance hours. Please explain in detail how the developer plans to use to deal with this potential nuisance (pesticides?).

12. In section 25, the question of whether there are scenic views or vistas is marked "No." There will likely be comments on the "No" from the residents in Bloomington who think of this section of the river as a scenic view or vista.

13. What are the plans for the limestone quarry and its mining and crushing operations? Please include any permits that maybe required

14. Section 26 says there will be "significant greening" on the property. While the landfill slopes will be covered with grass, there will be little grass on the top of the cover and the landfill cover is going to be a parking lot constructed of gravel/class 5 materials.

15. Section 26 says there will be no visual impacts. Please consider covering the following in the EAW: How high will the parking lot light standards and will they be visible to people off site? Will the amphitheater roof peak be visible? Will it be lit? What about the light show that will accompany certain performances? What about fireworks that may occur at the site?

16. For Section 29, please provide additional information concerning the 300+ acre lake and the clean and quiet businesses so the reader has a better understanding of what is being planned. Please show the location of the businesses that are identified in this section. Please note that no enclosed structures can be built on the landfill cover.

17. Section 13 suggests that the city may place a future wellhead in the vicinity of the site thus reducing the amount of future site dewatering which would need to take place. While we don't administer the wellhead protection program (MDH), it seems unusual that someone would intentionally place a municipal wellhead in a landfill discharge area.

18. McGowan Dike: We have a letter from Mr. James Wolf to the Mayor (Burnsville) dated 1/26/00 requesting the large dike on this property which was alleged to be placed illegally. Letter suggests that this dike has diverts scour flow to the opposite side of the river thus causing erosion on the Bloomington side of the river. The EAW talked about enhancements to a flood dike. If this is one in the same, the DNR/Corps will need to address this.