

July 21, 2017

Ms. Janet Wilding
St. Louis Economic Development Partnership
7733 Forsyth Boulevard
St. Louis, MO 63105
(via U.S. Mail and [https://stlpartnership.com/st-louis-ice-center-public-comments/\(text-only\)](https://stlpartnership.com/st-louis-ice-center-public-comments/(text-only)))

Re: Comments on St. Louis Ice Center Project, Draft Environmental Assessment;

Dear Ms. Wilding:

On behalf of the Missouri Coalition for the Environment (MCE), the Interdisciplinary Environmental Clinic at Washington University School of Law submits these comments on the Draft Environmental Assessment for the St. Louis Ice Center Project to be located in Creve Coeur Lake Memorial Park in Maryland Heights, Missouri.

I. CONSTRUCTION OF THE PROPOSED ICE COMPLEX WOULD VIOLATE SECTION 6(F) OF THE LAND & WATER CONSERVATION FUND ACT.

The Land and Water Conservation Fund Act of 1965 (“LWCF Act”)¹ authorizes the National Park Service (“NPS”) to award monies to state agencies to be used for public outdoor recreation within the state’s borders.² Creve Coeur Lake Memorial Park was developed with the aid of LWCF monies, as described on page 1-3 of the St. Louis Ice Center Project, Draft Environmental Assessment (“EA”). The land on which St. Louis County proposes to develop the St. Louis Ice Center (“Ice Complex”), as the EA acknowledges, is part of Creve Coeur Lake Memorial Park and is subject to LWCF Act restrictions.³

The LWCF Act was designed to make sure that land acquired or developed for outdoor public recreation with the assistance of federal LWCF dollars continue to be used for that purpose even after the initial grant. Thus, section 6(f)(3) requires the NPS to ensure that once an area has been funded with LWCF assistance, it is “continually maintained in public recreation

¹ Currently codified at 54 U.S.C. §§ 200301– 200310. The LWCF Act was previously codified at 16 U.S.C. § 460-1-1.

² 54 U.S.C. §200305(a).

³ St. Louis Ice Center Project, Draft Environmental Assessment, at 1-3 (June 2017) (“EA”).

use unless NPS approves a substitute property of equal value, usefulness, and location.”⁴ Thus, the construction of an indoor recreation facility on section 6(f) land would be considered a conversion and require NPS approval and replacement with an equivalent outdoor recreational tract that will be used by the public.

Neither the LWCF statute nor the regulations specifically allow for the construction of indoor recreational opportunities on section 6(f) land.⁵ However, NPS has issued guidance in the form of the LWCF State Assistance Program Federal Financial Assistance Manual (“Manual”). According to the Manual, the LWCF shall not be used for “[a]cquisition of areas to be used mainly for the construction of indoor facilities ...”⁶ However, the Manual allows for the construction of a “public facility” which can include an indoor recreation component, as long as there is a “gain or increased benefit” to public outdoor recreational opportunities within the park.⁷ The Manual then supplies a list of eight criteria which must be met in order to fall within this exception to the requirements of section 6(f)(3), including preparation of the EA on which these comments are made.⁸

If the criteria for construction of a public facility are met, section 6(f) land may be used for the construction of an enclosed recreational use without being considered a conversion and without the need for the replacement of the land. The sponsor claims that the Ice Complex falls within this narrow exception. MCE strongly disagrees.

A. The EA Does Not Adequately Consider Alternative Locations and Rejects Alternatives for Unsound Reasons.

The Ice Complex proposal does not satisfy the design and location alternatives requirements of the Manual. In order for the NPS to consider a request to construct a public facility on section 6(f) land, all design and location alternatives must be “adequately considered, documented, and rejected on a sound basis.”⁹ Five alternative sites were considered for the Ice Complex, including four within or near Creve Coeur Lake Memorial Park in Maryland Heights’ Maryland Park Lake District (“MPLD”) and one in Queeny Park in unincorporated St. Louis County. Given that St. Louis County encompasses approximately 523 square miles, it strains credibility that there are no viable locations for the Ice Complex anywhere outside the MPLD except in Queeny Park. Further, even if one accepts at face value the EA’s premise that almost all viable locations are in the MPLD, it is evident that the sponsor overlooked or purposefully

⁴ 36 C.F.R. § 59.3(a) (describing 54 U.S.C. §200305(f)(3).)

⁵ 54 U.S.C. § 200305 (f)(3); 36 C.F.R. § 59.3.

⁶ LWCF State Assistance Program Manual, § 3.B.9.f at 3-6 (2008) (“Manual”).

⁷ Manual, § 8.E.2.b at 8-4.

⁸ Manual, § 8.H. at 8-12 through 8-13.

⁹ Manual, § 8.H.2 at 8-12.

ignored several sites in the MPLD that are much more favorable for such a development than the alternatives evaluated in the EA.¹⁰

The most favorable sites in the MPLD for development of a large indoor recreation facility like the proposed Ice Complex are those that are not on section 6(f) land (which must be preserved for outdoor recreational opportunities); are vacant or in agriculture and not currently used for other recreation facilities and/or subject to a long-term lease (which could complicate land acquisition); are not located in a special flood hazard area (“SFHA”) (where significant and potentially costly fill could be required to elevate the land above the base flood level); are not proximate to the Howard Bend levee (which might restrict subsurface activities); and that meet the sponsor’s minimum acreage requirement of 40 acres.¹¹

None of the MPLD alternatives evaluated in the EA, including the preferred alternative (Alternative 1), possess this suite of favorable attributes. Alternatives 1 and 2 are on section 6(f) land. Alternatives 3 and 4 are currently used for other recreation facilities (a driving range and a soccer complex, respectively), one of which has a long-term (20-year) lease on the site. Alternatives 1 and 3 are almost entirely within SFHAs and would require significant fill to elevate them above the base flood level,¹² while Alternatives 2 and 4 are partially within SFHAs. Finally, Alternative 2 is proximate to the Howard Bend levee and, to make matters worse, bisected lengthwise by an under-seepage berm.

Yet publicly available imagery and GIS data from St. Louis County indicate that there are a number of sites in the MPLD that possess all of the attributes of a favorable site, not just a subset of them as is the case with Alternatives 1-4. These include an approximately 68-acre site at the northwest corner of Highway 141 and River Valley Drive, an approximately 74-acre site at the northeast corner of Highway 141 and River Valley Drive, an approximately 86-acre site at the southeast corner of Highway 141 and River Valley Drive, and 432 vacant acres adjacent to River Valley Drive between the Howard Bend levee and the western portion of Creve Coeur

¹⁰ MCE does not support floodplain development and opposes construction of the Ice Complex anywhere in the MPLD. These comments are intended solely to demonstrate that the sponsor did not adequately consider alternative locations and should not be construed as supporting any of the more favorable sites discussed.

¹¹ Relatively flat topography and good access to major highways are also desirable characteristics. Virtually the entire MPLD, which is in the Missouri River floodplain and is crisscrossed by highways 141 and 364, has these attributes.

¹² Indeed, the sponsor is already in the process of adding roughly five feet to the preferred alternative even though it has not obtained approval from the NPS to build the proposed Ice Complex on the site. Jacob Barker and Bryce Gray, “Opposition grows to Creve Coeur Lake Park iceplex as St. Louis County advances project” St. Louis Post-Dispatch (Jul. 12, 2017). Available at http://www.stltoday.com/business/local/opposition-grows-to-creve-coeur-lake-park-iceplex-as-st/article_08446f78-81d2-5822-9384-3988aa29e23b.html.

Lake Memorial Park.¹³ Adequate consideration of location alternatives in the MPLD would entail evaluation of these more favorable sites in lieu of or in addition to the alternatives evaluated in the EA.

Further, several of the MPLD alternatives evaluated in the EA were rejected for unsound reasons. Among the reasons given for rejecting Alternatives 2, 3, and/or 4 were the need for substantial fill to elevate the site out of the 100-year floodplain, the need for a significant detention basin or an underground detention system to develop the site, and the probable need for some form of soil remediation/stabilization due to the highly plastic nature of the on-site soils. However, the preferred alternative also needs substantial fill to elevate it out of the 100-year floodplain, requires a significant detention system (plans call for nearly 10 acres of basins and bioswales on the site), and it has the same highly plastic soils as the rest of the MPLD alternatives. Therefore, these are not sound reasons to reject Alternatives 2-4. In addition, Alternative 3 was rejected, in part, due the presence of a 275-foot wide utility easement on the property, which “limits building location and height on the property.” However, the easement only encompasses 11 acres (+/-) of the 53-acre site, leaving over 40 acres – the sponsor’s minimum requirement – for development. Hence, this is not a sound reason to reject Alternative 3. The easement area could be avoided and there would still be enough room to build the Ice Complex on the site.

B. The Ice Complex Does Not Clearly Result in a Net Gain in Public Outdoor Recreation Benefits Nor Does It Enhance the Outdoor Recreation Use of the Entire Park.

In addition, the proposed Ice Complex does not satisfy the public outdoor recreation requirements of the Manual. In order for the NPS to permit construction of a public facility, use of the facility must “be compatible with and significantly supportive of outdoor recreation resources,” and recreation use must remain the “overall primary function of the site.”¹⁴ The facility itself must have a “recreation component” and must “encourage outdoor recreation use of the remaining 6(f) area.”¹⁵ In addition, any proposed structure must be “compatible [with] and significantly supportive” of the outdoor recreation resources at the site, and the park’s “outdoor recreation use must continue to be greater than that expected for any indoor uses ...”¹⁶ The facility must also remain available to the general public; it cannot require memberships or exclude elements of the public because of high user fees.¹⁷

¹³ A small portion of the 432 acres adjacent to River Valley Drive is proximate to the Howard Bend levee, but given the amount of land available in this area the levee could be easily avoided.

¹⁴ Manual, § 8.H.1 at 8-12.

¹⁵ *Id.*

¹⁶ Manual, § 8.H.3 at 8-12,13.

¹⁷ Manual, § 8.H.3 at 8-13.

The EA tries to shoehorn the Ice Complex into the narrow public facility exception arguing that operation of the Ice Complex will enhance, encourage, and support the park’s outdoor recreation resources, that it will increase public outdoor recreational opportunities throughout the year, and that it will draw new visitors to the park which will in turn increase the overall amount of outdoor recreation the Park supports.¹⁸ None of these claims survive close examination.

In general, indoor ice skating facilities are not eligible for LWCF grants.¹⁹ As the EA explains, the Ice Complex project aims to replace the recently closed Hardee’s Iceplex, a three-sheet indoor ice facility in nearby Chesterfield, Missouri.²⁰ The Hardee’s Iceplex was the largest facility in Missouri and was able to host tournaments and other large indoor events.²¹

The proposed Ice Complex in Creve Coeur Lake Memorial Park is designed to a similar scale. The project features three ice sheets housed inside a three-to-five-story concrete building with an approximately five-acre footprint.²² The indoor sheets have ample room for spectators, with a total seating capacity of 4,500.²³ A performance health center and a training center will also be housed indoors, according to the Site Development Plan.²⁴ Although not shown on the Site Development Plan, the sponsor also plans to include offices, a kitchen, a concession area, a restaurant area serving as a community gathering space, and a pro shop inside the building.²⁵ In sum, there is no escaping the fact that the focus of the Ice Complex is indoor recreation.

1. The Outdoor Rink Does Not Make the Ice Complex Eligible For the Public Facility Exemption in the Manual.

Nonetheless, the sponsor points to several activities at the Ice Complex that might allow the project to be constructed in a section 6(f) area under the public facility exemption in the LWCF Manual. First, a fourth ice sheet – the smallest of the sheets– will be located outside of the building. In the St. Louis climate, this outdoor rink will most likely be useable for skating only from mid-November to late February, less than a third of the year.²⁶ The outdoor sheet does

¹⁸ “Step 3C: Proposal for a Public Facility in a Section 6(F) Area,” in Appendix A, St. Louis Ice Center Project, Draft Environmental Assessment.

¹⁹ 2017 LWCF Grant Application Guide at 2 (outdoor ice skating is eligible); at 4 (indoor recreation facilities are not).

²⁰ EA, at § 1.5 Project Need, at 1-4.

²¹ *Id.*

²² “Step 3C: Proposal for a Public Facility in a Section 6(F) Area,” in Appendix A, St. Louis Ice Center Project, Draft Environmental Assessment (describing building footprint and materials) (“Appendix A”); EA, 4-15.202 Operational Impacts, at 4-19 (describing the building as between 36 and 53 feet tall).

²³ EA, § 1.2 Project Description, at 1-2

²⁴ It is unclear to what extent these areas will be open to the public.

²⁵ Appendix A at 2.

²⁶ See <https://forestparkmap.org/steinberg-skating-rink> (operating from mid-November to late February); <https://www.claytonmo.gov/government/parks-recreation/shaw-park-ice-rink> (from day after Thanksgiving to the end of February). St Louis County Parks operates two indoor rinks, one at the

not offer much in the way of seating, at least according to the description and artistic rendering, so it will not be used for tournaments or other spectator events during the months it is usable as an ice rink.²⁷

The lack of space for spectators also limits the non-ice uses to which this outdoor rink can be put during the other nine months of the year. According to the EA Appendix: “During months when the weather is too warm to support ice, the outdoor rink will be used for floor hockey, field hockey, lacrosse, in-line skating or such...”²⁸ Given the lack of spectator space, such activities would most likely not take place through a league or program since one would expect family members and others to attend and need somewhere to sit if that were the case.²⁹ Even so, the use of the outdoor ice space for these other activities is largely speculative. While the EA asserts that floor hockey, field hockey, and lacrosse are “under-served” uses and that existing facilities are insufficient to “handle current demand,” it provides no indication of how many St. Louis-area residents might be participating in or even interested in the sports or how many facilities there are per resident, in contrast to the statistics marshalled in support of indoor ice sheets.³⁰

The Site Development Plan also depicts a “Turf Training Field” approximately the size of the outdoor ice sheet, located in the southeast corner of the site next to Marine Drive. EA, Figure 1-2, Site Development Plan, at 1-7. It seems more likely that this area would be used for outdoor non-ice sports, although the written description does not offer such an explanation. The existence of the Turf Training Field is in no way dependent on the construction of the Ice Complex and a portion of what is now an open field could be used for this purpose without the imposition of a three-to-five-story-tall concrete building and hundreds of paved parking spaces.

2. *The Ice Complex Will Not Enhance Existing Outdoor Activities in Creve Coeur Lake Memorial Park.*

Kennedy in South County, and one at Queeny Park, Those rinks are open for ice sports during the winter months. <http://www.stlouisco.com/ParksandRecreation/RecreationComplexes/IceSkating>

²⁷ EA at 1-2 (no seating capacity described); EA at 4-20 (showing two low benches along one side of the outdoor skating surface).

²⁸ Appendix A at 16. It is unclear whether the indoor rinks would also be used for these activities. *Id.* at 2 (describing these same activities as “indoor” and “outdoor” in the same paragraph).

²⁹ The same is true of the other uses the EA anticipates. For example, although the EA states that the outdoor rink will “also host public monthly outdoor music concerts throughout the summer ... ,” this seems unlikely based on the current description and drawings. Appendix A at 2, 16.

³⁰ Compare the single sentence on page 2 of Appendix A discussing these warm weather sports with the several paragraphs devoted to indoor ice activities on page 1-4 of the EA. In Missouri’s Statewide Outdoor Comprehensive Recreation Plan (SCORP), developed as a condition of the state’s participation in the LWCF program, the state lists trends in outdoor facilities and activities, anticipating which are likely to increase in demand. None of the sports mentioned in the EA, including ice-based sports, are included on these lists. Missouri’s SCORP 2013-2017 at 98-101.

The EA presents the Ice Complex as a whole as being “compatible with and supportive of” other outdoor activities that are presently taking place in Creve Coeur Lake Memorial Park or new recreational opportunities that it is hoped will take place in the park in the future. For example, the EA states that the “parking lot will be used for outdoor activities, including farmer’s markets and food truck events sponsored by St. Louis County Parks and a municipality.”³¹ It is truly a stretch to deem a nearly one-thousand vehicle asphalt parking lot compatible with or supportive of “outdoor recreation” as that term is commonly understood, especially since, as noted above, the parking lot will mainly support the vehicles of persons engaged in recreation inside the building, and is neither needed nor desired to support the limited level of outdoor sports planned for the site. If paving 5 to 10 acres of meadow is deemed supportive or compatible with outdoor recreation because one can also park food trucks there, what parking surface wouldn’t qualify? At any rate, there is nothing preventing the open field from being used for hosting food truck events and farmers’ markets right now, regardless of whether the Ice Complex is built. Notably, food truck events are already held elsewhere at Creve Coeur Park.³²

The EA also states that two of the four parking lots planned for the Ice Complex will be able to double as parking/trailheads for the extension of the Fee Fee Greenway Trail, thereby enhancing outdoor public recreation opportunities.³³ The map at Great Rivers Greenway shows the extension of the Trail cutting across the northeast portion of the Ice Complex site ending in a parking lot at 13725 Marine Drive, currently used for the Creve Coeur Park Disc Golf Course.³⁴ It is fair to question the “outdoor enhancement” value of adding a new trailhead 400 feet away from the planned trailhead which already offers easy access and parking for hikers. Nor will the Fee Fee Trail experience itself necessarily be enhanced by routing it past a stormwater detention pond and parallel to a new large parking lot in the shadow of a three- to five-story tall concrete building, as shown in Figure 1-2, instead of across an open field as is now the case.³⁵

Finally, the EA states that the Ice Complex will attract additional visitors to the park – participants and spectators who will come for the indoor ice sports and who might not have come to the park otherwise.³⁶ It also notes that these visitors are likely to attend events in the

³¹ Appendix A at 16

³² St. Louis County Parks and Recreation Department, “Things to Do”. Available at <http://www.stlouisco.com/ParksandRecreation/ThingsToDo/FoodTruckFest>

³³ EA, § 1.2 Project Description at 1-2 through 1-3; Appendix A at 3, 13.

³⁴ Great Rivers Greenway, Fee Fee Greenway Master Plan. Available at <https://greatriversgreenway.org/feefee-greenway-master-plan/>.

³⁵ EA, Figure 1-2 Site Development Plan, at 1-7. Figure 1-2 also depicts a new trail, threading around and through the proposed parking lots. Even if some visitors would find pleasure in an outdoor walk that encircles a three-to-five-story-tall concrete building, the trail suffers from a lack of the scenic vistas and open natural space one traditionally associates with parkland hikes.

³⁶ EA, § 1.1 Project Overview, at 1-1.

wintertime when the park is less busy which it views as a positive.³⁷ But the Ice Center’s location on the edge of the park facilitates coming and going without further outdoor exploration of any other area of the park.

The north entrance to the Ice Complex will be approximately one-tenth of a mile from the exit off of the Maryland Heights Expressway, one of the major north-south arteries of the West County area. The Maryland Heights Expressway provides quick access to the three largest east-west arteries near the park: I-64, I-70, and 364/Page Avenue. While this ease of access is a great boon to the Ice Complex itself, the proximity of the Ice Complex to the expressway exit allows for the ability to visit the Ice Complex without entering the rest of the park at all.³⁸ As the EA acknowledges, the Ice Complex’s location will lead to more traffic on Marine Drive, the road leading further into Creve Coeur Park, increasing the difficulty of access for visitors wanting to use the Park’s other amenities.³⁹ And because most of the ice sports visitors will attend events in the winter, they are less likely to wander outside the rinks to the parking lot trail or discover the Fee Fee Trail in the woods beyond. The Ice Complex is likely to be a destination for indoor ice sports only, and its new visitors are likely to remain inside.

3. *The Ice Complex Does Not Provide a Net Gain in Outdoor Recreation.*

Any enhancement to outdoor recreation that might result from the Ice Complex has to be weighed against the opportunities lost. “Any costs or detriments should be documented and a net recreation benefit must result.”⁴⁰ While the EA acknowledges that the forty-acre project will have some negative impacts, it tends to downplay them.

The EA states that the construction of the Ice Complex will not have a negative impact on the overall park experience because the land currently contains no developed amenities for recreation and because visitors do not generally make use of this large open space. But this ignores the value of unused open space itself.

Although the EA describes the current view somewhat disparagingly as “Class B-Typical to Class C-Indistinctive” and “fair to good,”⁴¹ the value of the park as it is now lies less in the unique aesthetics and more in the overall sense of space and nature the park provides. Today, visitors entering the park can look to their right and view Creve Coeur Lake in the distance across a wide field, interrupted only by mature trees and a low, shed-type building.⁴² To their left they see open space to the distant tree line. Once the Ice Complex is complete, visitors entering the park will see a windowless warehouse-type structure, as is usually found in the more

³⁷ EA, § 1.1 Project Overview, at 1-1.

³⁸ See EA, Figure 1-1, Project Location Map.

³⁹ EA, § 3.4.2 Existing Traffic Volumes, at 3-7.

⁴⁰ LWCF Manual § 8.H.4, at 8-13.

⁴¹ EA, § 3.15 Visual Environment, at 3-23 through 3-27.

⁴² EA, Photo Five, at 3-26 (showing view toward Rower’s Building).

industrial parts of town, a parking lot, and a detention basin.⁴³ To their right, across the street, visitors will see (if completed) a 250-space parking lot and another detention basin. The empty space that had buffered the park from the railroad tracks and expressway exit will be lost, replaced by parking features common to urban and suburban landscapes everywhere.

The courts have acknowledged the value of open unused space to the LWCF Act. Faced with a similar argument that 6(f) lands were not being actively used by the public, and that they were therefore of no value, the Second Circuit Court of Appeals disagreed, writing:

[I]n light of the policies of the Department of the Interior and the purposes of the statute, we interpret section 6(f)(3) “public outdoor recreation uses” broadly, to encompass uses not involving the public’s actual physical presence on the property. After all, Webster’s Third New International Dictionary (1971) defines “recreation” as “refreshment of the strength and spirits after toil,” *id.* at 1899; surely by exposing scenic vistas and serving as a buffer zone between [the] Park and developed areas, the easement area provides such refreshment.⁴⁴

This is just as true at Creve Coeur Lake Memorial Park. The open space on the edges of the park is part of the park experience. It truly feels isolated, an oasis away from the surrounding suburbia and expressways. A large building and parking lots would destroy this.

Moreover, the need for open space and a buffer at the edge of Creve Coeur Lake Memorial Park will become even more important as the City of Maryland Heights proceeds with its plans to develop the floodplain surrounding the park. The City’s plans for the MPLD entail development of every square inch of floodplain behind the Howard Bend levee with a mix of mostly light industrial, office distribution, residential, and retail uses.⁴⁵ The EA itself describes proposals to develop “over 1,500 acres in the immediate area next to Creve Coeur Lake Memorial Park ... [including] residential, commercial, and light industrial.”⁴⁶ If the MPLD is developed as planned, the park will harbor the only remaining green space in the area besides the largely inaccessible lands on the riverward side of the levee.

In short, while it is possible that the outdoor amenities proposed to be constructed in conjunction with the Ice Complex might result in some additional outdoor recreation, those relatively small incidental benefits are outweighed by the loss of the green space and parklike atmosphere.

C. Construction of the Ice Complex Would Be an Unwarranted Conversion of Section 6(F) Land.

⁴³ Visitors will not see the front of the building as depicted in the drawing on page 4-20 of the EA, as the Site Development Plan makes clear. EA, Figure 1-2 Site Development Plan, at 1-7.

⁴⁴ *Friends of Shawangunk, Inc. v. Clark*, 754 F.2d 446, 449 (2d Cir. 1985).

⁴⁵ City of Maryland Heights, “Maryland Park Lake District Future Land Use.” Available at http://mplakedistrict.com/wp-content/uploads/2016/05/MPLD_FutureLandUse.pdf.

⁴⁶ Appendix A at 13.

The Ice Complex cannot meet the LWCF Manual requirements for construction of a public facility. Its construction would not support outdoor recreation, despite the imaginings of its sponsor, and any incidental benefit from additional visitors to the indoor rinks is outweighed by the loss of the open space.

Still, under the LWCF Act, section 6(f) lands may be used for purposes other than outdoor recreation if the conversion is in accordance with the state's comprehensive statewide outdoor recreation plan and if the 6(f) land is replaced by "other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."⁴⁷ If St. Louis County is determined to build at the proposed site in Creve Coeur Lake Memorial Park, it must show how the project fits in with the Missouri SCORP and arrange for the site's replacement with reasonably equivalent recreational land. Thus far, it has done neither.

II. CREVE COEUR LAKE MEMORIAL PARK IS A POOR CHOICE FOR LOCATION OF THE ICE COMPLEX.

Because Creve Coeur Lake Memorial Park is within the Missouri River floodplain, construction of the Ice Complex at that site would have a plethora of negative effects. The construction would not only detract from the park, but will also exacerbate flooding and introduce unnecessary public and environmental threats in the park.

A. Development In A Floodplain That Already Experiences Extensive Flooding Is A Poor Choice.

The EA states that Creve Coeur Memorial Park is located behind the 500-year Howard Bend levee.⁴⁸ Despite this perceived protection, Marine Avenue, the primary access to the proposed Ice Complex site, has been subject to repeated and severe flooding. In fact, it has experienced three floods in the past 15 months, two of which overtopped the 100-year levee crest. This is not remarkable as increased total precipitation and increased frequency of extreme precipitation events has led to more flooding in the Missouri River floodplain generally.

Construction is underway on a large soccer complex in another part of the park, with 13 artificial turf fields, parking, and an extensive drainage system.⁴⁹ These additional, unnatural fields will not allow for precipitation to be absorbed, increasing stormwater flow off the surfaces and decreasing the ability of the park land to assimilate precipitation and pollutants. The soccer complex will increase the amount of impervious surfaces in the park, and will direct increased water flow into Creve Coeur Lake, which is already subject to flooding in heavy rain.

⁴⁷ 54 U.S.C. § 200305 (f)(3). See also 36 C.F.R. § 59.3.

⁴⁸ EA, § 3.2 Land Use, at 3-4.

⁴⁹ St. Louis County Missouri – Creve Coeur Park Soccer Complex. Available at <http://www.stlouisco.com/ParksandRecreation/Sports/CreveCoeurParkSoccerComplex>.

Construction of the Ice Complex, with its large building and extensive parking lots will only serve to increase flooding in the park and in the neighboring community.

In fact, the EA acknowledges that flooding is a problem at the site as it calls for substantial fill to elevate the Ice Complex out of the 100-year floodplain, as well as nearly 10 acres of stormwater detention basins and canals. But raising the land area east of Marine Avenue to build the Ice Complex will only make what is already a serious flooding problem even worse. The stormwater from the Ice Complex drains to Creve Coeur Lake and will cause problems for boaters, such as the St. Louis Rowing Club, St. Louis University Rowing Club and Washington University Crew Club, who routinely use the lake for their sport. The substantial rise in water levels from both the soccer fields and the proposed Ice Complex may not allow the rowers to get under the bridge, limiting their ability to recreate on the lake. Flooding in other areas of the park will also increase, including Marine Avenue itself, limiting access to the recreational activities there.

B. Increased Stormwater Flow From Increased Impervious Surface Will Also Contribute Additional Pollutants To An Already Impaired Water Of The State.

In addition to the increase volume of water that the Ice Complex will create, runoff from the parking surfaces, the complex itself, and additional facilities on the proposed project site will also increase pollution in Creve Coeur Creek and Creve Coeur Lake. Creve Coeur Creek has experienced extensive losses of wetlands, riparian habitat, stream channelization, filling and piping of intermittent and ephemeral streams and other adverse impacts in the past and through continued urbanization pressures. It is already classified as “impaired” by the State of Missouri under Section 303(d) of the Clean Water Act for E. Coli, Chloride, and Low Dissolved Oxygen on the 2014 303(d) list, and as a “Metropolitan No-Discharge” stream under 10 CSR 20-7.031(7) & (Table F). According to the EA, the Ice Complex will drain through a basin, two canals, and piping into Creve Coeur Creek. The Creek flows into the Creve Coeur Lake approximately a thousand feet downstream from the point where the Ice Complex runoff will apparently enter it. Construction of the Ice Complex will add to the pollution of an already impaired stream and will also add to the pollution of a lake extensively used for recreation. This, too, counsel in favor of location the Ice Complex elsewhere.

C. Ice Hockey Rinks Have Specific Infrastructure That Poses Threats To Human And Environmental Health.

Finally, the ice rink infrastructure itself poses substantial threats to safety and the environment during inundation. Ice rink facilities employ a refrigerant system to maintain large ice sheets year round. Refrigeration chiller equipment systems contain elaborate mechanical chillers, chemicals, and piping. These systems increase the risk of water infiltration and power

outages due to flooding, enhancing dangers to people on the site and to the natural space in the surrounding park. Saturated land under the structure will also pose challenges to maintaining the system. Constructing the proposed project in Creve Coeur Lake Park would introduce safety concerns and hazards due to potential refrigerant system and equipment failures, flooding, or loss of electricity to the system. To date, the type of refrigerant proposed for the system has not been disclosed.

III. CONCLUSION

Thank you for the opportunity to comment on this proposal. If you have any questions, please contact me at 314-935-8760, or Ken Miller at 314-935-6368.

Sincerely,



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cc: National Park Service—Omaha Office (via U.S. mail)
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St. Louis County Parks and Recreation Department (via U.S. Mail)
Missouri Coalition for the Environment (via email)