



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, August 18, 2021

### Agenda Item

#### Item 7. I. - Permits & Project Reviews

#### Prepared By

Linda Loomis, Administrator

#### Summary

##### i. Caribou Coffee - Savage

Caribou Coffee is proposing to rehabilitate the building located 4905 Highway 13 West in Savage in order to open a new store. Staff has reviewed the project and its report is attached.

Staff is recommending conditional approval subject to receipt of the NPDES (National Pollution Discharge Elimination System) permit and contact information for the contractor and the person (s) responsible for the inspection and maintenance of erosion and sediment control features.

#### Attachments

Technical Memorandum - Caribou Coffee - Savage (LMRWD Permit No. 2021-031)

#### Recommended action

Motion to conditionally approve LMRWD Permit No. 2021-031 Caribou Coffee - Savage subject to receipt of the NPDES permit and contact information for the contractor and the person (s) responsible for the inspection and maintenance of erosion and sediment control features.

##### ii. Shakopee Flats

The Board has seen this project previously. First was for a permit to remove the existing buildings, then to begin construction of the building, which is a multi-family apartment building. At the time construction of the building was permitted, stormwater management was going to be managed through a project constructed by the City of Shakopee. The City now has its stormwater management designed and has submitted a request to amend the permit.

Staff has reviewed the City's design and recommends approval of an amendment to the existing permit to include site development and construction of the proposed improvements outlined in the stormwater management plan.

#### Attachments

Technical Memorandum - River Bluffs Improvements (LMRWD permit No. 2021-040)

#### Recommended Action

Motion to approve an amendment to LMRWD permit No. 2020-040 to include site development and construction of the proposed improvements outlined in the stormwater management plan.

# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Kaci Fisher, Environmental Specialist  
Katy Thompson, PE, CFM

**Date:** August 11, 2021

**Re:** Caribou Coffee–Savage (LMRWD No. 2021-031)

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Java Companies (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to reconstruct a commercial site in the City of Savage (City), as shown in Figure 1. The applicant’s engineer, Design Tree Engineering & Land Surveying (Design Tree), has provided site plans for the Caribou Coffee project (Project) along with the LMRWD permit application.

The proposed Project includes demolition of a portion of an existing building and parking lot, renovation of the remaining building, and construction of a new parking lot and drive-through (Figure 2). The Project would disturb approximately 0.57 acres and create 0.35 acres of new impervious surfaces, and is under the one-acre thresholds for both Rule B—Erosion and Sediment Control and Rule D—Stormwater Management. The Project is not located within the High Value Resource Area or Steep Slopes Overlay District; however, most of the site is within the Credit River’s 100-year floodplain, as shown in Figure 1. Thus, the Project will need a permit under Rule C—Floodplain and Drainage Alteration.

Because the City does not have its LMRWD municipal LGU permit, the Project requires an LMRWD individual permit and, as such, is subject to the LMRWD permit review process.

## Summary

Project Name: Caribou Coffee–Savage

<u>Purpose:</u>	Redevelopment of an existing commercial site
<u>Project Size:</u>	0.57 acres disturbed; 0.44 acres existing impervious surfaces; net increase of 0.35 acres new impervious surfaces
<u>Location:</u>	4905 Highway 13 West, Savage, MN 55378 (Property ID 260100150)
<u>LMRWD Rules:</u>	Rule C—Floodplain and Drainage Alteration
<u>Recommended Board Action:</u>	Conditional approval

## Discussion

The District received the following documents for review:

- LMRWD PDF permit application, received July 9, 2021
- Plan sheets by Design Tree, dated June 25, 2021, revised July 27, 2021, received July 27, 2021
- Permit fee of \$750, received August 4, 2021

The application was deemed complete on August 4, 2021, and the documents received provide the minimum information necessary for permit review.

### Rule C—Floodplain and Drainage Alteration

As discussed, the Project is located within the Credit River's 100-year floodplain, shown on the Scott County Flood Insurance Rate Map Panel 27139C0064E (effective February 12, 2021). The Project proposes 150.74 cubic yards of cut and 147.97 cubic yards of fill within the floodplain for a net cut of 2.77 cubic yards. The net cut for the site means there will be no loss of floodplain storage, and a no-rise certification is not required. The Project meets the minimum requirements of Rule C.

## Recommendations

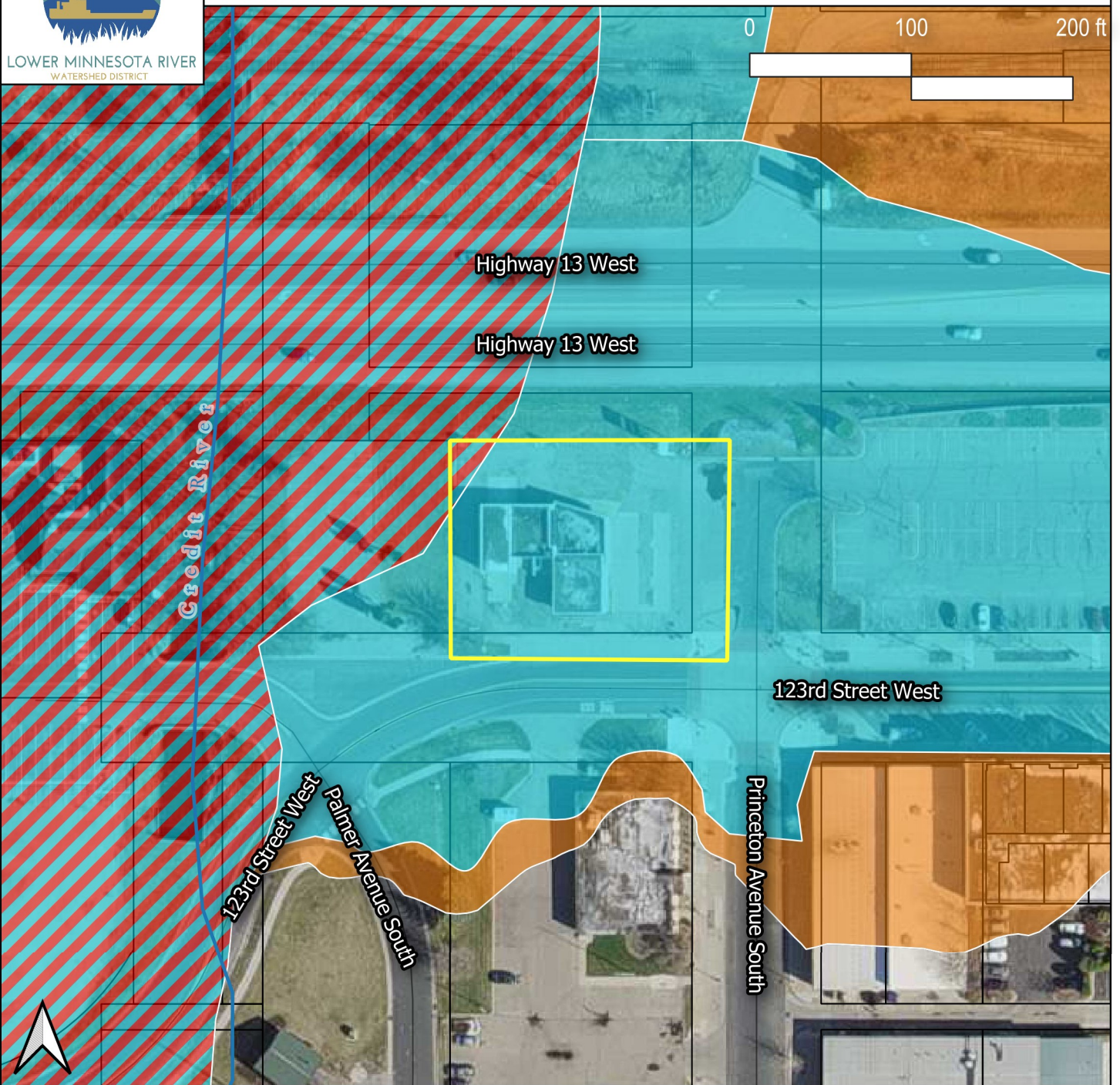
Staff recommends the conditional approval of the Project, pending receipt of the NPDES permit copy and contact information for the contractor(s) and person(s) responsible for the inspection and maintenance of erosion and sediment control features.

## Attachments











- Figure 1: Caribou Coffee Project Location Map
- Figure 2: Caribou Coffee Grading Plan



Figure 1: Caribou Coffee Project Location



**LEGEND**

-  Project Location
-  Caribou Coffee
-  Parcel Boundary
-  Public Waterways
-  Public Waters
-  High Value Resource Area
-  Steep Slopes Overlay District
-  Floodway
-  100-yr Floodplain
-  500-yr Floodplain

**LMRWD Watershed  
Location Map**











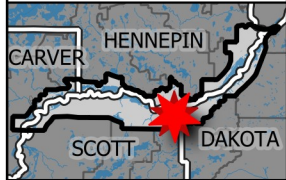
Figure 2: Caribou Coffee Grading Plan



**LEGEND**

-  Project Location
-  Parcel Boundary
-  Caribou Coffee
-  Building
-  Drive Thru/Parking Lot
-  Sidewalk

**LMRWD Watershed Location Map**



# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Katy Thompson, PM  
Della Schall Young, CPESC, PMP

**Date:** August 13, 2021

**Re:** River Bluffs Improvements (LMRWD No. 2021-040)

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Advanced Engineering and Environmental Services, Inc. (AE2S or applicant) has applied for an Individual Project Permit from the Lower Minnesota River Watershed District (LMRWD or the District) on behalf of the City of Shakopee (the City) for the River Bluffs Improvements Project in downtown Shakopee (**Figure 1**). The River Bluffs Improvements Project is the final development in a series of recent development projects in the area. It includes improvements to the public streets and the construction of a best management practice (BMP) for regional stormwater treatment. This regional BMP will provide treatment for the previously approved Shakopee Flats mixed-use development (LMRWD No. 2020-123A) and the 2021 Street and Utility Reconstruction Project (LMRWD No. 2021-011). Together, all three projects will create more than one acre of new impervious surface, triggering LMRWD Rule D—Stormwater Management.

The River Bluffs project is not located within the High Value Resource Area, Steep Slopes Overlay District (SSOD), or Minnesota River floodplain. The City intends to begin construction in September 2021. Because the City does not have its municipal LGU permit, this project is subject to an LMRWD permitting review.

## Project Summary

Project Name: River Bluffs Improvements

Purpose: Public street reconstruction and construction of a regional stormwater BMP

<u>Project Size:</u>	1.54 acres total; 0.87 acres of existing impervious surfaces; 1.22 acres of new impervious surfaces; net increase of 0.35 acres
<u>Location:</u>	Levee Drive, Scott Street, and Atwood Street
<u>Applicable LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule D—Stormwater Management
<u>Recommended Board Action:</u>	Conditional approval

## Discussion

As part of this submittal, the District has received the following documents for review:

- River Bluffs Improvements Watershed Permit Application prepared by AE2S; dated July 23, 2021; received July 23, 2021
- 2021 Street and Utility Reconstruction Specifications and Plans prepared by the City of Shakopee; dated March 2, 2021; received July 23, 2021
- Signed Shakopee Flats Site Improvement Plans prepared by AE2S; dated June 18, 2021; received July 23, 2021
- Construction Plans for River Bluffs Improvements prepared by AE2S; dated July 22, 2021; received July 23, 2021
- Shakopee Flats and River Bluffs Improvements Stormwater Management Plan prepared by AE2S; dated July 16, 2021; received July 23, 2021
- Stormwater Management Plan P8 models received July 23, 2021
- Stormwater Management Plan HydroCAD model; dated July 16, 2021; received July 23, 2021

The documents provided include the minimum information necessary for review.

### Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more under Rule B. The proposed project would disturb approximately 1.54 acres within the LMRWD boundary. The applicant has provided a grading plan, erosion control plan, and Stormwater Pollution Prevention Plan. The project generally complies with Rule B; however, a copy of the NPDES permit and contractor contact information is outstanding.

Rule D—Stormwater Management

The District requires stormwater management for projects that propose to create one acre or more of new impervious area. AE2S provided a Stormwater Management Plan that includes the private Shakopee Flats development, the City’s 2021 Street and Utility Reconstruction Project, and the City’s proposed River Bluffs Improvements Project. Although the River Bluffs Improvements Project is only proposing a net increase of 0.35 acres of new impervious surfaces, the net total of new impervious area created from all three projects is 1.27 acres and requires stormwater treatment (**Table 1**).

*Table 1. River Bluffs Improvements, Shakopee Flats, and 2021 Street and Utility Reconstruction Projects Impervious Area Summary*

	<b>Disturbed Area (ac)</b>	<b>Existing Impervious Area (ac)</b>	<b>Proposed Impervious Area (ac)</b>	<b>Net Change in Impervious Area (ac)</b>
River Bluffs Improvements	1.54	0.87	1.22	+0.35
Shakopee Flats*	1.93	0.78	1.60	+0.82
2021 Street and Utility Reconstruction*	2.04	1.62	1.72	+0.10
<b>TOTAL</b>	<b>5.51</b>	<b>3.27</b>	<b>4.54</b>	<b>+1.27</b>

*\*Shakopee Flats and the 2021 Street and Utility Reconstruction projects were previously permitted by the LMRWD, information provided for reference*

The proposed impervious area from the Shakopee Flats and River Bluffs Improvements Projects will be treated by the proposed regional BMP, whereas the 2021 Street and Utility Reconstruction Project will follow the existing storm sewer to the Minnesota River. The BMP proposed is an underground stormwater chamber system with a sand filter component for water quality treatment. This regional BMP will be owned and maintained by the City as part of its MS4 system and will provide rate control and water quality treatment that meet the requirements for all three projects. The following is a discussion of the District’s stormwater requirements.

Rate Control

Section 4.4.1 of Rule D requires that applicants demonstrate no increase in proposed runoff rates when compared with existing conditions. The River Bluff Improvements project would discharge at five locations to the Minnesota River, one from the regional BMP and four from existing outfalls. A summary of the provided HydroCAD modeling in **Table 2** below demonstrates that the combined projects meet the District’s rate control requirement.



*Table 2. River Bluffs Improvements, Shakopee Flats, and 2021 Street and Utility Reconstruction Projects Peak Discharge Rates Summary*

Design Event	Existing Discharge Rate (cfs)	Proposed Discharge Rate (cfs)	Change in Discharge Rates (cfs)
2-year / 24-hour	31.24	28.65	<b>-2.59</b>
10-year / 24-hour	49.88	48.97	<b>-0.91</b>
100-year / 24-hour	95.00	88.46	<b>-6.54</b>

#### Volume Reduction

Section 4.4.2 of Rule D requires volume reduction for post-construction stormwater runoff for projects that create more than one acre of impervious surface. Because of the proximity to the Minnesota River bluff and shallow bedrock, infiltration is not feasible, and the applicant is proposing to provide equivalent filtration. The provided soil borings indicate that the underlying soils in the regional BMP footprint are primarily silty/clayey sand with observed water levels only six feet below grade, confirming that an infiltration practice would not be suitable in this location.

The applicant proposes to filter runoff from 2.82 acres of new and reconstructed impervious surfaces from the Shakopee Flats and River Bluffs Improvements Projects with the regional BMP, exceeding the District requirement of 4,610 cubic feet (the volume from one inch of rainfall over the net new impervious surfaces of 1.27 acres). The proposed BMP will contain a 15-inch sand filtration bed atop a synthetic liner that has the capacity to provide up to 10,452 CF of filtration between the top of the sand filtration bed (El. 726.95) and the top of the outlet weir wall (El. 729).

#### Water Quality

Section 4.4.3 of Rule D requires projects that create more than one acre of impervious surface to provide evidence that no net increase in total phosphorus (TP) or total suspended solids (TSS) in the receiving waters would result from the project. Together the three projects create 1.27 acres of new impervious surface, and, although only 1.17 acres of new impervious surface are directly treated by the proposed regional BMP, 1.65 acres of reconstructed impervious surfaces will also be directly treated by the regional BMP, bringing the total to 2.82 acres of impervious surfaces treated. The applicant provided P8 model results showing an overall reduction for both TP and TSS (**Table 3**), meeting the District's water quality requirements.

*Table 3. River Bluffs Improvements, Shakopee Flats, and 2021 Street and Utility Reconstruction Projects Water Quality Summary*

	Total Area (ac)	Impervious Area (ac)	Area Routed to Proposed BMPs (ac)	TP Annual Load (lbs)	TSS Annual Load (lbs)
Existing	12.15	8.6	0	19.1	5,962
Proposed	12.14	9.8	2.82	17.0	4,725
			<b>Change</b>	<b>-2.1</b>	<b>-1,237</b>

*Additional Considerations*

Although the project is not located within the SSOD, as shown in Figure 1, the storm sewer reconstruction from the regional BMP to the existing 48-in manhole (SDMH 191) would be within ten feet of the SSOD. Care should be taken in this area to avoid disturbances to the soil or vegetation within the SSOD.

**Recommendations**

Staff recommends conditional approval of the River Bluffs Improvements Project, pending the receipt of the NPDES permit and contractor contact information, and continued coordination with the City on future development projects that may utilize any excess filtration volume provided in the proposed underground BMP.

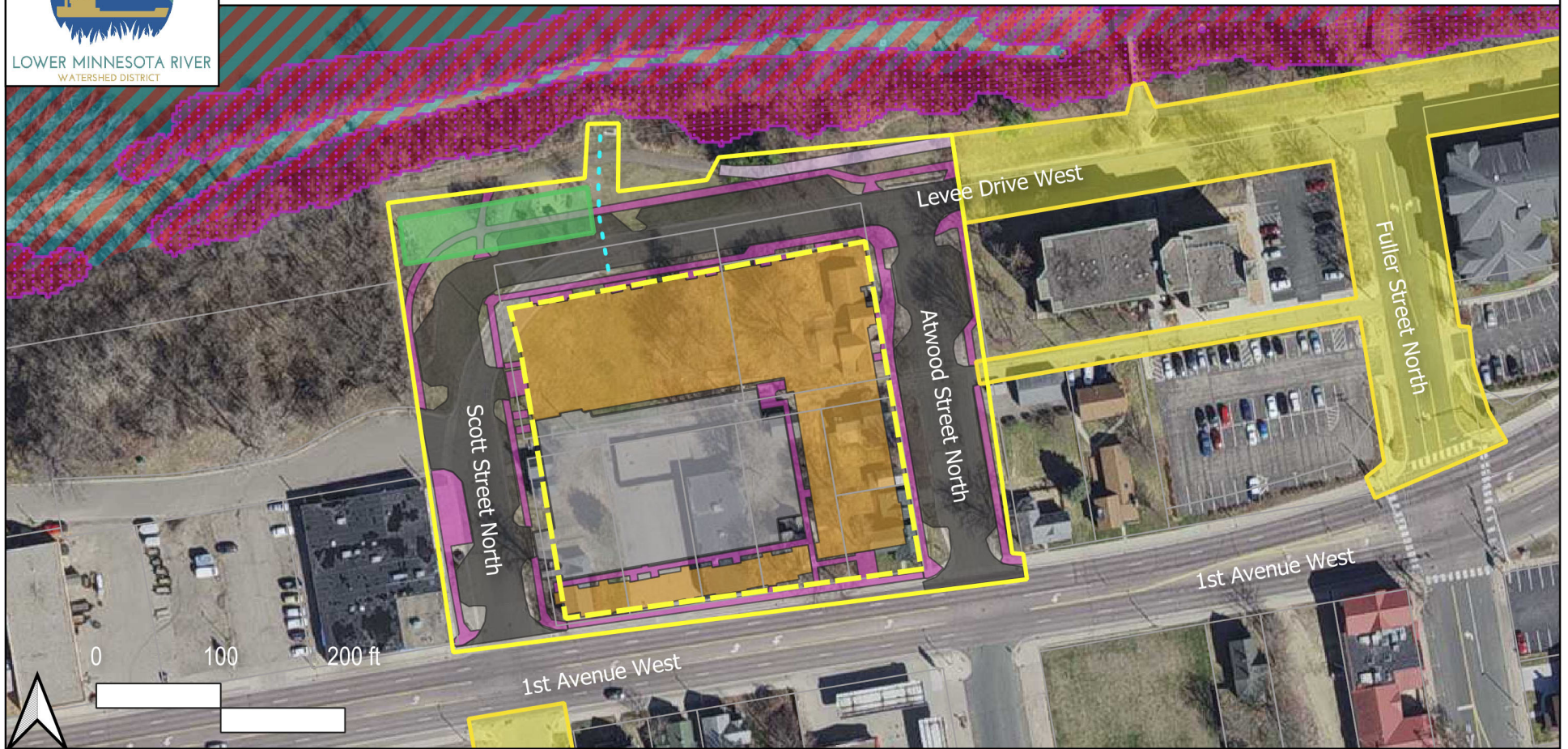
Attachments

- Figure 1: River Bluffs Improvements Project Location
- LMRWD No. 2020-123 Shakopee Flats Review Memo
- LMRWD No. 2021-011 City of Shakopee 2021 Street and Utility Reconstruction Review Memo



















**Attachment I:**  
**River Bluffs Improvements Project Location Map**



Figure 1: Shakopee River Bluffs Improvement Project Location



**LEGEND**

-  Project Location
-  2020\_LMRWD\_ProjectReviews\_Areas
-  River Bluffs Improvement
-  2021 Street & Utility Reconstruction
-  Shakopee Flats
-  Shakopee Flats Building
-  Shakopee Flats Parking Lot
-  River Bluff Sidewalk Improvements
-  River Bluff Road Improvements
-  River Bluff Trail Improvements
-  River Bluff Storm Sewer Improvements
-  River Bluff Proposed Regional BMP
-  Public Waterbodies
-  Public Waterways
-  Steep Slopes Overlay District
-  100-yr Floodplain
-  Floodway
-  Parcels

**LMRWD Watershed  
Location Map**



**Attachment 2:  
LMRWD No. 2020-123  
Shakopee Flats Review Memo**

# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Katy Thompson, PM  
Della Schall Young, CPESC, PMP

**Date:** February 12, 2021

**Re:** Shakopee Flats Permit Amendment (LMRWD No. 2020-123)

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Advanced Engineering and Environmental Services, Inc. (AE2S or applicant) has previously applied for an Individual Project Permit from the Lower Minnesota River Watershed District (LMRWD or District) on behalf of Gaughan Companies (the project owner and project contractor) to develop the site located on 339 1st Avenue West, Shakopee in Scott County ([Figure 1](#)).

Staff previously reviewed this project, and the Board approved it at the September 16, 2020, meeting. This allowed for demolition of existing buildings, asphalt, and concrete pavement as well as associated infrastructure (refer to Young Environmental memo, Shakopee Gaughan Removal Plan Permit Review [LMRWD No. 2020- 0123] dated September 11, 2020). The Board amended the permit at the November 18, 2020, meeting to incorporate building foundation construction (refer to Young Environmental memo, Shakopee Mix Use Permit Amendment [LMRWD No. 2020-123] dated November 13, 2020). The applicant is seeking its final amendment to the permit to complete the private site construction.

This private development project is directly connected to and adjacent to the City of Shakopee (City) street and utility improvement project. The City is separately completing the adjacent design of its 2021 road reconstruction project ([Figure 2](#)), which will create 0.23 acres of new impervious surface. Together, the public and private developments will create more than one acre of new impervious surface, which will be

treated by an underground stormwater best management practice (BMP) constructed within the City's right-of-way.

Young Environmental contacted the City on February 5, 2021, for assurance and received confirmation that the City's street project is part of its 2021 street and utility improvement project and is scheduled for construction this summer 2021. The applicant is requesting a permit from the LMRWD to proceed with the construction of its private site while the details of the public improvements are still being refined.

## Project Summary

<u>Project Name:</u>	Shakopee Flats
<u>Purpose:</u>	Residential and commercial site redevelopment construction
<u>Project Size:</u>	3.35 acres total
<u>Location:</u>	339 1st Ave. W., Shakopee, MN, 55739
<u>Applicable LMRWD Rules:</u>	Rule B—Erosion and Sediment Control
<u>Recommended Board Action:</u>	Approval of amendment to Permit No. 2020-123

## Discussion

As part of this submittal, the District has received the following documents for review:

- Stormwater Management Plan prepared by AE2S; dated October 2020; received November 2, 2020; revised February 8 and 9, 2021
- Stormwater Management Plan P8 models received November 2, 2020; revised February 8 and 9, 2021

The documents provided include the minimum information necessary for review.

### Rule B—Erosion and Sediment Control

The applicant previously provided an erosion and sediment control plan, Stormwater Pollution Prevention Plan, and National Pollutant Discharge Elimination System construction stormwater permit coverage for the Shakopee Flats development under LMRWD No. 2020-123.

Rule D—Stormwater Management

The applicant provided a Stormwater Management Plan for both the private Shakopee Flats and the City’s upcoming 2021 street reconstruction and BMP construction. The District requires stormwater management for projects that propose to create one acre or more of new impervious area. While the Shakopee Flats project is only proposing 0.89 acres, the total public and private impervious area will be 1.12 acres and require stormwater treatment (**Table 1**).

*Table 1. HydroCAD Drainage Area and Impervious Summary*

OUTFALL	EXISTING CONDITIONS		PROPOSED CONDITIONS		CHANGE	
	Drainage Area (ac)	Impervious Area (ac)	Drainage Area (ac)	Impervious Area (ac)	Drainage Area (ac)	Impervious Area (ac)
Public and Private Site	3.35	1.60	2.82	2.35	-0.53	+0.75
Off-site-West	0	0	0.06	0	+0.06	0
Off-site-East	0	0	0.46	0.37	+0.46	+0.37
<b>TOTAL</b>	<b>3.35</b>	<b>1.60</b>	<b>3.34</b>	<b>2.72</b>	<b>-0.01</b>	<b>+1.12</b>

The proposed impervious area will be treated in an underground filtration BMP, which will provide rate control and water quality treatment for both the public and the private improvements. Because of the proximity to the Minnesota River bluff and shallow bedrock, infiltration is not feasible, and the applicant is proposing to provide equivalent filtration. The following is a discussion of the District’s stormwater requirements.

Rate Control

Section 4.4.1 of Rule D requires that applicants demonstrate no increase in proposed runoff rates when compared with existing conditions. The Shakopee Flats project would discharge at three locations, one to the north of the proposed underground BMP and two off-site locations to the east and west. A summary of the provided HydroCAD modeling appears in **Table 2** below and demonstrates that the combined public and private project will meet the District’s rate control requirement and provide rate reductions for all required design storms.



*Table 2. Overall Peak Runoff Rates from HydroCAD Models*

DESIGN STORM	EXISTING (CFS)	PROPOSED (CFS)	CHANGE (CFS)
2-YR / 24-HR	11.65	11.55	-0.10
10-YR / 24-HR	19.25	15.45	-3.80
100-YR / 24-HR	38.22	27.08	-11.14

Volume Reduction

Section 4.4.2 of Rule D requires volume reduction for post-construction stormwater runoff volume for projects that create more than one acre of impervious surface. The applicant proposes to treat the new 1.12 acres of impervious surface with the underground filtration BMP to meet the District requirement for one inch of rainfall over the new impervious surfaces or 4,066 cubic feet (CF) for volume reduction. The proposed BMP will contain an 18-inch sand filtration bed atop a synthetic or clay liner that is proposed to provide 10,452 CF of filtration between the top of the sand filtration bed (El. 725.7) and the top of the outlet weir wall (El. 729).

The applicant provided soil boring information with the stormwater management plan. Soil boring B-13 is located within the footprint of the underground filtration BMP and indicates that the underlying soils contain a silty/clayey sand with observed water levels only six feet below grade, confirming that an infiltration practice would not have adequate separation nor be suitable in this location.

Water Quality

Section 4.4.3 of Rule D requires projects that create more than one acre of impervious surface to provide evidence that no net increase in total phosphorus (TP) or total suspended solids (TSS) in the receiving waters would result from the project. The overall project will create 1.12 acres of new impervious surface, and the underground filtration BMP is proposed to meet the District’s water quality requirements. The applicant provided P8 model results showing the proposed BMP will provide an overall reduction for both TP and TSS (**Table 3**), meeting the District’s water quality requirements.

*Table 3. P8 Water Quality Summary*

	Total Area (ac)	Impervious Area (ac)	Area Routed to Proposed BMPs (ac)	TP Annual Load (lbs)	TSS Annual Load (lbs)
Existing	3.35		0	3.7	1,141
Proposed	3.34	2.34	2.82	2.5	311
			<b>Change</b>	<b>-1.2</b>	<b>-831</b>

## Recommendations

We recommend approving an amendment of the existing permit (LMRWD No. 2020-123) to include site development and construction of the proposed improvements outlined in the stormwater management plan.

The public improvements component of this project will require a separate individual permit from LMRWD if the City of Shakopee has not received a municipal LGU permit from LMRWD by that time.

## Attachments

- Figure 1: Shakopee Flats Project Location
- Figure 2: Excerpt from City of Shakopee's 2021–2025 Capital Improvement Projects Map highlighting the 2021 Street Reconstruction Project
- Amended Permit No. 2020-123



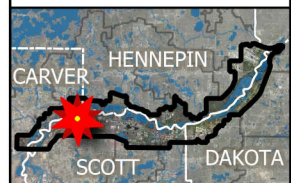
Figure 1: Shakopee Flats Project Location



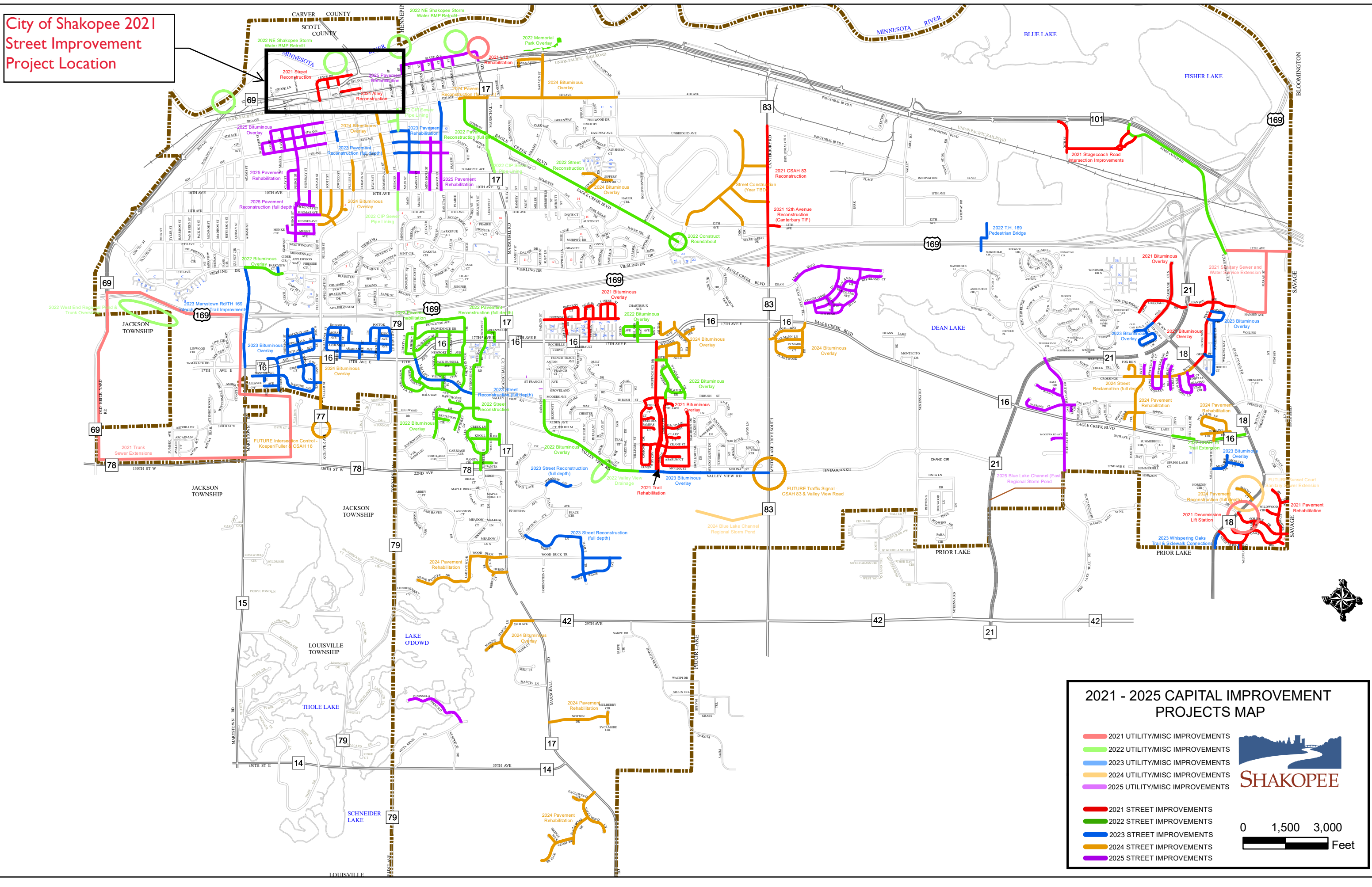
**LEGEND**

- Project Location
- Project Area
- Proposed Stormwater BMP
- LMRWD Boundary
- Steep Slopes Overlay District
- 100-yr Floodplain
- Floodway
- 500-yr Floodplain

**LMRWD Watershed Location Map**



**City of Shakopee 2021 Street Improvement Project Location**



**2021 - 2025 CAPITAL IMPROVEMENT PROJECTS MAP**

2021 UTILITY/MISC IMPROVEMENTS  
 2022 UTILITY/MISC IMPROVEMENTS  
 2023 UTILITY/MISC IMPROVEMENTS  
 2024 UTILITY/MISC IMPROVEMENTS  
 2025 UTILITY/MISC IMPROVEMENTS

2021 STREET IMPROVEMENTS  
 2022 STREET IMPROVEMENTS  
 2023 STREET IMPROVEMENTS  
 2024 STREET IMPROVEMENTS  
 2025 STREET IMPROVEMENTS

**SHAKOPEE**

0 1,500 3,000 Feet



## Individual Project Permit

Pursuant to Minnesota Statutes, Chapters 103B and 103D, consistent with the rules of the Lower Minnesota River Watershed District (LMRWD), and on the basis of statements and information contained in the permit application, plans and supporting information provided by the applicant, all of which are made part hereof by reference, **permission is hereby granted** to the applicant to perform actions as authorized below.

By granting this permit, the LMRWD does not direct the activity authorized herein or warrant the soundness of the applicant's design or methods in any respect. The LMRWD waives no immunity or protection applicable to itself, an officer, an agent or an employee pursuant to this approval.

<b>Project Name</b> Shakopee Flats	<b>Project Location</b> 339 1st Ave W, Shakopee, MN, 55379	
<b>Type of Development</b> Commercial and Residential	<b>City</b> Shakopee	<b>County</b> Scott
<b>Permittee/Property Owner's Name and Title</b> Dan Hebert	<b>Permittee Mailing Address</b> 56 East Broadway Ave, Suite 200, Forest Lake, MN, 55025	
<b>Authorized Agent Name and Title</b> Laura Wehr	<b>Agent Email Address</b> laura.wehr@ae2s.com	<b>Agent Phone Number</b> (612)-364-5509
<b>Purpose of Permit:</b> Demolition of existing buildings including building pads, removal of existing pavement, and trash remediation and removal; excavation for deep footings and foundation construction; <b>construction of private residential/commercial development and appurtenances</b>	<b>Authorized Action(s):</b> Grading, erosion, and sediment control; excavation for deep footings and foundation construction; <b>site development; stormwater infrastructure activities.</b>	
<b>Affected Rule(s):</b> Rule B: Erosion and Sediment Control; <b>Rule D: Stormwater Management</b>		
<b>Issued Date:</b> 9/16/2020; Amended 11/18/2020 <b>and 2/17/201</b>	<b>Effective Date:</b> 9/16/2020; Amended 11/18/2020 <b>and 2/17/2020</b>	<b>Expiration Date:</b> 9/16/2021
<b>Authorized Issuer Name and Title</b> Linda Loomis, Administrator	<b>Email Address:</b> admin@lowermnrivewd.org	<b>Phone Number:</b> (763) 545-4659

This permit is granted **subject to** the following **general conditions**:

**NPDES Permit:** Submit a copy of the NPDES construction stormwater general permit to the LMRWD before construction begins.

All erosion and sediment control measures must be effectively installed and maintained according to LMRWD guidelines and MPCA NPDES Permit guidelines as laid out by current District Rules and Policies until all disturbed soils have been permanently stabilized.

Grading and excavating must not begin until the applicant has been noticed that a permit has been issued and required erosion control measures are in place. Working without a permit where required is in violation of LMRWD Rules and is a misdemeanor subject to penalty by law.

**Applicable federal, state, or local regulations:** The permittee is responsible for the action(s) of their representative, contractor and employees and compliance with all rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

**Site access:** In accepting this permit, the owner recognizes and agrees that LMRWD representatives may enter the site at reasonable times to inspect the activities authorized hereunder and compliance with the requirements of this permit, the LMRWD Rules and applicable statutes. This includes routine site inspections as well as inspections during or immediately following installation of best management practices, following storms/critical events, prior to seeding deadlines, for the purpose of permit closeout, or on report of issue or complaint. This right of access is in addition to the access authority of the LMRWD under existing law.

**Completion date:** Construction work authorized under this permit shall be completed on or before the date specified above. No construction is authorized beyond the expiration date. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the LMRWD, no later than two weeks before this permit expiration.

**Written consent:** In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

**Not assignable:** This permit is not assignable nor transferable by the permittee except with the written consent of the LMRWD.

**No changes:** The permittee shall make no changes, without written permission or amendment previously obtained from the LMRWD, in the dimensions, capacity or location of any items of work authorized hereunder.

**Permission only/ no liability:** This permit is permissive only. No liability shall be imposed by the LMRWD or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

**Contractor responsibility:** The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit.

**Termination:** This permit may be terminated by the LMRWD at any time deemed necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

**Attachment 3:  
LMRWD No. 2021-011  
City of Shakopee 2021 Street and  
Utility Reconstruction Review Memo**