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Submitted via email to Bryr.Ludington@lakecountymn.gov

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601 Third Avenue
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RE: Silver Rapids Lodge Environmental Assessment Worksheet

Director Ludington,

CURE appreciates the opportunity to comment on the Silver Rapids Environmental Assessment Worksheet (EAW) noticed in the EQB Monitor on July 7, 2026. Lake County's (County) interest in involving the public in this Minnesota Environmental Policy Act (MEPA) process is an example of good government – by allowing the public to better understand a project, the County can get productive feedback to inform its decisions on development and what will most benefit the relevant community. Engaging in this MEPA process is a notable accomplishment, and something that hundreds of area residents and Minnesotans petitioned for two years ago. Thank you for listening to those Minnesotans.

Now that an EAW is before Lake County, it must comply with MEPA in order to actually benefit the decisionmaker and the public consistent with law. Unfortunately this EAW is not yet ready for prime time – it appears to be incomplete in material ways, and fails to discuss necessary mitigation that would avoid the need for an Environmental Impact Statement (EIS). As a result, the County should update the EAW to make sure it is accurate, and include more information on enforceable mitigation measures. By doing so, the County can then proceed to the permitting process without the need for an EIS. But the current EAW does not appear adequate under MEPA and therefore it should not be relied upon for a final permitting decision.

1. Oil leak information and remediation, potential for brownfields violation

Public safety is a central power and mission of local government, and Lake County is a primary source of policy that keeps residents healthy in their homes. As such, the historic and ongoing toxic releases at this site are important matters to this process. The chair of the Planning and

Zoning Commission identified the known gasoline leak as an important issue to address in the 2024 permitting proceedings on this site – but regrettably there has been no progress in remediating that pollution, and the Project Proposers (Proposers) have not sufficiently discussed the known leak in the EAW or any Appendix H to the EAW (which instead contains questionably-relevant letters about brownfield liability that do not regard this known unremediated release). This despite the fact that these Applicants have had this information for several years and nonetheless omitted it.

The public has a strong public interest in assuring that drinking water is not tainted with some of the most dangerous pollutants currently found in Minnesota groundwater. Gasoline additives are toxic and can cause cancer and organ failure, including PCE¹ which is known to be contaminating soil and groundwater at the site of this proposed project.

The EAW discusses this leak on page 15 and 16, stating:

The second release, LS0022243, was discovered on October 1, 2021, during a limited environmental investigation. This incident consisted of the release of an unknown amount of gasoline. LS0022243 has not yet received regulatory site closure. Contaminated soil cleanup is ongoing and will be completed as part of the resort renovation efforts.

The limited environmental investigation mentioned above detected Tetrachloroethene (PCE) in groundwater as well as petroleum in soil samples at levels under the threshold requiring the oversight of the MPCA. The PCE was detected in groundwater at a concentration less than the Health Risk Limit (HRL) established by the Minnesota Department of Health (MDH). Although the PCE was under the HRL, it is still at a level that has kept LS0022243 and BF0002139 from receiving regulatory site closure.

The Proposer is actively working with the MPCA to address the PCE contamination. Most recently this included performing limited site investigations (LSIs) on February 4, 2026, which included soil borings, a vapor survey, and receptor survey and on May 18, 2026, which included additional soil borings in areas which were not safely accessible during the February 4 investigation. The Proposer will continue to

¹ “People may be exposed to PCE by inhaling it, absorbing it through the skin, or ingesting it. It can cause dizziness, headaches, liver and kidney damage in people who’ve had chronic exposure. Those exposed to high amounts of PCE may experience central nervous system damage, cancer, or death.” MPCA, Land contaminant; Water pollutant, Perchloroethylene/tetrachloroethylene (PCE or Perc) <https://www.pca.state.mn.us/pollutants-and-contaminants/perchloroethylene-tetrachloroethylene-pce-or-perc> (last visited Aug. 6, 2026).

work with the MPCA to mitigate the PCE contamination and receive all regulatory site closures.

According to relevant staff at MPCA² it is not accurate to say that the Proposer “is actively working” on remediation. Information filed very recently with MPCA indicates that the Proposer *does not* propose “Contaminated soil cleanup” that is either “ongoing” or “will be completed as part of the resort renovation efforts.” The Proposers’ contractors instead propose not cleaning up the known gasoline spill to soil and groundwater and not monitoring for any spread of pollution in the future.

Regarding how active the Proposers have been in addressing this known risk to public health: this PCE leak has been known since the Proposer’s contractor discovered it five years ago in October 2021.³ On August 1, 2024, MPCA sent a responsible party letter to Jamie Tatge regarding this gasoline leak, giving him a short time to respond and begin remediating the known pollution. The letter states:

Your first step: Complete and submit the enclosed *Leak site ownership form* **within 30 days**.

....

Next steps: Hire a qualified environmental consulting firm to help you investigate and address the contamination. . . . If your site is **high priority** (see below), you must submit the report to the MPCA **within 90 days** of the date of this letter. For all other sites, you must submit the report within **10 months**.⁴

In 2025 MPCA followed up with three letters to Jaime Tatge and Sanford Hoff indicating that they had not completed necessary work in time to remediate the spill in accordance with law. The July 31, 2025, letter states: “The MPCA has not received a Limited site investigation report within the time frame outlined in our July 31, 2024, letter to you.”⁵ This letter requested compliance by September 1, 2025.⁶ The September 18, 2025, letter states: “The MPCA has not received a Limited site investigation (LSI) report within the time frames outlined in our August 1, 2024, and July 31, 2025, letters to you.”⁷ The letter requested compliance by November 1, 2025.⁸ The November 14, 2025, letter states: “The MPCA has not received a Limited site investigation (LSI) report within the

² Communications on file with CURE.

³ At the time the contractor was working for a different party, but there is no reason to believe that the Proposers did not have this information when they purchased this property. See Attachment A (Limited Phase II Investigation, October 2021)

⁴ Attachment B (2024 and 2025 letters from MPCA to Proposers) at 7 (emphasis in original).

⁵ Attachment B at 1.

⁶ Attachment B at 1.

⁷ Attachment B at 3.

⁸ Attachment B at 3.

time frames outlined in our August 1, 2024, July 31, 2025, or September 18, 2025, letters to you.”⁹ The letter requested compliance by December 1, 2025. A full nine months after that December due date, and *more than two years after being identified as the responsible parties and told to act quickly*, contractors working for the Proposers have submitted a LSI report to MPCA. This LSI is not included in the EAW because it was only submitted to MPCA on August 4, 2026.

Two days prior to the end of this comment period, the same contractors who had done the 2021 assessment and the 2024 geotechnical report provided as Appendix D to the EAW submitted a new LSI report to MPCA regarding this known spill. In that report the contractor suggests “site closure” without remediating the known spill to groundwater and soils.¹⁰ This is contrary to the EAW’s statement that “Contaminated soil cleanup is ongoing.” Indeed, the contractor report even repeatedly states “Additional monitoring is not recommended at this time,” indicating that the plan is to leave the pollution in place without any future effort to quantify the extent or movement of this spill.¹¹

This new August 4, 2026, report details additional harmful releases found around the spill. “GP26-07 was located between Farm Lake and the lakeside tank. The boring had detectable levels of several [Polycyclic aromatic hydrocarbons] with respect to soil, and detectable levels of Tetrahydrofuran with respect to water.”¹² Chronic exposure to Tetrahydrofuran may cause cancer, and has had consistent health impacts on test animals and exposed workers.¹³ This report’s new disclosures does not seem to suggest that there is any assurance of no real harm from this known release. The fact that this LSI report appeared outside of the EAW despite numerous 2025 “wakeup request” letters from MPCA is also concerning, as it keeps this additional contamination information and remediation proposals out of the public eye. This report details that contractors *have not* tested the nearest wells at homes and another resort within 500 feet of the known

⁹ Attachment B at 5.

¹⁰ Attachment C (NTS, Investigation Report, Silver Rapids Lodge, MPCA LS0022243, Ely, Minnesota, Aug. 4, 2026) at 14, 15. Please note that this attachment is only the first 49 pages of what was a 374-page submission from NTS to MPCA – CURE is providing the main report text rather than the entire report with all of its appendices because Lake County staff (like CURE staff in the past two days) do not have sufficient time to review this lengthy technical report in its entirety – to be useful in this MEPA process this information must be analyzed in the EAW so that it can be understood by non-expert members of the public without having to commit to 374 pages of complex and specialized information.

¹¹ Attachment C at 15 (repeating “Additional monitoring is not recommended at this time.” three times)

¹² Attachment C at 11.

¹³ Minnesota Department of Health – Health Assessment Unit, Tetrahydrofuran and Drinking Water, July 2016,

<https://www.health.state.mn.us/communities/environment/risk/docs/guidance/gw/thfinfo.pdf>

contamination.¹⁴ And even Silver Rapids' own well water was not tested prior to being filtered by existing facilities at the resort.¹⁵ There is simply not a lot to go on to assume that this spill is safe to leave leaking into groundwater and nearby surface water (i.e. Farm Lake).

However, this information (which should be included in the EAW because of the strong public interest in public health and safety) is inconsistent with the development plans laid out by the same Proposers in the EAW. The Geotechnical Report in Appendix D repeatedly discusses moving soil and reusing it for fill material around the project site. It also describes demolition of the lodge and construction of a parking area surrounding the new lodge, requiring the movement and compaction of large amounts of soil immediately adjacent to the release site. The spill at issue here will not remain undisturbed under these conditions, and the EAW must discuss how it could possibly be the case that this spill will remain in place and harm no one while the Project requires the movement of contaminated soil and water in ways that will spread these chemicals around the site and beyond its borders. The fact that the EAW and its supporting appendices indicates that large amounts of soil will be disturbed, removed, and reused as fill on this site makes it extremely unlikely that this leak and the other known brownfield issues will remain in place as asserted in the August 4, 2026, report.

The EAW must be updated with a discussion of this leak and the Proposers' intention to leave the contamination in place despite plans to disturb the area around the known leak site. This discussion should also address additional permits that will be required from MPCA to proceed with this plan. Using contaminated soil as fill will require permits from the MPCA brownfield program, but there is no discussion of that in the EAW.

There is insufficient discussion of this unremediated spill and the Proposers' inability to remediate it in a timely manner throughout the EAW. However, this information is available now and must be included in the EAW so that the public can understand it and comment upon it. MPCA's process does not include the public participation of an EAW and is totally insufficient for a comprehensive analysis and public comment, which is already required under MEPA and will best serve the residents of Lake County who live closest to this pollution source.

¹⁴ Attachment C at 9 (explaining that none of the three nearest wells were tested because: "There was no response to physical property visits, followed up by any returned postcards stating that the well was non-accessible. Pine Ridge Lodge is located approximately 480 feet southwest of the Site; however, the supply well for this property is listed greater than 500 feet southwest of the Site. This well was not sampled during Site activities."). There is no "Pine Ridge Lodge" in northern Lake County, so it is likely that NTS intended to say "Pine Point Lodge" in the quoted material.

¹⁵ "The water supply well for the Site was sampled as a precaution. Naphthalene was the only detected compound at 0.658 µg/L. Note that the water sample was taken behind the filtration and treatment systems due to a lack of available access points before those systems." Attachment C at 11.

It is important to note that MPCA's oversight of this spill does not necessarily protect the residents who live close to this pollution source. The Office of the Legislative Auditor investigated the petroleum program at MPCA and found that "when considering how to address a release, [MPCA] doesn't consider how a property might be used in the future."¹⁶ Lake County must now consider this very thing within this permitting process which is entirely about how this property will be used in the future. Other rural areas have been harmed by relying too much on MPCA to enforce these standards, requiring millions of dollars to fund additional studies and cleanup after sites have been "closed" by MPCA.¹⁷ The County should make the responsible decision now and include this information in the EAW so that it can consider how to best remediate this pollution so that the property can be used safely in the future.

2. Failure to accurately discuss the new build units, number of units, and number of docks

It has been confusing to review the documents associated with this EAW because there is a lack of clarity about basic parameters of the proposed project. Chief among these are the number of units to be constructed and the size of these units. While the EAW states that the new units will be two stories tall,¹⁸ it does not state their square footage despite the fact that the Proposers have already sent this information to the County with their permit applications. The EAW should not hide the ball on material information informing impacts analysis, and the County should assure that the actual number of units that can legally be built is the Project assessed in this EAW. Since the Proposers have been unclear on the number of units, the EAW should be updated to reflect what the County understands as the correct number and size of these units, likely fewer than 44 new units.

a. Confusion over unit numbers and size

One important fact within the EAW is the number of units that the Proposers hope to build. Unfortunately, that number is clouded by a significant amount of uncertainty for at least two reasons: 1. The Applicants told the community a different number of planned units at an "Open House" event than they state in the EAW¹⁹; 2. The number of units proposed appears to violate

¹⁶ Kirsti Mahron, *Four Minn. Cities get state money to study petroleum leak sites*, MPR News, June 28, 2022, <https://www.mprnews.org/story/2022/06/28/four-minn-cities-get-state-money-to-study-petroleum-leak-sites>.

¹⁷ *Id.*

¹⁸ EAW at 3 ("New Cabins – 21.5 Ft").

¹⁹ At the Open House at Silver Rapids on June 22nd, all participants were given a brochure that falsely stated the project would include 39 new units. See Attachment D (explaining that the project would be constructed in three phases, with 15, 10, and 14 units built in the three respective phases). This information was provided to people who were interested enough in this

state minimum protections for development in shorelands. As a result, it is totally unclear whether this EAW's main fact – the amount of development planned – is accurate. This can be resolved by re-issuing an accurate EAW that correctly states the number of units that could be built consistent with the law.

In CUP and PUD permit applications to the County, the Proposers have given additional information that does not appear in the EAW but is material to the size of the project, and is therefore a key fact to include in the EAW. Specifically, the “Lake County Planned Unit Development Application” re-sent on June 23, 2026, indicates that in Tier One the Proposers wish to build 20 units at 1949 square feet, and in Tier Two 24 units at 1949 square feet. This means that each unit will be much larger than the average 750 square feet that is normally the limit for a CUP for a hotel or resort under the County's ordinance.²⁰ The square footage and number of units proposed to the County in permit applications was known to the Proposers when the EAW was written, and the EAW cannot be adequate while omitting the main development figures associated with the project's intended changes to the resort.

Additionally, it seems that the EAW lays out a project that is likely contrary to law, something that the County should assess and update so that the EAW can describe a version of this project that does not violate shoreland development rules. When the Minnesota Department of Natural Resources sued the County for violating shoreland density standards in 2024 the agency clearly stated that under state minimum standards “The state shoreland rules above restrict SRR to a maximum of 48 dwelling units and 27 centralized mooring spaces” and further explained that “even under the state shoreland management model ordinance . . . the maximum number of units in the ‘first tier’ of SRR would be 27 dwelling units and the maximum number of permissible units in the ‘second tier’ is 21 dwelling units, for a total maximum number of 48 dwelling units.”²¹ However the EAW and the Proposers' PUD application instead propose 32 dwelling units in Tier One and 24 habitable building in Tier Two. These numbers clearly exceed the state minimums

project that they came to an open house, and may not have read the EAW based on a misunderstanding of the scope of the project. While the EAW does not state this same 39 unit plan, it was drafted and submitted to the County weeks before the open house – so the Proposers knew that the EAW stated that 44 units would be built, but they nonetheless told the public something else immediately prior to the opening of the comment period on the EAW. This verifiably false information would tend to decrease the interest of potential commenters reading the EAW and making comments based on what they see there, it should not have happened and could be remedied by re-issuing the EAW with updated information and a clear statement about the actual scope of the project.

²⁰ It also means that by telling folks at the Open House that the plan was to build five fewer new units, the Proposers understated the Project by 9745 square feet – a square footage larger than two NBA basketball courts.

²¹ Attachment E (DNR Summons and Complaint), at 6 ¶ 22, 11-12 ¶ 57.

stated by DNR in 2024, and it does not seem that the state's minimum standards for shoreland development have changed significantly since 2024.²²

As a result, the EAW should be corrected and reissued with the legally-valid number of units in each tier. Assuming that the state's minimum standards are applicable, this would be 27 units in Tier One – which would only be 15 new units since the Proposers are keeping 12 units as they state in their permit application materials – and 21 units in Tier Two. This would add up to a total of 36 new units, which was not analyzed in the EAW and has not been shown in any plans for the site – since this different number of units in each Tier, and overall, would likely require a reassessment of other features (e.g. size and placement of septic systems), the County should assure that the EAW starts with the correct number of units and performs the rest of its analysis with that information clearly stated.

b. Confusion over dock numbers and further permitting requirements

Once the number of first-tier units is established, that will determine how many moorings are legally appropriate. If there are 27 units in the first tier (which appears to be the maximum allowed under state minimum standards), that would allow for 27 moorings – 13 and a half docks total for the facility.

However, the Applicants have proposed far more docks and moorings than those that would normally be apportioned for the units in the first Tier – the EAW states that there will be 26 docks and 52 slips, plus a boat launch that is apparently not considered a “dock” under this plan. To the extent that the Proposers propose 7 or more moorings beyond what is allowed by law (which would be triggered by 17 or more total docks), they must obtain a DNR permit.²³ Because the facility will also provide fuel services, this likely will have to be a DNR permit for a marina.²⁴ This issue of needing to permit a new marina at this site was identified two years ago and is familiar to the County, yet it is not discussed in the EAW at all – the EAW merely states that “Mooring Space Permit” is “To Be Obtained (if needed).”²⁵ It is clear on the face of this proposal that this permit is needed, and the EAW should discuss how the Proposers will operate a marina under a DNR permit so that the public can better understand the increased boat impacts and water pollution that can be expected under this proposal.

²² While Lake County does appear to have changed its own more protective ordinance, the County cannot allow development that does not meet state minimum standards.

²³ Attachment F (DNR Permitting Mooring facilities & Determining the Number of Mooring Spaces in Shorelands), also available at

https://files.dnr.state.mn.us/waters/watermgmt_section/shoreland/mooring-spaces-guidance.pdf.

²⁴ *Id.*

²⁵ EAW at 7.

3. Mitigation

Enforceable mitigation is one of the most important parts of environmental review. By describing mitigation and how it is assured under the law (and/or will be required in a County-issued permit) the County's EAW can put residents at ease about impacts and potentially reduce the need for more environmental review under an EIS. Without clearly enforceable mitigation measures discussed in the EAW, this document cannot meet MEPA's standard for a negative declaration – thus, enforceable mitigation serves the County's interest in protecting its residents as well as the Proposers' interest in not needing to conduct a full EIS. Without enforceable mitigation the County should proceed to an EIS.

a. *Failure to discuss mitigation that Lake County **already does***

The EAW indicates that the Applicants will potentially seek to modify a 2021 CUP that Lake County assigned to another applicant.²⁶ It seems very unlikely that the County would modify a CUP whose purpose was to add 49 RV spots to instead describe this project, which seeks to do the opposite and replace RV spots with buildings. Regardless, that 2021 permit demonstrates that the EAW fails to even discuss normal CUP mitigation measures that are directly relevant to this Project. The EAW must be updated to reflect the County's common practices and legal authority.

Specifically, the 2021 permit requires:

1. Quiet Hours 10pm- 7am.
2. No discharge of fireworks.
3. All outdoor fires must be limited to use at a designated fire ring.

The permit also specifies that in 2021 regarding that different proposer's project: "The Ordinance has requirements for lighting, signage, and visual problems." While the Project is extremely different than a resort that is premised more on RV sites and outdoor camping, it is CURE's understanding that there are County ordinances governing dark skies lighting that will likely also be applicable to this facility.

However, the EAW makes no commitments nor provides any analysis of the above regular county standards and rules regarding fire risk, noise pollution, and light pollution. This is a missed opportunity because all of these issues are of immediate and great concern to neighbors of the resort. They are, as will be discussed below, also directly relevant to mitigation that the Proposer's agents have committed to in communications with the federal government. The EAW is

²⁶ EAW at 9. The statement in the EAW is ambiguous and mentions an intent to "amend its existing Conditional Use Permit" – this of course could not apply to the 2024 permit which has been revoked so CURE must assume this EAW statement is in relation to the most recent CUP that was not invalidated.

inadequate to the extent that it doesn't analyze the mitigation that Lake County is prepared to do as a normal part of the permitting process, and the application of its existing ordinances.

This 2021 CUP demonstrates that Lake County can and likely will establish some binding mitigation requirements as part of a CUP at this property, including on issues that are not discussed or analyzed sufficiently in the EAW. The County should update the EAW to accurately reflect the mitigation measures it already has applied to this site, and discuss how it can use those mitigation measures for this very different proposed use of the same property.

b. Failure to discuss mitigation necessary to minimize impacts

To avoid the need for an EIS, the EAW must reflect what its own appendices have stated about the construction and operation of the proposed new resort. Unfortunately, the EAW does not incorporate the many clear commitments made to the U.S. Fish and Wildlife Service (FWS) in a formal submission reproduced in Appendix I. The relevant March 19, 2026, letters from FWS were issued in response to a submission through the Information, Planning, and Conservation (IPaC) system to provide information on endangered species which could be affected by this project. Thus, FWS's system asked Proposer's contractor²⁷ questions about the proposed development, and based on those answers FWS issued a determination of whether endangered species would be impacted by this project. To the extent that the EAW does not commit to the same things that the contractor asserted, the County has no assurance that there will not be significant impacts to endangered species.

Within this FWS March 19, 2026, letters there are many clear commitments that would translate well into enforceable mitigation conditions on a County-issued permit. These conditions go beyond those noted in the 2021 CUP, but nevertheless would avoid foreseeable impacts to endangered Northern Long-Eared Bat habitat. Any unmitigated impacts would likely require an EIS and that the Proposers seek necessary permits for the harassment of endangered species. Both of these could be avoided with enforceable mitigation, including:

- A condition to not "spray insecticides"
- A condition to not "cause construction of one or more new roads open to the public"
- A condition to not "cause any construction or other activity that is reasonably certain to increase average night-time traffic permanently or temporarily on one or more existing roads"
- A condition to not take any construction action that will "include drilling or blasting"
- A condition to not take any action that would "involve the use of herbicides or pesticides"

²⁷ It appears that the answers provided to FWS were submitted by Jeremy Groskreutz, a worker at contracting company ISG.

- A condition to not “include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat”
- A condition to not take action that would “include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable forested northern long-eared bat . . . roosting habitat”
- A condition to not cut trees during the Minnesota “spring staging season,” “pup season,” “summer occupancy season,” or “fall swarming season.” These seasons stretch from April 15 to October 31.

Regarding the last commitment, limiting tree cutting to the winter hibernation phase for endangered bats, the EAW is inconsistent with what the Proposers’ contractors committed them to do in his submission to FWS. The EAW only says that they will “limit[] tree removals between June 1 and August 15” while the submissions made to FWS would actually require that period be extended to span from April 15 to October 31. The EAW must reflect this more stringent commitment, or will need to restart the analysis of impacts to endangered bats, which will also potentially require the preparation of an EIS.

Because the Proposers have committed to many mitigation measures in their submission to FWS it should be reasonable to make all of these commitments binding conditions of the County’s permits for this development. Each of these commitments would be protective of endangered species, but they would also help to protect the residents and current users of the nearby public roads. The County should also consider mitigation measures beyond these that are appropriate to protect water resources from gasoline spills, the erosion of an apparent new swimming beach (not discussed in the EAW but reflected in the Project map in Appendix B), and other impacts that this project appears to create without meaningful discussion of mitigation.

c. Failure to discuss mitigation that would improve the project and value to community

There are of course other issues that would help to protect the value of this development going forward that would also benefit the community long-term. The EAW should weigh these additional mitigation requirements which could ultimately save the Proposers money while making the project more consistent with the community it would inhabit.

i. Greenhouse gas mitigation

Currently the EAW quantifies a large increase in GHG emissions from the project but offers no measures to mitigate this identified harm. A threshold of 25,000 tons of carbon pollution²⁸ may

²⁸ EAW at 21 (“Due to the minimal emissions that will result from the project (<25,000 TPY CO₂e Emitted annually) no mitigation measures were deemed necessary.”).

be relevant to an oil refinery, but it is not a credible limit for discussing mitigating harmful pollution from a resort-like development.

Currently the site has numerous 240-volt RV hookups that could easily be repurposed as EV charging infrastructure,²⁹ and the proposal to create large numbers of new rooftops would naturally go well with the deployment of rooftop solar to offset the resort's electricity needs and offsite emissions from increased electricity use. The EAW should discuss EV and solar infrastructure, and the County should consider requiring these upgrades to the project as community benefits that would also be relatively inexpensive to implement at the construction phase.

ii. Wildfire mitigation

The fact that the water resources appendix identifies that there is not sufficient groundwater to address the risk of wildfires and that other sources of wildfire suppression are necessary must be better analyzed in the EAW so that the fire risk can be fully mitigated. Through limits on fire sources, better building materials, and even potentially water storage infrastructure the risk of fire could be mitigated, and it must be mitigated for this resort to be a welcome part of this community. The EAW mentions, entirely in passing, an unknown number of generators and fire rings, both of which are sources of fire and fuel that must be properly analyzed and mitigated so that this resort is not a danger to the community as soon as it is built.

iii. Traffic mitigation

Silver Rapids has historically been very popular with motorsports visitors, especially snowmobile riders in the winter months. It actively advertises itself to off-road vehicle tourists as a perfect location to access nearby ATV trails. The EAW must include more analysis of the increase in snowmobile and ATV traffic that will come from this development, so that the County can assess whether or not mitigation measures are appropriate.

It is possible that when this is fully assessed the County will be able to come up with limits or controls on noise or traffic that will allow this project to succeed and serve these customers while minimizing conflict with on-road traffic, and pedestrians and bicyclists who regularly use the Kawishiwi Trail as one of the only places where it is currently safe to bike or walk. A better traffic study that addresses the existing use by pedestrians and on-road vehicles would better inform the County's decisions and would help residents to understand what and whether enforceable mitigation is needed.

²⁹ As with many rural places, EV charging is scarce around the Ely area and in northern Lake County. Adding EV charging infrastructure to a venue such as the proposed lodge would attract more customers while also providing a needed service to visitors and residents alike.

4. Conclusion

CURE would again like to thank Lake County for engaging in a MEPA review process to better inform its understanding of this proposal. The EAW brings up many important issues, and the comment period allows the public to engage with the EAW (if they have had time to do so despite the state of emergency that we have been under during most of the comment period).

Given that the EAW is still incomplete, and contains information that seems to be incorrect, it must be updated to include better analysis and information on the known gasoline release to soil and groundwater. The EAW must discuss how this release will be remediated in light of the large amount of earth disturbance planned by the Proposers. The public must be allowed to review these facts so that they can understand the overall issue and trust that the MPCA process isn't leaving harmful pollution behind for later exposures. The EAW must state correctly the size of this Project, which likely means redoing the assessment with fewer units and docks than currently planned, consistent with state minimums for shoreland development. The EAW must discuss enforceable mitigation, and commit to mitigation that appears necessary to minimize harm to endangered species and the human neighbors to the resort. Mitigation and permit conditions should also be included that assure this resort can operate in ways that minimize climate harm, fully rule out wildfire risk, and assure that all users of County roads and trails are able to do so safely.

This is likely the largest proposed development in northern Lake County for a lifetime. It merits a full and accurate assessment under MEPA so that permitting decisions can be made with the best possible information. The County's role in protecting public health and safety is paramount, and can be best served with a full and accurate EAW that lays out identified and known environmental impacts. Currently the EAW for this project does not meet that standard.

/s/ Hudson Kingston

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