Please note the Carver County Government is closed therefore the meeting will be held online.
PLEASE CONTACT DISTRICT ADMINISTRATOR, LINDA LOOMIS FOR DIRECTIONS ON HOW TO PARTICIPATE.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Lower Minnesota River Watershed District

7:00 PM

Wednesday, November 18, 2020

Carver County Government Center

602 East Fourth Street, Chaska, MN 55318

Agenda Item	Discussion
1. Call to order	A. Roll Call
2. Approval of agenda	
3. Citizen Forum	*Citizens may address the Board of Managers about any item not contained on the regular agenda. A maximum of 15 minutes is allowed for the Forum. If the full 15 minutes are not needed for the Forum, the Board will continue with the agenda. The Board will take no official action on items discussed at the Forum, with the exception of referral to staff or a Board Committee for a recommendation to be brought back to the Board for discussion or action at a future meeting.*
4. Consent Agenda	*All items listed under the consent agenda are considered to be routine by the Board of Managers and will be enacted by one motion and an affirmative vote of a majority of the members present. There will be no separate discussion of these items unless a Board Member or citizen request, in which event, the items will be removed from the consent agenda and considered as a separate item in its normal sequence on the agenda.* A. Approve Minutes October 21, 2020 Regular Meeting B. Receive and file October 2020 Financial reports C. Approval of Invoices for payment i. Daniel Hron - September & October office rent ii. Rinke Noonan, Attorneys at Law - August 2020 legal services iii. Star Tribune - Publication public hearing notice for levy certification iv. US Bank Equipment Finance - October 2020 payment on copier lease v. Friends of the MN River Valley - Support of River Watch program vi. Western National Insurance Company - Annual casualty insurance premium vii. HDR Engineering, Inc. - website maintenance viii. TimeSaver Off Site Secretarial - Preparation of August 2020 meeting minutes ix. Young Environmental Consulting Group - August 2020 technical services D. Receive and File letter from Friends of the Minnesota Valley
5. New Business/ Presentations	A. MAWD Annual Conference B. City of Burnsville - Trail Improvement Project

6. Old Business	A. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail - no new information to report since last update B. City of Carver Levee - no new information to share since last update C. Remote meeting participation - no new information to report D. Dredge Management i. Vernon Avenue Dredge Material Management site ii. Private Dredge Material Placement E. Watershed Management Plan F. 2021 Legislative Action G. Education & Outreach H. LMRWD Projects - See Administrator Report for project updates ***(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)*** i. Eden Prairie Study Area #3 - update I. Permits and Project Reviews - See Administrator Report for project updates ***(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)*** i. 77th Street Underpass ii. Amend LMRWD Permit 2020-123 iii. Texas Road House J. MPCA Soil Reference Values - No new information since last update
7. Communications	A. Administrator Report B. President C. Managers D. Committees E. Legal Counsel F. Engineer
8. Adjourn	Next meeting of the LMRWD Board of Managers is 7:00pm Wednesday, December 16, 2020

Upcoming meetings/Events

- UMWA - Thursday, November 19, 2020, 12:30pm to 1:30pm, contact District Administrator to join
- USACE River Resource Forum #118 - December 1, this meeting will be held virtually and has gone from a two day event to a one day meeting.
- MAWD Annual Conference - December 1st - 4th, 2020, Virtual conference
- Metro MAWD - Tuesday, January 19, 2020 7:00pm to 9:00pm

For Information Only

- **WCA Notices**
  - Notice of Application - No-loss application for Scott County/MnDOT delineation along Highway 13 in Savage
  - Notice of Decision - City of Bloomington, Springside Lane
  - Notice of Decision - City of Chanhassen, exemption for CenterPoint Energy utilities
  - Notice of Application - City of Shakopee, 6100 CR 101
- **DNR Public Waters Work permits**
  - City of Burnsville - Xcel Energy, amendment #3 to permit to allow for additional location for installation of riprap and increase the amount of riprap
  - City of Savage - Amendment to permit to allow for emergency dredging for Savage Riverport
- **DNR Water Appropriation permits**
  - None

Item 4A
LMRWD 11-18-2020

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Minutes of Regular Meeting
Board of Managers
Wednesday, October 21, 2020
Carver County Government Center, 602 East 4th Street, Chaska, MN 7:00 p.m.
Approved _____, 2020

1. **CALL TO ORDER AND ROLL CALL**
On Wednesday, October 21, 2020, at 7:00 PM, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD). The meeting was convened on-line due to the health emergency created by the COVID-19 pandemic.

President Hartmann asked for roll call to be taken. The following Managers were present: Manager Adam Frey, President Jesse Hartmann, Manager Dave Raby, and Manager Lauren Salvato. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC (YECG), Technical Consultant; John Kolb, Rinke Noonan, Attorneys at Law, Legal Counsel; Lindsey Albright, Dakota County Soil & Water Conservation District; and Steve Pany, Manager, Prior Lake Spring Lake Watershed District. Lisa Frenette of Frenette legislative advisors joined the meeting at 7:26 PM. In addition, one or two participants phoned in who were not identified. Carver Mayor Courtney Johnson and Carver City Manager Brent Mareck joined the meeting for a time. (Other callers joined the meeting by phone and were not identified.)

2. **APPROVAL OF THE AGENDA**
Administrator Loomis said she had no additions or changes to the agenda. Manager Raby noted the printed agenda indicated the August meeting minutes and financial reports were to be considered. Administrator Loomis said that was an error, it should be the September meeting minutes and financial reports. President Hartmann noted the items were correct in the on-line.

Manager Raby made a motion to approve the Agenda with the corrections he noted. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

3. **CITIZEN FORUM**
Administrator Loomis said that she did not receive communication from anyone who wished to address the Board.

4. **CONSENT AGENDA**
President Hartmann introduced the item.

   A. **Approve Minutes September 16, 2020 Regular Meeting**
   B. **Receive and file September 2020 Financial reports**

C. Approval of Invoices for payment

- **i. Frenette Legislative Advisors - August 2020 lobbying services**
- **ii. Metro Sales - payment on copier maintenance agreement**
- **iii. Rinke Noonan Attorneys at Law - July 2020 legal services**
- **iv. US Bank Equipment Finance - September 2020 payment on copier lease**
- **v. Daniel Hron - August 2020 office rent**
- **vi. Metro Conservation District - for 2020 Metro Children's Water Festival**
- **vii. TimeSaver Off Site Secretarial - for preparation of July 2020 meeting minutes**
- **viii. Young Environmental Consulting Group - For July 2020 technical services**

D. Receive and file response to LMRWD letter regarding passage of a bonding bill from Speaker of the House, Representative Melissa Hortman

Manager Raby made a motion to approve the Consent Agenda noting that the motion is approving the September meeting minutes and financial reports. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

5. NEW BUSINESS

A. There was no new business

6. OLD BUSINESS

A. Braun Cost Share

Administrator Loomis reminded the Board that this application was from a Master Water Steward, Dustin Braun, to install a cistern to capture storm water that he could then use to irrigate his yard and gardens. Mr. Braun asked for additional time to complete his project. Materials needed to complete the project were back-ordered and he says he will be able to finish the installation, but that the preparation of the video and educational outreach that were part of his application would not be ready by the deadline. He also asked if he could receive a portion of the grant payment to pay for his out of pocket expenses.

The Board discussed the appropriate amount to hold back and asked what the costs provided in his application were. Administrator Loomis told the Managers what was on the application

Manager Raby made a motion to extend the deadline for the Cost Share Grant to June 30, 2021 and to authorize payment of grant funds withholding $400 until completion of the project. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

B. Mueller Cost Share Application

Administrator Loomis said this application was tabled at the September meeting and the Board asked staff to investigate the possibility of including more properties and making it a larger project. The District reached out to the City of Bloomington, Hennepin County, US Fish & Wildlife Service and the University of Minnesota's Forestry Department to discuss using the site for a demonstration project. She informed the Board that a field inspection of the site was scheduled for October 20th, but had to be cancelled because of the weather. The site visit will be re-scheduled. No one was opposed to trying to create a demonstration project.

Administrator Loomis said she had contacted the applicant, Sandy Mueller, and explained the Board's direction. Ms. Mueller, while disappointed, is willing to help enlist her neighbors in order to address the entire slope.

C. City of Carver Levee

Administrator Loomis said a Resolution has been prepared for the Board to consider supporting the City's improvement to its levee. Administrator Loomis went through the conditions called out in the Resolution.

Manager Salvato made a motion to adopt Resolution 20-10 - Expressing Support for the City of Carver, Minnesota Levee Improvement Project. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

D. Remote meeting participation

No new information to report since last update.

E. Dredge Management

i. Vernon Avenue Dredge Material Management site

Administrator Loomis said there was not anything to add other than what was included in the Executive Summary. Ms. Della Young said that Construction was expected to be complete before the snow fall. She noted that finishing up was delayed because the site was wet.

Manager Raby asked if there would be a change order to the road. Ms. Young said that Manager Raby's understanding is correct; the wet site wouldn't support the loads and required a change to the type of material. The District has not been billed yet for any of the work, so we are not sure whether or not there will be an impact to the cost. Ms. Young noted that LS Marine needed to bring equipment onto the site in order to offload private dredge material and that impacted the contractor's productivity. She said she will be meeting with the construction manager to discuss the changes and verify the actual work done.

More information will be available at the next meeting.

ii. Private Dredge Material Placement

LS Marine began dredging private barge slips and placed material in the newly constructed cell. Equipment to remove dredge from the barges to place in the containment cell was brought to the site by way of the river and did temporarily interfere with construction.

F. Watershed Management Plan

There was nothing to report on this item.

G. 2020 Legislative Action

Lisa Frenette joined the meeting. Ms. Frenette reported that the Senate and the House met and passed a bonding bill. She said the bonding bill was an historic amount for the State of Minnesota. She said she expects to speak to District staff about money dedicated to LGUs for local roads and wetlands that was part of the bill. She said she is still working with others to get money for impoundments in the upper basin. No other environment bills were passed, as the Senate and House could not come to an agreement on any environment appropriations. So the language the LMRWD wanted to use money for Seminary Fen was not included in any bill.

Lisa reported on a conversation she and Administrator Loomis had with Kevin Bigalke of BWSR. They talked about shortfall the State may have next year. Mr. Bigalke urged the District to continue to request the full appropriation that District was given. He also supported use of funds to reduce sediment once dredge site costs have been met. He also indicated that BWSR

would continue to support the LMRWD request to use its appropriation to repay the cost of the Seminary Fen project.

Ms. Young had a question regarding the LMRWD being included in the flood hazard mitigation language in the bonding bill. Ms. Frenette explained that the language is a holdover from previous years flood hazard mitigation requests. She said she has been working with the Office of Management and Budget to clean-up the language to be more reflective of where the bonding funding will be spent.

Manager Salvato asked for clarification of the efforts for impoundments in the upper basin. Ms. Frenette clarified that she was referring to efforts in the Upper Minnesota River not the Mississippi. She explained that she has been working with Representative Torkelson and others to manage water flows in the Minnesota River throughout the Basin.

Manager Raby brought up the issue of sun-setting on MAWDs legislative agenda of the Resolution to create a MN River Basin Board or authority. Attorney Kolb said that the Board may want to just re-submit the 2015 resolution for consideration. Manager Raby agrees with that approach. Manager Salvato wondered if there is political will to create a basin authority. The Board discussed whether or not to resubmit the resolution to MAWD.

Manager Raby made a motion re-submit the 2015 MAWD Resolution request to MAWD for consideration. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

H. Education and Outreach Plan

Della Young explained that Managers should have received a notice about interviews for the video celebrating the LMRWD's 60th Anniversary. Shooting will occur outside at Murphy's Landing. Arrangements have been made to access an interior space, if weather does not cooperate. President Hartmann asked what is expected from the video. Ms. Young explained the goals. She said the theme is "the hardest working river in Minnesota". Manager Raby said he is back in Arizona and won't be able to participate. There was a brief discussion of music. Manager Salvato asked about time. Ms. Young said interviews will occur in the daytime and Managers will receive information about time from the director.

President Hartmann asked for an update on the CAC (Citizen Advisory Committee). Ms. Young said they have been working with other watershed district to gather information about how they recruit committee members and invited Manager Salvato to provide input when the CAC page is ready to go live on the website.

I. LMRWD Projects

(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)

i. Eden Prairie Study Area #3

Administrator Loomis provided an update to the Board. She said the 2010 study has been reassessed and updated investigation of the site has been completed. Staff recommends moving ahead with the preliminary and final design. Manager Raby noted concerns he has over this area have been going on for quite a long time and that the District is now planning to move ahead with design that may cost over to $200,000 and construction cost estimated at over $1,000,000. He questions moving forward to the design phase without going out to request proposals.

Della Young agreed with Manager Raby that the project has been sitting out there for a while. It came back to the forefront because readings from the inclinometers in 2019 showed that something was going on. The readings taken in 2019, showed some anomalies. A group of professionals involved with studying the area came together to discuss what might be going on. She noted some of the stalemate that has occurred with this project came from the back and forth with the City of Eden Prairie as to who is responsible for what. The erosion and the slope instability seem to begin at the River. The LMRWD has been looking for funds to advance the project and that is why we are now looking for this recommendation.

Administrator Loomis explained that the District has received questions from sources of funding about the ability of the LMRWD to follow through with the project if grant funds are provided. Manager Raby said he would feel more comfortable with the District going out for a request for proposal. He feels that the Board should not take the recommendations of these companies who developed this proposal, because it has been so many years and just say okay now you are approved to go ahead with the design. He wants to put it out there to see if there are proposals that may come forward and save the District money in the end.

Manager Raby made a motion to develop a request for proposal for preliminary design and design for bank stabilization at Study Area #3 in Eden Prairie. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

J. Project/Plan Reviews
(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)

ii. Memorial Park Pedestrian Bridge and Trail
Administrator Loomis explained that this project will replace a pedestrian bridge that is part of a trail system in the City of Shakopee. The bridge was damaged and removed after flooding in 2014. The trail is being re-aligned to avoid conflicts with cultural heritage sites in the park.

President Hartmann made a motion to approve permit #2020-116 for the Memorial Park Pedestrian Bridge and Trail in Shakopee. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

iii. Ridge Creek Park
Administrator Loomis explained that this project will re-meander a segment of the Prior Lake Outlet Channel in Shakopee. This project received funding through the Metro-area Watershed Based Funding Pilot Program. The goal of the project is to reduce sediment and phosphorus coming into Deans Lake.

President Hartmann made a motion to approve a permit 2020-099 for the Ridge Creek Park. The motion was seconded by Manager Raby. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann, Raby and Salvato; the following voted against: None.

K. MPCA Soil Reference Values - no change since last update

7. COMMUNICATIONS

A. Administrator Report: Administrator Loomis received a communication from former Manager Len Kremer about the Board decision to not join the petition requesting an EAW for the drainage project in the Yellow Medicine Watershed. She said she had not communicated the decision by the Board to the Izaak Walton League.

She had nothing additional to report other than what was contained in the report posted on line.

B. Managers: No Report
C. Committees: No report
D. Legal Counsel: No report
E. Engineer: No report

8. ADJOURN

At 8:14pm, President Hartmann made a motion to adjourn the meeting. Manager Raby seconded the motion. Upon a vote being taken the following voted in favor of the motion: Frey, Hartmann and Raby the following voted against: None.

The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, November 18, 2020 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

_____
Dave Raby, Secretary

Attest:

_____
Linda Loomis, Administrator

Lower Minnesota River Watershed District
General Fund Financial Report
Fiscal Year: January 1, 2020 through December 31, 2020
Meeting Date: November 18, 2020

(UNAUDITED)

Item 4.B.
LMRWD 11-18-20

BEGINNING BALANCE	**30-Sep-20**				**$ 2,280,041.15**
ADD:					
General Fund Revenue:					
2nd Half Tax Settlement from Dakota County			$	28,759.70	
Overstatement of Tax Settlement from Hennepin County			$	(0.16)	
Project review fee Gaughan permit #2020-0123			$	750.00	
Total Revenue and Transfers In					**$ 29,509.54**
DEDUCT:					
Warrants:					
426192	Daniel Hron	September 2020 office rent	$	650.00	
426215	Rinke Noonan Attorneys at Law	August 2020 legal services	$	1,690.50	
426221	Star Tribune	Legal notice for levy & budget	$	840.00	
426225	US Bank Equipment Finance	September 2020 copier lease payment	$	168.10	
426312	Friends of the Minnesota Valley	Support for MN River Watch	$	10,000.00	
426314	Daniel Hron	October 2020 office rent	$	650.00	
426345	Western National Insurance Co.	Annual Casualty Insurance Premium	$	8,211.00	
100013894	HDR Engineering, Inc.	Website maintenance	$	419.45	
100013913	Young Environmental Consulting	August 2020 technical services	$	73,903.55	
100013985	TimeSaver Off Site Secretarial	prep of August 2020 meeting minutes	$	254.50	
Journal Entry	Carver County Finance Department	Q3 2020 financial services	$	1,297.80	
Total Warrants/Reductions					**$ 98,084.90**
ENDING BALANCE	**31-Oct-20**				**$ 2,211,465.79**

Lower Minnesota River Watershed District
General Fund Financial Report
Fiscal Year: January 1, 2020 through December 31, 2020
Meeting Date: November 18, 2020

FY 2020

EXPENDITURES	2020 Budget	October Actual	YTD 2020	Over (Under) Budget
Administrative expenses	$ 250,000.00	$ 19,589.79	$ 160,343.10	$ (89,656.90)
Cooperative Projects				
Eden Prairie Bank Stabilization Area #3	$ 35,000.00	$ 1,062.38	$ 9,906.90	$ (25,093.10)
Gully Erosion Contingency Fund		$ 41,474.93	$ 66,315.94	$ 66,315.94
USGS Sediment & Flow Monitoring	$ 19,700.00	$ -	$ 10,091.50	$ (9,608.50)
Ravine Stabilization at Seminary Fen in Chaska	$ 55,200.00	$ -	$ -	$ (55,200.00)
Riley Creek Cooperative Project with RPBCWD	$ 74,565.67	$ -	$ -	$ (74,565.67)
Seminary Fen Ravine C-2	$ -	$ -	$ 97.50	$ -
509 Plan Budget				
Resource Plan Implementation				
Gully Inventory	$ -	$ -	$ 51,714.34	$ 51,714.34
TH 101 Shakopee Ravine	$ 35,000.00	$ -	$ -	$ (35,000.00)
Assumption Creek Hydrology Restoration		$ -	$ -	$ -
Carver Creek Restoration	$ 15,000.00	$ -	$ -	$ (15,000.00)
Groundwater Screening Tool Model	$ 50,000.00	$ -	$ -	$ (50,000.00)
MN River Floodplain Model Feasibility Study	$ -	$ -	$ -	$ -
Schroeder Acres Park SW Mgmt Project	$ 181,055.00	$ -	$ -	$ (181,055.00)
PLOC Realignment/Wetland Restoration	$ -	$ -	$ -	$ -
Spring Creek Project	$ -	$ -	$ -	$ -
West Chaska Creek	$ -	$ -	$ 162.50	$ 162.50
Sustainable Lakes Mgmt. Plan (Trout Lakes)	$ 50,000.00	$ -	$ 1,223.62	$ (48,776.38)
Geomorphic Assessments (Trout Streams)	$ 50,000.00	$ 6,527.54	$ 9,934.21	$ (40,065.79)
Fen Stewardship Program	$ -	$ 626.45	$ 77,137.46	$ 77,137.46
District Boundary Modification	$ -	$ -	$ -	$ -
E. Chaska Creek Bank Stabilization Project	$ -	$ -	$ 38,711.75	$ 38,711.75
E. Chaska Creek Treatment Wetland Project	$ -	$ -	$ -	$ -
MN River Sediment Reduction Strategy	$ -	$ -	$ -	$ -
MN River Fens - gap analysis	$ -	$ -	$ 762.20	$ 762.20
Dakota County Fen Management Study	$ 25,000.00	$ -	$ -	$ (25,000.00)
Local Water Management Plan reviews	$ 8,000.00	$ 1,279.85	$ 6,304.60	$ (1,695.40)
Project Reviews	$ 20,000.00	$ 11,363.46	$ 74,763.13	$ 54,763.13
Monitoring	$ 65,000.00	$ -	$ 12,484.36	$ (52,515.64)
Watershed Management Plan	$ 56,000.00	$ 812.50	$ 24,480.89	$ (31,519.11)
Public Education/CAC/Outreach Program	$ 30,000.00	$ 11,149.05	$ 22,267.75	$ (7,732.25)
Cost Share Program	$ 20,000.00	$ -	$ 5,992.25	$ (14,007.75)
Nine Foot Channel				
Transfer from General Fund	$ 80,000.00	$ -	$ -	$ (80,000.00)
Dredge Site Improvements	$ 315,000.00	$ 4,198.95	$ 9,332.20	$ (305,667.80)
Total:	$ 1,184,520.67	$ 98,084.90	$ 582,026.20	$ (762,935.07)

Friends of the Minnesota Valley
6601 Auto Club Road
Post Office Box 20697
Bloomington, MN 55420

FriendsMNValley@gmail.com

10/26/2020

Lower Minnesota Watershed District
Linda Loomis
112 E 5th St #102
Chaska, MN 55318

Date Paid: 10/9/2020

Amount: $10000

Dear Sir or Madam,

Members of the Board of Directors and staff of Friends of the Minnesota Valley would like to thank you for your gift in support of the River Watch program. Your gift will make it possible for the Friends to continue our efforts in the Minnesota River Watershed.

Founded in 1982, the Friends have been instrumental in protecting and restoring the Minnesota River with the financial support of caring people like you. Through our work, we will continue to develop partnerships that strengthen our commitment to restore the Minnesota River and its interconnected habitats. Expanding our network of citizen advocates throughout the Watershed is also a high priority. Your contribution is greatly appreciated and is fully tax deductible. We look forward to keeping you up to date on our progress of serving the Minnesota River and the members of our organization!

Sincerely,

Ted L. Suss, Executive Director

Friends of the Minnesota Valley

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, November 18, 2020

Agenda Item
Item 5. A. - MAWD Annual Conference

Prepared By
Linda Loomis, Administrator

Summary
The MAWD Annual Conference is scheduled to be held virtually December 1 - 4, 2020. The Board will need to appoint its delegates to represent the LMRWD at the Annual Meeting at 9:00am on December 4, 2020. MAWD Member meeting materials are attached.

I spoke with MAWD Executive Director, Emily Javens, regarding the expiration of the LMRWD resolution adopted in 2015. She said she would consult the MAWD Board about our request to keep it. I updated the resolution the LMRWD submitted in 2015 and sent it to Emily. She replied to me on Thursday, November 12th that the Board agreed to add our resolution the resolutions hearing. I have attached the resolution that I sent to MAWD

Attachments
MAWD Annual meeting materials

- Notice of Annual and Regional Meetings
- Delegate appointment form
- Proposed Fiscal Year 2021 Budget
- Resolutions Hearing Packet

LMRWD 2020 Resolution

Recommended Action
Motion to appoint delegates to MAWD Annual meeting

Minnesota Association of Watershed Districts, Inc.
2020 Annual Convention and Trade Show
December 1-4, 2020
HELD VIRTUALLY

Member Meeting Materials

Enclosed are the following items:

1. Notice of Annual and Regional Meetings
2. Delegate Appointment Form – please submit names using this form
3. Proposed Fiscal Year 2021 Budget
4. Resolutions Hearing Packet

This packet has been distributed to administrators via email. **Administrators – please distribute copies to your board members.** No paper copies of this packet will be sent via the U.S. Postal Service.

Note: a full meeting packet, including an agenda, previous meeting minutes, reports, and instructions for voting and accessing the meeting will be distributed to watershed administrators no later than one week prior to the Annual Meeting.

We are looking forward to seeing you online at this year's convention!

Minnesota Association of Watershed Districts, Inc.
www.mnwatershed.org

MN Association of Watershed Districts, Inc.
2020 Annual and Regional Meeting Notice

Date of Notice: November 2, 2020

NOTICE IS HEREBY GIVEN that the 2020 Regional Meetings of the Minnesota Association of Watershed Districts, Inc. will be held virtually, beginning at 5:00 p.m. on Wednesday, December 2, 2020 for the purpose of electing three members to the MAWD Board of Directors, one from each region, for terms ending in 2023.

NOTICE IS HEREBY GIVEN that the 2020 Annual Meeting of the Minnesota Association of Watershed Districts, Inc. will be held virtually, beginning at 9:00 a.m. on Friday, December 4, 2020 for the following purposes:

1. To receive and accept the reports of the President, Secretary, and Treasurer regarding the business of the association of the past year;
2. To receive the report of the auditor;
3. To consider and act upon the Fiscal Year 2021 budget;
4. To consider and act upon proposed resolutions;
5. To consider and act upon any other business that may properly come before the membership.

Sincerely,

Ruth Schaefer
MAWD Secretary

NOTE: Instructions on how to access the virtual meetings will be provided one week before the meeting.

Minnesota Association of Watershed Districts, Inc.
www.mnwatershed.org

MN Association of Watershed Districts, Inc.
2020 Delegate Appointment Form

The _____ hereby certifies that it is
name of watershed organization
a watershed district or watershed management organization duly established and in good standing pursuant to Minnesota Statutes 103B or 103D and is a member of the MN Association of Watershed Districts, Inc. (MAWD) for the year 2020.

The _____ hereby further certifies
name of watershed organization
the following individuals have been appointed as delegates, or as an alternate delegate, all of whom are managers in good standing with the organization.

Delegate #1: _____
Name Email Address

Delegate #2: _____
Name Email Address

Alternate: _____
Name Email Address

Authorized by: _____
Signature **Date**

_____
Title

Minnesota Association of Watershed Districts
Statement of Financial Position
October 1, 2019 through September 30, 2020

Prepared 9/16/2020
Modified 10/29/2020

	FY2021	FY2020	FY2020	FY2019	FY2018
		Oct'19-Sep'20	Oct '19-Sep '20	Oct '18-Sep '19	Oct '17-Sep '18
INCOME	**Budget**	**BUDGET**	**FY 2020 ACTUAL**	**FY 2019 ACTUAL**	**FY2018 ACTUAL**
Dues - Watershed District Members	224,673	221,500	221,482	214,668	218,421
Dues - Associate Members (WMOs)	15,000	2,500	2,000	2,000	
Annual Convention					
Annual Meeting Registrations	53,400	55,000	71,200	57,525	59,129
Annual Trade Show and sponsorships	32,340	40,000	43,120	43,700	21,655
Pre Conference Workshop: Drainage	9,263	6,500	12,350	13,430	6,800
Pre Conference Workshop: Administration	1,725	2,400	2,300	0	2,550
Pre Conference Workshop: Managers	2,468	2,400	3,290	0	2,295
Annual Meeting - Other/Prior Year	0	0	5,747		
Legislative Day at the Capitol	8,000	8,000	0	6,275	8,185
Summer Tour	26,250	18,000	0	18,100	18,891
MAWD Workshops	2,500	2,500	0	0	0
Interest	100	100	43	51	77
TOTAL REVENUES	**375,718**	**358,900**	**361,532**	**355,749**	**338,003**
EXPENSES					
Administration & Program Management					
General Administration - Staff	69,800	67,500	66,147	62,099	70,747
Benefits /Taxes for Salaried Employees	30,000	30,000	24,028	21,348	15,069
Administrative and Communications Support - Contract	21,000	20,000	5,200	0	
Event Management - Contract	33,600	32,000	32,001	39,753	48,835
Legislative Affairs					
Lobbying - Staff (includes Administrative Lobbying)	31,500	30,000	29,028	29,926	
Lobbying - Contracted Services	42,000	40,000	40,000	40,258	48,251
Lobbyist Expenses	1,000	1,000	259	1,174	1,395
Professional Services					
Legal Fees	2,000	2,000	208	0	1,377
Accounting and Audit Fees	8,500	8,000	8,050	6,850	4,650
Insurance	1,800	1,800	1,963	1,783	1,645
Office Expenses					
Rent	4,800	4,800	4,800	3,200	2,400
Mileage and General Office Expenses	11,250	11,250	6,723	11,741	11,965
Dues, Other Organizations	750	500	385	440	
Other Special Items	2,500				
Memorials	250	250	0	0	50
Board and Committee Meeting					
Per Diems and Expenses - Directors	20,000	20,000	18,504	14,100	16,448
Board and Committee Meeting Expenses	1,000	1,000	121	774	1,081
Special Projects					
WD Handbook, Surveys, rebranding, etc	10,000	6,000	0	0	
Education and Events					
Annual Convention					
Annual Meeting	25,000	45,000	49,734	44,640	45,073
Annual Trade Show		5,000	411	3,270	8,631
Pre Conference Workshop: Drainage		4,000	0	3,967	2,871
Pre Conference Workshop: Administration		1,200	149	1,140	587
Pre Conference Workshop: Managers		1,500	0	1,445	1,754
Legislative Breakfast	5,500	5,500	789	5,133	6,246
Summer Tour	25,450	12,500	0	7,795	9,483
Credit Card Processing Fees	4,000	3,700	3,914	4,042	3,020
Special Workshops	2,500	2,500	0	0	
TOTAL EXPENSES	**354,200**	**357,000**	**292,415**	**304,877**	**301,578**
REVENUES OVER (LESS THAN) EXPENSES	**21,518**	**1,900**	**69,117**	**50,872**	**36,425**
STATEMENT OF NET POSITION					
Assets, Cash and Equivalents, actual			325,921	323,522	217,704
Deposits received - deferred, prepaid expenses			962	(54,109)	
Liabilities, accounts payable, taxes payable			(23,369)	(35,185)	(34,352)
ENDING NET ASSETS			**303,514**	**234,228**	**183,352**

Resolutions Hearing Packet

DATE: November 2, 2020

TO: MAWD members

FROM: MAWD Board and Resolutions Committee

RE: Resolutions Hearing

The Resolutions Committee met online at 2 p.m. on Friday, September 18, 2020 to review the resolutions submitted by MAWD members this year. There were six resolutions: one was a renewal of a resolution that was set to expire, two were repeats from last year, and 3 were new. The MAWD Board recommended two resolutions at their board meeting on September 25th meeting that were reviewed by the committee via email. The committee feedback is summarized in the table below and are discussed further after each resolution. Members (2 delegates from each watershed organization) will vote on the resolutions at the annual business meeting on December 4, 2020.

As a reminder, the objective of the resolutions committee is to complete the following tasks:

1. Determine if any proposed resolutions are duplicative of current policy. If so, they should not be forwarded to the members for a vote at the annual meeting.
2. Determine if any resolutions are so similar that they should be combined into one. If so, MAWD staff will work with the watersheds who submitted the resolutions to rewrite them into one resolution.
3. Determine if the "THEREFORE, BE IT RESOLVED" statements are written in a way that directs HOW or WHEN to do the work. If so, the committee should propose new language that simply states what the organization supports or opposes.
4. Debate the merits of each resolution and make recommendations to the membership on whether each resolution should be adopted or rejected. A summary committee position is forwarded to members with the resolutions. Note: the committee is not responsible to determine if MAWD resources are to be allocated for an issue. The committee only recommends whether the resolution fits the mission of MAWD and its members. If a resolution is adopted as MAWD policy, it just means we support the idea. It is up to the MAWD Board to determine how much time, money, and energy is put behind each area.

Resolutions Committee Recommendations

#	Resolution Title	Committee Recommendation
1	Creating an Easier Appeals Process for Corrections to the Public Waters Inventory	Support
2	Limiting Wake Boat Activities that Directly Cause Shoreline Erosion and Spread Aquatic Invasive Species	Oppose – voted down Dec 2019
3	Banning the Use of Carcinogenic Pesticides and Herbicides on Residential and Commercial Lawns	Oppose – voted down Dec 2019
4	Requiring Soil Health Goals in Watershed Management Plans and Ten-Year Plan Amendments	Oppose – one size doesn't fit all
5	Limiting Excessive Use of Groundwater for the Purpose of Watering Urban and Suburban Landscapes During the Summer Months	Oppose – one size doesn't fit all
6	Permitting Water Storage on Wetlands Controlled by the DNR During Major Flood Events	Support
7	Watershed Districts Agriculture Drainage Bond Funding	Support
8	Watershed-Based Implementation Funding through Coordinated Comprehensive Watershed Plans	Support

BACKGROUND INFO on MAWD RESOLUTION 2020-01

Creating an Easier Appeals Process for Corrections to the Public Waters Inventory

Proposing District: Upper Minnesota River WD
Contact Name: Amber Doschadis
Phone Number: 320-839-3411
Email Address: Amber.Doschadis@midconetwork.com

Background that led to submission of this resolution:
Public waters are all water basins and watercourses that meet the criteria set forth in Minnesota Statutes, Section 103G.005, subd. 15 that are identified on Public Water Inventory maps authorized by Minnesota Statutes, Section 103G.201**.**

The MN DNR website states the following regarding corrections to the inventory-

> *"Anyone who wants to challenge inclusion of a watercourse segment in the public waters inventory should provide documentation that the watercourse in question did not meet the definition of a public water at the time of the inventory. This information should be submitted to DNR's area hydrologist, along with a request to remove the watercourse segment from the public waters inventory.*
>
> *DNR will review the information provided, along with information from our public waters designation files and other relevant information (e.g., aerial photographs, USGS maps, original land survey information). We will determine if the public watercourse segment being challenged was designated in error.*
>
> *If we determine the watercourse segment was designated in error we will remove it from the public water inventory and buffer protection map. If we determine it was correctly designated a public water, it will remain in the public water inventory and on the buffer protection map. Those who request removal of waters from the public waters inventory will be informed of DNR's decision and will be given our reasons for the decision."*

We submit this resolution to show our support for future legislation that would provide landowner's with a more formal process to appeal DNR's decision including the right to fair representation in a process such as a contested case proceeding which would allow landowners an option to give oral arguments or provide expert witnesses for their case.

Ideas for how this issue could be solved:

Anticipated support or opposition from other governmental units?

This issue is of importance (Check one):

To the entire State:	X
Only our Region:	
Only our District:	

MAWD RESOLUTION 2020-01

Creating an Easier Appeals Process for Corrections to the Public Waters Inventory

WHEREAS, the Public Water Inventory (PWI) maps were created in the late 1970s when the best topographical information available were USGS topographic maps with 10' contour lines; and

WHEREAS, today's technology more accurately predicts the flow of water by utilizing maps with one-foot contours lines; and

WHEREAS, the PWI incorrectly classifies some land as meeting (and conversely not meeting) the definition of public water in MN Statute 103G.005; and

WHEREAS, in some circumstances, incorrect classifications require some land to be set aside in 50' buffers when 16.5' buffers would be adequate; and

WHEREAS, there is no mechanism to update errors made by analyzing drainage patterns determined using the 10' contour maps.

THEREFORE, BE IT RESOLVED that MAWD supports legislation that would provide landowners with a more formal process to appeal decisions made by the DNR regarding the designation of public waters including the right to fair representation in a process such as a contested case proceeding which would allow landowners an option to give oral arguments or provide expert witnesses for their case.

Notes: The resolutions committee recommends adoption of this resolution.

BACKGROUND INFO on MAWD RESOLUTION 2020-02

Limiting Wake Boat Activities that Directly Cause Shoreline Erosion and Spread Aquatic Invasive Species

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Claire Bleser, Administrator
Phone Number: 952-607-6512
Email Address: cbleser@rpbcwd.org

Background that led to submission of this resolution:
Riley Purgatory Bluff Creek Watershed District seeks to address erosion and shoreland health challenges through the water quality strategies included in its 2018 10-Year Watershed Management Plan, issues that fall within one of the plan's primary focus areas: improving and protecting water quality. In its Watershed Management Plan, the District maintains that healthy shoreland areas are a key element of healthy hydrologic systems and provide habitat to support wildlife viability. Shoreland benefits can be compromised by erosion and sedimentation, among other resource threats. The District seeks to minimize the negative impacts of erosion and sedimentation – decreasing water depth, degrading water quality, smothering of fish and wildlife habitat – that result in major contributions to water pollution, recognizing that erosion and sedimentation are often accelerated by human activities. The District also seeks to minimize the spread and reduce the adverse ecological impacts of aquatic invasive species (AIS).

Public groups and the scientific community have observed water quality issues, including scouring of lake bottoms by boat waves, sediment disturbance and damage to aquatic plants, damage to shoreline areas, and negative impacts to aquatic animals, that are linked to the large wakes created by wake boats on lakes. The current design of many wake boat ballast tanks does not enable the tanks to be completely drained or fully decontaminated, presenting an additional concern about transport of AIS. While most of the discussion has focused on wake boats, the same issues may arise with any water craft designed or operated in a manner to create wakes larger than wakes created by ordinary boats, including but not limited to boats with ballast, fins, trim tabs, or similar design features.

A 2019 University of Minnesota Aquatic Invasive Species Research Center study showed that that large volume water holding ballast tanks of wake boats, which have the capacity to take on the most water of similar recreational boats, provide zebra mussels and larvae the greatest opportunity for inter-lake transport. These boats are not designed to fully drain all ballast tank water.[1]

A 2018 report from the Oregon State Legislature summarizes studies on the various effects of wake boats, noting that boat speed is a primary factor in influencing wave size.[2] Also cited in this report is a report by the Scientific and Technical Advisory Committee to the Chesapeake Bay Program that demonstrates a positive correlation between the size of boat wakes and the extent of shoreline erosion as well as sediment resuspension and nearshore turbidity.[3]

A report to the City Council of Prior Lake, Indiana assesses environmental impacts from high speed boats on the state's lakes. The report summarizes studies focused on ecological impacts caused by waves, including shore and bank erosion, decreased water clarity, water quality degradation, and harm to aquatic plant and animal species. Shallow waters feel

[1] Dave Orrick. (2019) Zebra Mussel's Best Friend: Wakeboard Boats, New U Study Finds. Livewell also Tested. Accessed through the Minnesota Aquatic Invasive Species Research Center (MAISRC), https://www.maisrc.umn.edu/news/wakeboards.

[2] Item E: Staff report on safety around wake sports statewide. (2018) Oregon State Legislature. Available online: https://olis.leg.state.or.us/liz/2018R1/Downloads/CommitteeMeetingDocument/144261.
See also Sara MercierBlais & Yves Prairie. (2014) Project evaluation of the impact of the waves created by the type of boats wakeboat on the shores of Lake Memphremagog and Lovering; Ruprecht, Glamore, Cogland. (2015) Wakesurfing: Some Wakes are More Equal than Others. Available online: https://www.researchgate.net/publication/294799932_Wakesurfing_Some_Wakes_are_More_Equal_than_Others.

[3] Id. See also USDA NRCS. (1997) Slope Protection for Dams and Lakeshores: Minnesota Technical Note 2 (reviewing shoreline erosion processes and causes).

the most direct impacts of boat wakes, as well as shoreline areas adjacent to less than 1,000 feet of open water, making near-shore habitat where water depth is approximately 10 feet or less– the littoral zone—the most important to protect.[4]

In spring 2019, Vermont considered legislation presented in Senate Bill 69 "to restrict or prohibit the use of wake boats in certain public waters."[5] The bill as introduced proposes to limit wake boat speed within 200 feet of shoreline, imposing a $500 fine per violation, and proposes to restrict use of wake boats in certain public waters based on the size of the water body, the use of adjacent land, scenic beauty, or other recreational factors.[6] While the bill did not progress in the 2019 session, it may be re-introduced during a future session.

Ideas for how this issue could be solved:
We have identified three potential concurrent solutions:

1. Limiting wake boats to areas of lakes sufficiently distanced from shorelines to allow boat-generated waves to adequately dissipate and lessen energy before coming into impact with lake shorelines; and

2. Banning wake boats wakes in shallow lake areas where waves created by wake boats detrimentally impact sediment, aquatic vegetation, and aquatic habitat; and

3. Requiring wake boats to be designed, and existing boats to be modified, to enable complete drainage and decontamination of ballast tanks to stop the spread of AIS.

Anticipated support or opposition from other governmental units?
Minnesota DNR is already engaged in an education campaign, "Own Your Wake – for Everyone's Sake," encouraging responsible boat use near shorelines. DNR also actively promotes state AIS law, requiring boat ballast tanks to be emptied by a shoreline or waterway before being transported. We anticipate seeking DNR support for and leadership of legislation reflecting joint ideas of how to solve issues caused by wake boating.

This issue is of importance (Check one):

To the entire State: X
Only our Region: _____
Only our District: _____

[4] City of Prior Lake, Agenda Item #16. Information Item: A review of environmental impacts from high speed boats on Indiana's public freshwater lakes; Administrative Cause no. 10-029V. Available online: https://www.cityofpriorlake.com/documents/WSUM/info17.pdf.
[5] Bruce Durgin. (2019) Wakeboard Boats Believed to Damage Lakes. The Federation of Vermont Lakes and Ponds. Available online: http://vermontlakes.org/wp-content/uploads//FOVLAP-Newsletter-Spring-2019-Final-digital.pdf
[6] Vermont Legislature (2019). Bill as Introduced: S.69. Available online: https://legislature.vermont.gov/Documents/2020/Docs/BILLS/S-0069/S-0069%20As%20Introduced.pdf

2020 MAWD RESOLUTION 2020-02

Limiting Wake Boat Activities that Directly Cause Shoreline Erosion and Spread Aquatic Invasive Species

WHEREAS, watershed districts engage in conserving the state's natural resources "by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources." Minn. Stat. 103D.201, subd. 1;

WHEREAS, wake boats driven in Minnesota lakes result in scouring of lake bottoms, disturbance of lake sediment and damage to aquatic plants, erosion of lake shoreline, disturbance of and damage to aquatic animals, and transfer of water in boat ballast tanks – many of which are not designed to drain completely or to be decontaminated – that results in transfer of aquatic invasive species (AIS) among Minnesota lakes;

WHEREAS, opportunities to limit the water quality impacts of wake boats include: restricting where within and in what waterbodies wake boats are allowed; defining the depth of water in which wake boats are allowed to create a wake; and requiring wake boats to be designed, and existing boats to be modified, to enable complete drainage and decontamination of ballast tanks to stop the spread of AIS; Whereas the Minnesota Department of Natural Resources is engaged in an education campaign, "Own Your Wake - for Everyone's Sake," encouraging responsible boat use near shorelines, and also actively promotes state AIS law, requiring boat ballast tanks to be emptied by a shoreline or waterway before being transported;

WHEREAS, the University of Minnesota's St. Anthony Falls Laboratory plans to measure the height and energy of waves generated by wakesurfing boats and other large watercraft, as well as the turbulence created by propellers, to provide insight into the impact of wakesurfing boats on Minnesota lakes and shorelines;

WHEREAS, other states have begun to regulate wake boat minimum distance from shoreline requirements and limit in what water bodies wake boating may take place; these regulations can serve as guidelines for regulations in Minnesota;

THEREFORE, BE IT RESOLVED that MAWD supports legislation:

a) limiting wake boating to areas of lakes sufficiently distanced from shorelines to allow boat generated waves to adequately dissipate and lessen energy before coming into impact with lake shorelines;
b) banning wake boats wakes in shallow lake areas where waves created by wake boats detrimentally impact sediment, aquatic vegetation, and aquatic habitat; and
c) requiring new and existing wake boats to be able to completely drain and decontaminate their ballast tanks.

Notes: The resolutions committee recommends RPBCWD withdraw the resolution since members voted this down less than one year ago and no substantial changes were made since that time. They oppose the resolution.

BACKGROUND INFO on MAWD RESOLUTION 2020-03
Banning the Use of Carcinogenic Pesticides and Herbicides on Residential and Commercial Lawns

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Claire Bleser, Administrator
Phone Number: 952-607-6512
Email Address: cbleser@rpbcwd.org

Background that led to submission of this resolution:
Riley Purgatory Bluff Creek Watershed District seeks to address groundwater health challenges through the strategies included in its 2018 10-Year Watershed Management Plan to promote the sustainable management of groundwater resources. The District recognizes that groundwater can be contaminated by fertilizer and pesticide applications, and that surface water and groundwater resources are interdependent. (10-Year Plan, 2.3.6.2, 2-21). While these relationships are challenging to quantify, contaminated water from one source can impact the water quality of the other. The District is focused on prevention of groundwater contamination through best management practices, recognizing that groundwater clean-up, when feasible, is both expensive and complex.

Pesticides and herbicides used on both commercial and residential lawns have been linked to human health problems, and some studies have connected pesticides and herbicides with carcinogenic properties, including promotion of tumors.[7] A variety of pesticide and herbicide products pose health concerns, and some pesticides include known endocrine-disrupting compounds that affect how natural hormones function in the body and interfere with the body's regulation of the endocrine system.[8]

There are two primary pathways to pesticide and herbicide exposure, both directly and via drinking water through groundwater contamination. Contaminated surface water moving through the soil carries pollutants into groundwater resources, resulting in an underground plume of polluted groundwater that may become unsuitable for drinking water.[9] In Minnesota, pesticides shown to disrupt hormone activity have been detected in surface waters.[10]

Some municipalities in Canada have restricted pesticide use for aesthetic purposes, including on golf courses, due to health effects concerns including the relation between surface-applied pesticide exposure and occurrence of cancer.[11] A 2006 study reviewing medical literature on herbicide and pesticide exposure notes that "the balance of epidemiological research suggests the 2,4-D [a common herbicide used to kill weeds in grass] can be persuasively linked to cancers, neurological impairment and reproductive problems. These may arise from 2,4-D itself, from breakdown products or dioxin contamination, or from a combination of chemicals."[12] The University of Texas MD Anderson Cancer Center also notes that, although evidence is limited, the International Agency for Research on Cancer linked certain herbicides, such

[7] Dich, J., Zahm, SH, Adami, HO. (1997). Pesticides and Cancer. Cancer Causes Control. May; 8(3), 420-43.

[8] Swackhamer, D. et al. (2010). Understanding Sources of Aquatic Contaminants of Emerging Concern. LCCMR Project Addendum. Available online: https://www.lccmr.leg.mn/documents/peer_review/2010/addendums/subd_5a_swackhamer_v1.pdf.

[9] See Joyce Latimer, Mike Goatley, Greg Evanylo, Bonnie Appleton. (2009). Groundwater Quality and the Use of Lawn and Garden Chemicals by Homeowners. Virginia Tech and Virginia State University: Virginia Cooperative Extension. Available online: https://www.pubs.ext.vt.edu/426/426-059/426-059.html.

[10] Swackhamer, D. et al. (2010). Understanding Sources of Aquatic Contaminants of Emerging Concern. LCCMR Project Addendum. Available online: https://www.lccmr.leg.mn/documents/peer_review/2010/addendums/subd_5a_swackhamer_v1.pdf.

[11] Loren D. Knopper & David R.S. Lean. (2010) Carcinogenic and Genotoxic Potential of Turf Pesticides Commonly used on Golf Courses. Journal of Toxicology and Environmental Health, Part B. Vol. 7, 2004: 4, 267-279. Available online: https://www.tandfonline.com/doi/full/10.1080/10937400490452697?scroll=top&needAccess=true.

[12] Meg Sears, C. Robin Walker, Richard HC van der Jagt, Paul Claman. (2006) Pesticide assessment: Protecting public health on the home turf. Pediatrics & Child Health, vol. 11: 4, 229-234. Available online: https://academic.oup.com/pch/article/11/4/229/2648275.

as those containing glyphosate (2,4-D) with an increased risk of cancer.[13] According to the non-profit group Beyond Pesticides, of the 36 most commonly used lawn care pesticides registered prior to 1984, "14 are probable or possible carcinogens, 15 are linked with birth defects, 21 with reproductive defects, 24 with neurotoxicity, 22 with liver or kidney damage, and 3 are sensitizers and/or irritants."[14] Additionally, "[a] child in a household using home and garden pesticides is 6.5 times more likely to develop leukemia than in a home that does not." A 2012 National Institute of Health study of companion animals exposed to lawn care products demonstrated an association between use of specific law care products and a greater risk of canine malignant lymphoma.[15]

Ideas for how this issue could be solved:

We have identified one potential solution:

1. Ban the use of carcinogenic pesticides and herbicides on residential and commercial lawns and encourage adoption of alternatives such as PRFCT lawns.

Anticipated support or opposition from other governmental units?

Minnesota Department of Health lists pesticides as a chemical of special concern to children's health and many be interested in partnering on legislation. The Minnesota Department of Agriculture offers voluntary turfgrass pesticide use Best Management Practices "to bring awareness to homeowners and lawn care companies on proper and judicious use of pesticides for homeowners, lawn care companies, and gold course managers to help protect water resources, humans, and non-target organisms including pollinators." These BMPs include using non-chemical pest control methods.

This issue is of importance (Check one):

To the entire State: X
Only our Region: _____
Only our District: _____

[13] Kellie Bramlet. (2016) Lawn Care and Your Cancer Risk. University of Texas MS Anderson Cancer Center. Available online: https://www.mdanderson.org/publications/focused-on-health/lawncare-cancer-risk.h26Z1590624.html.

[14] Beyond Pesticides. Commonly Asked Questions About Chemical Lawn Care. Available online: https://www.beyondpesticides.org/programs/lawns-and-landscapes/overview/faq-chemical-lawn-care.

[15] Takashima-Uebehlhoer BB, Barber LG, Zagarins SE, Procter-Gray E, Gollenberg AL, Moore AS, Bertone-Johnson ER. (2012) Household chemical exposures and the risk of canine malignant lymphoma, a model for non-Hodgkin's lymphoma. 112:171-176. Available online: https://www.ncbi.nlm.nih.gov/pubmed/22222006.

MAWD RESOLUTION 2020-03

Resolution to Ban the Use of Pesticides and Herbicides that are Known Carcinogens on Residential and Commercial Lawns

WHEREAS, watershed districts engage in conserving the state's natural resources "by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources." Minn. Stat. 103D.201, subd. 1;

WHEREAS, human and environmental health concerns arise from the use of health harming and potentially carcinogenic pesticides and herbicides on commercial and residential lawns because surface application exposes humans and animals to potential carcinogens, and surface water carries pesticide and herbicide pollution through soil and into groundwater sources that can affect drinking water and environmental health;

WHEREAS, eliminating the use of specific pesticides and herbicides on lawns will reduce surface interaction with these health-harming, potential carcinogens, and limit their entry into groundwater; and

WHEREAS, the Minnesota Department of Health lists pesticides as a chemical of special concern to children's and the Minnesota Department of Agriculture promotes turfgrass pesticide use BMPs including using non-chemical pest controls.

THEREFORE, BE IT RESOLVED that MAWD supports legislation banning the use of carcinogenic pesticides and herbicides on residential and commercial lawns.

Notes: The resolutions committee recommends RPBCWD withdraw the resolution since the members voted this down less than one year ago and no substantial changes were made since that time. They oppose the resolution.

BACKGROUND INFO on MAWD RESOLUTION 2020-04
Requiring Soil Health Goals in Watershed Management Plans and Ten-Year Plan Amendments

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Claire Bleser, Administrator
Phone Number: 952-607-6512
Email Address: cbleser@rpbcwd.org

Background that led to the submission of this resolution:
Riley Purgatory Bluff Creek Watershed District seeks to address the decline of soil health, "the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans,"16 and the closely related negative impacts to water quality, due to the spread of impervious surfaces and general compaction of urbanized soils.

Excessive rainfall and resultant flooding, threatening food security, public health, and natural resources, are anticipated as rainfall amounts continue to increase. Soil organic matter is a known effective antidote to the negative water resources impacts of soil erosion and flooding that accompany increased rainfalls.17 For example, a 1% increase in soil organic matter has the ability to hold 20,000 gallons of additional water per acre. Increasing the organic carbon content in soil significantly benefits water quality, along with the public health more broadly.18 Healthy soils contain "a diverse population of beneficial organisms, high levels of decomposed organic matter, low levels of toxic compounds, adequate (rather than excessive) levels of nutrients, a sufficiently porous surface, and good tilth."19

According to the Natural Resources Conservation Service,

> "Soil helps control where rain, snowmelt, and irrigation water goes. Water and dissolved solutes flow over the land or into and through soil... The minerals and microbes in soil are responsible for filtering, buffering, degrading, immobilizing, and detoxifying organic and inorganic materials, including industrial and municipal by-products... Soil structure provides a medium for plant roots."[20]

Currently, Minnesota Rule 8410.0800 lists required goals for water management plans and ten-year plan amendments, including for water quantity, water quality, public drainage systems, groundwater, and wetlands. Missing from this list of required goals is soil health.

Minnesota Statutes Section 103B.231, subd. 4(c) states:

> (c) The [metropolitan watershed management] plan shall contain the elements required by subdivision 6. Each element shall be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 103B.205 to 103B.255, considering the character of existing and anticipated physical and ***hydrogeologic conditions***, land use, and development and the severity of existing and anticipated water management problems in the watershed. [emphasis added.]

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[16] Natural Resources Conservation Service - Soils. Soil Health. USDA. *Available online*: https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/.
[17] *See* Desai, Danika. 2018. Soil Conservation in California: An Analysis of the Healthy Soils Initiative. NYU Environmental Law Journal. *Available online*: https://www.nyuelj.org/2018/02/soil-conservation-in-california-an-analysis-of-the-healthy-soils-initiative/
[18] Bryant, Lara. 2015. Organic Matter Can Improve Your Soil's Water Holding Capacity. NRDC. *Available online*: https://www.nrdc.org/experts/lara-bryant/organic-matter-can-improve-your-soils-water-holding-capacity.
[19] *Id*.
[20] Natural Resources Conservation Service - Soils. Soil Health. USDA. *Available online*: https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/.

Section 103B.231, subd. 4(c) provides a statutory basis for revising Minnesota Rule 8410.0080 to include soil health goals in watershed management plans, given the hydrogeologic connection between soil health and impervious surface water runoff and compaction of urbanized soils;

Ideas for how this issue could be solved:

Ask the Minnesota Board of Water and Soil Resources to amend Minnesota Rule 8410.0080 to include a goal for soil health in watershed management plans and ten-year plan amendments. A metropolitan watershed district would then be required to include soil health in its watershed management plan or ten-year plan amendment, and to implement policies to assess, protect, and restore soil health within the district.

Anticipated support or opposition from other governmental units?

This issue is of importance (Check one):

To the entire State: X
Only our Region: _____
Only our District: _____

MAWD RESOLUTION 2020-04
Requiring Soil Health Goals in Watershed Management Plans and Ten-Year Plan Amendments

WHEREAS, watershed districts engage in conserving the state's natural resources "by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources." Minn. Stat. 103D.201, subd. 1;

WHEREAS, soil health, "the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans,"[21] is connected to the health of water resources, specifically water quality, and soil health has declined in urbanized areas due to the spread of impervious surface and the general compaction of urbanized soils; further, improving soil organic matter in soil can significantly help to absorb additional water due to excessive rainfall, reducing erosion and flow rates to water resources;

Whereas Minnesota Rule 8410.0060 includes soil inventory as a required element of a metropolitan watershed plan, but Minnesota Rule 8410.0080, listing goals to be included in watershed management plans and ten-year plan amendments, does not include soil health among the listed goals of water quantity, water quality, public drainage systems, groundwater, and wetlands;

Whereas Minnesota Statutes Section 103B.231, subd. 4(c) provides a statutory basis for revising Minnesota Rule 8410.0080 to include soil health goals in watershed management plans by providing that watershed management plans consider "the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated water management problems in the watershed";

THEREFORE, BE IT RESOLVED that MAWD supports amending Minnesota Rule 8410.0080 to include a goal for soil health in watershed management plans and ten-year plan amendments.

Notes: The resolutions committee does not support the resolution because soil health may not be a focus area of some watershed districts. Local priorities determine why a district exists and directs the type of work it completes.

[21] Natural Resources Conservation Service - Soils. Soil Health. USDA. *Available online*: https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/.

BACKGROUND INFO on MAWD RESOLUTION 2020-05
Limiting Excessive Use of Groundwater for Urban and Suburban Landscapes During the Summer Months

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Claire Bleser, Administrator
Phone Number: 952-607-6512
Email Address: cbleser@rpbcwd.org

Background that led to the submission of this resolution:
Riley Purgatory Bluff Creek Watershed District seeks to address depletion of valuable groundwater resources in Minnesota. 60% of homeowners with irrigation systems in the Twin Cities Metro Area used far more water than they needed to water their lawns[22]. The use of groundwater to irrigate urban and suburban lawns during particular hours of the day during the summer poses needless use of such water during times when evaporation rates are highest, thus wasting precious water resources, many of which take thousands of years to replenish.

Watering lawns (either via landscape irrigation system or manual watering) between noon and sundown generally results in higher evaporation rates than watering morning hours. Watering lawns in the evening has the potential to make lawns susceptible to disease when hot and humid conditions are combined with excess moisture. Watering lawns in the early morning is the most ideal as evaporation demands are low and wind deflection is less of an issue.[23]

Irrigating urban and suburban lawns during or shortly after precipitation events, when soils are saturated, not only wastes a significant amount of groundwater, but also increases runoff and potential pollution of streams, lakes and wetlands.

Ideas for how this issue could be solved:
Encourage the Department of Minnesota Natural Resources to investigate statewide regulations of urban and suburban lawn watering practices. Including but not limited to:

- Restricting the hours during which irrigation of lawns is allowed (with the exception of irrigation from water capture and reuse systems)
- Enforcement of Minnesota State Statue 103G.298 requiring that "all automatically operated landscape irrigation systems shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture. The technology must be adjusted either by the end user or the professional practitioner of landscape irrigation services."
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to be trained and certified in the installation and use of EPA water sense technologies.
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to register with the DNR and pay an annual fee to be divided among the cities and counties in which they do business based upon the amount of business done in each city and county.
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to certify that the systems comply with restrictions regarding sensor technology as well as time restrictions.

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[22]University of Minnesota Extension, *Planting Grass Seed? Most Twin Citians water lawns 'way too much',* 2017, https://twin-cities.umn.edu/planting-grass-seed-most-twin-citians-water-lawns-way-too-much

[23] University of Minnesota Extension Turfgrass Science and Metropolitan Council, *Efficient Water Use On Twin Cities Lawn Through Assessment, Research, and Demonstration,* 2016, https://metrocouncil.org/Wastewater-Water/Publications-And-Resources/WATER-SUPPLY-PLANNING/Twin-Cities-Lawn-Irrigation-System-Surveys-And-Ass.aspx

Anticipated support or opposition from other governmental units?
Cities faced with providing adequate water supplies should support reasonable restrictions on the use of ground water to avoid the expense of drilling new wells and building new treatment facilities.

This issue is of importance (Check one):

To the entire State: X
Only our Region: _____
Only our District: _____

MAWD RESOLUTION 2020-05

Limiting Excessive Use of Groundwater for Urban and Suburban Landscapes During the Summer Months

WHEREAS, groundwater resources are often used in excess to water urban and suburban landscapes, primarily lawns;

WHEREAS, evaporation rates are highest during the hours between noon and dusk and watering landscapes in the evening has the potential to increase susceptibility to plant diseases;

WHEREAS, the ideal time to water lawns and urban and suburban landscapes is in the early morning, due to the low evaporation demands and lessened effects of wind deflection; and

WHEREAS, excess watering of urban and suburban landscapes can cause increased runoff and therefore pollution to streams, wetlands, and lakes.

THEREFORE, BE IT RESOLVED that MAWD supports statewide regulations of urban and suburban lawn watering practices including but not limited to:

- Restricting the hours during which irrigation of lawns is allowed (with the exception of irrigation from water capture and reuse systems).
- Requiring all companies engaged in the installation or maintenance of landscape irrigation systems to be trained and certified in the installation and use of EPA water sense technologies.
- Requiring all companies engaged in the installation or maintenance of landscape irrigation systems to register with the DNR and pay an annual fee to be divided among the cities and counties in which they do business based upon the amount of business done in each city and county.
- Requiring all companies engaged in the installation or maintenance of landscape irrigation systems to certify that the systems comply with restrictions regarding sensor technology as well as time restrictions.
- Enforcement of Minnesota State Statue 103G.298 requiring that "all automatically operated landscape irrigation systems shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture. The technology must be adjusted either by the end user or the professional practitioner of landscape irrigation services."

Notes: The resolutions committee opposed the resolution because it is the responsibility of each municipality to review water usage and set their own guidelines based on the specifics of their systems. A one-size-fits-all approach does not seem appropriate.

BACKGROUND INFO on MAWD RESOLUTION 2020-06

Permitting Water Storage on Wetlands Controlled by the DNR during Major Flood Events

Proposing District: Wild Rice WD
Contact Name: Kevin Ruud, Administrator
Phone Number: 218-784-5501
Email Address: kevin@wildricewatershed.org

Background that led to submission of this resolution:
The Red River Basin is an international, multi-jurisdictional basin of approximately 45,000 square miles, with 80% of the basin contained within the United States and the remaining 20% of the basin located in Canada. The region is frequently impacted by flooding along the Red River and its tributaries like the Wild Rice River. Impacts experienced along the Red River main stem are a result of combined tributary sub-watershed contributions, which includes the Wild Rice Watershed.

The increase in frequency and magnitude of flooding in the Red River basin is unmistakable. The spring flood of 1997 decimated the metro center of Grand Forks-East Grand Forks and gravely threatened many other areas throughout the basin. Since 2000, the basin has experienced damaging flooding in nearly every year. Since 1997, most sites along the mainstem have seen levels of flooding at or close to 100-year levels and many tributary areas have experienced up to 500-year flood levels.

After the record Red River Floods of 2009 state legislators in North Dakota and Minnesota asked the Red River Basin Commission (RRBC), as an international basin-wide organization, to spearhead the effort to develop a comprehensive, proactive plan that responds to and mitigates flooding throughout the watershed.

The Red River Basin Commission's Long-Term Flood Solutions Plan identifies a 20% peak flow reduction goal along the Red River main stem that includes flow reduction goals for the Wild Rice Watershed District (WRWD).

To assist in addressing both local and regional flood damages, the WRWD has a desire to cooperatively work with other state agencies to promote temporarily storing flood water from major events on land which is already publicly owned. The WRWD believes that entities can work together to incorporate flood storage on these state owned properties to maximize benefits to the residents and wildlife living in and around the lands.

Ideas for how this issue could be solved:
Districts could work together with agencies to incorporate gated and ungated storage on public lands to enhance wildlife habitat areas and also maximize flood storage potential. This effort could be completed on a state-wide basis to assist in providing additional flood damage reduction and wildlife enhancement.

Anticipated support or opposition from other governmental units?
We feel that the DNR would favor partnering to enhance publicly owned land to maximize benefits for citizens and wildlife within the State. This effort would also receive support from the Red River Watershed Management Board and Red River Basin Commission since it would greatly assist in them achieving their goals and objectives. Other watersheds state-wide could benefit from a similar effort in their watersheds.

This issue is of importance (Check one):

To the entire State:	X
Only our Region:	
Only our District:	

MAWD RESOLUTION 2020-06
Permitting Water Storage on Wetlands Controlled by the DNR During Major Flood Events

WHEREAS, the Wild Rice Watershed District (WRWD) discussed the frequent, severe floods within the State of Minnesota and the desire to devise plans to reduce flood impacts; and

WHEREAS, it is the WRWD's desire for watershed districts and other drainage authorities within the State of Minnesota to develop a plan with the DNR to temporarily store water on existing wetlands controlled by the DNR in the times of major flood events as so doing would reduce flood impacts to both private and public property.

THEREFORE, BE IT RESOLVED that MAWD supports temporarily storing water on existing wetlands controlled by the DNR in times of major flood events.

Notes: The resolutions committee supports the renewal of this resolution.

BACKGROUND INFO on MAWD RESOLUTION 2020-07

Agricultural Drainage Financing for Watershed Districts

Proposing District: MAWD Board
Contact Name: Mary Texer, President or Emily Javens, Executive Director
Phone Number: 320-979-0084
Email Address: metexer@gmail.com or emily@mnwatershed.org

Background that led to submission of this resolution:

There is one watershed district struggling to find permanent financing for a petitioned drainage improvement project. Once a project has met all statutory requirements, a watershed district provides notice to the county and the county will bond for the project. In this instance, the county has refused to do so stating they do not have capacity to finance it given their current and projected debt load. They believe the drainage project should have been stopped and deemed infeasible based on this. Since rural WDs can only assess up to a $250,000 general levy per year, the bond companies charge higher rates and they quickly reach their own bonding limits. Since most of the drainage systems across Minnesota are 100 years old and many of them are in dire need of improvement, it is projected this could easily impact the ability of watershed districts and counties to conduct the work assigned to them in drainage law.

Ideas for how this issue could be solved:

Several ideas could be explored in further detail including setting up a revolving loan program for drainage improvements, increasing WD levy limits to support greater levels of bonding, etc.

Anticipated support or opposition from other governmental units?

This issue is of importance (Check one):

To the entire State: X
Only our Region: _____
Only our District: _____

MAWD RESOLUTION 2020-07
Agricultural Drainage Financing for Watershed Districts

WHEREAS, watershed districts have assumed authority of all or some of their local agricultural drainage ditches within their boundaries;

WHEREAS, watershed districts have relied on the counties involved to utilize their bonding authority to provide revenue to properly repair and improve said drainage ditches on behalf of the landowners,

WHEREAS, at least one county has been unwilling to provide bond funding for watershed district drainage ditch repairs or improvements due to their present or planned high bonding indebtedness;

WHEREAS, watershed districts need access to bonding authority to comply with our duties as drainage authorities;

THEREFORE, BE IT RESOLVED that MAWD supports administrative, legislative, or legal solutions in conjunction with other stakeholders to resolve this agricultural drainage bond funding issue.

Notes: The resolutions committee recommends adoption of this resolution.

BACKGROUND INFO on MAWD RESOLUTION 2020-08

Watershed-Based Implementation Funding through Coordinated Comprehensive Watershed Plans

Proposing District: MAWD Board
Contact Name: Mary Texer, President or Emily Javens, Executive Director
Phone Number: 320-979-0084
Email Address: metexer@gmail.com or emily@mnwatershed.org

Background that led to submission of this resolution:
The MAWD Board and many members were disappointed that BWSR allowed annual SWCD work plans to be listed as eligible plans for watershed-based implementation funding. These plans did not meet the same rigorous requirements outlined in statute for comprehensive watershed management plans. They were not approved by the BWSR Board and there was very little access and response for public comment.

To be clear, this resolution would not say SWCD projects would not be eligible for watershed-based implementation funding. It simply states that the work must be coordinated and identified in a comprehensive plan that has provided adequate opportunities for public comment and approved by the BWSR Board.

Ideas for how this issue could be solved:

If metro SWCD programs and projects are not already identified in a watershed's comprehensive plan, one option would be for the SWCD to work with the watershed to coordinate their work and get the work added to the plan through an amendment.

Anticipated support or opposition from other governmental units?

The SWCDs may oppose this process.

This issue is of importance (Check one):

To the entire State: X
Only our Region: _____
Only our District: _____

Although the issue started in the 7-county metro area, the same policy could potentially be applied to the rural counties.

MAWD RESOLUTION 2020-08
Watershed-Based Implementation Funding through Coordinated Comprehensive Watershed Plans

WHEREAS, watershed districts are responsible for developing comprehensive watershed management plans that outline the work to protect and restore natural resources within their boundaries;

WHEREAS, watershed districts are required to solicit public participation to prioritize work that is done in the watershed;

WHEREAS, once developed, the comprehensive plans are put out for public comment and reviewed by state agencies and boards;

WHEREAS, comprehensive watershed plans must be approved by the Board of Water and Soil Resources and updated every ten years;

WHEREAS, the Clean Water Fund has allocated millions of dollars to directly fund the work in comprehensive watershed management plans;

WHEREAS, in Fiscal Years 20-21, the MN Board of Water and Soil Resources made an exception to the watershed based implementation fund program to allow annual metro Soil and Water Conservation District work plans to be equally eligible for funding in the program;

WHEREAS, the annual plans written by Soil and Water Conservation Districts do not require the rigorous effort to solicit and consider public input and do not require state board-level approval;

THEREFORE, BE IT RESOLVED that MAWD opposes watershed-based implementation fund program dollars being distributed for work not coordinated with a multi-year comprehensive watershed management plan.

Notes: The resolutions committee recommends adoption of this resolution.

Background Information
2020 MAWD Resolution

Proposing District:	Lower Minnesota River Watershed District
Contact Name:	Jesse Hartmann, President, LMRWD Linda Loomis, District Administrator
Phone Number:	765-545-4650 *Office* 763-568-9522 *Cell*
Email Address:	linda@lowermnriverwd.org
Resolution Title:	Establishment of Minnesota River Basin Commission

Background that led to the submission of this resolution:

Since its establishment in 1960, the LMRWD has had the obligation and responsibility to provide placement sites for material resulting from the US Army Corps of Engineers dredging maintenance of the 9 foot navigation channel on the Minnesota River. The amount of sediment that the LMRWD has had to deal with has increased since 1960 and it appears that this trend will continue.

From 2011 to 2014, a yearly average of 1.4 million tons of suspended sediment was dropped in the Minnesota River channel, banks and floodplain between Jordan and Fort Snelling (Chris Ellison, USGS). Ninety percent (90%) of the pollutant load originates upstream, outside the LMRWD. The Minnesota River (River) is 335 miles in length and drains over 17,000 square miles. The LMRWD is the last 33 miles of the River and encompasses only 80 square miles. It is the LMRWD and its taxpayers, who bear the cost and responsibility for managing water quality and dredge material from the entire basin, without any means of affecting land use decisions, water quality improvement projects and Best Management Practices (BMPs).

In 1995, the Minnesota River Board, a joint powers organization of 38 counties in the Minnesota River Basin (Basin), was formed by proclamation of then Governor Arne Carlson. The board worked in the intervening 22 years to resolve environmental issues in the Basin. In 2013, the Minnesota River Board dissolved and reported to the legislature that the State needed to take leadership to address the issues and concerns related to governance of the Minnesota River. The Minnesota River Board looked for solutions along county lines and not along hydrological units. There are 13 major watersheds within the Basin. In December 2013, the Minnesota River Board dissolved and made a recommendation to the Legislature that the state needed to take ownership in solving the problems of the Minnesota River.

Several scientific studies have indicated that in order to address sediment, comprehensive management of flows from the various watersheds in the Minnesota River basin is needed, through some systematic distributed flow reduction by retaining/detaining water strategically throughout the 13 major watersheds in the Basin.

There is a need to coordinate goals and implementation recommendations from the various studies that have been developed within the Basin and downstream.

This resolution was adopted by MAWD in 2015. The Lower Minnesota River Watershed District respectfully requests that MAWD re-consider dropping this position, as little progress has been made to address this issue.

Background Information
2020 MAWD Resolution

Ideas for how this issue could be solved:

The establishment of a Minnesota River Basin Commission (MRBC) to replace the dissolved county joint powers board (the Minnesota River Board). The MRBC would include representatives of the 13 major watersheds (county commissioners; Soil and Water Conservation District (SWCD) Supervisors; city councilors/mayors and Watershed District Managers) plus 5 members from the economic sector representing agriculture, business, recreation and other citizen interests from within the Basin. The members would be appointed by the Governor. The MRBC would have the responsibility and obligation to develop a comprehensive basin water quantity and water quality management plan with allocation of specific water management goals and outcomes for each of the major 13 watersheds. The MRBC would provide the comprehensive hydrologic and hydraulic modeling for the basin along with the water quality modeling needed to allocate proportional goals and outcomes to the 13 major watersheds. The MRBC would be legislatively established with Governor appointments to ensure long term institutional existence. The MRBC would coordinate the funding requests to LCCMR; LSOHC; CWF; and bonding and general funds for the operation and implementation of the priority outcomes for the Basin. The MRBC would establish a local funding mechanism to leverage state and federal funds as well as ensuring the commitment of local "skin in the game". New legislation authorizing the Counties of within the Minnesota River watershed to establish a Minnesota River Basin Commission with powers similar to those of a Watershed District but with a specific purpose to coordinate TMDL, WRAPS and One Watershed, One Plan implementation actions across the Basin, to implement projects and programs for TMDL, WRAPS and One Watershed, One Plan implementation and to raise revenues for project and program implementation.

Anticipated support or opposition from other governmental units?

Because this proposes a new governmental entity with taxing powers, there will likely be concerns raised by the public or other governmental units. The proposed Minnesota River Basin Commission, however, is necessary to accomplish the implementation required by the South Metro Mississippi River TSS TMDL, the State's Sediment Reduction Strategy, Lake Pepin Total Suspended Solids (TSS) TMDL, WRAPS and One Watershed One Plan and to coordinate implementation to reduce redundancy and make sure funding is directed to where the greatest benefit can be achieved.

(Check one) This issue is of importance to:

Only our district	_____
Only our region	___X___
The entire state	_____

2020 MAWD Resolution

LOWER MINNESOTA RIVER WATERSHED DISTRICT (LMRWD)

RESOLUTION IN SUPPORT OF ESTABLISHING A MINNESOTA RIVER BASIN COMMISSION BY THE MINNESOTA LEGISLATURE

WHEREAS, in 1960, the Minnesota Water Resources Board was petitioned to establish the LMRWD, for the express purpose of managing the sediment removed from the 9 foot navigational channel in order to maintain commercial navigation on the Minnesota River; and

WHEREAS, the amount of sediment removed from the channel has continued to increase without any way and means to secure efforts to reduce sediment yield to the navigational channel, and

WHEREAS, recent research and technical studies conclude that managing the flow of water leaving the various major watersheds in the Minnesota River Basin is a significant element of a sediment yield solution; and

WHEREAS, the most recent Minnesota River basin authority, the Minnesota River Board, a joint powers organization of counties in the Minnesota River Basin, dissolved in December 2013 and forwarded a report to the legislature suggesting that the legislature needs to provide a framework for the future of water management in the Basin, and

WHEREAS, it is difficult to achieve a comprehensive solution to water management within the Basin that is fair and equitable, and provides shared roles, responsibilities, accountability, priorities and financing throughout the major watersheds, without a basin wide institutional structure; and

WHEREAS, the development and implementation of the One Watershed, One Plan for watersheds within the Minnesota River Basin in a timely manner will be critical to overall success in achieving sediment reductions; and

WHEREAS, the long-term accountability of watershed management organizations that evolve from the One Watershed, One Plan to achieve outcomes of the plans will be dependent upon collective commitment to implementation; and

WHEREAS, leaving things as they are will only perpetuate the top down management from the state agencies and perpetuate the mixed messages for solutions and priorities leaving local governments the challenge of competing for state and federal resources without a basin wide water management strategic plan which is a goal of failure; and

NOW, THEREFORE, BE IT RESOLVED that Minnesota Association of Watershed Districts supports the following:

1) Legislative establishment of a Minnesota River Basin Commission to provide effective and efficient proactive comprehensive basin planning; administration; project development; implementation; construction and maintenance of water resource projects and programs of

benefit to the Minnesota River Basin with a focus on water quantity and water quality management; and

2) Legislative direction for the completion of the One Watershed, One Plan efforts within the Minnesota River Basin by the end of 2018 and to provide the Board of Water and Soil Resources (BWSR) sufficient funding to realize that time frame; and

3) Legislative establishment of watershed districts in the Minnesota River Basin, if BWSR determines that watershed management organizations are NOT implementing the One Watershed, One Plan as adopted.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, November 18, 2020

Agenda Item
Item 5. B. - City of Burnsville Trail Improvement Project

Prepared By
Linda Loomis, Administrator

Summary
The City of Burnsville informed the LMRWD of a project they are planning for a segment of trail that crosses the MN River at the new I-35W Bridge. The city's goal is to raise the trail to reduce the length of closures due to flooding. They expect to receive federal funding for the project and have asked the LMRWD if it is interested in partnering with the City. Construction is planned for 2024.

Staff has not yet reviewed the feasibility report, but a response was sent to the City informing them that if the District became a partner in the project, the project would need to be added to the District's Plan. The city was also informed that a permit from the District would be required, since the City has not yet applied for a municipal permit and that a portion of the project falls within a High Value Resource area of the DIstrict.

Staff is asking the Board to provide direction as to whether or not the District should become a partner on this project.

Attachments
Black Dog Trail Flood Mitigation Feasibility Study dated March 6, 2020

Recommended Action
Provide direction to staff

Black Dog Trail Flood Mitigation Feasibility Study

Minnesota River Greenway

Burnsville, Minnesota

BURNS 153788 | March 6, 2020

SEH

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Engineers | Architects | Planners | Scientists

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March 6, 2020

RE: Black Dog Trail Flood Mitigation Feasibility Study
Minnesota River Greenway
SEH No. BURNS 153788 4.00

Ms. Jen Desrude, City Engineer
City of Burnsville
100 Civic Center Parkway
Burnsville, Minnesota 55337

Dear Ms. Desrude:

Attached is the Black Dog Trail Flood Mitigation Feasibility Study. This report is intended to provide a summary of the recommended geotechnical, hydraulic, and other stakeholder and agency permitting efforts and considerations needed to aid in the planning for final design of the potential trail raise project. SEH evaluated six concepts for the trail raise and developed opinions of probable cost for each.

Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Emily Jennings

Emily Jennings, PE
Project Manager
(Lic. MN)

EKJ
s:\ae\b\burns\153788\4-prelim-dsgn-rpts\draft black dog trail flood mitigation feasibility study_030320.docx

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Black Dog Trail Flood Mitigation Feasibility Study

Minnesota River Greenway

Prepared for City of Burnsville

1 Project Location

The Black Dog Trail is part of the Minnesota River Greenway, a paved trail that runs from just south of the Minnesota River adjacent to I-35W in Burnsville, Minnesota to the southern bank of the Minnesota River along West Black Dog Road. This regional trail is ultimately planned to travel 17 miles through Burnsville, Eagan, Mendota Heights, Mendota and Lilydale before ending at St. Paul's Lilydale Regional Park.

Additionally, the trail offers commuters an opportunity to cross the Minnesota River over the I-35W Bridge towards Bloomington, which provides access to the future Minnesota Valley State Trail and multiple trail loop opportunities within the river valley.

The trail is paved and trail use consists of bicycling and walking. There is a nearby trailhead located at Minnesota Riverfront Park that offers amenities such as picnic tables, a grilling area, a bicycle repair station and a parking lot.

The study area for this project includes a segment of the trail located from the northbound exit taper of the I-35W and West Black Dog Road intersection to the trail's convergence with Black Dog Road, running adjacent to Black Dog Lake. This segment allows trail users a connection to the rest of the Minnesota River Greenway towards Eagan, along West Black Dog Road, and access to the Minnesota River Bridge Crossing. A wetland delineation was not completed for the study but based on the project area and for the purpose of this study, it is assumed that all areas adjacent to the trail are wetlands. The project location is shown in **Figure 1**.

2 Background

In October of 2019, the City of Burnsville (City) reached out to SEH regarding concerns related to the closure due to inundation of the Black Dog Trail segment aforementioned. The City indicated that the trail was under water much of the year, causing for the trail to be closed and commuters to not be able to use the trail as desired.

The Minnesota Department of Transportation (MnDOT) is currently reconstructing the I-35W Bridge over the Minnesota River between Burnsville and Bloomington and as part of the project are also reconstructing a portion of the trail within the MnDOT right-of-way (ROW).

SEH was hired by the City to complete a high level feasibility study to determine the level of effort to raise the trail from the current profile to an elevation which would lower the frequency and

magnitude of trail closure due to flooding. The City completed a topographic survey of the trail segment and provided electronic data of the survey to SEH for the study. Approximate existing trail elevations are shown in **Figure 2**.

2.1 Estimation of Flooding

To estimate the expected inundation frequency of the proposed trail at various elevations, an analysis was completed utilizing available Minnesota River gage and hydraulic modeling data. To estimate the probability of various flow discharge rates in the Minnesota River, the long term USGS gage on the Minnesota River near Jordan (USGS Station Number 0533000) was utilized. This is the nearest long-term recording gage to the site on the Minnesota River. While it is recognized the discharge at the project site may be slightly higher, no major tributaries enter the Minnesota River between Jordan and Burnsville and it should provide a fairly accurate representation of the expected flow rates at the project site. Based on the information contained in the StreamStats Data-Collection Station Report, the period of record for the gage is 81 years (1934 to 2015) for the flow duration statistics. For comparison, the 10-percent duration discharge (or discharge at which the flow rate in the river is expected to be exceeded 10-percent of the time in any given year) is 12,500 cfs. The 1-percent duration discharge is 33,700 cfs, which means that in any given year the discharge is expected to be higher than this rate for an average of 3 to 4 days.

The effective HEC-RAS model obtained from the Minnesota DNR for the Lower Minnesota River was utilized to estimate the stage-discharge relationship at the project site. Based on the site location, it was determined that HEC-RAS cross-section 23.5 is closest to the project site and provides the best representation of the expected river elevation for the various discharge rates at the project site. The rating curve for cross-section 23.5 was used to estimate the expected Minnesota River discharge rate at various elevations along with the corresponding flow duration probabilities. **Table 1** below provides a summary of the expected average days inundated for the trail at various elevations based on the outlined methodology.

Table 1 – Expected Days Flooded for Various Trail Elevations

Trail Elevation	MN River Discharge @ XS 23.5 (cfs)	Flow Duration (%)		Average Days Flooded Annually	
		Low	High	Low	High
698	15,000	5	10	18.25	36.50
700	22,000	3	5	10.95	18.25
702	30,000	1	2	3.65	7.30
704	38,000	-	1	-	3.65

Based on this information, the City determined that raising the trail to a minimum elevation of 702 provided an acceptable frequency and magnitude of trail flooding.

3 Trail Raise Alternatives

Four alternatives to raise the trail in-place were evaluated. These alternatives consisted of a conventional earth embankment, a reinforced soil slope, and a hybrid conventional earth embankment/reinforced soil slope and conventional earth embankment/boardwalk. Two other

alternatives consisting of a conventional earth embankment and a reinforced soil slope adjacent to the existing I-35W exit ramp were also evaluated. A retaining wall alternative was investigated but not evaluated further.

The conventional earth embankment was evaluated as this would be considered a standard approach, and likely the lowest cost option for raising the trail. However, due to the presence of wetlands and organic deposits, other options to reduce the extent of impacts, such as use of a reinforced soil slope, retaining wall and boardwalk were considered. Realigning the trail closer to the I-35W exit ramp was considered as suggested by MnDOT.

A review of the soil information from the Foundation and Analysis Design Report (FADR) for the Southeast Black Dog Road Reinforced Soil Slope, completed by American Engineering Testing, Inc. and dated October 24, 2019, was completed. The review was performed to obtain an understanding of the potential soils that may be encountered in the area and impact alternative development for the trail raise. The following is a summary of assumptions used in the evaluation of the trail raise alternatives based on review of information obtained from the FADR and our experience with expected soil conditions:

- It is likely that organic and alluvial clay soils are present.
- It is anticipated that the trail raise will induce settlement of the underlying soils.
- Slope stability could be a concern due to the potential for encountering organic soils.

Based on the presence of the organic soils and alluvial clays it is anticipated that the trail raise of up to 4 feet could result in at least 4 inches of settlement. This assumes the thickness of the compressible soils is less than 10 feet, as encountered near the road. However, as the trail is located further into the wetland and directly adjacent to Black Dog Lake, it is very likely that the organic deposits would be thicker. Additional soil borings are recommended to be obtained for final design to confirm potential settlement and slope stability issues that may need to be mitigated.

All trail raise alternatives assume a trail width of 10 feet with 2 foot shoulders on either side. For purposes of developing the opinion of probable construction cost, the pavement section was assumed to be 4 inches of asphalt over 6 inches of aggregate base course. We assumed that the raised trail could be built on the existing ground without any subgrade corrections. A section view of potential alternatives relative to the existing trail is shown in **Figure 3**.

3.1 Conventional Earth Embankment

The conventional earth embankment consists of earth fill to raise the trail with 3 feet horizontal to 1 foot vertical side slopes. The advantages of a conventional embankment section consist of the following:

- Standard construction practices
- Minimal cost
- Can handle embankment settlement better than other alternatives evaluated
- Can incorporate geotextile or geogrid reinforcement if needed to address potential slope stability issues

- Less confined trail
- Provides more natural setting with vegetation restoration

The disadvantages of a conventional embankment section consist of the following:

- Larger impact to adjacent wetlands
- May require placement of fill into Black Dog Lake
- May require riprap protection along portions of Black Dog Lake

The conventional earth embankment alternative is a potential option for the raised trail, therefore becoming Concept 1 of this report. It is the most cost effective and provides the most standard construction approaches. The footprint associated with this option is shown in **Figure 4**. Based on the footprint, a portion of the embankment may need rip rap protection as is extends into and below the normal water level of Black Dog Lake.

3.2 Reinforced Soil Slope (RSS)

The reinforced soil slope (RSS) consists of incorporating geogrid and geocells into an earthen embankment to allow for the construction of a steeper slope. Slopes of ½ foot to 1 foot horizontal to 1 foot vertical can be constructed to reduce the embankment footprint. The same trail section as a conventional embankment can be used in conjunction with the RSS, however the embankment top width would need to be increased to accommodate for the installation of guardrail or fence due to the adjacent steep side slopes. The RSS can be incorporated on either or both sides of the trail as needed. The advantages of a RSS section consist of the following:

- Reduces the footprint of the raised trail
- Can handle embankment settlement without causing visual distress or deterioration of the reinforcement elements or vegetated facing
- Can incorporate geotextile or geogrid reinforcement if needed to address potential slope stability issues
- Provides more natural setting with vegetated slope restoration

The disadvantages of a RSS section consist of the following:

- More confined construction operation; requires more labor
- Requires a guardrail or fence for user safety
- Trail section is more confined
- More expensive than conventional earth embankment

Although this option is higher cost than the conventional earth embankment, the RSS will result in fewer impacts to adjacent wetlands, which will require mitigation or replacement that come at a cost, therefore the RSS alternative is a potential option for the raised trail. There are portions of the trail where the raise is minimal, therefore RSS will not provide a significant reduction in impacts in comparison to the conventional earth embankment. Concept 2 of this report is a combined RSS/conventional earth embankment. The footprint associated with this combined

RSS/ conventional earth embankment option is shown in **Figure 5**. Concept 3 of this report is the least impactful, with the entire trail being raised with an RSS Section. The footprint associated with an entire RSS section is shown in **Figure 6**.

3.3 Retaining Wall

The retaining wall alternative consists of modular block units with geogrid reinforcement. Retaining walls would allow further reduction of adjacent wetland impacts. The walls can be constructed nearly vertical, with a 1 inch setback per 16 to 18 inches. The same trail section as a conventional embankment can be used in conjunction with the retaining wall; however pavement would extend the full width of the trail and shoulders to the back of the blocks. A guardrail or fence would be required and incorporated into the retaining wall due to the adjacent steep slopes. The retaining walls can be incorporated on either or both sides of the trail as needed. The advantages of a retaining wall section consist of the following:

- Reduces the footprint of the raised trail
- Can incorporate geotextile or geogrid reinforcement if needed to address potential slope stability issues

The disadvantages of a retaining wall section consist of the following:

- More confined construction operation; requires more labor
- Requires a guardrail or fence for safety
- Trail section is more confined
- More expensive than conventional earth embankment and RSS
- Will experience more deterioration and damage from settlement than conventional earth embankment and RSS

The retaining wall alternative does not appear to be a good option for accommodating the trail raise. It is much more costly than the other alternatives and it may experience more deterioration and damage from settlement that would be expected at this site. In addition, due to the trail raise requiring only 3 to 4 feet of increase in elevation and the block units being approximately 2 feet in width, there is not a significant reduction in impacts in comparison to the RSS section. This alternative was not considered further.

3.4 Boardwalk

A boardwalk is an elevated path that can consist of timber deck and beams on helical piling, concrete deck on trusses with driven piling, or concrete slabs or planks on driven piles, for example. A boardwalk option would allow further reduction of adjacent wetland impacts. The same trail section as a conventional embankment can be used in conjunction with the boardwalk with pavement sections tying into boardwalk sections. A guardrail or fence would be required and incorporated into the boardwalk segments due to the elevated walkway. For the purposes of this study, a timber deck was analyzed. Concrete deck or slabs have some similar advantages and disadvantages but will be at least twice the cost of a timber deck.

It should be noted that a boardwalk is considered a structure while a trail of conventional embankment or RSS is considered fill (not a structure). As this is a structure, it would be subject

to different regulations as listed in City Code Section 10 Floodplain Regulations. Due to the depth of inundation (greater than 10 feet) of the potential boardwalk trail segment under the Minnesota River base flood elevation, the feasibility of any structure should be questioned.

The advantages of a timber deck boardwalk section consist of the following:

- Reduces the impacts of the raised trail
- The foundation system including helical piling can withstand settlement and loading

The disadvantages of a timber deck boardwalk section consist of the following:

- Snow removal for timber deck boardwalks is recommended by a broom sweeper or snow throwing equipment
- Snow removal by a standard plow may cause damage to timber decking and undo stress to railing members and their connections
- A timber deck boardwalk will be slippery for at least first few years. As the timber decking weathers over time, the concern of a slippery surface may reduce
- Timber decking has less long term durability than a conventional or RSS embankment
- A boardwalk is more expensive than conventional earth embankment and RSSnd requires more maintenance
- Depth of inundation (greater than 10 feet for base flood) may cause flotation, collapse, lateral movement or dislodging of structures. Design for these considerations will increase price

Although this option is higher cost than the conventional earth embankment and the RSS, a boardwalk will result in fewer impacts to adjacent wetlands, which will require mitigation or replacement that come at a cost, however the boardwalk will likely result in higher maintenance and costs at an increased frequency. There are portions of the trail where the raise is minimal, therefore a boardwalk would not be necessary. Concept 4 of this report is a combined boardwalk/conventional earth embankment. The footprint associated with this combined boardwalk/ conventional earth embankment option was estimated as negligible in boardwalk segments and quantified by assuming the same fill needed for Concept 3.

3.5 Realigned Trail

During the preparation of this report, the City met with MnDOT and there was discussion of relocating the trail to be directly adjacent to the new I-35W exit ramp, constructed as part of the adjacent MnDOT project. The realigned trail was evaluated at an elevation of 702, tying into the existing exit ramp embankment. The existing exit ramp embankment had approximate side slopes of 3 feet horizontal to 1 foot vertical. It was assumed that the realigned trail would consist of an entirely fill section. The potential realigned trail and cross sectional information is shown in **Figure 6A**.

The advantages and disadvantages of realigning the trail for each embankment option are similar to those listed in the previous sections. Additional disadvantages will include increased wetland impacts, increased costs and concern for biker safety due to the adjacent traffic, therefore a permanent barrier was included in the analysis for the entire length of the trail evaluated.

4 Hydraulic Impacts

The trail segment is located within the mapped FEMA floodway for the Minnesota River, as shown in **Figure 7**, however after closer examination of the floodway, it was determined that this floodway is not realistic because it does not correctly account for expansion on the downstream side of the I-35W bridge. The trail segment is much lower than the adjacent I-35W roadway and entrance/exit ramps located immediately upstream. **Figure 8** shows the trail alignment overlain with LiDAR elevation data. The trail is proposed to be raised to an elevation of 702; and as shown in the figure, this elevation is approximately 5 feet below the lowest elevation of the I-35W entrance/exit ramps located immediately upstream of the trail. Due to this, the proposed raise of the trail segment will not have an impact on flood elevations, as these are controlled by the higher, adjacent roadways in this area essentially making the trail located in an area of ineffective flow. Therefore, hydraulic modeling is not required to prove that there would be no-rise associated with the proposed trail changes.

There is one culvert crossing under the existing trail segment that was identified in the City's survey. This culvert exists near the south end of the segment, immediately adjacent to the MnDOT/Xcel ROW boundary. It is not clear if this culvert is owned by the City or MnDOT, but this culvert was not shown in the MnDOT I-35W plans, therefore for the purposes of this study, it was assumed that this culvert would be replaced by the City. The culvert has a minimal angle of skew from the existing trail. The culvert condition and capacity should be reevaluated with the proposed trail raise however at this time is assumed that the culvert will be removed, replaced and realigned with a longer, 24" CMP culvert for in-place trail raise options.

5 Stakeholder and Agency Considerations

As part of the feasibility effort, key stakeholders and agencies that may be impacted by, or regulate the proposed trail, were identified. The role of these stakeholders and/or agencies is discussed, in addition to approval authorities and considerations with regards to the proposed project.

5.1 Stakeholders

Stakeholders are those who may be affected by or have an effect on a project. Key stakeholders are those who can significantly influence, or are important to the success of, the project. The City of Burnsville is one of several entities that own, operate, or regulate the property where the existing and proposed trail resides. Stakeholders' interests can be many and varied, but these groups typically focus on economics, social impacts, time, or the environment.

5.1.1 City of Burnsville

The trail is owned and operated by the City of Burnsville. The city is responsible for securing permissions, permits, funding and completion of construction for the proposed project. The City of Burnsville is anticipated to lead the process and coordinate with all the other stakeholders. The City may need to obtain a Conditional Use Permit (CUP) from themselves to demonstrate the no-rise scenario as discussed in **Section 4**.

5.1.2 U.S. Fish and Wildlife Service

The trail exists within the Minnesota Valley National Wildlife Refuge (Black Dog Preserve), which is owned by the U.S. Department of the Interior; the U.S. Fish and Wildlife Service is responsible for its management.

5.1.3 Xcel Energy

The trail is located within an Xcel Energy easement. The Xcel Energy contact for this area and project has been identified as:

> Brian Sullivan, Siting and Land Rights
> Brian.E.Sullivan@xcelenergy.com
> Phone: 612.330.5925
> Cell: 612.366.0234

As indicated by Mr. Sullivan, all plans must be reviewed and approved by Xcel Energy prior to construction. Xcel Energy will review the plans for any changes in grade that could impact the proximity to conductors or facilities leading to a potential safety risk caused by the project.

5.1.4 MnDOT

While most of the trail is located outside of the Minnesota Department of Transportation (MnDOT) I-35W ROW, MnDOT ROW exists on both ends of the project and may still have requirements for trail design and construction limits. Additionally, MnDOT has plans to raise and improve segments of the trail that do exist in the ROW that will connect with this segment, and coordination is required for consistency of design.

5.1.5 Lower Minnesota River Watershed District

The trail is located within the jurisdiction of the Lower Minnesota River Watershed District (LMRWD). The LMRWD currently does not have a permit program for projects within the District. Instead, LMRWD provides guidance and policy direction to municipalities and counties within the District relating to water quality requirements in local ordinances and codes, or within local surface water management plans. Plan review may be prudent to demonstrate compliance, but the City of Burnsville would be responsible for ensuring the watershed standards are met.

5.2 Agencies and Resource Considerations

This section describes the project area by documenting the specific environmental resources that could potentially be affected by the proposed trail improvements. For each environmental resource identified, a discussion of the regulating agency is included. Where necessary, a discussion of permit approvals are included as well as approximate timelines. A table summarizing any agency issues or permits is included as part of **Section 5.3.**

5.2.1 National Historic Preservation Act (NHPA) resources

The National Historic Preservation Act (NHPA) of 1966, as amended, establishes the Advisory Council on Historic Preservation (ACHP) and the National Register of Historic Places (NRHP). Section 106 of the NHPA requires consideration of the effects of undertaking on properties that are eligible for inclusion in the NRHP. Compliance with Section 106 requires consultation with the State Historic Preservation Officer (SHPO) if there is a potential adverse effect to historic properties on or eligible for listing on the National Register of Historic Places.

Review of the MN Office of the State Archaeologist Public Viewer and resources provided as part of the MnDOT I-35W project concluded that there are resources potentially eligible for listing in the National Register of Historic Places (NRHP). Review for historic site must be completed prior

to starting any projects regulated by a federal agency. However, a formal review from SHPO cannot commence until funding and coordination with other agencies has begun.

5.2.1.1 Department of Transportation Act Section 4(f) and 6(f) resources

5.2.1.1.1 Section 4(f)

Section 4(f) of the Department of Transportation Act of 1966 provides protections for publicly-owned parks, recreational areas, wildlife and waterfowl refuges and historic sites. Section 4(f) requires avoidance of the publicly-owned resource unless there is no feasible and prudent alternative to its use.

Within the project area, several Section 4(f) properties may be impacted by the proposed trail improvements. These properties are outlined with the agency/governmental unit with jurisdiction below, in **Table 2**. Section 4(f) Resources as shown on **Figure 9**.

Table 2 – Section 4(f) Resources

Resource	Agency with Jurisdiction
Minnesota Valley National Wildlife Refuge (Black Dog Preserve)	US Fish and Wildlife Service (USFWS)
Minnesota River Regional Trail	Dakota County
City of Burnsville Trail (Black Dog Trail)	City of Burnsville

5.2.1.1.2 Section 6(f)

The Land and Water Conservation (LAWCON) Fund Act of 1965, as amended, provides a nationwide program to help preserve, develop and provide accessibility to outdoor recreation resources. Similar to Section 4(f) described above, Section 6(f) requires consideration of all practical alternatives to avoid a LAWCON conversion.

The closed LAWCON funded park within the City of Burnsville is Terrace Oaks Park, located 2.5 miles SE of the project area. North of the project, the City of Bloomington's Minnesota River Valley Park, located along the north side of the Minnesota River and west of I-35W, was acquired using LAWCON funds. These parks will not be affected by the proposed trail improvements.

5.2.1.1.3 City of Burnsville Trail (Black Dog Trail)

The City of Burnsville Trail is located on USFWS property (Black Dog Preserve), partially within MnDOT ROW, and is part of an Xcel energy easement. The project proposes improvements to the existing City of Burnsville Trail. Because the action would not involve any 4(f) land acquisition, it is not anticipated that a permit is required. However, notification of the project to the Federal Highway Administration (FHA) is recommended.

5.2.1.2 Threatened or Endangered Species

The Minnesota Department of Natural Resources (MnDNR) Natural Heritage Information System (NHIS) database was reviewed to determine known occurrences of listed species, habitats, and geologic features within one mile of the project area. The NHIS database comprises locational records of rare plants, rare animals, and other rare features. The MnDNR has three statuses for rare species, classified as: endangered, threatened, and special concern. Specific location information is excluded from this document to assure the sensitive resources are protected in the

future. Alternatively, the information will be presented generally to indicate any sensitive resources within the project area and potential means to avoid, minimize, and/or mitigate negative effects to the resources will be described.

5.2.1.2.1 Species

Plants

Twelve botanical species have been identified within 1-mile of the project area. All of the species have been identified within the calcareous fen community, located approximately 0.33 miles southeast of the existing trail. Impacts to these protected species are not anticipated by the proposed improvements, but coordination with MnDNR should be completed to ensure the project is in compliance with state laws and regulations.

Animals

There are several records of protected native animal species identified in the immediate project area. A total of 25 species of animals have been identified within 1-mile of the proposed project area. Of these, 14 are mussel species that are likely restricted to the Minnesota River. The remaining 11 species are mobile vertebrate species that are not limited in where they may be observed. While impacts are not anticipated, the MnDNR may require a site survey to identify the presence and locations of the species.

Habitats

Eight protected terrestrial communities such as calcareous fens and seepage meadows were also noted in the project vicinity. Portions of Black Dog Lake have been identified as a Seepage Meadow/Carr community. A calcareous fen has been identified by the MnDNR approximately 0.33 miles SE of the existing trail. Impacts to the fen are regulated by the MnDNR and will be coordinated as part of the Public Waters Work Permit Program (below for more details). Additional analysis of the project may be required to demonstrate that it will not have impacts on the fen or other high quality wetlands in the project area.

5.2.1.3 Water Quality and Wetlands and Other Waters of the U.S.

5.2.1.3.1 MnDNR

Two Public Waters are located within 0.5 miles of the project limits, including the Minnesota River and Black Dog Lake (#19-83 P). Work within or below the Ordinary High Water (OHW) of a public water, or within the defined banks for linear watercourses, requires coordination and authorization by the MnDNR. After submittal of a permit application to the MnDNR, permits are subject to a 30 comment period prior to authorization. Public Waters are shown on **Figure 10**.

5.2.1.3.2 Navigable Waterways

The Rivers and Harbors Act (Section 10) regulates the placement of structures and/or work in, or affecting navigable waters of the Unites States including the Minnesota River. The United States Army Corps of Engineers (USACE) is the agency responsible for administering this program. A USACE permit is required to do any work in, over or under a 'Navigable Water of the United States'. Waterbodies have been designated as 'Navigable Waters of the United States' based on their past, present or potential use for transportation for interstate commerce. Impacts to the navigation channel of the Minnesota River are not anticipated as part of the project and therefore coordination with the USACE for a Section 10 permit is not likely.

In Minnesota, a project may need a 401 Water Quality Certification from the Minnesota Pollution Control Agency (MPCA) for projects that require a Federal Energy Regulatory Commission or a U.S. Army Corps of Engineers approval and may result in any discharge into the navigable waters of the United States. Section 401 is administered by the MPCA and requires that an applicant for a federal license or permit provide a certification that any discharges from the facility will comply with the act, including state-established water quality standard requirements.

The U.S. Coast Guard also regulates navigable waters under Section 9, which includes the Minnesota River. As the project does not impede navigation, it is not expected to require a Section 9 permit, however the USACE permit process may include them as part of their review process.

5.2.1.3.3 Wetlands

The National Wetlands Inventory (NWI) map identifies several large wetland complexes located within the floodplain of the Minnesota River, as well as a number of smaller basins associated with roadway ditches and stormwater features. The NWI map is shown on **Figure 11**.

While a delineation is out of the scope of this study, MnDOT conducted an on-site wetland delineation in fall 2015. While wetland boundaries are generally considered valid up to five years, project conditions may have changed due to the MNDOT I-35W project and an updated wetland delineation is anticipated to be required by the Wetland Conservation Act (WCA) and the U.S. Army Corps of Engineers (USACE). A wetland delineation must occur during the active growing season (generally April- October).

Impacts to wetlands are anticipated as part of any of the project alternatives. Construction plans that propose any direct impact or indirect impact to wetlands or watercourses within the project area will require permits from the appropriate regulatory agencies. Wetlands in the project area are regulated by agencies at the local, regional, state, and federal levels including the USACE and the EPA at the federal level, the Minnesota Board of Water and Soil Resources (BWSR) and the MPCA at the state level, and the City of Burnsville at the local level. The City of Burnsville has accepted the responsibility for the administration of the Minnesota Wetland Conservation Act (WCA) of 1991.

It is assumed the project will qualify for a Transportation General Permit (TRGP) authorization by the USACE. If permanent impacts to wetland resources are less than 0.1 acres in size or temporary impacts are less than 0.5 acres in size, the project may proceed without prior construction notice to the USACE. Impacts greater than that require submittal of a Section 404 wetland permit application. General permits and Letters of Permission require a 30-day agency and public review process depending on the nature and location of the project and will take 45 days or more.

Under the Wetland Conservation Act, projects resulting in the loss of 100 square feet or greater of wetland will require a permit. Projects with temporary impacts to wetlands only may qualify for an exemption, but a permit application must still be submitted. Authorization is required within 75-business days of the submittal of a complete application. Mitigation for lost wetland functions and values may also be needed, which is presumed to be possible through purchase of wetland credits from an approved wetland bank within the Lower Minnesota River Watershed.

5.2.1.3.4 MPCA 303d Impaired Waters List

One impaired watercourse is located within the project area vicinity. The Minnesota River is adjacent to the project limits and is impaired due to concentrations of PCB and mercury, excessive turbidity and insufficient dissolved oxygen (Assessment Unit 07020012-505). A TMDL plan for mercury was approved in 2008 (EPA ID 35500) and dissolved oxygen in 2004 (EPA ID 10832).

5.2.2 Floodplains

The FEMA FIRM for the City of Burnsville, Minnesota, Dakota County – Panel Number 27037C0070E, effective December 2nd, 2011 was utilized as part of the floodplain and hydraulic analysis as part of the project alternative considerations. See **Section 4** for additional information about the floodplain analysis and potential impacts.

5.2.2.1 Farmland

The Federal Farmland Protection and Policy Act (FPPA) and the Minnesota Agricultural Land Preservation and Conservation Policy Act, Minnesota Statute §17.80-17.84, were enacted to ensure that impacts to agricultural lands and operations are integrated into the decision-making process at the EA level. These laws are also intended to minimize, to the extent reasonable, actions that result in unnecessary and irreversible conversion of farmland to non-agricultural purposes.

The Natural Resources Conservation Service (NRCS) Web Soil Survey (WSS), NRCS electronic Field Office Technical Guide (eFOTG), and the Dakota County Soil Survey were referenced to identify prime and unique farmland, and farmland of statewide and/or local importance within the project area. No soils are mapped and designated by the NRCS as prime farmland, prime farmland if drained, and farmland of statewide importance located within the project or nearby vicinity and no further coordination is required.

5.2.2.2 Wild and Scenic Rivers

Wild and scenic rivers are designated as part of the National Wild and Scenic River Program by the U.S. Department of the Interior under the Wild and Scenic River Act to protect the most beautiful and unspoiled rivers in the nation. River segments are designated based on their outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values and are to be preserved in free-flowing condition for the benefit and enjoyment of present and future generations. The St. Croix River located along Minnesota's eastern boundary in the south central portion of the state is the only federally designated Wild and Scenic River located within Minnesota, and it is located approximately 23 miles east of the project site. There are no designated National Wild and Scenic Rivers within or near the project area.

Similarly, the Minnesota Wild and Scenic Rivers Act (M.S. 103F.301 – 103F.345) is a state level effort that provides similar protections to designated rivers or sections of rivers in Minnesota. The Act is effectively managed and implemented by the MnDNR. Portions of the Minnesota River are designated as state of Minnesota Wild and Scenic River. The designated stretch is located over 80 miles away, and extends from Lac Qui Parle Dam to Franklin. There are no rivers or segments of rivers within the project area that are designated as Minnesota Wild and Scenic Rivers.

5.2.2.3 Noise

Because the trail is intended for pedestrian use, the proposed trail project should not result in an increase of noise. However, construction activities associated with the project would result in noise and dust. It is recommended that the City require contractor(s) to comply with applicable local noise restrictions and ordinances. Additionally, communities that might be affected by construction noise should be notified in advance of any planned loud construction activities.

5.2.2.4 Air Quality

No air quality impacts are expected to result from the proposed project.

5.3 Resource Summary

Table 3 summarizes resources that may be affected by the proposed trail improvements, the regulating agencies for each resource, and any permits or approvals that may be required. These permit requirements may vary as the project is defined, but is intended to provide a comprehensive list of agencies and entities to include at the beginning of the process.

Table 3 – Resource Summary

Resource Type	Unit of Government	Type of Permit, Application, or Approval	Timeframe
Publicly-owned recreational resources	Responsible officials with jurisdiction over the resource (USFWS, Dakota County, City of Burnsville)	De Minimis Determination	Varies*
Threatened or Endangered Species	MNDNR	Consultation, NHIS Data Request	30 days
		Species Survey	3 months
		Takings Permit	1 year*
Watercourse	MNDNR	Public Waters Work Permit	30-60 days
	USACE	Section 10	120 days
	U.S. Coast Guard	Section 9	120 days
Wetlands	City of Burnsville (Wetland Conservation Act)	No-Loss (temporary impacts)	0-30 days*
		Wetland Replacement Plan	Within 75 days
	USACE	Transportation General Permit (0.01 acres – 3 acres of impact)	30 - 45 days
		Letter of Permission	45 - 60 days*
		Individual Permit	60 - 120 days or more*
	MPCA	401 Water Quality Certification	120-160 days
Floodplains	FEMA	No-Rise Certification	30-60 days
Farmland	NRCS USDA	Farmland Conversion Impact Rating	0-30 days *
Cultural Resources	State Historic Preservation Office	Review of cultural and archeological resources	60 days
** permit not anticipated for proposed trail improvements*			

6 Opinions of Probable Construction Cost

SEH has prepared preliminary cost estimates for construction and engineering fees for the three concepts, discussed within this report, including:

- Concept 1: Raised trail by a conventional embankment from the MnDOT ROW towards Black Dog Road, terminating when an elevation of 702 is met
- Concept 2: Raised trail by a hybrid conventional embankment/RSS, chosen based on impact, from the MnDOT ROW towards Black Dog Road, terminating when an elevation of 702 is met
- Concept 3: Raised trail by a RSS from the MnDOT ROW towards Black Dog Road, terminating when an elevation of 702 is met
- Concept 4: Raised trail by a hybrid conventional embankment/boardwalk, chosen based on impact, from the MnDOT ROW towards Black Dog Road, terminating when an elevation of 702 is met
- Concept 5: Realigned trail adjacent to the I-35W exit ramp consisting of a conventional embankment, beginning at elevation 702
- Concept 6: Realigned trail adjacent to the I-35W exit ramp consisting of RSS, beginning at elevation 702

Unit costs were chosen using MnDOT average bid prices and information from recent mitigation projects. It was assumed that new trail paving would extend from all the way to Black Dog Road. Note that portions of the raised trail as well as repaving of the remainder of the trail are within MnDOT ROW. Detailed cost estimates are in **Appendix A** and a summary of cost estimation is shown in **Table 4**.

Table 4 – Cost Estimation Summary

Concept	Estimated Total Cost
1	$330,100
2	$960,500
3	$1,246,600
4	$1,848,100
5	$630,400
6	$1,890,500

In addition to construction and engineering fees, it is important to consider fees associated with wetland mitigation as required by the project. These estimated fees, summarized in **Table 5**, assume that wetland credits will be purchased from a wetland bank and are not intended to be used as justification for determining an appropriate concept should the project move forward to final design.

Table 5 – Mitigation Cost Estimation

Concept	Permanent Impacts (sf)	Mitigation Area @ 2 X Impact Area (sf)	Wetland Credit Cost @ $2.50/sf	BWSR Withdrawal Fee @ $2,500/ac	Estimated Total
1	18,600[1]	37,200	$93,000	$2,135	**$95,135**
2	10,000[1]	20,000	$50,000	$1,150	**$51,150**
3	3,700[1]	7,400	$18,500	$425	**$18,925**
4	4,000[1]	8,000	$20,000	$460	**$20,460**
5	35,015[2]	66,030	$165,075	$3,800	**$168,875**
6	22,715[2]	45,430	$113,575	$2,600	**$116,175**

[1]Overall impact footprint less existing trail area (Length of Trail x Width of Trail)

[2]Permanent impacts may be reduced if there are already mitigated impacts associated with the adjacent MnDOT project. If so, any already mitigated area may not be included in permanent impacts. For more information, request the delineation and mitigation information from MnDOT.

Wetland mitigation on site is also an option however may not be suggested due to space and location. Mitigation requires replacement at a 2:1 ratio, so there will not be enough space for complete onsite mitigation, therefore a wetland bank would have to be utilized regardless. Due to the interaction with the river/lake, this is a less desirable area for mitigation. Additionally, significant monitoring is required for mitigation for at least 5 years.

7 Recommendations

The trail raise project described in this report is a high level analysis to assist the City in determining the overall feasibility of the project. It is recommended that the City pursue the following actions should the project continue towards final design:

- Continue discussions with MnDOT to collaborate with their planned trail reconstruction, just south of the trail segment
- Initiate stakeholder discussions early in the process to maintain involvement and open communication
- Initiate agency preliminary permitting discussions early in the process to identify the most appropriate path for approval
- Complete a soil investigation at the location of the trail segment to ensure that any chosen alternative will be appropriate for long term stability of the trail
- Initiate final design, if deemed feasible, by using information described in this study

Figures

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FILE NO.
BU153788-FIGURES

DATE:
02/06/2020

LOCATION MAP
BLACK DOG MN RIVER TRAIL
BURNSVILLE, MINNESOTA

FIGURE NO. 1

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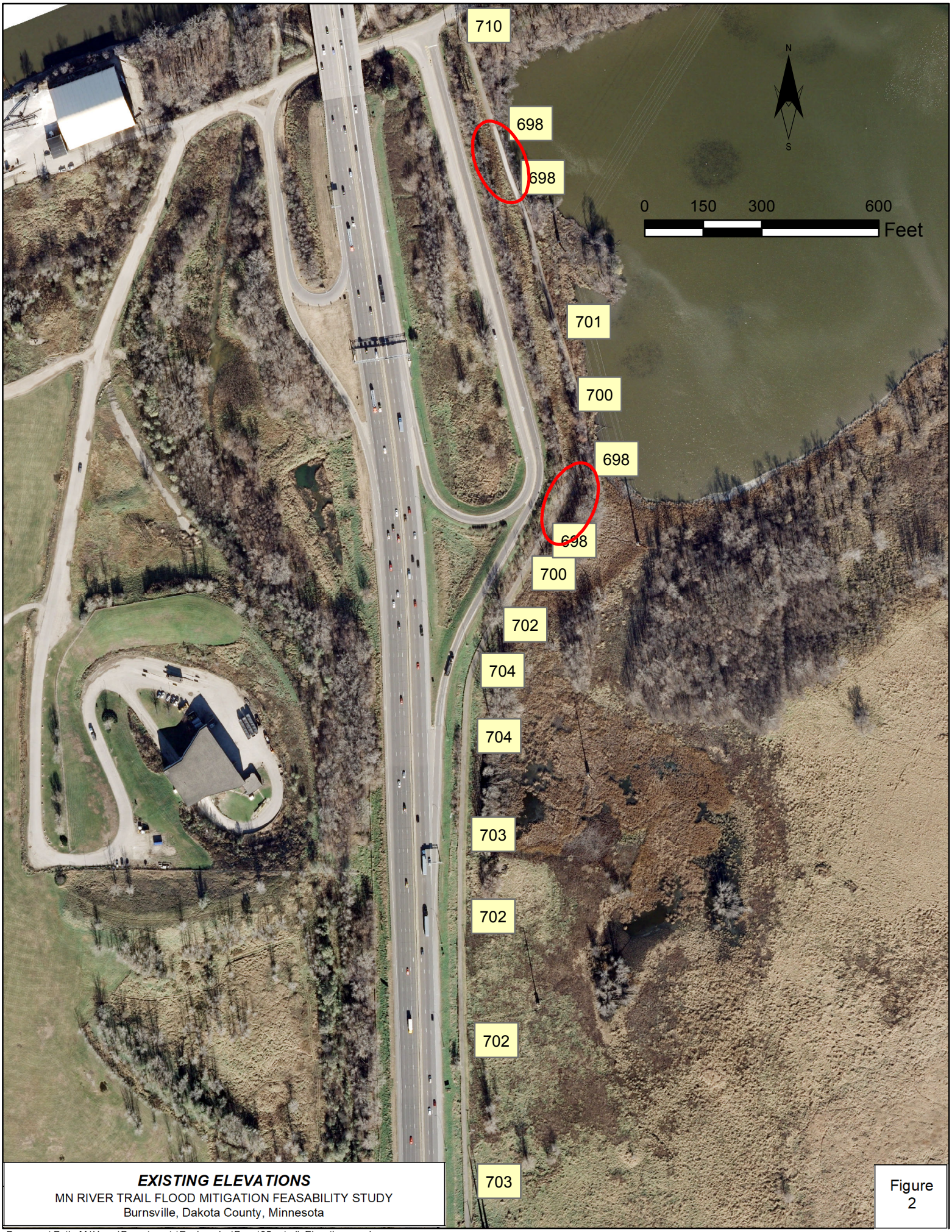


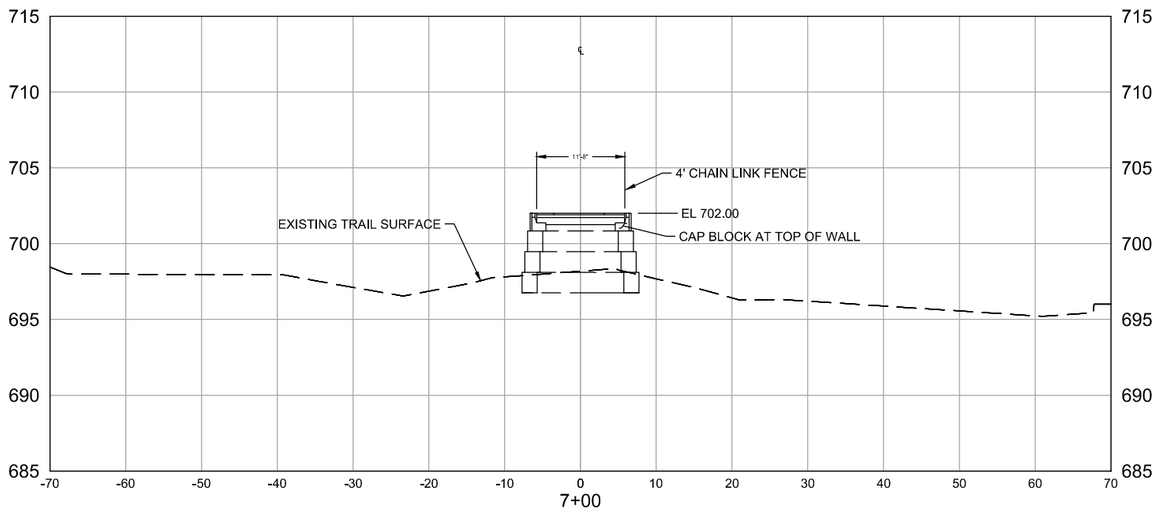
EXISTING ELEVATIONS

MN RIVER TRAIL FLOOD MITIGATION FEASABILITY STUDY

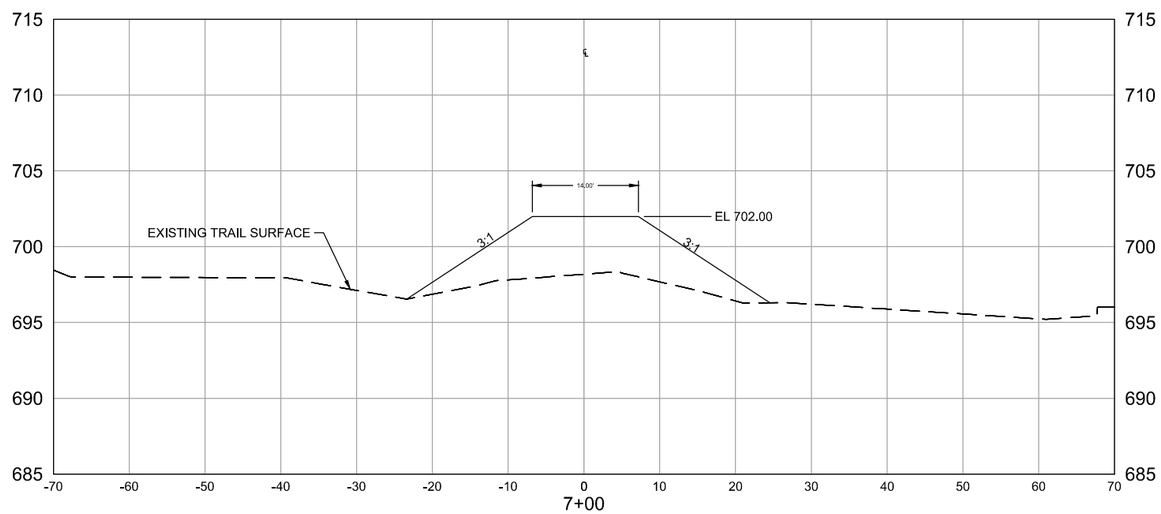
Burnsville, Dakota County, Minnesota

Figure 2

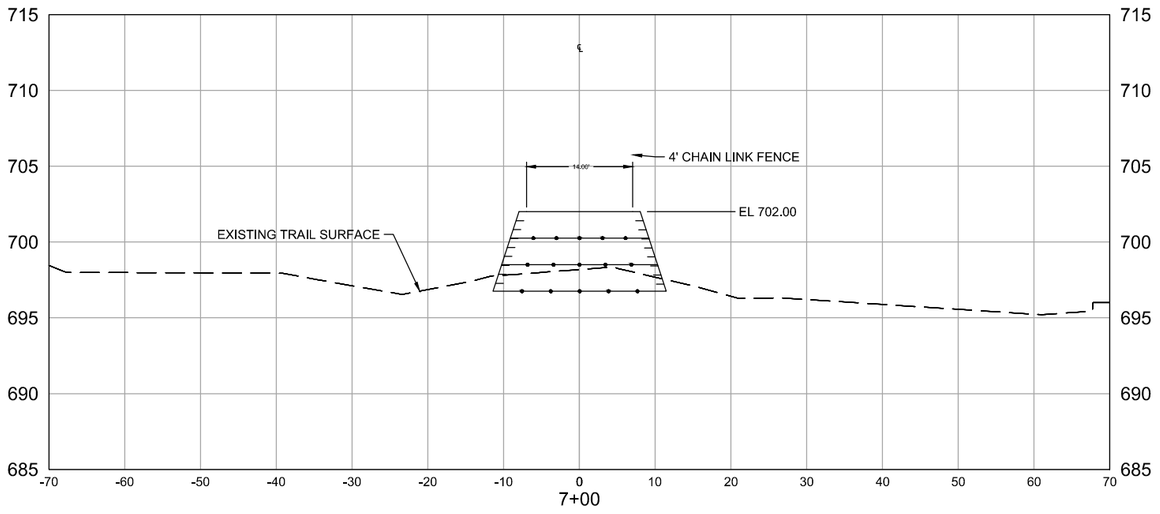
Document Path: M:\Users\Departments\Engineering\Doug\35w_trail_Elevations.mxd



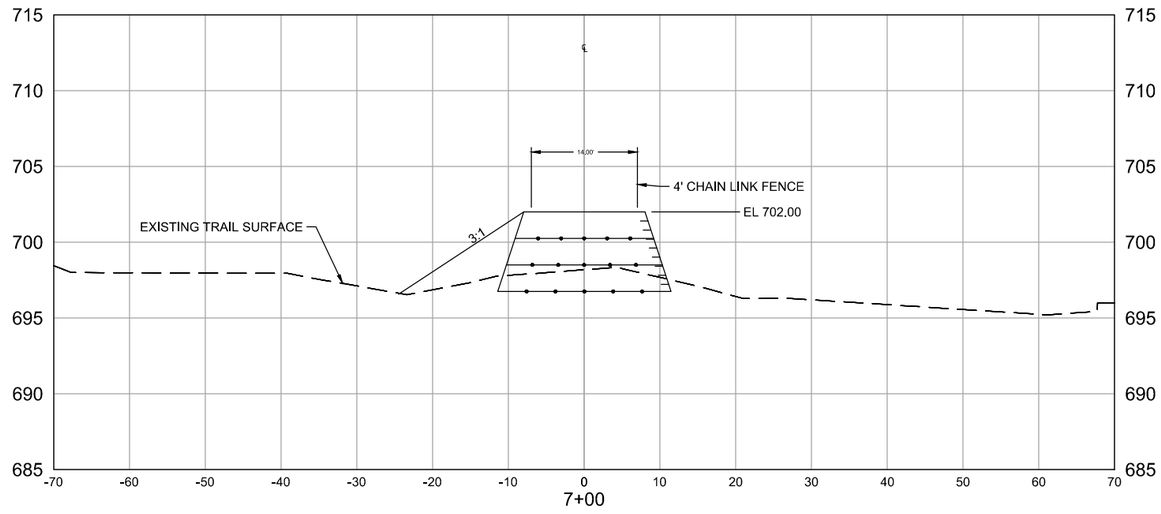
RETAINING WALL



CONVENTIONAL EMBANKMENT



REINFORCED SOIL SLOPE



REINFORCED SOIL SLOPE AND CONVENTIONAL EMBANKMENT

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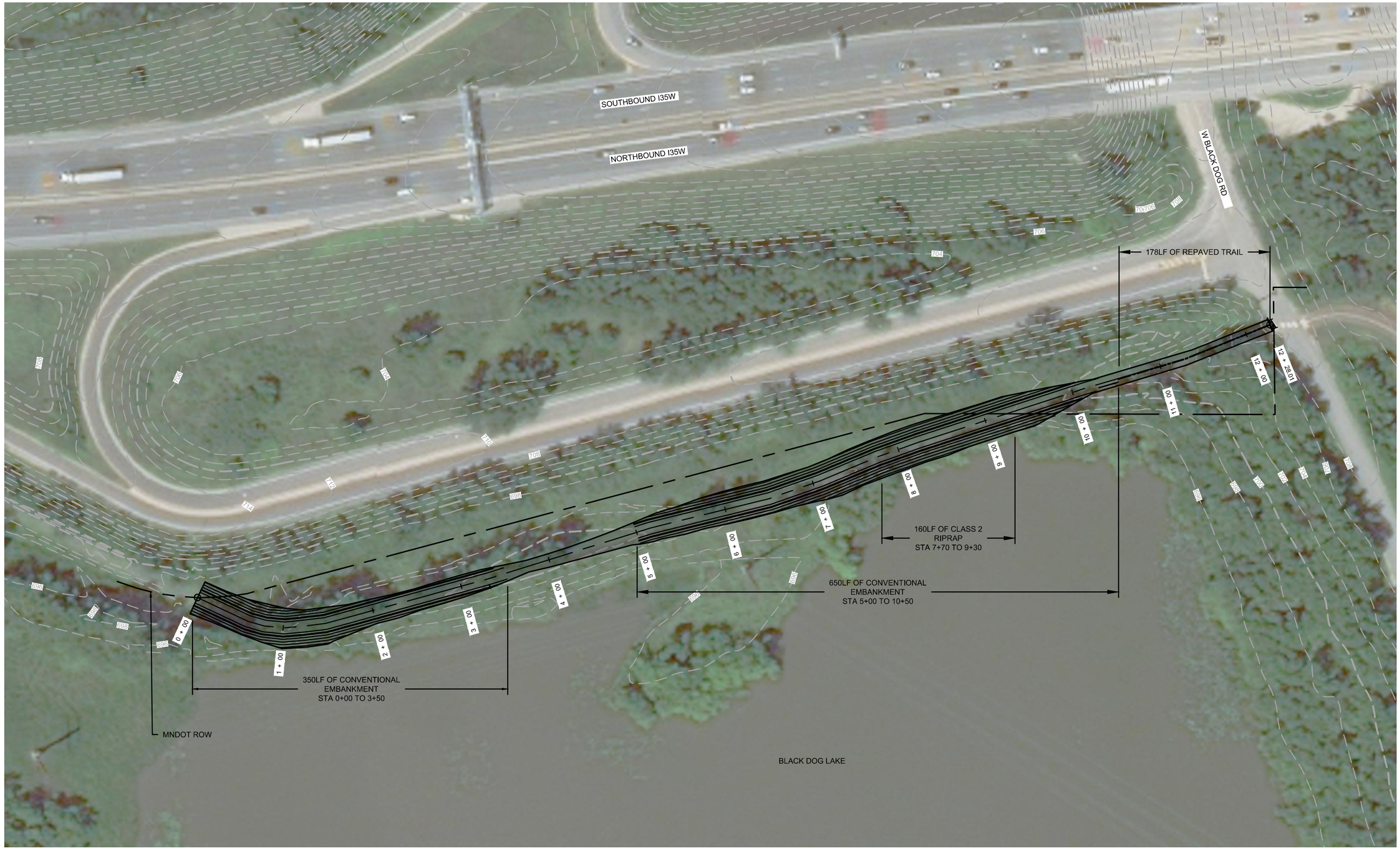
CONCEPT OPTION DETAILS
BLACK DOG MN RIVER TRAIL
BURNSVILLE, MINNESOTA

FIGURE
NO. 3



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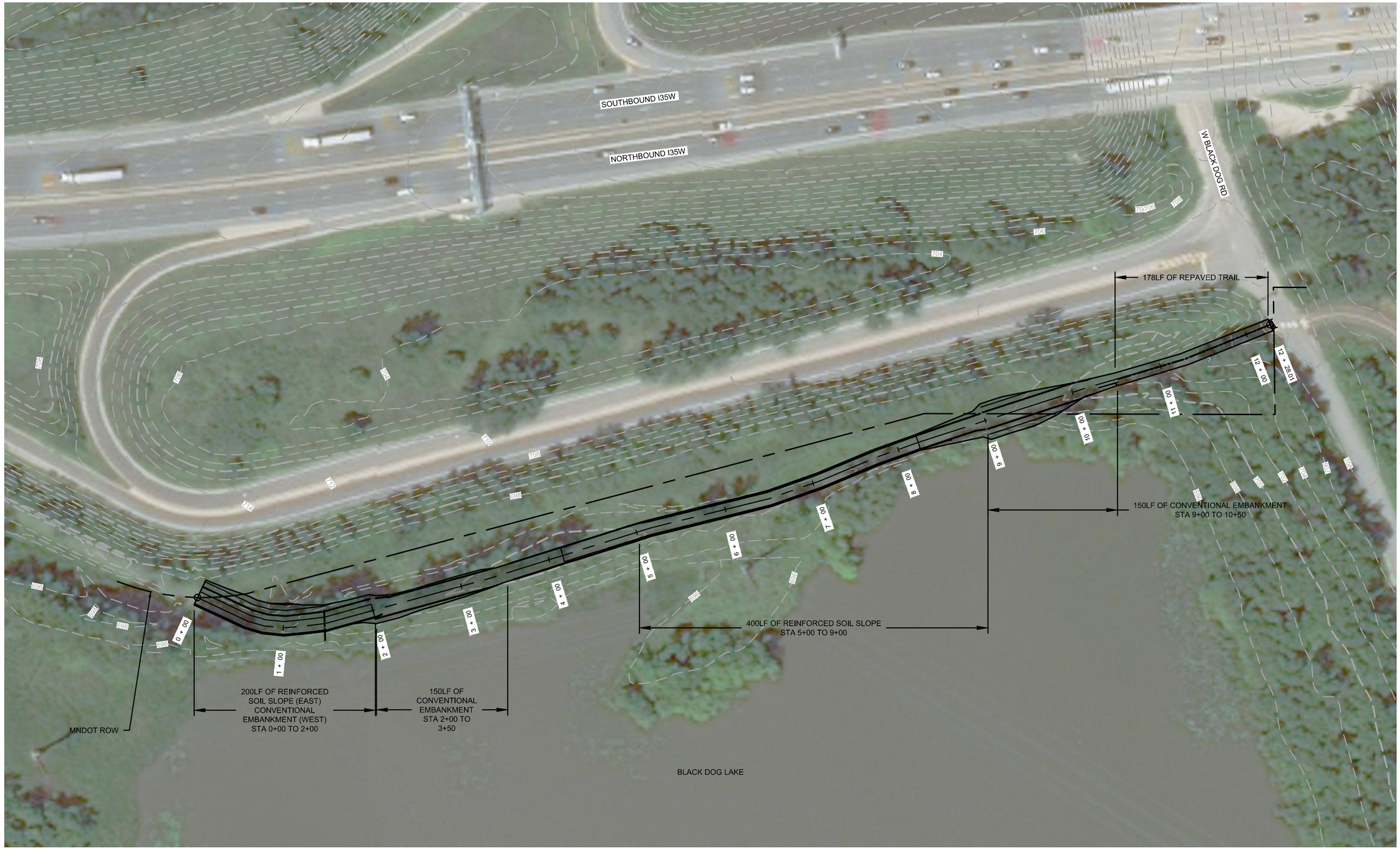
DATE:
02/06/2020

IMPACTED AREA CONCEPT 1
BLACK DOG MN RIVER TRAIL
BURNSVILLE, MINNESOTA

FIGURE NO. 4



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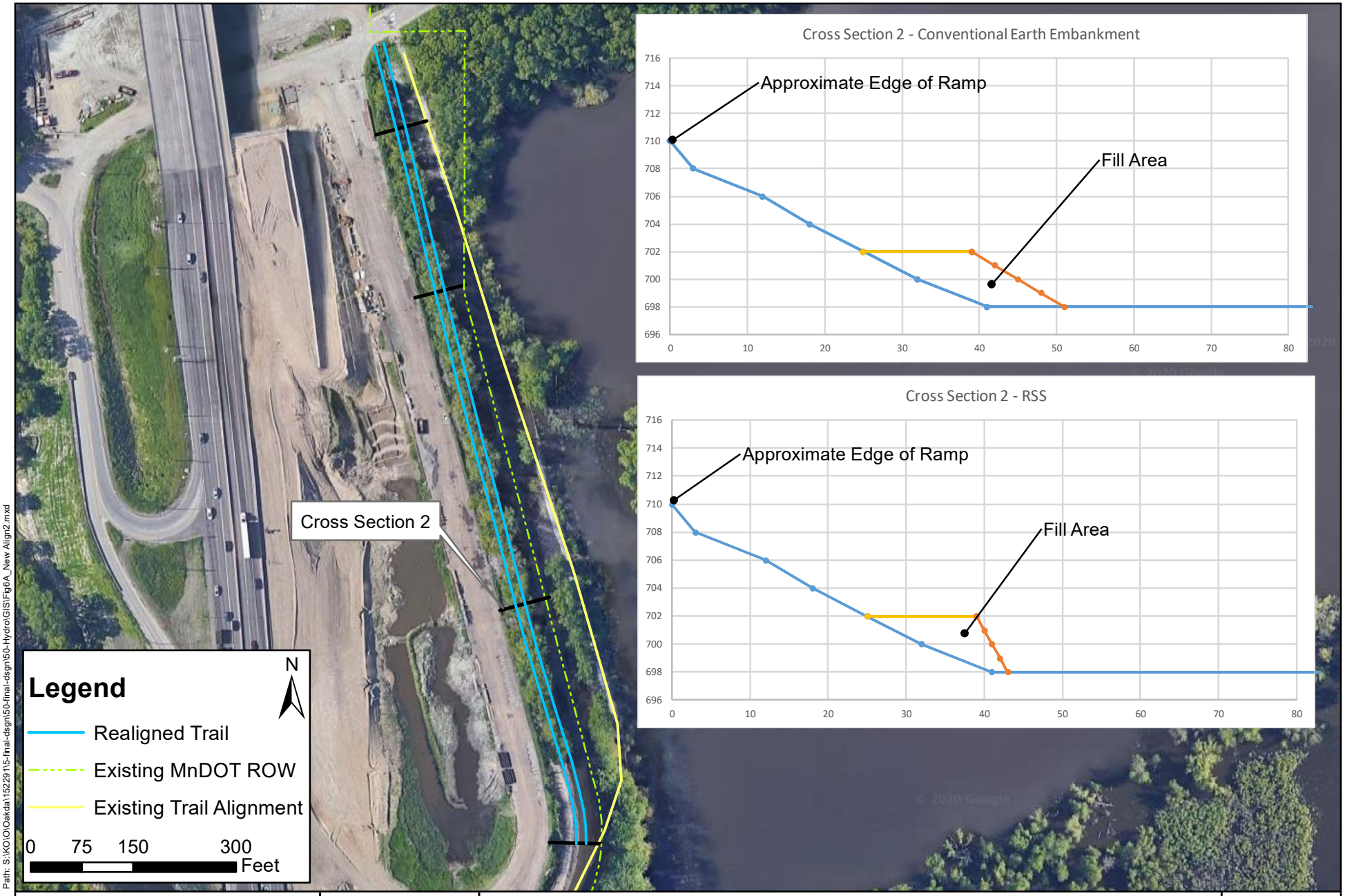
DATE:
02/06/2020

IMPACT AREA CONCEPT 2
BLACK DOG MN RIVER TRAIL
BURNSVILLE, MINNESOTA

FIGURE NO. 5



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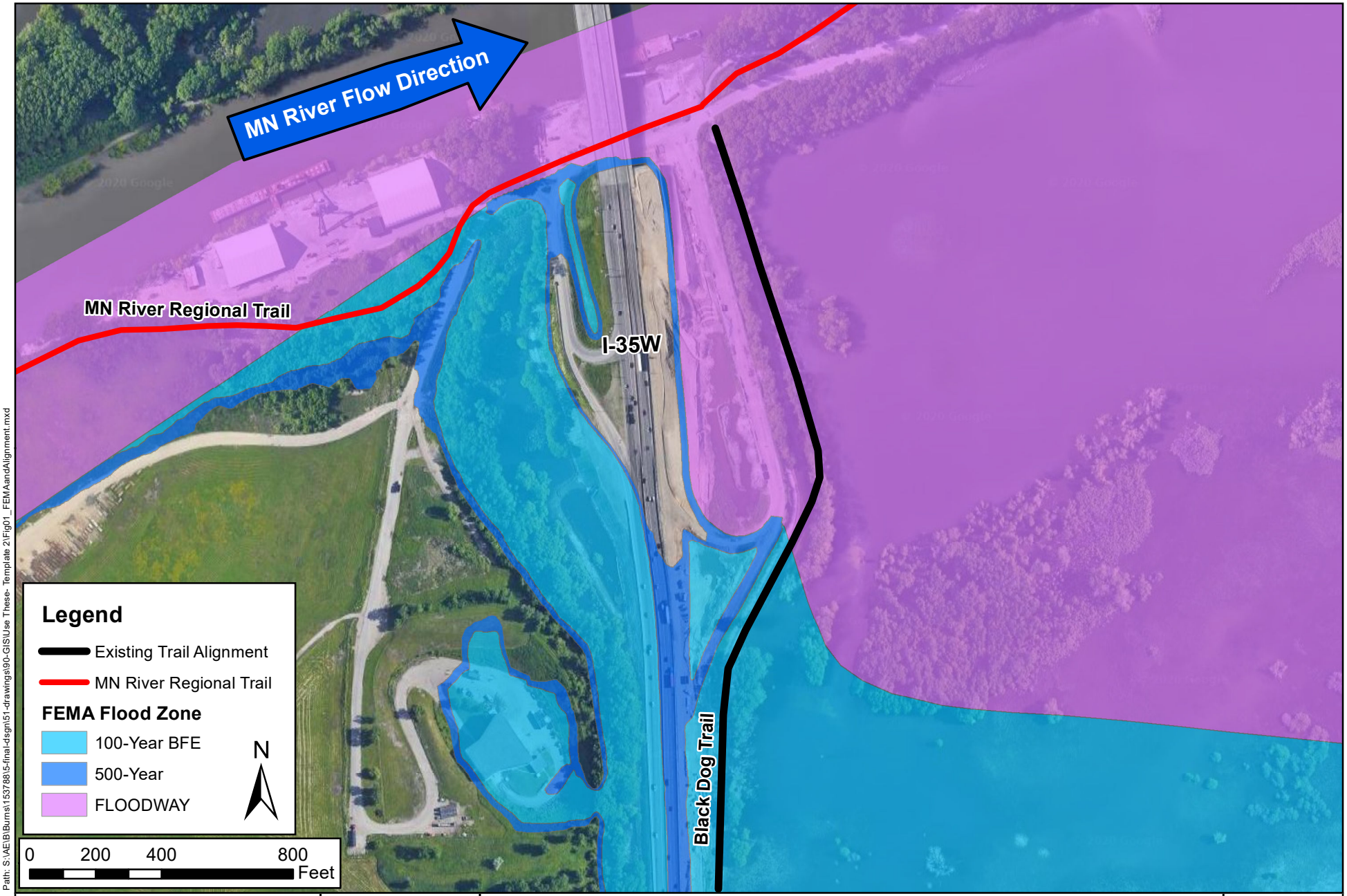
Print Date: 3/3/2020

Map by: ejennings
Projection: NAD83 HARN Dakota_Ft
Source: SEH, ESRI, Google, FWS, MnDNR

REALIGNED TRAIL

MN RIVER TRAIL FLOOD MITIGATION FEASABILITY STUDY
Burnsville, Dakota County, Minnesota

Figure 6A



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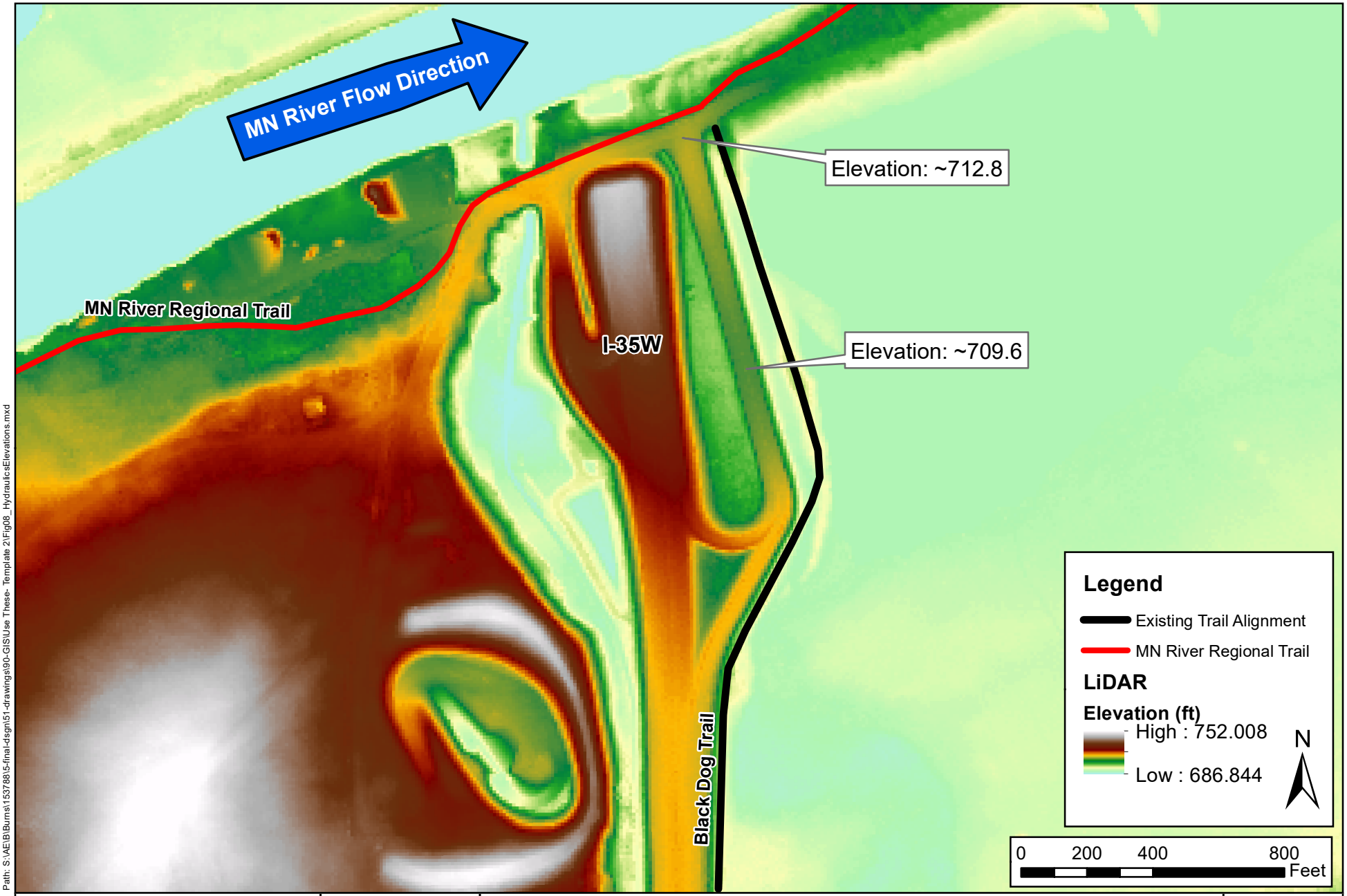
Map by: ejennings
Projection: NAD83 HARN Dakota_Ft
Source: SEH, ESRI, Google, FWS, MnDNR

FEMA FLOOD ZONES

MN RIVER TRAIL FLOOD MITIGATION FEASABILITY STUDY
Burnsville, Dakota County, Minnesota

Figure 7



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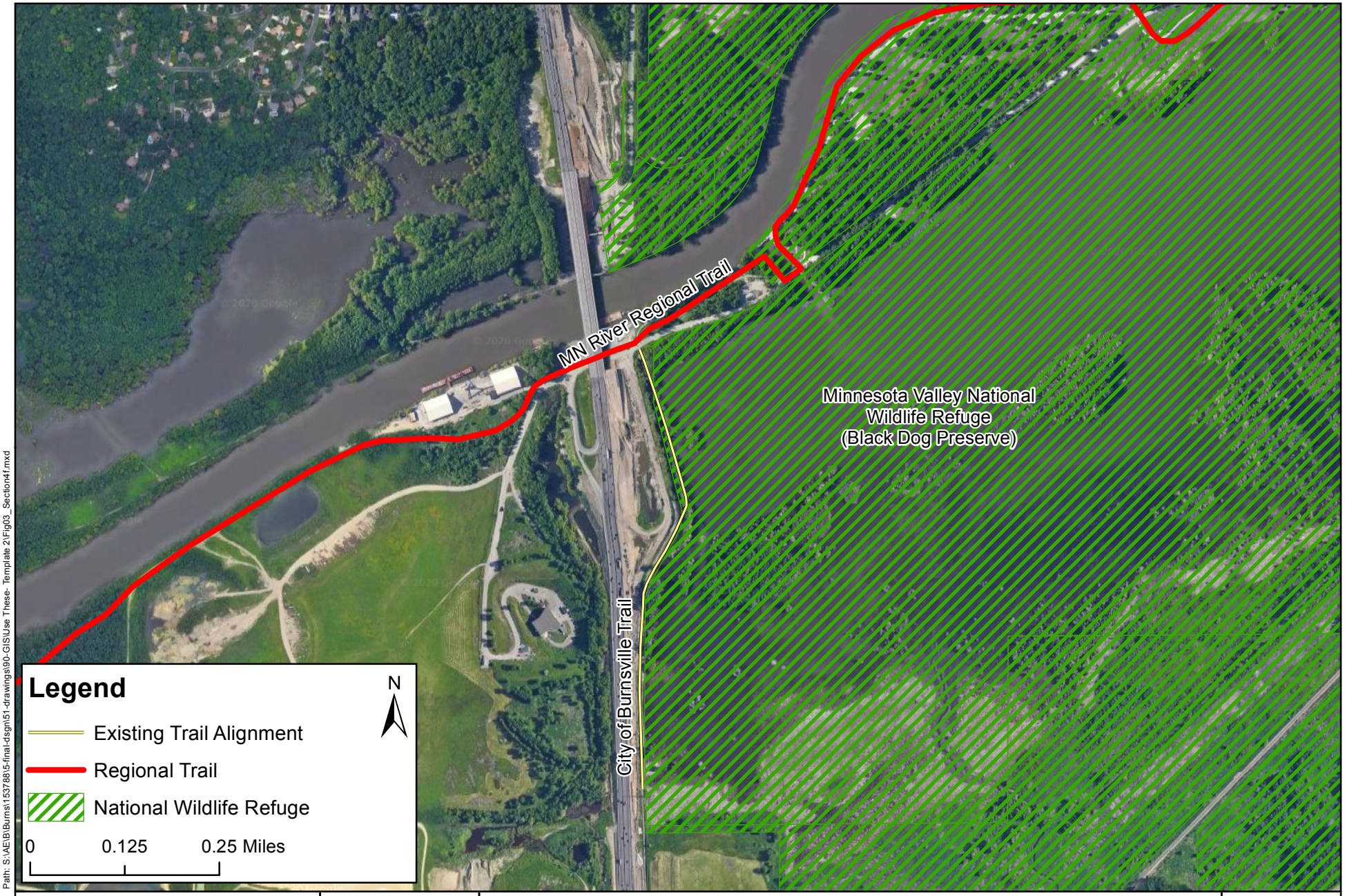
Map by: ejennings
Projection: NAD83 HARN Dakota_Ft
Source: SEH, ESRI, Google, FWS, MnDNR

RELAVENT ELEVATIONS

MN RIVER TRAIL FLOOD MITIGATION FEASABILITY STUDY
Burnsville, Dakota County, Minnesota

Figure 8



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Print Date: 1/31/2020

Map by: rbeduhn
Projection: NAD83 HARN Dakota_Ft
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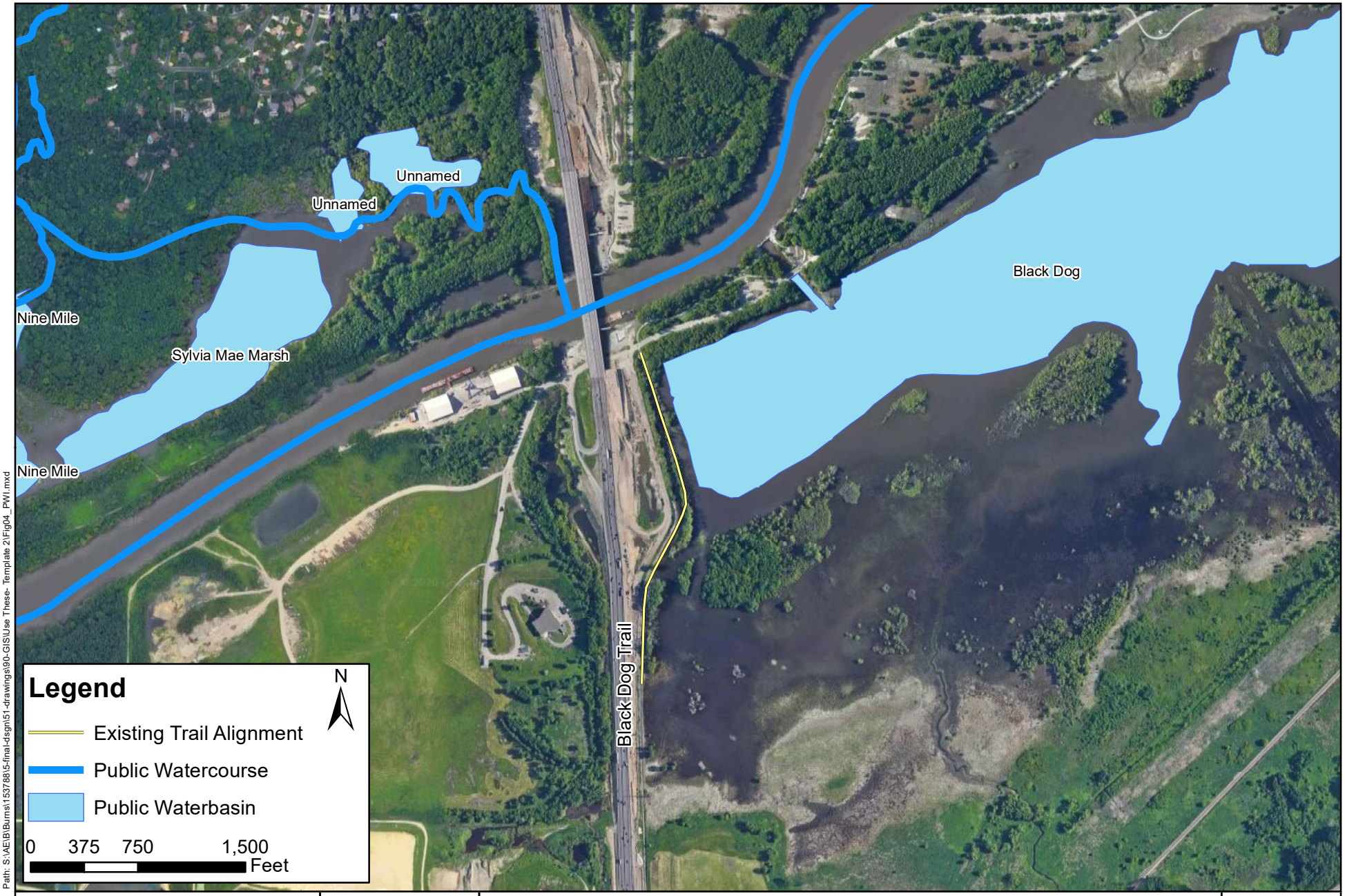
SECTION 4(f) RESOURCES

MN RIVER TRAIL FLOOD MITIGATION FEASABILITY STUDY
Burnsville, Dakota County, Minnesota

Figure 9



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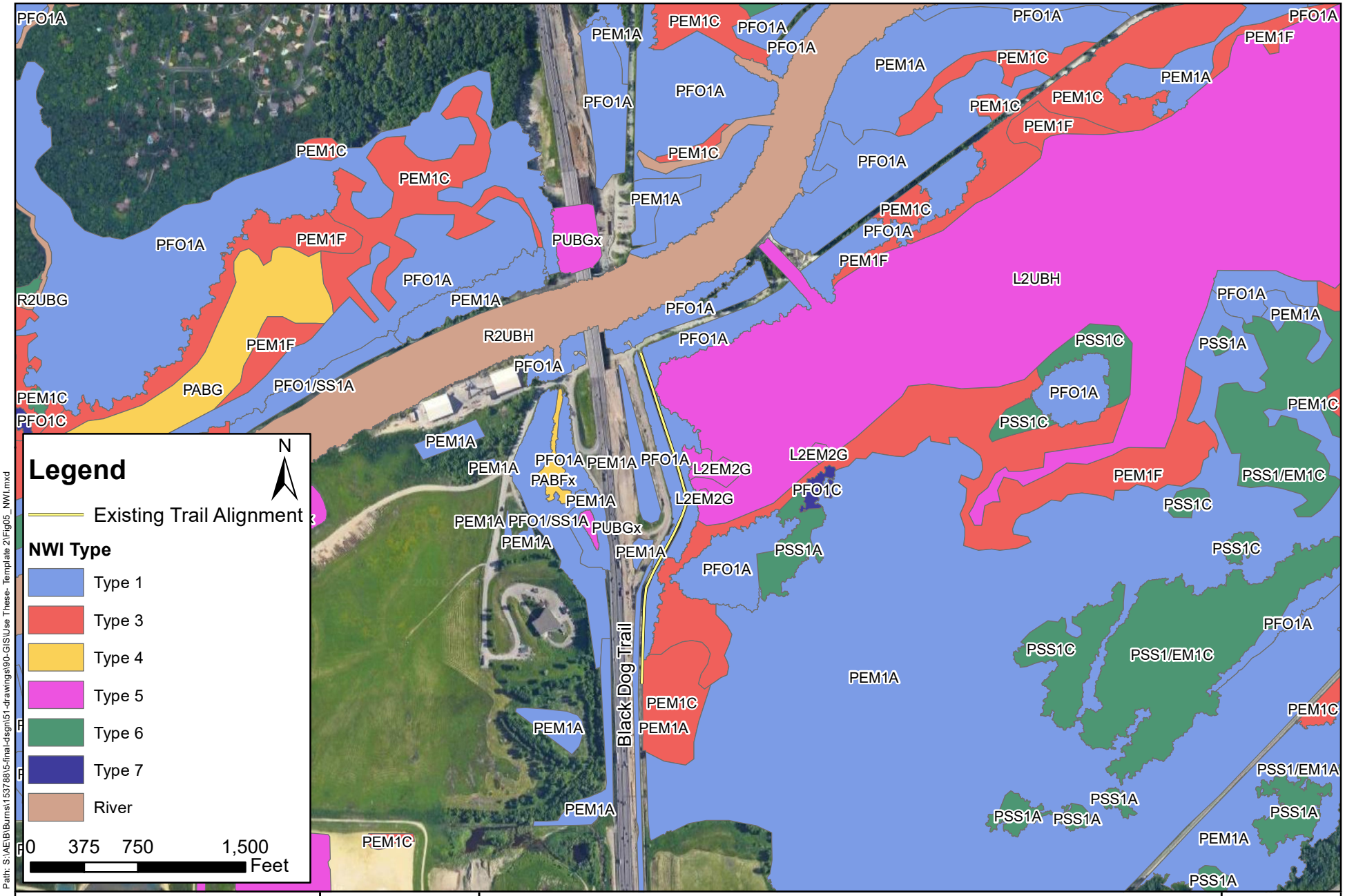
Project: BURNS 153788
Print Date: 2/6/2020

Map by: ejennings
Projection: NAD83 HARN Dakota_Ft
Source: SEH, ESRI, Google, FWS, MnDNR

MN DNR PUBLIC WATERS INVENTORY

MN RIVER TRAIL FLOOD MITIGATION FEASABILITY STUDY
Burnsville, Dakota County, Minnesota

Figure 10



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Project: BURNS 153788
Print Date: 1/31/2020

Map by: ejennings
Projection: NAD83 HARN Dakota_Ft
Source: SEH, ESRI, Google, FWS, MnDNR

NATIONAL WETLANDS INVENTORY

MN RIVER TRAIL FLOOD MITIGATION FEASABILITY STUDY
Burnsville, Dakota County, Minnesota

Figure 11

Appendix A

Opinions of Probable Cost

Burnsville Trail Raise at Black Dog Lake
Concept 1 - Conventional Embankment

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL COST
017113.01	Mobilization	LS	1	$ 15,000.00	$ 15,000.00
024133.01	Remove Bituminous Pavement	SY	650	$ 4.00	$ 2,600.00
024133.02	Sawcut Bituminous Pavement	LF	20	$ 15.00	$ 300.00
024133.02	Salvage 48" Chain link Fence Fabric Remove Posts	LF	1200	$ 7.00	$ 8,400.00
024133	Remove Pipe Culverts	LF	60	$ 8.00	$ 480.00
311100.01	Clearing and Grubbing	EA	11	$ 440.00	$ 4,840.00
312210	Granular Borrow (Includes 30% Shrinkage)	CY	2629	$ 11.00	$ 28,919.00
312310.01	Stripping	CY	644	$ 7.00	$ 4,508.00
312510.02	Silt Fence Heavy Duty	LF	2800	$ 5.00	$ 14,000.00
312510.03	Construction Entrance	EA	2	$ 2,500.00	$ 5,000.00
312510.05	Sediment Control Log	LF	300	$ 3.00	$ 900.00
313410	Geotextile Type 3	SY	75	$ 3.50	$ 262.50
313700	Riprap Cl. II	CY	38	$ 47.00	$ 1,786.00
321111.01	Subgrade Preparation Trail	RD STA	12	$ 3,000.00	$ 36,000.00
321122.01	Aggregate Base Class 5	Ton	528	$ 17.00	$ 8,976.00
321216.01	Type SPWEA240B Wear Course	Ton	161	$ 90.00	$ 14,490.00
321216.02	Type SPNWB230B Non-wear Course	Ton	161	$ 90.00	$ 14,490.00
323113	Install Salvage Chain Link Fence w/New Hardware	LF	1200	$ 22.00	$ 26,400.00
329100.01	Topsoil Borrow	CY	322	$ 20.00	$ 6,440.00
329212.01	Seeding (Seed Mixture MNDOT 36-211)	AC	0.5	$ 6,000.00	$ 3,000.00
329230.01	Erosion Control Blanket Cat. 3N Type Straw 2S	SY	2637	$ 3.00	$ 7,911.00
334100	Install Pipe Culvert (24" CSP)	LF	100	$ 60.00	$ 6,000.00
334100	24" CSP Apron	EA	2	$ 446.00	$ 892.00
CONTINGENCY @ 20%					**$ 42,318.90**
SUBTOTAL TRAIL MODIFICATIONS					**$ 253,913.40**

ENGINEERING, ADMIN AND LEGAL FEES @ 30%	**$ 76,174.02**

TOTAL	**$ 330,087.42**

Burnsville Trail Raise at Black Dog Lake
Concept 2 - Conventional Embankment/Reinforced Soil Slope

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL COST
017113.01	Mobilization	LS	1	$ 43,000.00	$ 43,000.00
024133.01	Remove Bituminous Pavement	SY	650	$ 4.00	$ 2,600.00
024133.02	Sawcut Bituminous Pavement	LF	20	$ 15.00	$ 300.00
024133.02	Salvage 48" Chain link Fence Fabric Remove Posts	LF	1020	$ 7.00	$ 7,140.00
024133	Remove Pipe Culverts	LF	60	$ 8.00	$ 480.00
311100.01	Clearing and Grubbing	EA	11	$ 440.00	$ 4,840.00
312210	Granular Borrow (Includes 30% Shrinkage)	CY	908	$ 11.00	$ 9,988.00
312310.01	Stripping	CY	644	$ 7.00	$ 4,508.00
312510.02	Silt Fence Heavy Duty	LF	2800	$ 5.00	$ 14,000.00
312510.03	Construction Entrance	EA	2	$ 2,500.00	$ 5,000.00
312510.05	Sediment Control Log	LF	300	$ 3.00	$ 900.00
321111.01	Subgrade Preparation Trail	RD STA	12	$ 3,000.00	$ 36,000.00
321122.01	Aggregate Base Class 5	Ton	603	$ 17.00	$ 10,251.00
321216.01	Type SPWEA240B Wear Course	Ton	165	$ 90.00	$ 14,850.00
321216.02	Type SPNWB230B Non-wear Course	Ton	165	$ 90.00	$ 14,850.00
323113	Install Salvage Chain Link Fence w/New Hardware	LF	1200	$ 22.00	$ 26,400.00
323113	Chain Link Fence 48"	LF	650	$ 22.00	$ 14,300.00
323234	Reinforced Soil Slope Trail Section	LF	650	$ 590.00	$ 383,500.00
329100.01	Topsoil Borrow	CY	289	$ 20.00	$ 5,780.00
329212.01	Seeding (Seed Mixture MNDOT 36-211)	AC	0.5	$ 6,000.00	$ 3,000.00
329230.01	Erosion Control Blanket Cat. 3N Type Straw 2S	SY	2373	$ 3.00	$ 7,119.00
334100	Install Pipe Culvert (24" CMP)	LF	100	$ 60.00	$ 6,000.00
334100	24" CSP Apron	EA	2	$ 446.00	$ 892.00
CONTINGENCY @ 20%					**$ 123,139.60**
SUBTOTAL TRAIL MODIFICATIONS					**$ 738,837.60**

ENGINEERING, ADMIN AND LEGAL FEES @ 30%	**$ 221,651.28**

TOTAL	**$ 960,488.88**

Burnsville Trail Raise at Black Dog Lake
Concept 3 - Reinforced Soil Slope

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL COST
017113.01	Mobilization	LS	1	$ 55,000.00	$ 55,000.00
024133.01	Remove Bituminous Pavement	SY	650	$ 4.00	$ 2,600.00
024133.02	Sawcut Bituminous Pavement	LF	20	$ 15.00	$ 300.00
024133.02	Salvage 48" Chain link Fence Fabric Remove Posts	LF	1200	$ 10.00	$ 12,000.00
024133	Remove Pipe Culverts	LF	60	$ 8.00	$ 480.00
311100.01	Clearing and Grubbing	EA	11	$ 440.00	$ 4,840.00
312310.01	Stripping	CY	644	$ 7.00	$ 4,508.00
312510.02	Silt Fence Heavy Duty	LF	2800	$ 5.00	$ 14,000.00
312510.03	Construction Entrance	EA	2	$ 2,500.00	$ 5,000.00
312510.05	Sediment Control Log	LF	300	$ 3.00	$ 900.00
321111.01	Subgrade Preparation Trail	RD STA	12	$ 3,000.00	$ 36,000.00
321122.01	Aggregate Base Class 5	Ton	630	$ 17.00	$ 10,710.00
321216.01	Type SPWEA240B Wear Course	Ton	165	$ 90.00	$ 14,850.00
321216.02	Type SPNWB230B Non-wear Course	Ton	165	$ 90.00	$ 14,850.00
323113	Install Salvage Chain Link Fence w/New Hardware	LF	1200	$ 22.00	$ 26,400.00
323113	Chain Link Fence 48"	LF	700	$ 22.00	$ 15,400.00
323234	Reinforced Soil Slope Trail Section	LF	950	$ 590.00	$ 560,500.00
329100.01	Topsoil Borrow	CY	257	$ 20.00	$ 5,140.00
329212.01	Seeding (Seed Mixture MNDOT 36-211)	AC	0.4	$ 6,000.00	$ 2,400.00
329230.01	Erosion Control Blanket Cat. 3N Type Straw 2S	SY	2110	$ 3.00	$ 6,330.00
024133	Install Pipe Culvert (24" CSP)	LF	100	$ 60.00	$ 6,000.00
334100	24" CSP Apron	EA	2	$ 446.00	$ 892.00
CONTINGENCY @ 20%					**$ 159,820.00**
SUBTOTAL TRAIL MODIFICATIONS					**$ 958,920.00**

ENGINEERING, ADMIN AND LEGAL FEES @ 30%	**$ 287,676.00**

TOTAL	**$ 1,246,596.00**

Burnsville Trail Raise at Black Dog Lake
Concept 4 - Conventional Embankment/Boardwalk

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL COST
017113.01	Mobilization	LS	1	$ 82,000.00	$ 82,000.00
024133.01	Remove Bituminous Pavement	SY	650	$ 4.00	$ 2,600.00
024133.02	Sawcut Bituminous Pavement	LF	20	$ 15.00	$ 300.00
024133.02	Salvage 48" Chain link Fence Fabric Remove Posts	LF	1200	$ 10.00	$ 12,000.00
024133	Remove Pipe Culverts	LF	60	$ 8.00	$ 480.00
311100.01	Clearing and Grubbing	EA	11	$ 440.00	$ 4,840.00
312310.01	Stripping	CY	644	$ 7.00	$ 4,508.00
312510.02	Silt Fence Heavy Duty	LF	2800	$ 5.00	$ 14,000.00
312510.03	Construction Entrance	EA	2	$ 2,500.00	$ 5,000.00
312510.05	Sediment Control Log	LF	300	$ 3.00	$ 900.00
321111.01	Subgrade Preparation Trail	RD STA	5.5	$ 3,000.00	$ 16,500.00
321122.01	Aggregate Base Class 5	Ton	302	$ 17.00	$ 5,140.80
321216.01	Type SPWEA240B Wear Course	Ton	79	$ 90.00	$ 7,128.00
321216.02	Type SPNWB230B Non-wear Course	Ton	79	$ 90.00	$ 7,128.00
323113	Install Salvage Chain Link Fence w/New Hardware	LF	1200	$ 22.00	$ 26,400.00
	Boardwalk (Timber Deck w/ Guardrails)	LF	650	$ 1,500.00	$ 975,000.00
329100.01	Topsoil Borrow	CY	257	$ 20.00	$ 5,140.00
329212.01	Seeding (Seed Mixture MNDOT 36-211)	AC	0.4	$ 6,000.00	$ 2,400.00
329230.01	Erosion Control Blanket Cat. 3N Type Straw 2S	SY	2110	$ 3.00	$ 6,330.00
024133	Install Pipe Culvert (24" CSP)	LF	100	$ 60.00	$ 6,000.00
334100	24" CSP Apron	EA	2	$ 446.00	$ 892.00
CONTINGENCY @ 20%					**$ 236,937.36**
SUBTOTAL TRAIL MODIFICATIONS					**$ 1,421,624.16**

ENGINEERING, ADMIN AND LEGAL FEES @ 30%	**$ 426,487.25**

TOTAL	**$ 1,848,111.41**

Burnsville Trail Raise at Black Dog Lake
Concept 5 - Realigned Trail Conventional Embankment

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL COST
017113.01	Mobilization	LS	1	$ 30,000.00	$ 30,000.00
024133.01	Remove Bituminous Pavement	SY	650	$ 4.00	$ 2,600.00
024133.02	Sawcut Bituminous Pavement	LF	20	$ 15.00	$ 300.00
024133.02	Salvage 48" Chain link Fence Fabric Remove Posts	LF	1200	$ 7.00	$ 8,400.00
311100.01	Clearing and Grubbing	ACRE	3.4	$ 500.00	$ 1,700.00
312210	Granular Borrow (Includes 30% Shrinkage)	CY	2340	$ 11.00	$ 25,740.00
312310.01	Stripping	CY	644	$ 7.00	$ 4,508.00
312510.02	Silt Fence Heavy Duty	LF	2800	$ 5.00	$ 14,000.00
312510.03	Construction Entrance	EA	2	$ 2,500.00	$ 5,000.00
312510.05	Sediment Control Log	LF	300	$ 3.00	$ 900.00
321111.01	Subgrade Preparation Trail	RD STA	12.5	$ 3,000.00	$ 37,500.00
321122.01	Aggregate Base Class 5	Ton	630	$ 17.00	$ 10,710.00
321216.01	Type SPWEA240B Wear Course	Ton	175	$ 90.00	$ 15,750.00
321216.02	Type SPNWB230B Non-wear Course	Ton	175	$ 90.00	$ 15,750.00
323113	Install Salvage Chain Link Fence w/New Hardware	LF	1200	$ 22.00	$ 26,400.00
	Concrete Median Barrier	LF	1250	$ 150.00	$ 187,500.00
329100.01	Topsoil Borrow	CY	322	$ 20.00	$ 6,440.00
329212.01	Seeding (Seed Mixture MNDOT 36-211)	AC	0.5	$ 6,000.00	$ 3,000.00
329230.01	Erosion Control Blanket Cat. 3N Type Straw 2S	SY	2637	$ 3.00	$ 7,911.00
CONTINGENCY @ 20%					**$ 80,821.80**
SUBTOTAL TRAIL MODIFICATIONS					**$ 484,930.80**

ENGINEERING, ADMIN AND LEGAL FEES @ 30%	**$ 145,479.24**

TOTAL	**$ 630,410.04**

Burnsville Trail Raise at Black Dog Lake
Concept 6 - Realigned Trail Reinforced Soil Slope

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL COST
017113.01	Mobilization	LS	1	$ 85,000.00	$ 85,000.00
024133.01	Remove Bituminous Pavement	SY	650	$ 4.00	$ 2,600.00
024133.02	Sawcut Bituminous Pavement	LF	20	$ 15.00	$ 300.00
024133.02	Salvage 48" Chain link Fence Fabric Remove Posts	LF	1200	$ 7.00	$ 8,400.00
311100.01	Clearing and Grubbing	ACRE	3.4	$ 500.00	$ 1,700.00
312210	Granular Borrow (Includes 30% Shrinkage)	CY	1625	$ 11.00	$ 17,875.00
312310.01	Stripping	CY	515	$ 7.00	$ 3,606.40
312510.02	Silt Fence Heavy Duty	LF	2800	$ 5.00	$ 14,000.00
312510.03	Construction Entrance	EA	2	$ 2,500.00	$ 5,000.00
312510.05	Sediment Control Log	LF	300	$ 3.00	$ 900.00
321111.01	Subgrade Preparation Trail	RD STA	12.5	$ 3,000.00	$ 37,500.00
321122.01	Aggregate Base Class 5	Ton	630	$ 17.00	$ 10,710.00
321216.01	Type SPWEA240B Wear Course	Ton	175	$ 90.00	$ 15,750.00
321216.02	Type SPNWB230B Non-wear Course	Ton	175	$ 90.00	$ 15,750.00
323113	Install Salvage Chain Link Fence w/New Hardware	LF	1200	$ 22.00	$ 26,400.00
	Concrete Median Barrier	LF	1250	$ 150.00	$ 187,500.00
323113	Chain Link Fence 48"	LF	1250	$ 22.00	$ 27,500.00
323234	Reinforced Soil Slope Trail Section	LF	1250	$ 590.00	$ 737,500.00
329100.01	Topsoil Borrow	CY	258	$ 20.00	$ 5,152.00
329212.01	Seeding (Seed Mixture MNDOT 36-211)	AC	0.4	$ 6,000.00	$ 2,400.00
329230.01	Erosion Control Blanket Cat. 3N Type Straw 2S	SY	2110	$ 3.00	$ 6,328.80
CONTINGENCY @ 20%					**$ 242,374.44**
SUBTOTAL TRAIL MODIFICATIONS					**$ 1,454,246.64**

ENGINEERING, ADMIN AND LEGAL FEES @ 30%	**$ 436,273.99**

TOTAL	**$ 1,890,520.63**

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LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, November 18, 2020

Agenda Item
Item 6. D. - Dredge Management

Prepared By
Linda Loomis, Administrator

Summary

i. Vernon Avenue Dredge Material Management site

Construction wrapped up and the final walk through of the project was completed by Barr Engineering, the Construction Manager on Monday, November 2nd. Comments from the final walk-through follow:

"In general, Meyer completed the work as intended on the plans. The berms look great. L.S. Marine is back in operation. We consider the work complete and recommend that we proceed toward closeout.

As can be seen in some of the pictures, there are a few areas that are not as polished as we would have hoped, but nothing that would warrant asking Meyer to come back out.

- grading could be smoother in some areas
- edges of class 5 roads could have been blended a bit better
- low spots create mud puddles in a few areas along the road
- hydromulch was applied in most areas that needed it, but there are a few gaps
- application rate for hydromulch was a bit low in some areas.

These are mitigated by L.S. Marine and how they will use the site. They are expected to address vegetation establishment in the spring. Once established they are expected to remove the silt fence. They also have the equipment on site to fix any minor grading issues should they be a functional issue for them.

As the main users of the site, I think it would be good to get L.S. Marine's feedback on how the project went. Let me know if you want us to solicit that or not.

Let me know if you have any concerns with the information here or otherwise. I'd be happy to discuss. We know this is a big project for the District and we want to make sure everyone is happy with the end result.

We have still not received a pay app from Meyer. We'll let you know when we do."

Picture of the site were provided and staff can present them to the Board at the meeting. The Board should authorize payment to Meyer Contracting once the invoice is received, subject to staff review.

ii. Private Dredge Material Placement

Dredging of private terminals is complete for the year. I have requested the dredge totals from LS Marine, so that invoices can be prepared and sent to the terminal operators.

Attachments

No attachments - Pictures will be presented at the meeting.

Recommended Action

Authorize payment to Meyer Contracting subject to review of invoice by staff.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, November 18, 2020

Agenda Item
Item 6. E. - Watershed Management Plan

Prepared By
Linda Loomis, Administrator

Summary
The status of municipal permit applications follows:

Municipality	Application Received	Permit Number	Status
City of Bloomington	9/11/2020	2020-M-05	The LMRWD reviewed information provided by the City of Bloomington. Additional changes are required for the city to comply with the District's Floodplain and Drainage Alteration Rule. At the September 16, 2020 meeting, the Board of Managers approved issuance of a municipal permit for the City of Bloomington, once it brings its ordinances into conformance with the LMRWD Floodplain and Drainage Alteration Rule.
City of Burnsville	Not received		The City was contacted and is working on revising ordinances and submitting an application
City of Carver	8/21/2020	2020-M-01	Review of the information submitted to the District by Carver was completed on 9/24/2020. There were numerous comments requiring the city's attention. Young Environmental will coordinate with the city and recommend Municipal LGU Permit approval once the required official controls align with the District's rules.
City of Chanhassen	9/1/2020	2020 -M-0?	The City of Chanhassen provided draft updates to its official controls in May 2020 for the District's review. Comments were provided to the City. At the September 16, 2020 meeting, the Board of Managers approved issuance of a municipal permit for the City of Chanhassen, once the LMRWD is satisfied its ordinances conform with LMRWD rules.
City of Chaska	Not received		The City of Chaska informed the LMRWD that it does not intend to apply for a municipal permit. The City will be asked to notify the LMRWD of this

			decision in writing, similar to the City of Eden Prairie.
City of Eagan	8/4/2020	2020-M-0?	The Board of Managers approved the municipal permit for the City of Eagan at its September 16, 2020 meeting.
City of Eden Prairie	8/31/2020		The City of Eden Prairie has authorized the District, pursuant to Minnesota Statutes 103D.335 subd.23 and 103B.211 subd.1(3), to require and issue permits for the use and development of land located in a portion of Eden Prairie and contained within the district.
City of Lilydale	Not received		The LMRWD will reach out to the City of Lilydale
City of Mendota	Not received		The LMRWD will reach out to the City of Mendota
City of Mendota Heights	9/10/2020	2020-M-04	A review of the information submitted to the District by Mendota Heights was completed. The city's guide and amended codes comply with the LMRWD's rules adopted in February 2020. The Board of Manager issued a permit to the City of Mendota Heights at its September 16, 2020 meeting.
City of Savage	Not received		LMRWD has been in touch with the City of Savage. The City has indicated that they are working on bringing its ordinances into conformance with the LMRWD standards and intends to apply for a permit.
City of Shakopee	9/8/20		The City of Shakopee requested ordinance review assistance from the District. A formal application has not yet been received.

Attachments
No attachments

Recommended Action
No action recommended

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, November 18, 2020

Agenda Item
Item 6. F - 2021 Legislative Action

Prepared By
Linda Loomis, Administrator

Summary
There have been a number of changes in the slate of legislators representing districts within the Minnesota River Basin, including in the LMRWD. Most notable is Senator Dan Hall, who has carried legislation for the LMRWD, did not win re-election.

Claire Robling, lobbyist for Scott County, called to speak to me about an issue Scott County Commissioner Michael Beard brought up. She asked about the designation of Managers and being able to fill out the LMRWD Board of Managers. I explained the issue to her and she said she will add it to the list of issues that Scott County will support. Ms. Robling informed me that she is planning to retire in the very near future.

I was doing some investigation and found that the LMRWD has brought up this issue before with BWSR. It appears that redistribution of Managers was considered because there was a desire among some counties and municipalities to petition for a boundary change. Jim Haertl of BWSR provided some scenarios to boundary changes and some examples he found of two watershed districts addressed distribution of Managers; Valley Branch in 1980 and Wild Rice Watershed District in 2006. An email from Jim Haertl is attached along with the Orders issued by the Minnesota Water Resources Board, in the case of Valley Branch Watershed District and BWSR in the case of the Wild Rice Watershed District

Attachments
December 28, 2010 email from Jim Haertl
Findings of Fact, Conclusions of Law, Order in the Matter of the Petition to Redistribute Managers of Valley Branch Watershed District
Order Redistribution of Watershed District Managers In the Matter of the Petition for Redistribution of Managers for the Wild Rice Watershed District

Recommended Action
No action recommended

From: Haertel, Jim (BWSR) [Jim.Haertel@state.mn.us]
Sent: Thursday, January 06, 2011 2:13 PM
To: Terry Schwalbe
Cc: Ray Bohn
Subject: FW: Scenarios for the Lower MN River Watershed District

Terry –

When I just sent out the email cancelling the hearing I realized I had not copied you on the forwarded email below. I'll give you a call to discuss.

* *
Jim Haertel
Metro Region Supervisor
MN Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155
Voice: 651-297-2906
FAX: 651-297-5615
Email: jim.haertel@state.mn.us

* *

From: Haertel, Jim (BWSR)
Sent: Tuesday, December 28, 2010 4:32 PM
To: Thompson, Lynn; 'mike.svoboda@co.scott.mn.us'; 'Nelson, Paul'; 'Joel.Settles@co.hennepin.mn.us'; 'Paul Moline'
Cc: Jaschke, John (BWSR); Woods, Steve (BWSR); Wozney, Brad (BWSR)
Subject: Scenarios for the Lower MN River Watershed District

Below are the main scenarios as I currently assess the situation with the Lower Minnesota River Watershed District (LMRWD). Please feel free to contact me with any questions or to discuss.

A. Status Quo.

- This spring would likely see BWSR approval of the revised LMRWD watershed management plan and three manager appointments by Carver, Dakota and Scott Counties could occur.

B. Some or all of the counties file a boundary change petition under MS 103D.251.

- Without filing a companion petition to terminate the LMRWD, some of the LMRWD would have to remain in place, such as a dredging district.
- A problem would be finding managers from residents living within the truncated district, unless a statutory exemption was approved.

- Because a boundary change under 103D pertains solely to watershed districts, the issue of reapportioning areas not transferred to an adjacent watershed district would have to be addressed.

C. Some or all of the counties file a boundary change petition under MS 103D.251 AND a companion petition to terminate the LMRWD is filed under MS 103D.271.

- The termination petition would have to be signed by at least 25% of the resident owners in the LMRWD.
- A local project sponsor for the Corps dredging would have to be established.
- Because a boundary change under 103D pertains solely to watershed districts, the issue of reapportioning areas not transferred to an adjacent watershed district would have to be addressed.

D. All of the cities and towns in the LMRWD file BOTH a boundary change petition under MS 103B.215 and a termination petition under MS 103B.221.

- A local project sponsor for the Corps dredging would have to be established.
- BWSR Order could assign areas to adjacent watershed districts and watershed management organizations.

* *

Jim Haertel
Metro Region Supervisor
MN Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155
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FAX: 651-297-5615
Email: jim.haertel@state.mn.us

* *

Minnesota Water Resources Board
555 Wabasha Street
Room 206
St. Paul, Minnesota
55102

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In the Matter of the Petition
to Redistribute the Managers of
Valley Branch Watershed District
between Ramsey County and
Washington County.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER

- - - - - - - - - - - - - - - - - -

A petition, submitted by the Board of Commissioners, Ramsey County, having been filed with the Minnesota Water Resources Board (Board) on March 27, 1980, sought the redistribution of the five managers of the Valley Branch Watershed District between Ramsey County and Washington County so that Ramsey County has representation on the Valley Branch Watershed District Board of Managers. A proper Notice of hearing on the petition was given by the Board; and, the Board held a hearing on the above matter beginning at 1:30 p.m. on June 3, 1980 in the Community Section of the Washington County Human Services Building, 7066 Stillwater Boulevard North, Oakdale, Minnesota, Washington County. The hearing was conducted by Howard L. Kaibel, Jr., a state hearing examiner.

Messrs. Duane Ekman, Benjamin Harriman and Glenn Kinneberg, Board members, appeared; appearing with the Board were Mr. Douglas Blanke, Special Assistant Attorney General, and Mr. Erling M. Weiberg, Executive Secretary. Mr. Stephen F. Befort, Principal Assistant County Attorney, appeared on behalf of the Ramsey County Board of Commissioners; Mr. Robert Kelly, Washington County Attorney, appeared on behalf of the Washington County Board of Commissioners; Susan K. Rossbach appeared on behalf of the City of N. St. Paul and Mr. Raymond Marshall, Attorney, appeared on behalf of the Board of Managers of the Valley Branch Watershed District. Other persons appeared and were heard fully.

The hearing examiner having submitted his report and recommendation; the Board having heard the testimony and evidence offered and received and having duly considered the same, and having considered all the files and records of the Board pertaining thereto now makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

I. A duly executed petition seeking redistribution of the power to appoint managers between Ramsey County and Washington County was filed with the Board on March 27, 1980.

II. The Board authorized its Chairman on April 21, 1980, to arrange a time and place for its hearing on the petition and cause Notice of a hearing to be given. The Chairman in consultation with the Board's staff, selected June 3, 1980, as the date for the Board's hearing to begin at 1:30 p.m. in a meeting room in the Community Section of the Washington County Human Services Building, 7066 Stillwater Boulevard North, Oakdale, Minnesota, 55119. The above action of the Chairman was approved by the Board at its meeting on June 3, 1980.

III. Due and proper notice, as required by law, was given.

IV. The Board hearing was held on June 3, 1980 at the designated place. It was conducted by Howard Kaibel, Jr., a hearing examiner of the state. Board members Ekman, Harriman and Kinneberg were present.

V. The Valley Branch Watershed District was established by Order of the Board on November 14, 1968 - see Paragraph XII of the Board's Order.

VI. The Board of Managers to govern the Valley Branch Watershed District consists of five residents of the watershed district; the power to appoint the five managers to the Board of Managers of Valley Branch Watershed District was given to the Board of Commissioners of Washington County - see Paragraph XV of the Board's Order.

VII. The petition of the Board of Commissioners of Ramsey County seeking redistribution of the managers of the Valley Branch Watershed District was filed with the Board 11 years, 4 months and 13 days after the Valley Branch Watershed District was established by the Board.

VIII. Since establishment of the Valley Branch Watershed District all managerial appointments have been made by the Board of Commissioners of Washington County and all appointees have been residents of Washington County.

IX. The petitioner seeks a "voice", a vote on the Board of Managers of the Valley Branch Watershed District, that is, one manager of the Valley Branch Watershed District hereinafter be appointed by the Board of Commissioners of Ramsey County.

X. The approximate size of the watershed district is 64 square miles; about 63 square miles are located in Washington County and about one square mile is in Ramsey County.

XI. The record of the terms of the managers of the Valley Branch Watershed District in the Board's office show that the terms of two managers (*Maynard L. Eder and *A. W. Horning) of the Valley Branch Watershed District Board of Managers did expire on November 13, 1980.

XII. The record of the Board's office on the day of the date of this Order, as to the appointment of managers for two three-year terms, which expired on November 13, 1980, shows that the appointments have not been made by the Board of Commissioners of Washington County.

XIII. The hearing examiner filed his report and recommendation with the Board on October 13, 1980.

CONCLUSIONS OF LAW

XIV. That the Minnesota Water Resources Board has jurisdiction in the matter of redistributing the power of county boards to appoint managers between two counties or among more than three counties, according to Minn. Stat. 1978, Section 112.42, Subd. 3.

XV. That the redistribution of the power to appoint managers of the Valley Branch Watershed District between Ramsey and Washington Counties would be in accordance with the policy and purposes of Chapter 112 because this action would benefit the administration of the Watershed Act by protecting the public welfare and benefitting the inhabitants of the watershed district.

XVI. That the public welfare and the public interest will be served by the redistribution of managers and the purpose of Chapter 112 would be subserved by the redistribution of the managers as follows: One manager residing in the watershed district in Ramsey County and appointed by the Board of Commissioners of Ramsey County and four managers residing in the watershed district in Washington County and appointed by the Board of Commissioners of Washington County.

IT IS THEREFORE ORDERED

XVII. That the Board of Commissioners of Ramsey County shall have the power to appoint one manager to the Board of Managers of Valley Branch Watershed District.

XVIII. That the Board of Commissioners of Washington County shall have the power to appoint four managers to the Board of Managers of the Valley Branch Watershed District.

IX. That effective the date of this Order the Board of Commissioners of Washington County shall make one appointment of a manager to the Board of Managers of the Valley Branch Watershed District for a term expiring November 13, 1983, and thereafter succeeding appointments for this managerial position shall be for a three-year term.

XX. That effective the date of this Order the Board of Commissioners of Ramsey County shall make one appointment of a manager to the Board of Managers of the Valley Branch Watershed District for a term expiring November 13, 1983, and thereafter succeeding appointments for this managerial position shall be for a three-year term.

XXI. That the remaining three managerial positions of the Valley Branch Watershed District, occupied by citizens and with terms expiring as shown:

TABLE I

	Name	Term Expires
1.	*Mr. Allen W. Dornfeld	- 11-13-81
2.	*Mr. Robert N. Rosas	- 11-13-82
3.	*Mr. George Hedges	- 11-13-81,

and appointments made by the Board of Commissioners of Washington County, shall continue to be appointed by the Board of Commissioners of Washington County, and succeeding appointments to these managerial positions shall be each for a three-year term.

*In this Order the appearance of the names of the incumbent managers is in no way to be construed as the appointment by the Minnesota Water Resources Board of any manager to the Valley Branch Watershed District Board of Managers, or to indicate any preference in the matter of appointments. The names identify in a precise manner, the particular term under consideration insofar as distribution among the counties and for other purposes. Terms begin on November 14th.

XXII. That effective the date of this Order, Paragraph XV, pages 16 and 17, of the Board's Order establishing the Valley Branch Watershed District, dated November 14, 1968, is declared null and void.

Dated at Saint Paul, Minnesota, this 19th day of December 1980.

MINNESOTA WATER RESOURCES BOARD

Duane R. Ekman
Chairman

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of the Petition for Redistribution of Managers for the Wild Rice Watershed District pursuant to Minnesota Statutes Section 103D.301, Subd. 3	**ORDER REDISTRIBUTION OF WATERSHED DISTRICT MANAGERS**

Whereas, the Board of Commissioners of Mahnomen County filed a Petition dated January 17, 2006 for Redistribution of Managers for the Wild Rice Watershed District (District) with the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103D.301, Subd. 3, and;

Whereas, the Board has completed its review of the Petition;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order.

FINDINGS OF FACT

1. **Petition for Redistribution of Managers.** The Mahnomen County Board of Commissioners filed a Petition with the Board on January 26, 2006. The Petition requests the seven managers of the District be redistributed such that Mahnomen County would appoint two managers.

2. **Reasons for Redistribution.** The Petition states the following:

   A. Ten years or more has lapsed since the establishment of the District.
   B. A petition to redistribute managers has not been filed with the Board within the previous ten years.
   C. When more than one county is affected by a watershed district, Minnesota Statutes Section 103D.301 requires the distribution of managers be made according to residence among the affected counties.
   D. Mahnomen County presently has only one manager on the District board.
   E. Mahnomen County has approximately 26 percent of the population of the District.
   F. Mahnomen County also has approximately 26.5 percent of the total land within the District.

G. Mahnomen County has to levy for approximately 25.5 percent of all revenue that goes into funding the District.
H. Mahnomen County's percentage of valuation on levy certifications to the District were approximately 25.6 percent.

3. **Present Distribution of Managers.** Presently, Mahnomen County appoints one manager for Clearwater and Mahnomen Counties, Norman County appoints three managers for Polk and Norman Counties, Clay County appoints two managers and Becker County appoints one manager.

4. **Publish Notice of Public Hearing.** Legal notice of public hearing was published in the Norman County Index on March 14, 2006, the Twin Valley Times on March 14, 2006, the Becker County Recorder on March 15, 2006, the Mahnomen Pioneer on March 16, 2006, the Clay County Union on March 15, 2006, the Farmers Independent on March 15, 2006, the Valley Journal on March 13, 2006, and the Fertile Journal on March 15, 2006. Legal notice was also mailed to several addressees including the auditors of each county in the District, the county boards of each county in the District, each SWCD in the District, all cities in the District, and the DNR.

5. **Public Hearing.** A public hearing was held on March 30, 2006, at the Twin Valley Community Center located at 107 Second Street in Twin Valley. The proceedings were tape recorded. The hearing panel consisted of Board members Kay Cook, Paul Krabbenhoft and Jerome Deal as Chair. After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open for two weeks until 4:30 PM on April 20, 2006 for receipt of written comments. Based on comments received, on April 17, 2006 the closing date for the hearing record was extended until 4:30 PM on May 18, 2006.

   The following list of exhibits comprise the hearing record.

Exhibit 1. Letter dated January 24, 2006, from Frank Thompson, Mahnomen County Auditor, forwarding Exhibit 2.

Exhibit 2. Resolution from the Mahnomen County Board of Commissioners adopted on January 17, 2006, requesting the redistribution of managers of the Wild Rice Watershed District Board of Managers to increase the representation from Mahnomen County from one manager to two managers.

Exhibit 3. Letter dated February 17, 2006, from Vijay Sethi, Clay County Administrator, forwarding Exhibit 4.

Exhibit 4. Excerpts from the minutes of the Clay County Board of Commissioners meeting held on February 14, 2006, showing a unanimous vote to approve a motion stating their strong support for retaining two manager appointments on the Wild Rice Watershed District Board of Managers.

Exhibit 5. Legal Notice of Public Hearing dated March 7, 2006, signed by Jim Haertel of the Board of Water and Soil Resources.

Exhibit 6. Letter dated March 9, 2006, from Jim Haertel, Board of Water and Soil Resources, to several addressees providing notification of the public hearing, together with the List of Addressees, the Legal Notice, and an Affidavit of Mailing dated March 13, 2006.

Exhibit 7. Affidavit of Publication dated March 14, 2006, of Legal Notice in the Norman County Index on March 14, 2006.

Exhibit 8. Affidavit of Publication dated March 14, 2006, of Legal Notice in the Twin Valley Times on March 14, 2006.

Exhibit 9. Affidavit of Publication dated March 15, 2006, of Legal Notice in the Becker County Recorder on March 15, 2006.

Exhibit 10. Affidavit of Publication dated March 16, 2006, of Legal Notice in the Mahnomen Pioneer on March 16, 2006.

Exhibit 11. Affidavit of Publication dated March 20, 2006, of Legal Notice in the Fertile Journal on March 15, 2006.

Exhibit 12. Letter dated March 22, 2006, from the Chairman of the Mahnomen Soil and Water Conservation District, in support of the Petition.

Exhibit 13. Letter dated February 24, 2006 from Brian Berg, Becker County Administrator stating no objection to granting the Petition.

Exhibit 14. Resolution of Statements from the "Concerned Citizens of the Wild Rice Watershed District".

Exhibit 15. Statement from the Mahnomen County Board of Commissioners in support of the Petition.

Exhibit 16. Table showing population, taxable market value and land area by county within the Wild Rice Watershed District.

Exhibit 17. Letter dated February 23, 2006 from Thomas Anderson, Clearwater County Board of Commissioners Chairman, in support of the Petition.

Exhibit 18. Letter dated March 21, 2006 from Dean Newland, Clearwater County Commissioner, District 2, in support of the Petition.

Exhibit 19. Affidavit of Publication dated April 3, 2006, of Legal Notice in the Clay County Union on March 15, 2006.

Exhibit 20. Affidavit of Publication dated April 3, 2006, of Legal Notice in the Farmers Independent on March 15, 2006.

Exhibit 21. Affidavit of Publication dated April 13, 2006, of Legal Notice in the Valley Journal on March 13, 2006.

Exhibit 22. Testimony of Mark Harless at the hearing in support of Clay County retaining two managers.

The following exhibits were entered into the record after the hearing and before 4:30PM on May 18, 2006 when the record closed.

Exhibit 23. Letter dated March 31, 2006 from Mark Harless in support of Clay County retaining two managers.

Exhibit 24. Letter dated April 12, 2006 from Curt Jacobson in support of the Petition with a recommendation that Norman County retain three managers and a new manager district be formed of Clay and Becker Counties with Clay County appointing two managers.

Exhibit 25. Letter dated April 17, 2006 from Jim Haertel, Board of Water and Soil Resources, to several addressees providing notification of an extension of the close of the hearing record and the purpose for the extension, together with the List of Addressees and an Affidavit of Mailing dated April 18, 2006.

Exhibit 26. Letter faxed on April 17, 2006 from Perry Ellingson in support of the Petition with a recommendation that Norman County retain three managers and a new manager district be formed of Clay and Becker Counties with Clay County appointing two managers.

Exhibit 27. Email dated April 18, 2006 from Curt Jacobson encouraging the Board to make a prompt decision on the Petition.

Exhibit 28. Email dated April 18, 2006 from Perry Ellingson regarding problems with the current leadership of the watershed district.

Exhibit 29. Norman County Board of Commissioners Resolution dated April 12, 2006 supporting the Petition with one manager position from Clay County being redistributed to Mahnomen County.

Exhibit 30. Letter dated April 17, 2006 from Zenas Baer on behalf of A. C. Heiraas in support of Clay County retaining two managers and in opposition to the Petition.

Exhibit 31. Letter dated April 18, 2006 from Randy Berggren, Mayor, City of Hendrum, in support of Norman County retaining three managers.

Exhibit 32. Becker Soil and Water Conservation District Resolution dated April 19, 2006 in support of Becker County retaining one manager.

Exhibit 33. Letter dated April 20, 2006 from Chuck Hopwood regarding problems with the current leadership of the watershed district.

Exhibit 34. Letter dated April 18, 2006 from Don Vellenga regarding problems with the current leadership of the watershed district.

Exhibit 35. Letter dated May 16, 2006 from Mike McCarthy, Chair, Clay County Board of Commissioners, with attached Resolution from the Becker County Board of Commissioners dated April 25, 2006 and attached letter from Zenas Baer dated May 4, 2006, all in opposition to the Petition because removal of one manager from Clay and Becker Counties would "…have a tendency to dilute membership of the Watershed District for those people who live on the flat portion of the watershed" and factors other than market value, population and land area as listed in the Petition should be considered, such as downstream river flows, hydraulic capacity, extent of flood damage and number, location and cost of flood control projects.

Exhibit 36. Mahnomen County Board of Commissioners comment dated May 16, 2006 signed by five commissioners in support of Becker County maintaining their right to appoint a manager.

Exhibit 37. Letter dated May 18, 2006 from Frank Thompson, Mahnomen County Auditor, forwarding exhibit 36.

6. **Northern Water Planning Committee.** The committee met on Wednesday, June 14, 2006 and, based on the oral and written testimony on the Petition, and based on the entire record, the committee decided to recommend approval of the Petition to the full Board with the one redistributed manager position coming from a new manager district of Clay and Becker Counties. The new manager district would consist of two managers appointed by the Clay County Board of Commissioners. The Clay County manager position that is currently

vacant will be redistributed to Mahnomen and Clearwater Counties. The current Becker County manager will finish their term. The Committee determined the changes were supported by the taxable market value of each county's area within the District, the percent of area of each county within the District, and the percent of population of each county's area within the District, as further depicted in the following table. .

COUNTY	'02 TMV ($ millions)	AREA (% of WD)	'90 POP'L (% of WD)
Norman	446	43%	44%
Polk	11	2%	0.6%
Norman & Polk subtotal	457	45%	45%
Mahnomen	207	27%	29%
Clearwater	34	10%	7%
Mahnomen & Clearwater subtotal	241	37%	36%
Clay	150	13%	11%
Becker	104	7%	7%
Clay & Becker subtotal	254	20%	18%

CONCLUSIONS

1. All relevant, substantive and procedural requirements of law and rule have been fulfilled.

2. The Board has proper jurisdiction in the matter of redistribution of a manager position for the Wild Rice Watershed District pursuant to Minnesota Statutes Section 103D.301, Subd. 3.

3. The 2002 taxable market value of the Mahnomen and Clearwater manager district is approximately $241 million and for the Clay and Becker manager district it is approximately $254 million.

4. The percent of area within the District for the Mahnomen and Clearwater manager district is approximately 37% and for the Clay and Becker manager district it is approximately 20%.

5. The 1990 population percentage within the District for the Mahnomen and Clearwater manager district is approximately 36% and for the Clay and Becker manager district it is approximately 18%.

ORDER

The Board hereby approves the Petition for Redistribution of Managers for the Wild Rice Watershed District. The Mahnomen County Board of Commissioners will appoint two managers from Mahnomen and Clearwater County. A new manager district will consist of two managers appointed by the Clay County Board of Commissioners from Clay and Becker Counties. The Clay County manager position that is currently vacant will be redistributed to Mahnomen and Clearwater Counties as of the date of this order. The current Becker County manager and the current Clay County manager will finish their terms.

Dated at Saint Paul, Minnesota this 28th day of June 2006.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, November 18, 2020

Agenda Item
Item 6. G. - Education and Outreach

Prepared By
Linda Loomis, Administrator

Summary
Work is proceeding on the Video. Thank you to Manager Salvato and President Hartmann for taking time to be interviewed. Staff is viewing the rough cut on Monday, November 16th. We are trying to get it wrapped up in time for the MAWD Annual Conference. I have spoken with Executive Director, Emily Javens, as to how it might be presented.

Work is continuing on the development of a Citizen's Advisory Committee.

Attachments
No attachments

Recommended Action
No action recommended.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, November 18, 2020

Agenda Item
Item 6. H. - LMRWD Projects

Prepared By
Linda Loomis, Administrator

Summary

i. Eden Prairie Study Area #3

At the October 2020 Board of Managers meeting, the Board directed staff to prepare a request for proposals (RFP) for design services for stabilization of the Minnesota River Bank at Study Area #3 in Eden Prairie. Staff has been working on this RFP and some questions have come up that staff for which staff would like the Board to provide direction. Katy Thompson from Young Environmental Consulting Group will attend the Board meeting to update the Board. Staff intends to have the RFP vetted by LMRWD partners from Eden Prairie and Hennepin County and ready for Board approval at the December 2020 Board meeting.

Attachments
No attachments

Recommended Action
Provide direction to staff

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, November 18, 2020

Agenda Item
Item 6. I. - Permits and Project Reviews

Prepared By
Linda Loomis, Administrator

Summary

i. 77th Street Underpass

The LMRWD originally was informed of this project in 2016. The Board gave approval to the project in January 2019, before the District had a formal permit program. The project was put on hold due to lack of funding. With the passage of the bonding bill it is now on the track to be bid and construction start is planning for spring or summer 2021.

The District was contacted by Engineers for the project and informed of changes to the project that required additional review by the District. Staff has reviewed the new proposal and determined that the project foes not meet LMRWD standards. The complete review by staff can be found by using the link below. Staff is meeting on Monday afternoon and will have options ready for the Board to consider at the meeting.

Representatives from MnDOT, the City of Richfield and the Engineer for the Project have been invited to attend the Board meeting to make a presentation to the Board.

Attachments
77th Street Underpass Review dated November 13, 2020 (LMRWD application no. 2020-132)

Recommended Action
No action recommended - project does not meet LMRWD standards

ii. Amend LMRWD Permit 2020123

At the September 16, 2020 meeting, the Board of Managers approved a permit for Gaughan Company for the demolition of the existing structures on the project property. The developer is ready to start construction of the footings and foundation. Staff has reviewed the project plans and is recommending amending the permit to include site grading and foundation excavation. Staff will continue to work with the applicant and the City to design stormwater BMPs. The review of the project is can be found using the link below.

Attachments
LMRWD Permit 2020-123 Amendment Review dated November 13, 2020

Recommended Action
Motion to approve amendment to Permit 2020-123

iii. Texas Roadhouse Restaurant

The LMRWD received an application for a sit-down restaurant to be constructed on vacant land in the City of Shakopee. Staff has reviewed the proposed plans and recommends approval of a permit for the project. The LMRWD requests receipt of a copy of the executed maintenance agreement once it has been recorded in Scott County.

Attachments

Texas Roadhouse Review dated November 9, 2020 (LMRWD Permit no. 2020-126)

Recommended Action

Motion to approve Permit no. 2020-126 for Texas Roadhouse Restaurant