Please note the meeting will be held in person at the Carver County Government Center on the Wednesday, March 16, 2022. The meeting will also be available virtually using this link.

LOWER MINNESOTA RIVER WATERSHED DISTRICT

Lower Minnesota River Watershed District

7:00 PM

Wednesday, March 16, 2022

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 So 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; January 19, 2022, and February 16, 2022 Regular Meetings B. Receive and file February 2022 Financial reports C. Approval of Invoices for payment i. D. Receive and file February 2022 Citizens Advisory Committee meeting minutes E. Authorize payment to City of Burnsville for Willow Creek Ravine Stabilization F. Authorize execution of Affidavit of Trespass G. Receive and file Annual Report from the Scott County Water Education Partnership H. Authorize payment to Inter-Fluve for Invoice 21-04-21-02
5. New Business/ Presentations	A. Presentation by Carver County WMO of 2022 Monitoring Program
6. Old Business	A. Audit and Financial Accounting Services B. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail - no new information to report C. City of Carver Levee – 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. 2022 Legislative Action G. Education & Outreach H. LMRWD Projects *(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)* 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. 2022 MBL Nicollet River Crossing ii. Ivy Brook Parking East iii. Ivy Brook Parking West iv. MN River Greenway Pedestrian Bridge Temporary Crossing v. Canterbury Park Eastern Development EAW Review 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, April 20, 2022.

Upcoming meetings/Events

Managers are invited to attend any of these meetings. Most are free of charge and if not the LMRWD will reimburse registration fees.

- UMWA monthly meeting – Thursday, March 17, 2022, meeting will be virtual, contact District Administrator to attend
- Lower MN River East 1W1P Policy Committee – Thursday, March 17, 3:00 to 5:00, LeSueur and virtual
- LMRWD Citizen Advisory Committee meeting – Tuesday, April 5, 2022, 9:00 am, meeting will be virtual, use this link to join
- Water Connects Us – Freshwater virtual benefit – Tuesday April 26, 2022, 6:30 to 8:00 pm

For Information Only

- **WCA Notices**
  - City of Savage – Notice of Decision, CHS wetland replacement plan
  - MN DNR – Notice of Decision, Greenway Temporary Crossing
- **DNR Public Waters Work permits**
  - None
- **DNR Water Appropriation permits**
  - None

Item 4A
LMRWD 3-16-2022

LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting
Board of Managers
Wednesday, January 19, 2022
Carver County Government Center, 602 East 4th Street, Chaska, MN 7:00 p.m.
Approved _____

1. **CALL TO ORDER AND ROLL CALL**
   On Wednesday, January 19, 2022, at 7:00 PM CST, in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD).

   President Hartmann asked for roll call to be taken. The following Managers were present: Manager Laura Amundson, President Jesse Hartmann, and Manager Patricia Mraz. Manager Dave Raby joined virtually from Tucson, Arizona. Manager Lauren Salvato was absent. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; John Kolb, Rinke Noonan, LMRWD Legal Counsel; and Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant. Katy Thompson, Young Environmental Consulting Group, LLC; Lisa Frenette, Frenette Legislative Advisors, LMRWD Legislative Liaison; Lindsey Albright, Dakota Soil & Water Conservation District; Steve Pany, Manager for Prior Lake Spring Lake Watershed District; and Representative Paul Torkelson joined virtually.

2. **APPROVAL OF THE AGENDA**
   Administrator Loomis asked to remove the December 15, 2021, meeting minutes and the December 2021 financial reports from the agenda as she had not received the meeting minutes or the financial information.

   Manager Raby made a motion to approve the agenda with the two items noted above removed. The motion was seconded by President Hartmann.

   Manager Amundson pointed out that the executive summary for the Lower Minnesota River One Watershed One Plan process recommended no action and she said the Board should appoint a representative to the policy committee.

   Manager Raby accepted Manager Amundson's comment as a friendly amendment. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None.

3. **CITIZEN FORUM**
   Administrator Loomis reported that she had not received communication from anyone that wished to address the Board.

4. CONSENT AGENDA

President Hartmann introduced the item.

A. Approve Minutes November 17, 2021, and ~~December 15, 2021,~~ Regular Meeting

B. Receive and file November 2021 and ~~December 2021~~ Financial reports – (December Financial Reports were not available at the time the meeting packet was prepared.)

C. Approval of Invoices for payment

i. **Danial Hron – November 2021 Office Rent**
ii. **Frenette Legislative Advisors – October 2021 Legislative Services**
iii. **US Bank Equipment Finance – Payment on copier lease**
iv. **Naiad Consulting – May 2021 Administrative Services and expenses**
v. **TimeSaver Off-Site Secretarial Services – preparation of September meeting minutes**
vi. **Young Environmental Consulting Services – September 2021 services**

D. Receive and file December 2021 Citizens Advisory Committee meeting minutes

E. Designation of 2022 Official newspaper

F. Designation of Data Practices Compliance Official

G. Designation of official depositories

H. Authorize solicitation for proposals for legal, technical, and education and outreach services

I. Authorize payment to City of Shakopee for PLOC Realignment/Wetland Restoration Project

J. Authorize execution of Joint Powers Agreement with Dakota County for monitoring services

Administrator Loomis said staff had completed its review of the documentation provided by the City of Shakopee for the PLOC project and recommends reimbursement to the City. She also noted the payment would not be sent until the elink reporting to the Board of Water & Soil Resources was complete.

President Hartmann made a motion to approve the Consent Agenda as amended. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None.

5. SPECIAL AGENDA ITEMS

A. Discussion with Representative Paul Torkelson

Administrator Loomis provided 5 discussion topics from the items in the Executive Summary that the Board wanted to present to Representative Torkelson. The Board agreed to just go through the list one by one.

i. **Combining watershed districts and soil & water conservation districts**

Administrator Loomis noted this idea is something the Board is not in favor of and provided the reasoning for that position. Representative Torkelson stated this is far from happening and this is more of a topic of conversation about how the State manages its water than something that requires action. He thinks the State should always be looking to manage water and resource more effectively.

There was discussion about raising the administrative levy limit for Watershed Districts and that the levy limit doesn't impact the LMRWD.

Representative Torkelson asked if the LMRWD had any further comments regarding the structure of water management. Administrator Loomis said that there is concern in the Metro Area with the number of water management plans that are required by the state.

Each Watershed District is required to have a plan, municipalities are required to have plans and many counties have plans. These plans don't always have the same goals and priorities. Consolidating the plans would simplify water resource management greatly.

ii. **Water Storage Initiative passed by legislation in 2021**
Administrator Loomis noted the board doesn't feel the $2M allotted is enough to cover the needs and feel there has been plenty of studies and now it's time to implement the findings of those studies, rather than spend more money and time on new studies and reviewing and recreating new plan.

Representative Torkelson stated this is a topic that sounds easy to deal with on the surface but in reality, it is much more complicated and challenging. He thinks that water storage should be a part of every project that is considered moving forward.

Attorney Kolb noted that the LMRWD receives requests from others to support challenges to drainage projects and that many of the existing drainage projects are aging and deteriorating. He noted that financing improvements to agricultural drainage systems falls on the backs of the local taxpayers and that agriculture supports the state and therefore the state should share in the cost of updating and improving agriculture drainage systems.

iii. **Use of the funds from the Clean Water Legacy (CWF) to build capacity**
Administrator Loomis stated that this is an issue that MAWD has taken up and that the LMRWD would support, even though the LMRWD is no longer a member of MAWD. CWF should be used to implement projects that improve water quality not to increase capacity at state agencies or other levels of government.

iv. **MAWD signing on to support federal legislation – the Mississippi River Restoration and Resilience Initiative**
Administrator Loomis provided an overview of this item.

Representative Torkelson stated he is not aware of any such initiatives, but he recalls something similar coming up in the past and noted it was hard to get many people on board. He said that there are differences in how the Mississippi is managed vs. how the Minnesota River is managed. He noted that the Red River Basin has been successful working together to manage water.

Lisa Frenette asked Representative Torkelson why he thought it would be challenging. He noted that the previous effort to organize the Minnesota River basin with the Minnesota River Basin Commission, and the difficulties that board experienced. He said the reasons the MN River Basin Commission failed are still there.

v. **Projects with partnering cities overview**
Administrator Loomis provided Representative Torkelson with some projects within the LMRWD that are not projects of the LMRWD, but that the LMRWD supports.

Representative Torkelson stated those projects sound like bonding projects, and they will take some time and they will need support. He isn't sure how much if any federal dollars that are coming are going to be potential for using those funds for these types of projects.

The Board thanked Representative Torkelson for meeting with the Board.

6. NEW BUSINESS/PRESENTATIONS
There was no new business

7. OLD BUSINESS

A. Lower Minnesota River East One Watershed One Plan

Administrator Loomis stated they should appoint a delegate to be on the Policy Committee from the Watershed District. The Committee did set a regular meeting time for future meetings.

The Board discussed whether the LMRWD should be a part of this process and if they choose to be a part, who should represent the LMRWD. Manager Mraz noted the regular meetings conflict with her teaching schedule. Attorney Kolb laid out pros and cons of becoming a part of the process and options for the board to consider for representation.

Managers discussed who would be available to represent the LMRWD. Manager Raby asked if there is someone on the policy committee who could represent the LMRWD as well as the organization that appointed them to the committee. Attorney Kolb said the LMRWD could approach an entity that it already has a working relationship with. Administrator Loomis noted her relationships are with staff not the policy makers. Manager Amundson noted she is generally available. She could attend the March meeting, but not the February meeting.

Attorney Kolb noted there is no penalty for not attending the meetings so someone could be appointed to the policy committee and attend when they can attend.

Manager Mraz asked what exactly the Board is being asked to consider. Administrator Loomis said the Board should consider whether to participate in the planning process and if so, who will represent the LMRWD.

Della Schall Young recommended that the LMRWD have a seat at the table. It provides the LMRWD with an opportunity to get its issues on the table and incorporated into the plan. Administrator Loomis noted the Technical Advisory Group for the Lower Minnesota River West is struggling with many of the same issues the LMRWD has.

Manager Raby agrees with staff and his preference is to have a representative from the LMRWD on the committee, he only asked about someone from another entity representing the LMRWD because it didn't seem like there wasn't a Board member available to participate.

Manager Mraz made a motion to appoint Manager Amundson to represent the LMRWD on the Lower MN River East 1W1P Policy Committee. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

Attorney Kolb said it would be appropriate for the Board to authorize execution of the planning documents.

President Hartmann made a motion to execute the Planning Agreement (MOA). Manager Mraz seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

B. Audit and Financial Accounting Services Proposals

Administrator Loomis updated the Board that agreements with the Auditor and Financial Services are complete. She advised the Board that the LMRWD will need to find a depository for LMRWD funds, and the Board will need to approve that.

President Hartmann questioned changing banks. Administrator Loomis explained that currently LMRWD funds are co-mingled with the county and claims owed by the LMRWD are paid using the county's system. She explained options for the LMRWD moving forward.

C. Scott County LIDAR Funding Request

Administrator Loomis reported that she has found that other LMRWD counties will not be asking for funds for this project and doesn't feel it is equitable to pay for the project in one county and not others. Staff is therefore recommending that the LMRWD not contribute to Scott County for this project. It will not appear on future agendas.

D. Burnsville Willow Creek Ravine Stabilization

No new information to report since last update.

E. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail

No new information to report since last update.

F. City of Carver Levee

No new information to report since last update.

G. Dredge Management

i. Vernon Avenue Dredge Material Management site

No new information to report other than what was reported in the Executive Summary.

ii. Private Dredge Material Placement

No new information to report other than what was reported in the Executive Summary.

H. Watershed Management Plan

Administrator Loomis said staff is still working on amending the rules. Della Schall Young reported that Katy Thompson and Attorney Kolb have been working through the amendments to the rules. Staff is planning to be able to provide the amended rules to the Board at the February meeting.

I. 2022 Legislative Action

Administrator Loomis reported that the Minnesota Center for Environmental Advocacy has picked up lobbying for the limited liability legislation for salt applicators and property owners.

J. Education and Outreach Plan

Administrator Loomis explained that the information sent to the Board on this topic was for their information. Ms. Schall Young asked if the Board received an explanation of what "impressions" means with respect to Instagram. President Hartmann indicated that he did receive the information.

K. LMRWD Projects

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

i. Area #3 Eden Prairie

Administrator Loomis explained that the storm water pond that is interfering with the downstream progression of the river bend in Area #3 was required by the MPCA not as the result of a lawsuit, but rather was an enforcement action. The LMRWD and the City of Eden Prairie have both had discussion with the MPCA about the efficacy of the pond and the impact it is having on Area #3. The MPCA has indicated that they want to be involved in the discussion and are amenable to either relocation of the pond or alternative means to treat the stormwater that enters the pond.

ii. Spring Creek Update

Ms. Schall-Young provided an overview on this item and information on each proposed recommendation presented.

Manger Raby stated he would like to see more information and data before he would feel comfortable approving all the recommendations proposed. He stated he isn't convinced the property owner or City shouldn't be helping with some of the costs for these projects.

Manager Raby made a motion for staff to move ahead with items 1, 2 & 7 of the recommendation in the Staff memo.

Manager Mraz had several questions about the recommendations. She wanted to know if the property owner has exhausted all other options for seeking funding for these projects.

Ms. Schall-Young stated the owner is reaching out to the Board as a last resort after looking at all other options for help. She noted the owners have been dealing with these issues for a long time and stated Administrator Loomis can speak to that more since she has been the one taking the owners calls since the issues were brought forward.

Administrator Loomis provided some background and context regarding the frequent contact she has had with the owner, noting she believes she first talked to her in 2014 about the issues on her property. She confirmed that she has been working with the owner for a remedy to the situation for years, the City has been less than helpful, and the owner is reaching out for help as a last resort. She also noted that the property owner has not taken any initiative to make improvements on her own, even after the plans drawn up by the Carver SWCD were shared with her.

Managers Amundson said this is a project with a lot of gray areas as far as jurisdiction. They Board discussed the obligations of the City and the City's policy regarding projects on private property.

The Board discussed the role of the LMRWD in addressing this project.

President Hartmann asked what actions the Board needs to take. Administrator Loomis pointed out that Manager Raby made a motion.

Manager Mraz stated she feels they should approve all items tonight due to the amount of time the property owner has been trying to resolve these issues and considering they are asking as a last resort because they can't get funding elsewhere.

Manager Raby wants more information before he would authorize moving forward with the more than Items 1, 2 & 7. Manager Amundson concurred. President Hartmann called for a role call vote.

The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, and Raby; the following voted against: None. Manager Mraz abstained.

L. Project/Plan Reviews

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

i. I 35W Trail Realignment (LMRWD No. 2021-035)

Administrator Loomis presented the project and stated staff is recommending conditional approval. Ms. Schall Young said if the Board had any questions, Katy Thompson from Young Environmental was present to answer questions.

Manager Amundson made a motion to conditionally approve a permit for I 35W Trail Realignment (LMRWD No. 2021-035), subject to receipt of a copy of the NPDES permit, contact information of the contractor and the name and contact information of the

person(s) responsible for inspection and maintenance of erosion and sediment control measures. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None.

ii. Cliff Road Ramps (LMRWD No. 2021-057)
Administrator Loomis presented the project and said staff is recommending approval. Managers indicated that did not have any questions.

Manager Amundson made a motion to conditionally approve a permit for Cliff Road Ramps (LMRWD No. 2021-057), subject to receipt of a copy of the NPDES permit, contact information of the contractor and the name and contact information of the person(s) responsible for inspection and maintenance of erosion and sediment control measures. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

iii. MAC 2022 Perimeter Gate Security Improvements (LMRWD No. 2021-058)
Administrator Loomis noted this item is to be constructed at MSP airport. She stated staff is recommending conditional approval.

President Hartmann asked if this is an expansion of the parking. Ms. Thompson stated that this is an area that is being used for parking and that it is now being paved.

President Hartmann made a motion to conditionally approve a permit for MAC 2022 Perimeter Gate Security Improvements (LMRWD No. 2021-058), subject to receipt of a copy of the NPDES permit, contact information of the contractor and the name and contact information of the person(s) responsible for inspection and maintenance of erosion and sediment control measures. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None

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

9. COMMUNICATIONS

A. **Administrator Report:** Administrator Loomis asked if the Board has any question regarding what was in the Administrator's report. There were not questions.
B. **President:** No report
C. **Managers:** No report
D. **Committees:** No report
E. Legal Counsel: No report
F. **Engineer:** No report

10. ADJOURN

At 9:02 PM, President Hartmann made a motion to adjourn the meeting. Manager Mraz seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None.

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, February 16, 2022, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Attest: _____
Lauren Manager Salvato, Secretary

_____
Linda Administrator Loomis, Administrator

Item 4A
LMRWD 3-16-2022

LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting
Board of Managers
Wednesday, February 16, 2021
Carver County Government Center, 602 East 4th Street, Chaska, MN 7:00 p.m.
Approved _____

1. **CALL TO ORDER AND ROLL CALL**
   On Wednesday, February 16, 2022, at 7:00 PM CST, in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD).

   President Hartmann asked for roll call to be taken. The following Managers were present: President Jesse Hartmann, Manager Patricia Mraz, and Manager Lauren Salvato. Manager Dave Raby joined virtually from Tucson, Arizona. Manager Laura Amundson was absent. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; John Kolb, Rinke Noonan, LMRWD Legal Counsel; and Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant. Lindsey Albright, Dakota Soil & Water Conservation District; Christopher Knopik, CLA, LMRWD Financial Services provider; Corey Boyer, PMA Financial Network, LLC, representing the 4M Fund; and Steve Pany, Manager for Prior Lake Spring Lake Watershed District joined virtually.

2. **APPROVAL OF THE AGENDA**
   Administrator Loomis asked that the January 19, 2022, meeting minutes be removed from the agenda as she had not received the meeting minutes from the recording secretary.

   Manager Raby made a motion to approve the agenda with January 19, 2022, meeting minutes removed. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby, and Salvato; the following voted against: None.

3. **CITIZEN FORUM**
   Administrator Loomis reported that she had not received communication from anyone that wished to address the Board.

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

   A. Approve Minutes December 15, 2021 ~~and January 19, 2022~~ Regular Meeting

   B. Receive and file December 2021 and January 2022 Financial reports

   C. Approval of Invoices for payment
      i. **Daniel Hron – December 2021 office rent**

ii. **Metro Sales – payment on copier maintenance agreement**
iii. **Scott County Soil & Water Conservation District – Q3 2021 monitoring, TACS & Cost Shares service**
iv. **State of Minnesota Dept. of Administration – publish RFPs for audit & accounting services in State Register**
v. **US Bank Equipment Finance – December 2021 payment on copier lease**
vi. **Danial Hron – January 2022 office rent**
vii. **MCES – Ike's Creek monitoring**
viii. **Rinke Noonan Attorneys at Law – November 2021 legal services**
ix. **Studio Lola – down payment for educational signage**
x. **US Bank Equipment Finance – January 2022 payment on copier lease**
xi. **Star Tribune – publication of notice for public hearing on 2022 budget and levy**
xii. **US Bank Equipment Finance – February 2022 payment on copier lease**
xiii. **Naiad Consulting – June, July, August & September 2021 Administrative Services, mileage, and expenses**
xiv. **TimeSaver Off-Site Secretarial Services – preparation of November 2021 meeting minutes**
xv. **Young Environmental Consulting Services – November 2021 technical, and Education & Outreach services**

D. Receive and file January 2022 Citizens Advisory Committee meeting minutes

E. Receive and file 2021 Fen Well Monitoring Report from Dakota County Soil & Water Conservation District

F. 2022 Salt Symposium Sponsorship

G. Authorize payment to Inter-Fluve for work on Eden Prairie Area #3

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

5. NEW BUSINESS/PRESENTATIONS

A. Authorize RFP for Engineering Pool

Administrator Loomis reviewed this item and noted this is draft of the RFP seeking engineers who are willing to be a part of a pool of companies that the District could pull from for different services.

Manager Raby stated he knows this is a draft but wants to make sure it's reviewed carefully before publishing. He noted he found a few edits that need to be made, specifically in item 3 and 4.

Manager Salvato asked if the companies who participate in the RFP need to be locally based to qualify.

Ms. Schall Young noted they would need to be licensed in the state of Minnesota for the services they would be performing. She noted it would be ideal that they are locally based but not necessarily a requirement.

Manager Raby made a motion to authorize soliciting Statements of Qualification for firm interested in being included in a pool. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

6. OLD BUSINESS

A. Audit and Financial Accounting Services Proposals

Administrator Loomis reviewed this item and stated the Managers will be responsible for approving the invoices. She informed the Board that the LMRWD will use Quickbooks on-line and all checks will be issued by the LMRWD. Managers will need to authorize payment of checks. She noted the Managers would be notified when checks are ready for approval and they would only need to go into the system that will be set up and approve payment.

Mr. Christopher Knopik, Clifton Larson Allen, LLP, introduced himself to the Board. He stated bill.com is the service they are recommending which helps automate the process of bill paying so no one will physically need to sign any checks as it is all done online. He noted it is the system his company uses and it works well.

Attorney Kolb asked if is set up in a way that will minimize any negative impact on LMRWD financial audits related to internal control of funds.

Mr. Knopik stated yes, there are several safeguards, with several approvals being in place prior to the final approval for payment.

President Hartmann asked if it is only web based or if there is an App as well for bill.com.

Mr. Knopik noted it is web based and they will do the training with them and make sure everyone knows how it all works.

Administrator Loomis said she is recommending the LMRWD transfer funds to the 4M (Minnesota Municipal Money Market) Fund, which is a joint powers organization that provides banking services in partnership with US Bank. Using the 4M Fund manages the funds in a manner that meets the requirements for collateralization of funds over and above the amounts covered by FDIC Insurance.

Corey Boyer, PMA Financial Network LLC, addressed the Board. He explained that PMA Financial Network, LLC (PMA) was chosen by the 4M Fund Board of Trustees to serve as the Fund's administrator. He stated the 4M Fund only work with municipal entities in the State of Minnesota, so they are designed to meet needs of public entities. He noted they have worked with over 300 Minnesota public entities and that they know the market well. He reiterated that they work in partnership with US Bank. He stated they appreciate the opportunity to work with the District.

Manager Raby asked if the 4M Fund acts as a brokerage, where money is swept into the bank account when needed. Mr. Boyer explained how the 4M Fund operates.

Administrator Loomis asked the Board to adopt Resolution 22-04 Authorizing Membership in the 4M Fund and Designating 4M Fund and US Bank as Depositories.

President Hartmann made a motion to adopt Resolution 22-04 Authorizing Membership in the 4M Fund and Designating 4M Fund and US Bank as Depositories. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

Administrator Loomis then asked the Board to authorize execution of the Master Services Agreement.

Manager Raby made a motion to authorize execution of the Master Service Agreement, including Appendix A & B. The motion was seconded by Manager Mraz. Upon a vote being

taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

The Board thanked Mr. Knopik and Mr. Boyer for attending the meeting and being available to answer questions.

B. Lower Minnesota River East One Watershed One Plan

Administrator Loomis said there was no action needed on this item. Manager Salvato asked about the name Lower Minnesota River East and questioned if there was a west.

Administrator Loomis explained the 1W1P planning areas. Manager Raby noted that the MOA identifies the LMRWD as Lower Minnesota River East Watershed District. Administrator Loomis said she would ask for the document to be corrected.

C. Burnsville Willow Creek Ravine Stabilization

Administrator Loomis reviewed this item. She noted the project has been completed. She explained that usually cooperative agreements are signed before the project begins, but it took a while to get this one drafted and it is before the board tonight. Legal Counsel has reviewed the document on behalf of the LMRWD.

Administrator Loomis noted that the LMRWD has not received the documentation necessary to reimburse the City. When it does, staff will review the documentation and then ask the Board to authorize reimbursement.

President Hartmann asked if there were any pictures. Administrator Loomis said none had been received. Manager Salvato asked if Administrator Loomis had visited the restoration. She said she has not been out to inspect the project.

Manager Raby made a motion to approve and authorize execution of the Cooperative Agreement between the LMRWD and the City of Burnsville. The motion was seconded by Manager Salvato. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

D. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail

No new information to report since last update.

E. City of Carver Levee

No new information to report since last update.

F. Dredge Management

i. Vernon Avenue Dredge Material Management site

No new information to report other than what was reported in the Executive Summary.

ii. Private Dredge Material Placement

No new information to report other than what was reported in the Executive Summary. President Hartmann asked if there are historical records of the amount of material that is dredged each year. Administrator Loomis said that the LMRWD has its records, but does not have any records from before material was placed on the Vernon Avenue Dredge site.

G. Watershed Management Plan

Administrator Loomis stated they will be providing the draft next week.

H. 2022 Legislative Action

Administrator Loomis stated Lisa Frenette provided the LMRWD with the reapportionment maps. She has not had time to look at the maps yet.

Manager Salvato asked about the Smart Salting Legislation and if that is the same as the limited liability legislation. Administrator Loomis said that it is.

I. Education and Outreach Plan

No new information to report other than what was reported in the Executive Summary.

Manager Raby said he was interested in the list of schools that have been contacted. Administrator Loomis said she has the list of schools and didn't include it in the Executive Summary.

Manager Raby also noted that the name of the LMRWD should be consistent in calling itself the District versus LMRWD – pick one and use it consistently. Manager Salvato noted that floodplain is one word not two.

J. LMRWD Projects

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

No action required on any project this month, so updates appear in the Administrator's Report.

K. Project/Plan Reviews

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

i. TH 13 Savage (LMRWD No. 2021-025)

Administrator Loomis provided an overview of this item. She stated they received the maintenance agreement from MnDOT and the City of Savage. Administrator Loomis asked Ms. Schall Young to confirm if they need to see the executed agreement before a permit is issued.

Ms. Schall Young stated to remain consistent they would need to the see the executed maintenance agreement like they did for Hennepin County. She noted it should probably be a condition of the approval as well.

Manager Raby asked if an agreement that ensures that they will still have access through the dredge site during construction will be required.

Ms. Schall Young stated they have been assured that they will be letting them know whenever they will be blocking access to the site. There was discussion about the timing of access to the dredge material management site. The Board wished to add that LMRWD access to the site be included in bid documents released by MnDOT.

Manager Salvato asked an incorrect acronym used in the Memorandum and about reference to fish spawning that was mentioned. Ms. Schall Young noted the acronym came from another memo that was used to prepare the Technical Memorandum prepared for the Board, that is why it is used. She also noted the reference to fish spawning came from the DNR conditions for the project.

President Hartmann made a motion to conditionally approve LMRWD Permit No. 2021-025, TH 13 Savage, subject to MnDOT including in its bid documents that contractor must coordinate closure of Vernon Avenue with the LMRWD, receipt of a copy of the NPDES permit, contact information of the contractor, the name and contact information of the person(s) responsible for inspection and maintenance of erosion and sediment control measures and a copy of the executed maintenance agreement of stormwater management BMPS between MnDOT and the City of Savage. The motion was seconded by Manager

Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, Raby and Salvato; the following voted against: None.

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

9. COMMUNICATIONS

A. **Administrator Report:** Administrator Loomis asked if the Board had any questions about the Administrator's Report. President Hartmann asked for the date of planned construction start for the Merriam Junction Trail. Administrator Loomis said Scott County said they were planning to start construction Spring 2022. Administrator Loomis reported on a notice that she received from BWSR and that she legal counsel to address. Attorney Kolb explained the memo and why this notice came about and what it means to the LMRWD. He said someone questioned the meaning of the word "Board" in statute 103D.605 – does it mean the Watershed District Board or the Board of BWSR? He believes this will be addressed and made clear by the legislature. He advised that the LMRWD does not need to change any of its practices because of the memo.

Attorney Kolb advised that he and Lisa Frenette have come to an agreement regarding a contract between the LMRWD and Frenette Legislative Advisors (FLA). The Board should receive an executed contract from FLA soon.

B. **President:** No report
C. **Managers:** No report
D. **Committees:** No report
E. Legal Counsel: No report
F. **Engineer:** No report

10. ADJOURN

At 8:04 PM, President Hartmann made a motion to adjourn the meeting. Manager Mraz seconded the motion. Upon a vote being taken the following voted in favor of the motion: Amundson, Hartmann, Mraz, and Raby; the following voted against: None.

The next meeting of the LMRWD Board of Managers meeting will be 7:00, Wednesday, March 16, 2022, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

_____

Attest: Lauren Manager Salvato, Secretary

_____

Linda Administrator Loomis, Administrator

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Minutes
Citizen Advisory Committee (CAC)
Tuesday, February 1, 2021
Teleconference via WebEx

1. Call to Order and Roll Call

The meeting was called to order by President Diederichs. The following members were present: Judy Berglund, Craig Diederichs, Greg Genz, and Jenny Karkowski. The following individuals also joined the meeting: Linda Loomis (Naiad Consulting LLC and Lower Minnesota River Watershed District Administrator); Della Young, Katy Thompson, Lan Tornes, and Jen Dullum (representing Young Environmental Consulting Group LLC); and Brooke Asleson (Minnesota Pollution Control Agency, Minnesota Department of Natural Resource [MPCA]).

2. Approval of the Agenda

Berglund moved to approve the January agenda, and Diederichs seconded the motion. In a roll-call vote, the following individuals voted in favor of the motion: Berglund, Diederichs, Genz, and Karkowski. The following voted against it: none.

3. Approval of the December Minutes

Diederichs moved to approve the December minutes, and Berglund seconded the motion. In a roll-call vote, the following individuals voted in favor of the motion: Berglund, Diederichs, Genz, and Karkowski. The following voted against it: none.

4. Citizen Input on Non-Agenda Items

There was no input.

5. New Business

Brooke Asleson, MPCA

Asleson, the chloride program coordinator with the MPCA, gave a presentation on the MPCA's chloride reduction program. The presentation is attached.

Genz asked if highway departments have been advancing their equipment technology. Asleson responded that new technology is being used. Some communities and the Minnesota Department of Transportation (MNDOT) have been accessing mini weather stations to predict weather conditions more accurately. This helps determine the products to be used, application rates, and areas of concern. She noted that technology is expensive, but it is being implemented over time, as are new products such as different plow blades. Asleson also mentioned that MNDOT has a salt sustainability coordinator who works on such issues.

Genz also asked about municipal water softening. The MPCA is working with the Minnesota Department of Health on this topic. Some local communities have been given a limit on the amount of chloride that can be discharged from their wastewater facilities. This has led some communities to determine that central softeners used to reduce hardness are necessary to meet their chloride limits. There has been some pushback from private industry on this move away from private in-home water softeners; however, state, local, and private interests continue to work together on this issue.

6. Old Business

Dullum mentioned that a rain barrel handout has finished an editorial review and will be sent to the CAC members for final review.

7. Communications

Diederichs brought up in-person meetings and meeting locations. The group thought that the March meeting should remain virtual, but in-person meetings could take place outdoors in spring through fall. Loomis and Dullum will provide a list of potential meeting locations, speakers, tours, etc., for the CAC to discuss at the March meeting.

8. Adjournment

Berglund moved to adjourn the meeting, and Diederichs seconded the motion. In a roll-call vote, the following individuals voted in favor of the motion: Berglund, Diederichs, Genz, and Karkowski. The following voted against it: none.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, March 16, 2022

Agenda Item
Item 4. E. – Authorize payment to City of Burnsville for Willow Creek Stabilization

Prepared By
Linda Loomis, Administrator

Summary.
At the September 15, 2021, meeting of the LMRWD Board of Managers, the Board authorized participation in a project to stabilize an area known as Willow Creek Ravine. A Cooperative Agreement between the LMRWD and the City was approved and executed at the February 16, 2022 Board meeting.

The project is essentially complete and the City is requesting reimbursement. Young Environmental Consulting Group reviewed the request and additional information provided by the City on behalf of the LMRWD. Staff from Young Environmental inspected the project and has prepared a memorandum for the Board and recommends reimbursing the City.

In addition, LMRWD staff is recommending an additional consideration for future cost shares with municipalities and others, which is addressed in the memorandum.

Attachments
Technical Memorandum dated March 9, 2022 Re: Burnsville 2021 Slope Project – Payment Request Review
Excerpt from September 15, 2021 LMRWD Board of Managers meeting minutes
Cooperative Agreement for 21-604 Willow Creek Ravine Stabilization Project

Recommended Action
Motion to authorize payment to the City of Burnsville for the Willow Creek Stabilization Project

Young Environmental Consulting Group, LLC

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Hannah LeClaire, PE

Date: March 9, 2022

Re: Burnsville 2021 Slope Project—Payment Request Review

At the September 15, 2021, Lower Minnesota River Watershed District (LMRWD) board of managers meeting, the managers approved a $75,000 grant funding request from the City of Burnsville (City) for the 2021 Slope Project (also known as the Willow Creek Stabilization Project) to expand the scope of the slope stabilization project (Attachment 1). The project proposed to stabilize an additional 120 feet of streambank that was actively eroding and contributing sediment to the LMRWD. The cost for the entire project was estimated to be $462,395. The LMRWD share of $75,000 would partially cover the material and installation costs of riprap, gabions, and anchored slope protection to stabilize the failing streambank (Attachment 2). Although the project was not within the LMRWD boundary, it aligned with the District's goal to protect, improve, and restore surface water quality. The recommendation was to provide 90 percent of the grant at substantial completion ($67,500), then the remaining 10 percent when final restoration could be confirmed in the spring or summer of 2022.

Willow Creek Payment Request

The project was awarded to lowest bidder, Heselton Construction, by the Burnsville City Council on October 19, 2021, for the amount of $184,722, significantly under the engineer's estimate of $462,395. On February 23, 2022, the City submitted an invoice in the amount of $67,500, along with the contract pay voucher and quantities. Table 1 shows the items the LMRWD agreed to finance and the funding amount. Table 2 shows the same items from the Burnsville February 2022 invoice (Attachment 3).

Table 1. Engineer's Estimate and LMRWD Cost-Share

		Engineers Estimate			
Item	Description	Quantity	Unit Cost	Total	LMRWD Share
2511.507	Random Fieldstone Riprap Class III	400 tons	$200/ton	$80,000	$40,000
2512.507	Gabion	70 cubic yards (CY)	$600/CY	$42,000	$21,000
2573.602	Rock Ditch Check	2 each (EA)	$10,000/EA	$20,000	$10,000
2575.603	Anchored Slope Protection	120 linear feet (LF)	$120/LF	$14,400	$4,000

Table 2. February 2022 Payment Voucher for Substantial Completion

Item	Description	Quantity	Unit Cost	Total
2511.507	Random Fieldstone Riprap Class III	243 ton	$73.15/ton	$17,775.45
2512.507	Gabion	72 CY	$380.00/CY	$27,360.00
2573.602	Rock Ditch Check	1 EA	$500.00/EA	$500.00
2575.603	Anchored Slope Protection	59 LF	$65.00/LF	$3,835.00

Site Visit

To confirm the project had reached substantial completion, Young Environmental staff visited the site on March 4, 2022, and compared it to the received plans and specifications the City provided. The site appeared to have been constructed as proposed and stabilized for winter conditions (Attachment 4). The City will be providing final restoration in the spring, including tree replacement and final seeding.

Discussion

Although the site was constructed as intended and will provide benefits to the LMRWD, the overall cost of the project changed following the managers' approval in September. The change in cost is largely related to the difference between the unit costs in the engineer's estimate and the awarded bid prices (Tables 1 and 2) because the overall quantities and extent of the project generally remained the same. To avoid disproportionally funding grant requests in the future, we recommend funding a percentage of the estimated cost not to exceed to $75,000, rather than a lump sum.

Recommendations

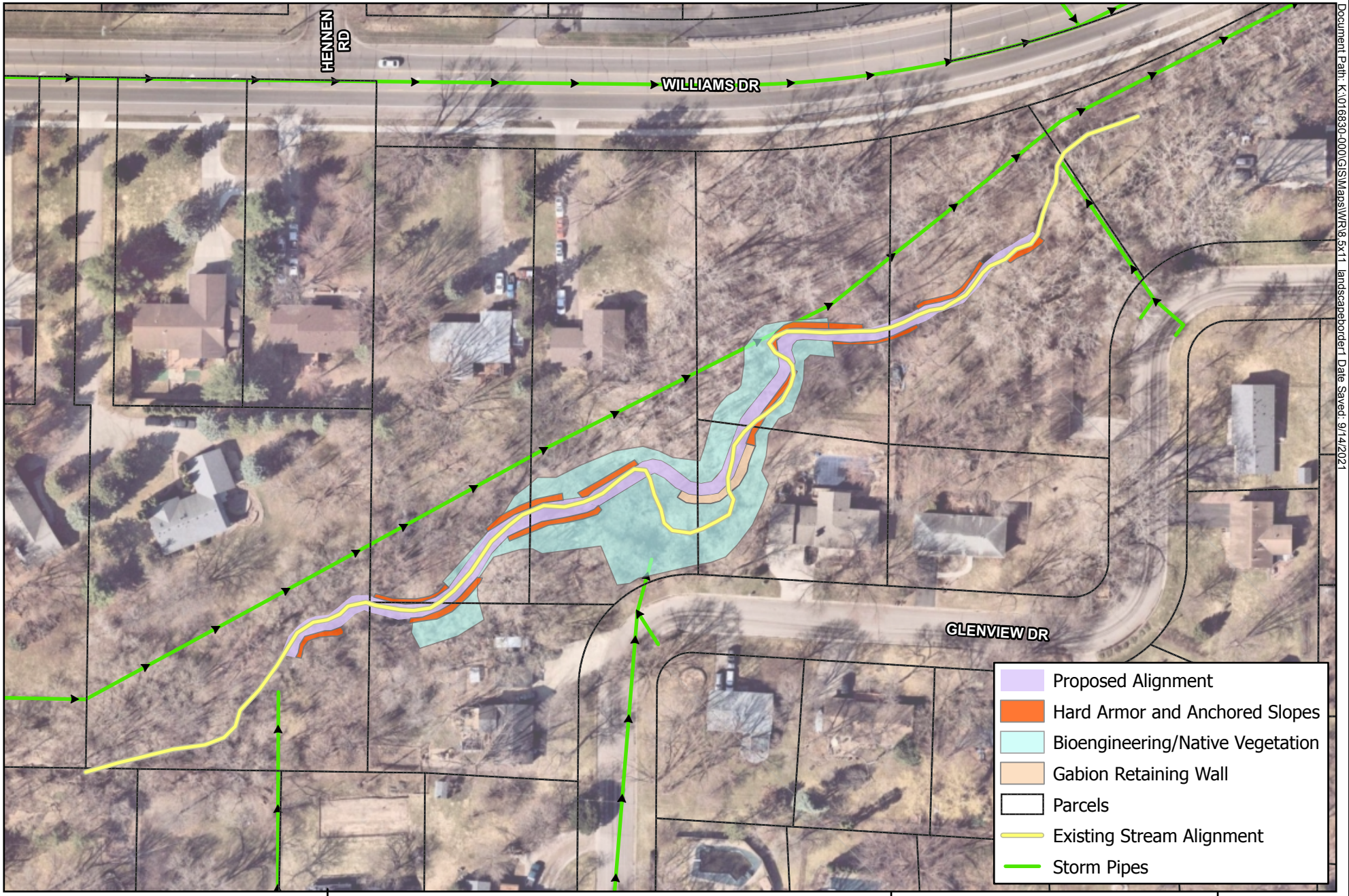
Staff recommends payment of the invoice as presented and as agreed to.

Attachments

- Attachment 1—City of Burnsville Willow Creek Stream Restoration Exhibit
- Attachment 2—Young Environmental Funding Request Memo, September 13, 2021
- Attachment 3—Burnsville Invoice, dated February 14, 2022
- Attachment 4—Photographs from March 4, 2022, Site Visit

Attachment 1

City of Burnsville Willow Creek Stream Restoration Exhibit



Document Path: K:\016830-000\GIS\Maps\WR\8.5x11_landscapeborder1 Date Saved: 9/14/2021

City Of Burnsville

Stream Restoration Exhibit

Burnsville 2021 Slope Stability Project
City of Burnsville

N

0 100 Feet

1 inch = 100 feet

wsb

Attachment 2

Young Environmental Funding Request Review,
September 13, 2021,

Young Environmental Consulting Group, LLC

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: September 13, 2021

Re: Burnsville 2021 Slope Project—Funding Request Review

At the August 18, 2021, Lower Minnesota River Watershed District (LMRWD) board of managers meeting, the City of Burnsville (City) presented two projects for which it was requesting funding from the LMRWD—the I35W Trail Project and the 2021 Slope Project (also known as the Willow Creek Stabilization Project). Young Environmental provided a review of the two projects and scored them as moderate-to-low and moderate-to-high priority, respectively. The LMRWD managers requested that Young Environmental work with the City to review the projects further and make a recommendation at the September 15, 2021, board meeting for funding.

Young Environmental and the District Administrator met with the City of Burnsville on September 8, 2021, to discuss the two projects. Upon further review and discussion with the City, the I-35W Trail project is not being recommended for funding because we were unable to identify added value or benefits to the LRMWD in excess of what was previously presented. The Willow Creek Stabilization Project, however, provides quantifiable benefits to the LMRWD in terms of reduction in total suspended solids and total phosphorus loading. Young Environmental requested the City provide a specific request for the LMRWD funding contribution for Willow Creek, which is presented below.

Willow Creek Project Request

The City is requesting a grant from the LMRWD to fund an expansion of the Willow Creek Slope Stabilization project first presented to the managers at the August 18, 2021, meeting. The expansion of the project footprint will stabilize an additional 120 feet of streambank that is actively eroding. The cost for the entire project is $462,395, and the City is requesting that the LMRWD fund $75,000, which would cover the material and installation costs of riprap, gabions, and anchored slope protection to stabilize the

failing streambank (see attached estimate).

Funding Recommendations

We recommend the LMRWD approve the $75,000 request from the Willow Creek Stabilization Project because the project aligns with the following issues and goals outlined in the District's Watershed Management Plan:

- Issue 3: Water Quality
- Issue 5: Erosion and Sediment Control
- Goal 2: Surface Water Management—to protect, improve, and restore surface water quality
- Goal 7: Erosion and Sediment Control—to manage erosion and control sediment discharge

Furthermore, the Willow Creek Stabilization Project follows the District's strategy of partnering with municipalities to leverage financial resources and improve the natural resources within the LMRWD boundaries.

The project is slated to be constructed in late fall 2021 to winter 2022, with final restoration in spring 2022. As part of the cooperative agreement between the LMRWD and the City for these funds, we recommend specifying they can be used for only the bank stabilization items highlighted in Attachment 2. Additionally, because of the extended window between substantial completion and final restoration, we recommend that 90 percent of the grant funds be released to the City, upon request, at substantial completion. The remaining 10 percent should be held until LMRWD staff confirm final site restoration in spring or summer 2022.

Attachments

Attachment 1—Young Environmental Review of City of Burnsville's 2021 Slope Project Funding Request

Attachment 2—City of Burnsville Willow Creek Engineers Estimate

ATTACHMENT 1
August 13, 2021 Funding Request Review Memo

Young Environmental Consulting Group, LLC

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: August 13, 2021

Re: Burnsville 2021 Slope Project—Funding Request Review

In 2018, the City of Burnsville (City) performed a slope stability analysis as part of its asset management program. This analysis identified and estimated the risk of unstable slopes on public and private properties within the City's political boundaries. In its first phase, the analysis involved the development of a slope vulnerability model, followed by a second phase of field verifications to develop recommendations for slope mitigation, further study, or no further action. The City's analysis was similar to the Lower Minnesota River Watershed District (LMRWD) *2021 Gully Inventory and Condition Assessment*, which also relied on desktop methods to identify potential gullies and conduct field surveys to verify their condition. The City has many steep ravines in various states of erosion and the slope stability analysis was used to target which ravines are most in need of maintenance. The City funds its repairs through a biannual Ravine Restoration and Slope Stabilization project included in its annual budget. In 2019, four slopes were stabilized. For 2021, one site, located in a large gully behind 3104 Glenview Drive (see attached memo from WSB and Figure 1), has been selected for repair in the fall of 2021. The severity of the erosion is threatening the home at 3104 Glenview Drive and a 72-inch storm sewer parallel to the ravine. The ravine itself flows under County Road 34 (Williams Drive) and enters the LMRWD, where it eventually discharges into the Minnesota River.

The project location is within the Black Dog Watershed Management Organization (WMO) boundary; however, it is approximately 300 feet upstream of the boundary with the LMRWD and is tributary to the Minnesota River. While not located within the LMRWD, the LMWRD managers have established precedent in funding projects outside of the District boundaries to leverage resources to protect, preserve, and manage water and natural resources within the District. Most recently, the LMRWD partnered with the Riley Purgatory Bluff Creek Watershed District to provide funding for a feasibility study

in 2016 that identified opportunities to improve Riley Creek's water quality and reduce annual sediment transport to the Minnesota River, as well as $150,000 in funding for the construction of the Lower Riley Creek Ecological Restoration Project in 2019.

As part of the *2021 Gully Inventory and Condition Assessment*, on July 21, 2021, Young Environmental Consulting Group (Young Environmental) staff visited the ravine behind 3104 Glenview Drive and confirmed the instability of the site (see attached survey report. In response to the City's request, Young Environmental completed an initial funding review. Additionally, the City found the homeowners in this area to be receptive to the project and is therefore considering expanding the original scope of the project to stabilize additional failing banks within the same ravine system to maximize the benefits of the project.

Funding Request Evaluation

LMRWD continues to receive requests from municipalities and other partners for project funding support. Historically, because these requests were infrequent and appeared to compete with other requests and priorities, decisions to provide financial assistance were not supported by documented criteria or scoring. Recently, in response to the request from the City of Carver for the levee project, Young Environmental developed the following scoring system, which was applied to the Burnsville 2021 Slope request.

The goal of the scoring system is to establish an impartial and fair evaluation of all District funding requests based on the project's alignment with the goals, policies, and strategies of the LMRWD Watershed Management Plan. Projects are scored on nine different metrics, detailed below, for a possible 82 points.

1. **Project Type (Maximum 24 points):** The Project Type Score considers whether a proposed project is tributary to an impaired waterway, if it solves an issue previously identified by the community or LMRWD plans, and whether the project is explicitly included in the community or LMRWD plans. Points are awarded based on how well the project aligns with the community or LMRWD plans.
2. **Plan Goals (Maximum 9 points):** The Plan Goals Score gives credit depending on how well-aligned a proposed project is with the goals of the LMRWD Watershed Plan. Projects are assigned a score of 0 through 9 based on how many of the District's goals are addressed.
3. **Water Capture (Maximum 7 points):** The Water Capture Score gives credit to projects that meet or exceed the standards for stormwater runoff volume management. Projects are assigned a score of 0 to 7 based on the amount of volume reduction that the proposed project provides.
4. **Pollutant Management (Maximum 7 points):** The Pollutant Management Score gives credit to projects that meet or exceed the amount of water quality treatment provided beyond what is required for regulatory purposes. Projects without a

pollutant reduction component will receive a score of 0, whereas those that reduce pollutant loading to downstream resources can receive a score of up to 7.

5. **Habitat Restoration (Maximum 7 points):** The Habitat Restoration Score gives credit to projects that provide habitat benefits. Projects with no habitat benefit receive a score of 0. Projects likely to achieve habitat benefits as a secondary project benefit receive a score of 3. Projects that include a replacement of the existing habitat with an improved habitat receive a score of 5. Projects that include habitat creation or enhancement as the primary purpose of the project receive a score of 7.
6. **Bank Stabilization (Maximum 7 points):** The Bank Stabilization Score gives credit to projects that restore or stabilize degraded stream banks or shorelines. A project is assigned a bank stabilization score based on the length of the stream bank or shoreline restored or stabilized and the level of existing degradation. This metric is only applied to projects with a designed restoration component (versus indirect benefits). Projects without a designed stream bank or shoreline restoration component are assigned a score of 0.
7. **Watershed Benefits (Maximum 7 points):** The Watershed Benefits Score gives credit to projects that provide benefits beyond the immediate site location. Scores are based on where the proposed project is located within the watershed, giving greater weight to those near headwaters.
8. **Partnership Opportunities (Maximum 7 points):** The Partnership Opportunity Score gives credit to projects that allow the District to partner with other organizations. The District is interested in being a project partner with its member communities. A project receives the maximum score of 7 if one or more of the partners is a financial contributor to the project.
9. **Public Education (Maximum 7 points):** The Public Education Score gives credit to projects that spread awareness of the District's projects and their benefits to the public. The score is based on the accessibility of the final project, giving the greatest weight to those on public lands with public access.

Using the total points scored, projects fit into one of four priority categories (low, low-to-moderate, moderate-to-high, and high), as shown in Table 1.

Table 1. LMRWD Funding Request Scoring Priority

Project Score	Priority	Recommended Action
0–19	Low	Do not recommend funding requests at this time; additional information may be needed to evaluate the potential project more fully.

20–40	Low-to-Moderate	Work with project sponsors to incorporate more District goals, policies, or strategies.
41–61	Moderate-to-High	Consider partial funding requests with funding amount and design components that align with District priorities.
62–82	High	Recommend full funding request as presented.

The detailed scoring of the Burnsville 2021 Slope Project is provided in Table 2, below.

Table 2. City of Burnsville 2021 Slope Project Funding Request Scoring

Scoring Metric	Project Comment	Project Score	Max Points
1. Project Type	Although the Burnsville 2021 Slope Project is located within the Black Dog WMO, it is a tributary of the Minnesota River. In addition, the need to address steep slopes and ravine restoration is included in the City's five-year Capital Improvement Plan, 2040 Comprehensive Plan, and 2017 Water Resources Management Plan.	24	24
2. Plan Goals Addressed	The project addresses three of the District's goals: • Goal 2—Surface Water Management: The project proposes to stabilize an actively eroding slope that is contributing sediment and phosphorus to the Minnesota River, meeting the intent of the goal, which is to protect, improve, and restore surface water quality. • Goal 4—Unique Natural Resources Management: The project proposes to stabilize an eroding ravine, characteristic of the unique bluff and steep slopes landscape within the LRMWD, meeting the intent of the goal. • Goal 7—Erosion and Sediment Control: The project proposes to prevent further erosion of the slope and restore failed banks, addressing this goal.	3	9
3. Water Capture	The project does not provide any stormwater runoff volume management, so no points were awarded in	0	7

Scoring Metric	Project Comment	Project Score	Max Points
	this category.		
4. Pollutant Management	In its funding request, the City of Burnsville provided water quality calculations demonstrating that the project would remove large-scale erosion areas and stabilize the banks of the ravine, and would provide an annual reduction in the LMRWD of 22.25 pounds of total phosphorus and 44,500 pounds of total suspended solids.	7	7
5. Habitat Restoration	Although the planting plans have not been provided for the site, by stabilizing and revegetating the ravine, there is opportunity to improve the quality of the area's existing habitat.	5	7
6. Bank Stabilization	The primary purpose of the 2021 Burnsville Slope Project is to stabilize an existing eroded bank and ravine. The site has been evaluated by both the City and its consultants, as well as by LMRWD staff members, all of whom concur that the site is unstable and in need of restoration.	7	7
7. Watershed Benefits	The 2021 Burnsville Slope Project is located slightly above the midpoint of the subwatershed, with approximately 70 percent of the subwatershed located downstream.	5	7
8. Partnership Opportunities	The City of Burnsville has a recurring line item in its annual budget for ravine restoration projects and is a committed partner to the construction of the 2021 Slope project. The City also has a $500,000 biannual budget item to fund these projects.	7	7
9. Public Education	The 2021 Burnsville Slope Project is located almost entirely on private lands, with a small portion of the project on public lands adjacent to County Road 34 (Williams Drive). There do not appear to be any trails or other public access to the site, which presents limited visibility of the project for the public and therefore limited opportunities for public education as part of this project.	1	7

Scoring Metric	Project Comment	Project Score	Max Points
Total Score		**59**	**82**

Project Scoring

Based on the presented information, the 2021 Burnsville Slope Project received a score of 59 points out of a maximum of 82, placing it at the top of the moderate-to-high priority category, three points short of high priority status.

Funding Recommendation

Based on the observations made on July 21, 2021, if the project were located within the LMRWD boundaries, it would be ranked as having moderate erosion probability and the recommendation to monitor the site for future study and collaboration opportunities would be put forward. Because the City has requested a potential partnership with the LMRWD and is looking to maximize the restoration opportunities in the area, we recommend providing funding assistance for the development of the preliminary engineering designs for the expanded footprint and/or contributing to the cost of the construction for the overall project. Because the City has not requested a specific monetary amount from the LMRWD, staff members will continue to coordinate with the City to better understand the financial needs associated with the unfunded portion of the project to provide a funding recommendation.

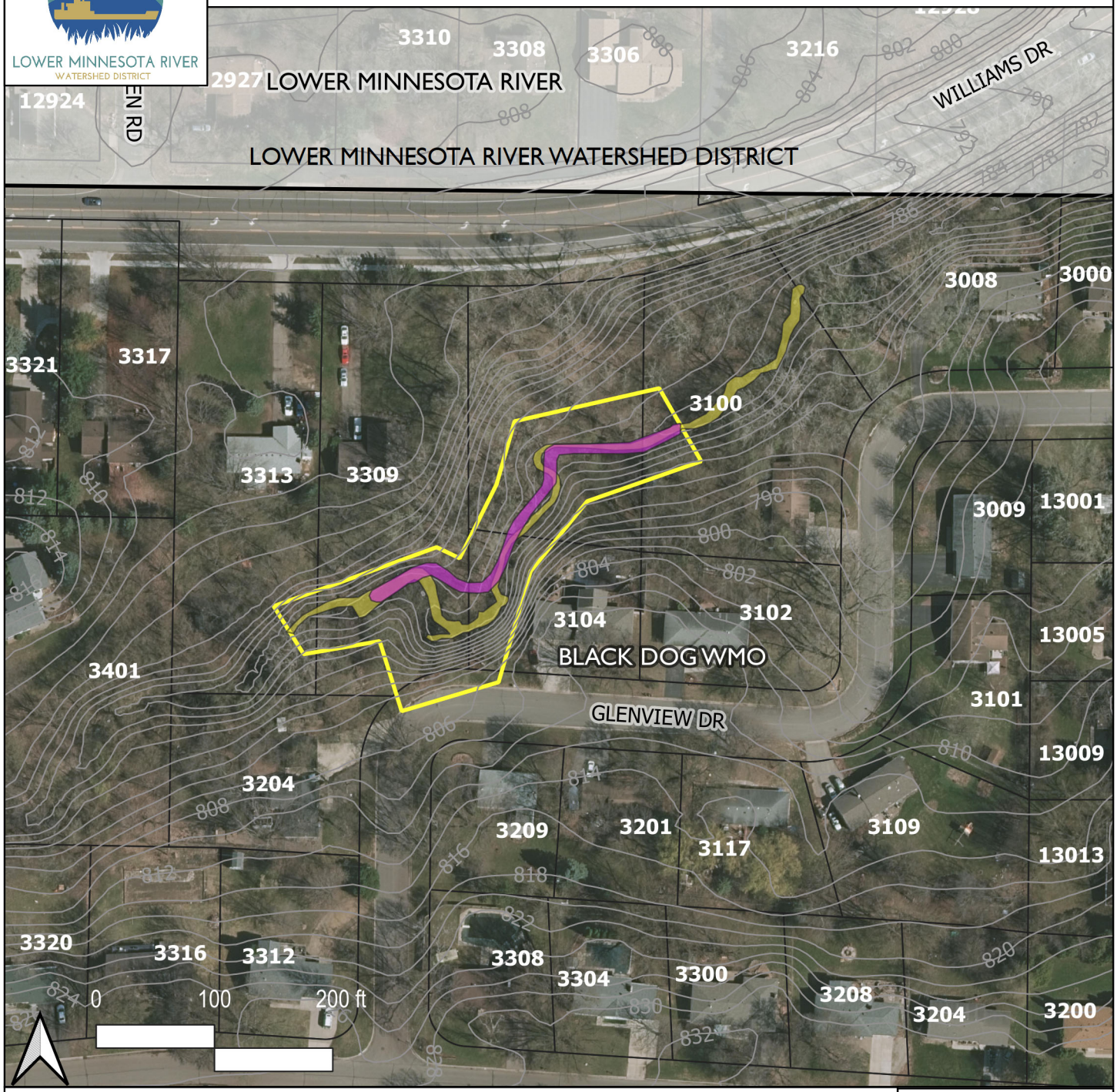
Attachments

Figure 1. Project Location Map

2021 Ravine Stabilization Project Memo from WSB

LMRWD 2021 Gully 07:21–01:33 Survey Report

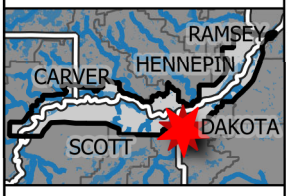
Figure 1: 2021 Bursville Slope Project Location



LEGEND

- Approximate Project Extents
- Project Location
- Existing Stream Alignment
- Proposed Stream Alignment
- LMRWD Boundary
- Parcel Boundaries
- LiDAR Contours

LMRWD Watershed Location Map



Young Environmental Consulting Group, LLC

Attachment 2 -- 2021 Ravine Stabilization Project Memo from WSB

Memorandum

To: Ms. Linda Loomis, Administrator, LMRWD

From: Jen Desrude, PE, City Engineer, City of Burnsville
Jacob Newhall, PE, WSB
Laura Cummings, PE, WSB

Date: June 30, 2021

Re: 2021 Ravine Stabilization Project
WSB Project No. 016830-000

BACKGROUND

In 2018, WSB performed a geohazards evaluation throughout the City of Burnsville to determine the risk of slope failure as part of their asset management program. Several failure types were evaluated including gullying, slides, river migration, and springs. 131 slopes were then ranked using the Slope Risk Matrix previously developed in collaboration with the City. Initial risk ranking results identified 12 of the 131 as mitigation recommended. In further collaboration with the City, two of these 12 slopes were removed from the list and one was added, for a new total of 11 slopes.

In 2019, four of the slopes identified as mitigation recommended were addressed. The City has since identified two additional slopes for review during the 2021 slope project.

A site visit was conducted in September 2020 to review eight slope areas. Of these eight slopes one was selected to be repaired in the fall of 2021. WSB and the City of Burnsville continue to work together to minimize the effects of slope failures including property damage, costly maintenance repairs, and threats to public infrastructure and safety.

2021 SITE

The proposed site is located north and west of 3104 Glenview Drive in the rear yard along a City drainageway. Severe erosion has occurred resulting in very steep slopes adjacent to an existing home and Glenview Drive. The drainageway is not a DNR water. See attached photos for existing conditions. There is an existing 72-inch trunk storm sewer that runs parallel to the stream. The stream drains to City storm sewer and crosses through Williams drive and continues north, ultimately discharging to the Minnesota River. While the boundaries show the project is within Black Dog Watershed Management Commission, the Lower Minnesota River Watershed District is ultimately receiving the drainage from the stream.

OBJECTIVE AND PROJECT DESIGN

The objectives of the project are as follows:

- Reduce the risk of erosion to city road, existing utilities, and adjacent home.
- Increase stability of the channel.
- Erosion reduction and ultimate downstream loading reduction in TSS and TP.

701 XENIA AVENUE S | SUITE 300 | MINNEAPOLIS, MN | 55416 | 763.541.4800 | WSBENG.COM

The proposed project will change the alignment to remove large scale erosion areas, and the banks will be stabilized with hard armoring and bioengineering. Gabion retaining walls will also be used along the southern side adjacent to the roadway and home to result in more gradual slopes. Grading and turf reinforcement mats will be installed along the banks to reduce erosion and stabilize the bank slopes. Removal of sloughed material will be done with the location of the new alignment. See **Figure 1** for project location and proposed improvements.

The Board of Water and Soil Resources Pollution Reduction Estimator was used to quantify the TP and TSS reduction from the project. See **Table 1** for water quality reductions made with the proposed improvements.

Table 1: Water Quality Summary

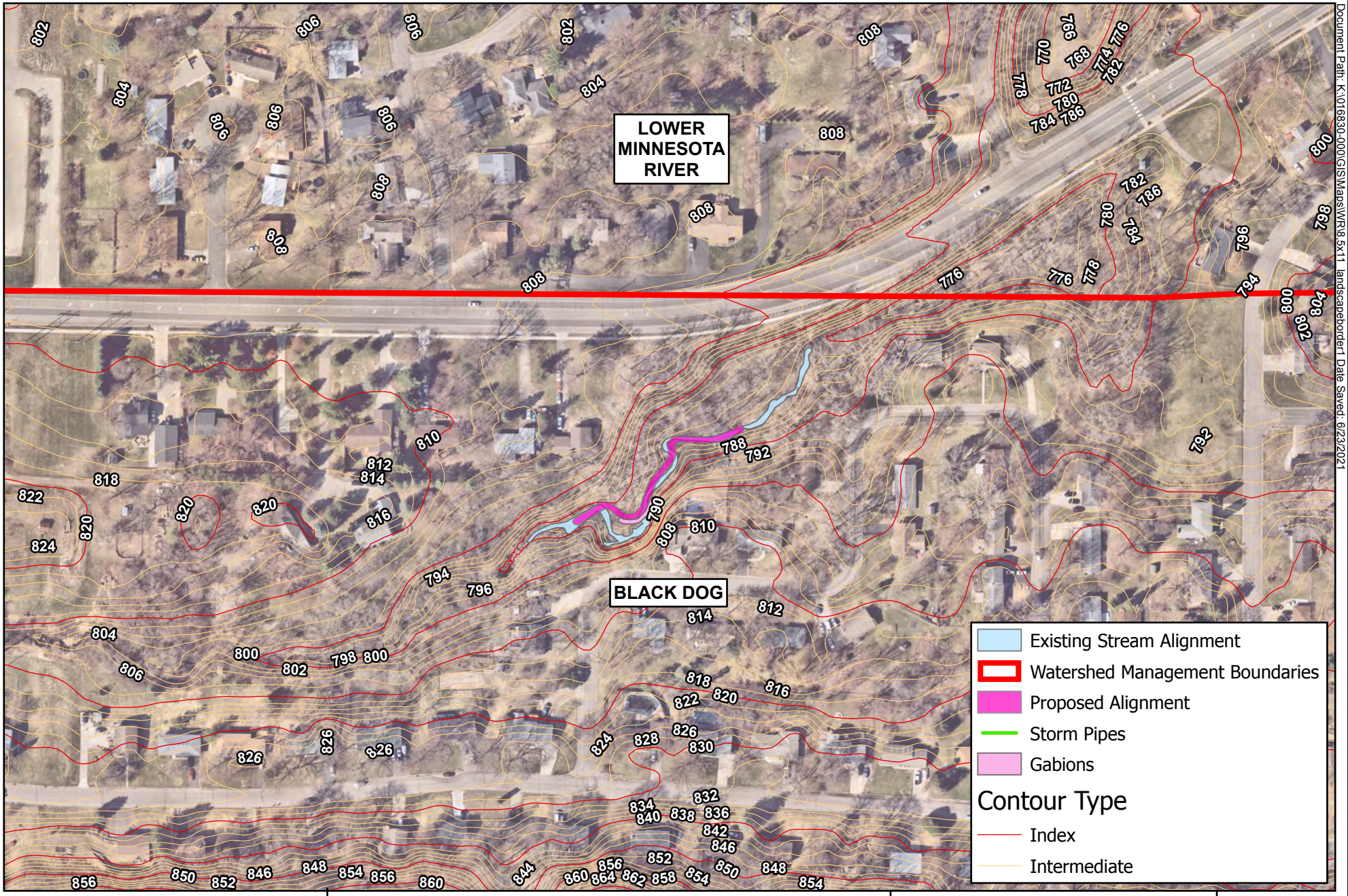
Water Quality	Reduction (pounds/year)
Total Phosphorus	22.25
Total Suspended Solids	44,500

SUMMARY

The proposed improvements will help reduce erosion, benefit downstream water quality, and increase the stability of the creek and streambanks. The City of Burnsville is planning on construction in the fall of 2021. The 60% construction cost estimate is approximately $400,000. The proposed project will alter the channel alignment, include bioengineering and rock armoring, install gabion walls, grading side slopes, and installation of geofabrics.

Attachments

- Site Photos
- Figure 1
- BWSR Water Quality Calculations



City Of Burnsville

Figure 1 - Streambank Alignments

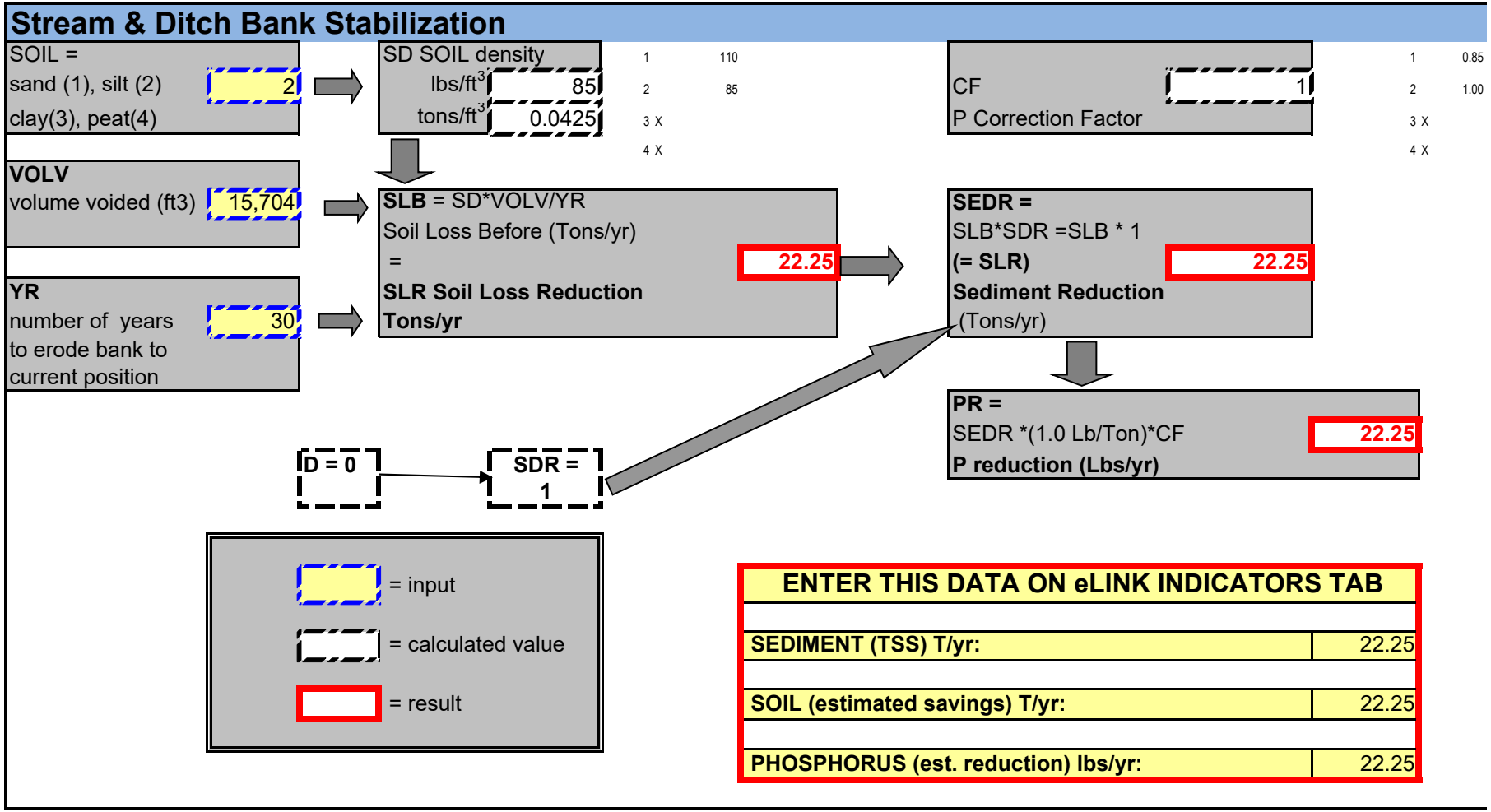
Burnsville 2021 Slope Stability Project
City of Burnsville

N

0 100 Feet
1 inch = 200 feet

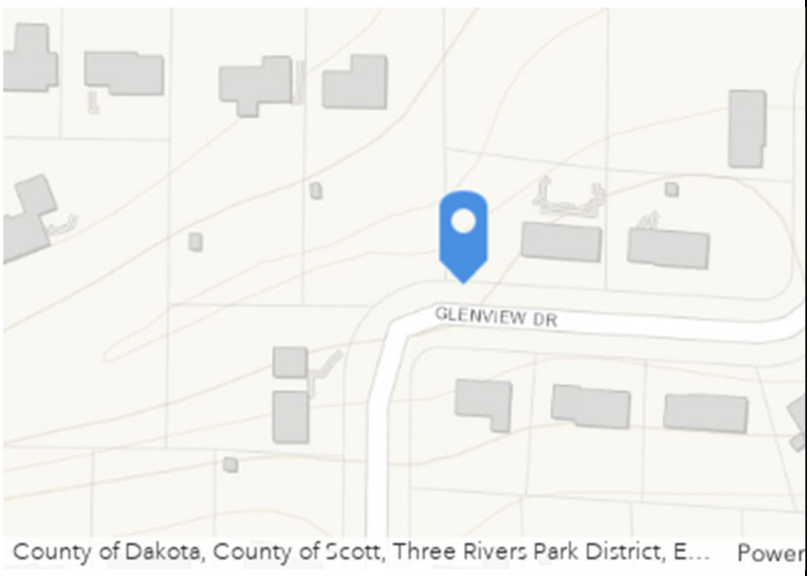
wsb

Stream & Ditch Bank Stabilization



ENTER THIS DATA ON eLINK INDICATORS TAB	
SEDIMENT (TSS) T/yr:	22.25
SOIL (estimated savings) T/yr:	22.25
PHOSPHORUS (est. reduction) lbs/yr:	22.25

Attachment 3 -- Gully 07:21--01:33 Survey Report

Gully ID: 07:21-01:33	**MAP** 
Date & Time: July 21, 2021 1:33 PM	
Location: Burnsville	
Weather: Cloudy **Storm/Rainfall Event in the Past 24 Hours?** No	

GULLY INFORMATION	
Calculated Erosion Potential:	High
Approximate Depth:	5-Deep (>15')
Approximate Bottom Width:	3-Medium (1'-5')
Approximate Gully Length:	5-Long (>100')
Condition of Gully Bottom:	5-Bare Soil
Condition of Gully Banks:	1-Heavy Vegetation
Gully Bank Angles:	3-Mid-Range (45 to 90 degrees)
Gully Shape:	5-V-Shaped
Gully Material:	Silt/Clay
Seep:	0-No
Stormwater Runoff:	0-No
Stormwater Inputs:	
Fallen Trees:	1-Yes
Degradation:	3-Moderate

Aggradation:	1-Low
Slumping:	1-Yes
Additional Notes:	Classification? High Presence of Water? Yes Quantity of Water? Puddles/Stagnant Notes/Comments: Large gully outside district, bottom has puddles of water that look like they may be slowly flowing, many fallen trees in gully, could not get down right bank due to safety so pictures may be rough

Photo 1 Image

Photo 2 Image

Photo 1 View Direction

Downstream

Photo 2 View Direction

Upstream

Photo 1 Caption

Gully

Photo 2 Caption

Gully

ATTACHMENT 2
City of Burnsville's 2021 Slope Stability Project
Engineer's Estimate

2021 SLOPE STABILIZATION PROJECT
BURNSVILLE, MINNESOTA
Date: 9.9.2021

Line Item	Item Code	Description	Units	Quantity	Cost	Total Cost	LMRWD Cost	City Cost
1	2021.501	MOBILIZATION	LS	1	$30,000.00	$30,000.00		$30,000.00
2	2563.601	TRAFFIC CONTROL	LS	1	$10,000.00	$10,000.00		$10,000.00
3	2101.501	CLEARING	TREE	53	$500.00	$26,500.00		$26,500.00
4	2101.524	GRUBBING	TREE	40	$500.00	$20,000.00		$20,000.00
5	2104.502	REMOVE PIPE APRON	E A	1	$1,000.00	$1,000.00		$1,000.00
6	2104.503	REMOVE SEWER PIPE (STORM)	L F	50	$30.00	$1,500.00		$1,500.00
7	2105.601	SITE GRADING	L S	1	$40,000.00	$40,000.00		$40,000.00
8	2105.607	COMMON FILL(LV)	C Y	1500	$20.00	$30,000.00		$30,000.00
9	2501.502	18" RC PIPE APRON	E A	1	$2,500.00	$2,500.00		$2,500.00
10	2503.503	18" RC PIPE SEWER DES 3006 CL V	L F	74	$80.00	$5,920.00		$5,920.00
11	2503.602	CONNECT TO EXISTING STORM SEWER	E A	1	$2,500.00	$2,500.00		$2,500.00
12	2506.503	CONST DRAINAGE STRUCTURE DES 60-4020	L F	8	$900.00	$7,425.00		$7,425.00
13	2511.507	RANDOM FIELDSTONE RIPRAP CLASS III	TONS	400	$200.00	$80,000.00	$40,000.00	$40,000.00
14	2511.515	GEOTEXTILE FILTER FABRIC TYPE 4	S Y	110	$5.00	$550.00		$550.00
15	2512.507	GABION	C Y	70	$600.00	$42,000.00	$21,000.00	$21,000.00
16	2571.524	DECIDUOUS TREE 2.5" CAL B&B	TREE	5	$600.00	$3,000.00		$3,000.00
17	2571.525	DECIDUOUS SHRUB NO 5 CONT	SHRB	20	$120.00	$2,400.00		$2,400.00
18	2573.501	STABILIZED CONSTRUCTION EXIT	LS	2	$1,500.00	$3,000.00		$3,000.00
19	2573.502	STORM DRAIN INLET PROTECTION	E A	1	$300.00	$300.00		$300.00
20	2573.503	SEDIMENT CONTROL LOG TYPE WOOD FIBER	L F	1500	$5.00	$7,500.00		$7,500.00
21	2573.602	ROCK DITCH CHECK	E A	2	$10,000.00	$20,000.00	$10,000.00	$10,000.00
22	2575.504	EROSION CONTROL BLANKETS CATEGORY 3N	S Y	3000	$6.00	$18,000.00		$18,000.00
23	2575.508	SEED MIXTURE 25-151	LB	20	$20.00	$400.00		$400.00
24	2575.603	ANCHORED SLOPE PROTECTION	L F	120	$120.00	$14,400.00	$4,000.00	$10,400.00
25	2575.605	SEEDING	S Y	500	$2.00	$1,000.00		$1,000.00
26	2575.605	SEEDING SPECIAL	A C	0.60	$25,000.00	$15,000.00		$15,000.00
27	2577.502	LIVE STAKES, DOGWOOD	E A	500	$10.00	$5,000.00		$5,000.00
10% Contingency						**$40,000.00**		$40,000.00
Total						**$430,000.00**	**$75,000.00**	**$354,895.00**
Design, Engineering, Permits, Construction and Project Admin						**$107,500.00**		**$107,500.00**

Total	**$537,500.00**	**$75,000.00**	**$462,395.00**

Attachment 3
City of Burnsville Invoice, February 14, 2022

INVOICE

City of Burnsville
100 Civic Center Parkway
Burnsville, MN 55337-3817

INVOICE: 2022-00000006
DATE: 02/14/2022
DUE DATE: 03/14/2022
CUSTOMER # 3231

Payment in full is due by invoice due date. Any balance due beyond that date will be considered delinquent. Return bottom portion of this invoice to ensure proper credit.

LINDA LOOMIS
LOWER MINNESOTA RIVER WATERSHED DISTRICT
112 E. 5TH STREET #102
CHASKA, MN 55318

Questions contact Jen Desrude 952-895-4544

ENGINEERING DEPARTMENT

Description	Quantity	Unit Price	Total Price
LMRWD Cost Share of Willow Creek Restoration (21-604), 90% substantial completion; 10% at final restoration.	1	$67,500.0000	$67,500.00

When you provide a check as payment, you authorize us to either use the information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day you make your payment, and you will not receive your check back from your financial institution

Invoice Total:	$67,500.00
Prepaid Amount:	($0.00)
Balance Due:	$67,500.00

CUSTOMER #	BILLING DATE	DUE DATE	INVOICE #	Total Due
3231	02/14/2022	03/14/2022	2022-00000006	$67,500.00

Pay this Amount $67,500.00

LINDA LOOMIS
LOWER MINNESOTA RIVER WATERSHED DISTRICT
112 E. 5TH STREET #102
CHASKA, MN 55318

Payment to:
City of Burnsville
Accounts Receivable
100 Civic Center Pkwy
Burnsville MN 55337-3817

TO ENSURE PROPER POSTING TO YOUR ACCOUNT, DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT.

City Of Burnsville

100 Civic Center Parkway
Burnsville, MN 55337

Contract Number: 21-604
Pay Request Number: 2

COPY

Project Number	Project Description
21-604	Slope and Ravine Restoration (Contract 21-604)

Contractor:	Heselton Construction, LLC 680 N.W. 24th Street Faribault, MN 55021	**Vendor Number:** **Up To Date:**	1 12/31/2021

Contract Amount		**Funds Encumbered**	
Original Contract	$184,722.00	Original	$184,722.00
Contract Changes	$2,214.17	Additional	N/A
Revised Contract	$186,936.17	Total	$184,722.00

Work Certified To Date	
Base Bid Items	$169,757.40
Contract Changes	$2,214.17
Material On Hand	$0.00
Total	$171,971.57

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
$66,341.92	$171,971.57	$8,598.58	$100,348.17	$63,024.82	$163,372.99
	Percent: Retained: 5%			Percent Complete: 91.99%	

This is to certify that the items of work shown in this certificate of Pay Estimate have been actually furnished for the work comprising the above-mentioned projects in accordance with the plans and specifications heretofore approved.

Approved By
Jon Desrude
City/Project Engineer
12/29/2021
Date

Approved By Heselton Construction, LLC
Mark Mahowald
Contractor
12/29/2021
Date

Payment Summary

No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	2021-11-30	$105,629.65	$5,281.48	$100,348.17
2	2021-12-31	$66,341.92	$3,317.10	$63,024.82

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
Storm Utility		$171,971.57	$8,598.58	$100,348.17	$63,024.82	$163,372.99

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
Storm	Utility - Storm Water - 607-4610-463.01	$63,024.82			$163,372.99

Contract Item Status

Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2021.501	MOBILIZATION	LS	$10,500.00	1	0.25	$2,625.00	0.75	$7,875.00
Base Bid	1	2101.524	CLEARING	TREE	$450.00	53	0	$0.00	62	$27,900.00
Base Bid	1	2101.524	GRUBBING	TREE	$135.00	40	0	$0.00	44	$5,940.00
Base Bid	1	2104.502	REMOVE PIPE APRON	E A	$450.00	1	0	$0.00	1	$450.00
Base Bid	1	2104.503	REMOVE SEWER PIPE (STORM)	L F	$38.00	45	0	$0.00	45	$1,710.00
Base Bid	1	2105.504	GEOTEXTILE FABRIC TYPE 4	S Y	$5.30	110	250	$1,325.00	250	$1,325.00
Base Bid	1	2105.601	SITE GRADING	L S	$9,600.00	1	0.5	$4,800.00	1	$9,600.00
Base Bid	1	2105.607	COMMON FILL(LV)	C Y	$17.35	1500	48	$832.80	1680	$29,148.00
Base Bid	1	2501.502	18" RC PIPE APRON	E A	$1,450.00	1	0	$0.00	1	$1,450.00
Base Bid	1	2503.503	18" RC PIPE SEWER DES 3006 CL V	L F	$91.00	97	0	$0.00	97	$8,827.00
Base Bid	1	2503.602	CONNECT TO EXISTING STORM SEWER	E A	$1,400.00	1	0	$0.00	1	$1,400.00
Base Bid	1	2506.503	CONST DRAINAGE STRUCTURE DES 48-4020	L F	$370.00	8	0	$0.00	8	$2,960.00
Base Bid	1	2511.507	RANDOM FIELDSTONE RIPRAP CLASS III	TONS	$73.15	400	243	$17,775.45	366	$26,772.90
Base Bid	1	2511.507	GRANULAR FILTER	C Y	$60.00	15	0	$0.00	0	$0.00

Contract Item Status

Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2512.507	GABION	C Y	$380.00	60	72	$27,360.00	72	$27,360.00
Base Bid	1	2563.601	TRAFFIC CONTROL	LS	$1,050.00	1	0.25	$262.50	1	$1,050.00
Base Bid	1	2571.524	DECIDUOUS TREE 2.5" CAL B&B	TREE	$660.00	5	0	$0.00	0	$0.00
Base Bid	1	2571.525	DECIDUOUS SHRUB NO 5 CONT	SHRB	$115.00	20	0	$0.00	0	$0.00
Base Bid	1	2573.502	STABILIZED CONSTRUCTION EXIT	E A	$1,750.00	2	0	$0.00	1	$1,750.00
Base Bid	1	2573.502	STORM DRAIN INLET PROTECTION	E A	$175.00	3	0	$0.00	2	$350.00
Base Bid	1	2573.503	SEDIMENT CONTROL LOG TYPE WOOD FIBER	L F	$4.50	2000	0	$0.00	105	$472.50
Base Bid	1	2573.602	ROCK DITCH CHECK	E A	$500.00	2	1	$500.00	2	$1,000.00
Base Bid	1	2575.504	EROSION CONTROL BLANKETS CATEGORY 3N	S Y	$1.50	4200	2900	$4,350.00	2900	$4,350.00
Base Bid	1	2575.504	HYDROMULCH	S Y	$0.70	2300	0	$0.00	0	$0.00
Base Bid	1	2575.505	SEEDING	S Y	$0.55	200	0	$0.00	0	$0.00
Base Bid	1	2575.508	SEED MIXTURE 25-151	LB	$5.00	10	0	$0.00	0	$0.00
Base Bid	1	2575.603	ANCHORED SLOPE PROTECTION	L F	$65.00	110	59	$3,835.00	117	$7,605.00
Base Bid	1	2575.605	SEEDING SPECIAL	A C	$770.00	0.6	0.6	$462.00	0.6	$462.00
Base Bid	1	2577.502	LIVE STAKES (DOGWOOD)	E A	$5.30	500	0	$0.00	0	$0.00
Base Bid Totals:								**$64,127.75**		**$169,757.40**

Project Category Totals

Project	Category	Amount This Request	Amount To Date
21-604		$64,127.75	$169,757.40

Contract Change Item Status

Project	CC	CC#	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
21-604	WO	1	2	2104.601	REMOVE MISCELLANEOUS DEBRIS	LS	$1,102.00	1	1	$1,102.00	1	$1,102.00

Contract Change Item Status

Project	CC	CC#	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
21-604	WO	2	3	2502.603	DRAIN TILE	L F	$1,112.17	1	1	$1,112.17	1	$1,112.17
Contract Change Totals:										**$2,214.17**		**$2,214.17**

Contract Total	**$171,971.57**

Contract Change Totals

Number	Description	Amount This Request	Amount To Date
2	Drain Tile behind Gabion	$1,112.17	$1,112.17
1	Misc Debris Removal	$1,102.00	$1,102.00

Material On Hand Additions

Line	Item	Description	Date	Added	Comments

Material On Hand Balance

Line	Item	Description	Date	Added	Used	Remaining

Attachment 4

Photographs from March 4, 2022 Site Visit

March 4, 2022 Site Visit

Looking upstream toward start of project from right bank at left bank anchored slope protection (grading, hydroseed and rock toe)

March 4, 2022 Site Visit

Looking upstream from channel at Glenview Drive construction access point at right bank anchored slope stabilization (grading, hydroseed and rock toe)

March 4, 2022 Site Visit

Looking at right bank anchored slope stabilization with rock toe from Glenview Drive construction access point. Appeared to be a sediment delta forming in the channel.

March 4, 2022 Site Visit

Looking downstream from Glenview Drive construction access point.
Anchored slope protection with rock toe on left bank and gabion wall on right bank

March 4, 2022 Site Visit

Looking downstream in channel at left bank anchored slope protection (grading and hydroseed) and gabion wall on right bank

March 4, 2022 Site Visit

Looking upstream in channel at right bank gabions, riprap outfall, and Glenview Drive construction access

March 4, 2022 Site Visit

Looking upstream from left bank at gabion toe on right bank and Glenview Drive construction access point

March 4, 2022 Site Visit

Looking across at anchored slope protection on right bank downstream from gabions (log, rock, grading, and hydroseed)

March 4, 2022 Site Visit

Looking downstream near end of construction with anchored slope protection on right bank using large logs and rock. Rock ditch check was not visible due to recent snow cover.

Manager Mraz asked if staff feels an additional meeting would be needed again next summer. Ms. Schall-Young noted that one of the reasons the LMRWD has seen so many permit reviews is that several cities do not yet have the municipal approval the LMRWD grants to cities. The LMRWD is looking to approve all the cities before next summer, so the workload will be reduced.

Manager Mraz made a motion to adjust the meeting schedule. The motion was seconded by President Hartmann. Upon a vote being taken the motion carried unanimously.

6. OLD BUSINESS

A. I-35W Frontage Trail Cost Share – Burnsville

Administrator Loomis noted at the previous meeting the Jen Desrude, Public Works Director for Burnsville, requested funding on two projects: the I-35W Trail project and the Willow Creek stabilization. Young Environmental scored the projects and the trail project did not score very high and the ravine stabilization project scored quite a bit higher. Staff continued to work with the City to find a number appropriate for the District's participation. Staff recommends the District does not participate in the I-35W Trail project. Staff recommends $75,000 from the District to the Willow Creek stabilization project seems appropriate if the Board decides to participate.

Manager Raby thinks if they fund the project, they should fund it in phases.

Ms. Schall-Young suggested when the construction is substantially complete, the District would give them 90% and when it is fully restored they would get the remaining 10%.

Manager Raby made a motion to approve the $75,000 contribution with 90% paid upon substantial completion and 10% after total completion. The motion was seconded by President Hartmann. Upon a vote being taken the motion carried unanimously.

B. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail

No new information to report other than what was reported in the Executive Summary.

C. City of Carver Levee

No new information to report other than what was reported in the Executive Summary.

D. Remote meeting participation

Administrator Loomis met with facilities and IT people at the County to discuss the District's needs for meetings and tying into their system. They now have the capacity to bring people into meetings remotely. She noted the County will be upgrading their system and there will be discussions on what is appropriate for the LMRWD to contribute to the cost of upgrades.

Manager Raby asked if he should use his own computer to join a Board meeting from a remote location? Administrator Loomis noted that is a decision that is up to the Board. Manager Raby said he is fine using his own equipment unless some special equipment is required. He would prefer not to take a LMRWD owned computer away for the months he is gone.

President Hartmann asked about the bandwidth when participating from a remote location. Administrator Loomis agreed that could be an issue. She noted that you can plug a laptop directly into the internet router using an ethernet cable to improve connectivity. Manager Raby asked if he would need to meet in a public location when in a remote location. Administrator Loomis said that is a requirement of the open meeting laws.

Manager Raby noted the Board approved funding for equipment necessary to allow Managers to participate from a remote location. Managers Raby and Amundson said they both plan to attend the October Board meeting from a remote location.

COOPERATIVE AGREEMENT
FOR
21-604 WILLOW CREEK RAVINE STABILIZATION PROJECT

This Agreement is made this _____ day of _____, 2022, by and between the Lower Minnesota River Watershed District, a Minnesota watershed district (hereinafter the "LMRWD"), and the City of Burnsville, a Minnesota municipal corporation (hereinafter the "City").

WITNESSETH:

WHEREAS, the LMRWD has adopted the Watershed Management Plan for the Lower Minnesota River Watershed District, 2018-2027 on October 24, 2018 (hereinafter the "Plan"), as required by Minn. Stat., § 103B and 103D and Minnesota Rules (MN Rules) 8410; and

WHEREAS, the Plan includes an Implementation Program Budget with annual funding for Cost Sharing and Water Quality Restoration; and

WHEREAS, the City presented the Willow Creek Ravine Stabilization Project (City Project 21-604) (hereinafter the "Project") to the LMRWD Board of Managers at their regular meeting on August 18, 2021 requesting a cost share from the LMRWD; and

WHEREAS, Willow Creek is a public drainageway that is located outside of the LMRWD boundary but ultimately drains to the Lower Minnesota River; and

WHEREAS, stabilizing Willow Creek is anticipated to have water quality benefits by reducing total Phosphorus by approximately 25,000 pounds per year and reducing sediment by approximately 45,000 pounds per year; and

WHEREAS, the LMRWD Board of Managers at their regular meeting on September 15, 2021 approved a $75,000 contribution toward the Project, of which 90% shall be paid upon substantial completion and the remaining 10% after total completion; and

WHEREAS, the Burnsville City Council awarded a contract for the Project at their regular meeting on October 19, 2021 and a notice to proceed was issued on November 2, 2021 to Heselton Construction, LLC.

NOW, THEREFORE, on the basis of the premises and mutual covenants and agreements hereinafter set forth, the parties agree as follows:

1. The Project consists of improvements to Willow Creek as shown in Attachment A.

2. The City will pay the contractor and all other expenses related to the construction of the Project and will keep and maintain complete records of such costs incurred.

3. The LMRWD will reimburse the City $75,000 for construction costs related to the Project. Ninety percent (90%) reimbursement will occur at the time of substantial completion and the remaining ten percent (10%) will occur after total completion. All costs of the Project incurred in excess of the reimbursement amount of $75,000, including all costs incurred in excess of estimated project costs due to unforeseen conditions or any other cause, shall be borne by the City or secured by the City from other sources.

4. All City books, records, documents, and accounting procedures related to the Project are subject to examination by the LMRWD.

5. The City will secure all necessary local, state, or federal permits required for construction of the Project.

6. The Project is constructed on land owned or easements held by the City.

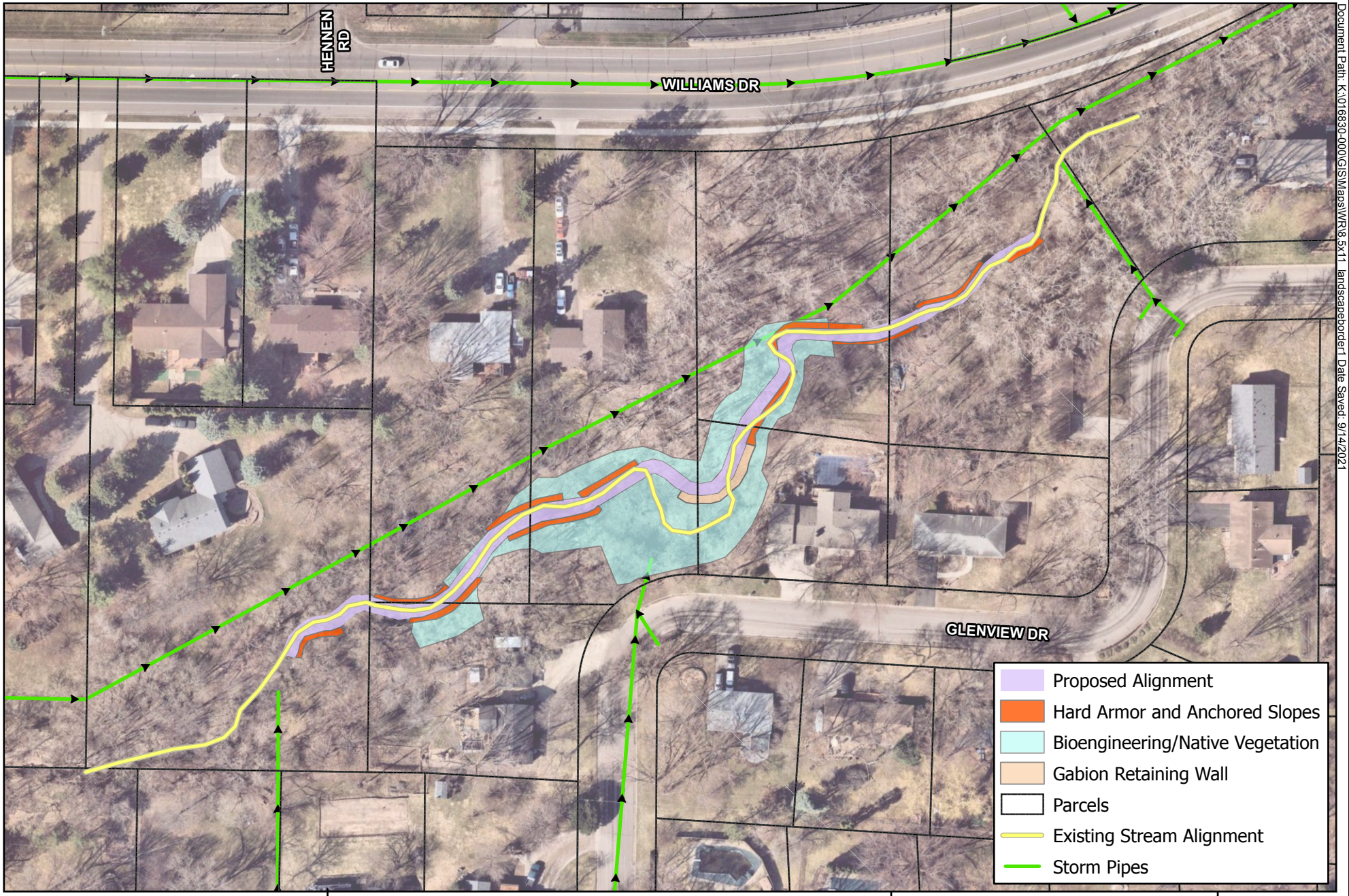
7. The City will have ownership of the associated improvements and will maintain them in good condition in perpetuity or until such time as they are replaced with like improvements.

8. The City will defend, indemnify, protect, and hold harmless the LMRWD and its agents, officers, and employees, from any claims arising out of the design, construction, or maintenance of the Project, including environmental claims. Nothing herein shall be deemed a waiver of the limitations of liability in Minnesota Statutes, Chapter 466.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on behalf of the parties as of the day and date first above written.

LOWER MINNESOTA RIVER WATERSHED DISTRICT	CITY OF BURNSVILLE
By: _____	By: _____
Its President	Its Mayor
And by: _____	And by: _____
Its Administrator	Its Manager

Attachment A
Construction Plans (or Exhibit)



Document Path: K:\016830-000\GIS\Maps\WR\8.5x11_landscapeborder1 Date Saved: 9/14/2021

City Of Burnsville

Stream Restoration Exhibit

Burnsville 2021 Slope Stability Project
City of Burnsville

N

0 100 Feet

1 inch = 100 feet

wsb

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, March 16, 2022

Agenda Item
Item 4. F. – Authorize Affidavit of Trespass

Prepared By
Linda Loomis, Administrator

Summary.
On Wednesday, March 9, 2022, the LMRWD received a call from the Savage Police Department. The Savage Police detained an individual on the LMRWD dredge site who was shooting off a firearm. The Savage Police wanted to make us aware of the incident and are planning to give the individual a notice of trespass. We discussed that from time-to-time evidence of trespass has been found on the site and we decided that authorizing the Affidavit of Trespass is the best course of action.

Once the police have the Affidavit on file, they will give trespassers a notice of trespass and if they find that same individual trespassing again, they can charge them with trespass.

Attachments
Affidavit of Trespass

Recommended Action
Motion to authorize execution of Affidavit of Trespass

Savage Police Department
AFFIDAVIT OF TRESPASS

Name of Business Lower Minnesota River Watershed District				
Property Address 12025 Vernon Avenue South, Savage, MN 55378				Date March 16, 2022
Owner/Representative Linda Loomis, District Administrator				Phone 763-545-4659
Subpoena Address 112 East 5th Street, Suite #102, Chaska, MN 55318	Street	City	Zip Code	Phone

To whom it may concern:

Savage Police Officers are hereby authorized by management of the property listed below as representatives to enforce Minnesota Statute 609.605, Trespass, and to warn and direct persons to leave the property and/or business and to issue a Property Exclusion Form (Notice of Trespassing) as needed for a period up to 12 months of exclusion.

Lower Minnesota River Watershed District Dredge Material Management Site, located at

Description of property or building

12025 Vernon Avenue South, Savage, MN.

Address

This limited authority is granted to the Savage Police Department by

The Board of Managers of the Lower Minnesota River Watershed District (LMRWD) to Linda Loomis

Name

who is the LMRWD District Administrator of said property and/or business and who

Title

herein requests the officers to enforce said statute on said property, including the parking lots. This limited authority does not obligate the Savage Police Department to patrol the described premises for or at any specific hours or days.

It is acknowledged that I will aid in the prosecution of those persons arrested.

_____

Signature

Sworn to and subscribed before me

This _____ day of _____, 20___.

_____

Notary Public, State of Minnesota

My Commission Expires: _____

NOTE: Notice to participants, that if ownership or management changes, it is your responsibility to update the Affidavit of Trespassing. When information is not current, this form is VOID and not enforceable by police.

The Savage Police Department is committed to protecting life and property, providing professional police service, and strengthening partnerships.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, March 16, 2022

Agenda Item
Item 4. G. – Receive and file Annual Report from the Scott County Water Education Partnership

Prepared By
Linda Loomis, Administrator

Summary.
As part of the agreement between the Scott Soil and Water Conservation District, the LMRWD is a partner to the Scott County Water Education Program or SCWEP. The 2021 Annual Report from the partnership is attached for the Board's information.

If Managers have any questions, please let me know.

Attachments
Scott Clean Water Education Program 2021 Annual Report

Recommended Action
Motion to receive and file the Scott Clean Water Education Program 2021 Annual Report

Scott Clean Water Education Program
2021 Annual Report

SCWEP
SCOTT CLEAN WATER EDUCATION PROGRAM

Prepared By:

Shelby Roberts, SCWEP Coordinator
Scott Soil and Water Conservation District

Background

The Scott Clean Water Education Program (SCWEP) started in 2010 to educate Scott County residents consistently and effectively on the topic of clean water. The program's goal is to make clean water choices second nature for all who live and work in Scott County. SCWEP has incorporated the goal into marketing materials using the theme of "Clean Water Starts with Me!"

2021 Highlights

Webinars

In 2021, SCWEP offered a raingarden, native prairie, shoreline, and winter maintenance webinar on the online Zoom platform. This marked the second year SCWEP offered an online education platform. The platform allowed SCWEP to deliver educational tools to Scott County citizens safely and effectively.

The workshops were promoted through social media, online blogs, and submissions to local papers and community calendars. Registration for the workshops was made simple by linking an on-line registration tool, Eventbrite.com, with the SCWEP webinar account.

2021 Workshop attendance:

- 28 participants at the Raingarden
- 20 participants at the Native Prairie webinar
- 12 participants at the Shoreline webinar
- 5 participants at the Winter Salt Reduction webinar

Conservation Leaders Program

Every year conservation leaders are recognized in Scott County to illustrate local ways of changing behavior in conservation.

Jerry and Susan Mealman were chosen for the 2021 Conservation Leaders of the Year for their accomplishments in lakeshore stabilization. In 2018 they installed a native buffer across 133' of their Spring Lake shoreline and planted a 150sq. ft. raingarden to prevent unfiltered runoff into the lake. This year Mealmans joined their neighbors and added 800 sq ft of pollinator habitat for the Rusty Patched Bumblebee through the Lawns to Legumes Demonstration Neighborhood program.

The Mealmans are an excellent example of what urban residents can do to protect the environment.

Conservation in the Classroom

SCWEP holds youth education as a high priority, and hosts Conservation in the Classroom (CIC) to enable conservation lesson delivery to any 5-8 grade Scott County school at any time of the year. The five CIC lessons offered focus on forestry, wildlife, soil health, the water cycle, and conservation. The lessons are taught by staff from the Scott SWCD and can be delivered in classrooms or outside on school grounds.

In May of 2021, the Scott SWCD partnered with the Shakopee Mdewakanton Sioux Community (SMCS) and Raven Stream Elementary to host forestry lessons for 330 elementary students. The lesson included a webinar on Minnesota forestry and concluded with a tree planting demonstration with the students. The dirt used for planting was donated from the SMSC organics recycling facility.

Lawns to Legumes

The Scott SWCD was awarded a Lawns to Legumes grant in early 2020. With the grant, a new branch of the natural landscaping program was launched. Lawns to Legumes brings a new meaning to the idea of partnering in conservation. The program involves gathering neighbors in close proximity of each other to work together and create unique pollinator habitat called a "Demonstration Neighborhood".

The program had overwhelming success. In 2021, nine neighbors banded together and installed fourteen native plantings including lakeshore buffers, pollinating lawns, tree & shrub plantings, and pocket plantings. The plantings total just over 7500 sq. ft. of new native habitat that together create an even greater nesting area for Minnesota's state bee: the Rusty Patched Bumblebee.

Scott WMO/SWCD Conservation Tour

Every year, the Scott SWCD and the Scott Watershed Management Organization (SWMO) host a fall conservation tour highlighting important and relevant projects and conservation topics. This year the tour focused on groundwater sustainability, with an emphasis on groundwater quality and quantity.

22 people attended the tour, including local representatives and senators, members of the Scott County Watershed Planning Commission, SWCD Supervisors, and the 2021 Conservation Leaders.

Stops included a tour of the New Prague Wells and Filtration Plant, a demonstration of a MNDNR groundwater observation well reading, and presentations on groundwater status and outlooks. Speakers at each stop included Frank Bisek, Travis Scheffler, Jon Utecht, Jesse Krzenski, Shelby Roberts, and Meghan Darley

This annual event allows county officials to view conservation projects throughout Scott County first-hand and see how dollars are being spent. It is also a chance to give them a better understanding of the importance of conservation, showing them that, over time, real changes are being made in the county.

Outdoor Education Days

2021 hosted the 35th annual Outdoor Education Days. This year 1,145 third through sixth graders from 15 schools—including schools from Belle Plaine, New Prague, Shakopee, Savage, and Jordan—were part of the fall outing. The weather cooperated extremely well with the event, and no rain days were needed this year.

The six OED stations focused on forestry, wildlife, the water cycle, pond macro-invertebrates, conservation, and agriculture. The Scott SWCD premiered a new station at the 2021 event: Agriculture. The station was a great success, with high ratings from presenters and teachers. The stations were taught by staff from the Scott SWCD, Prior Lake-Spring Lake Watershed District, and Three Rivers Park District. At the end of each day, CLIMB Theatre put on a production about recycling and composting.

The Scott SWCD received $1,000 from MVEC Operation Roundup Grant for waters for students and lunches for presenters. The Scott SWCD provided bussing grants to classrooms at Eagle View Elementary and Oak Crest Elementary. Outdoor Education Day remains the main activity that SCWEP utilizes to directly reach Scott County youth.

News Releases

SCWEP continues to promote information, activities, and relevant news through various print publications available to Scott County citizens. This year SCWEP published 17 water-related articles to the county-wide Scott County SCENE newspaper. In addition, events, informational articles, and workshops continued to be promoted on partner's social media platforms, websites, and other local papers including those a part of SWNewsmedia.

Partners

Members of the SCWEP partnership believe more can be accomplished by working together toward our common goal. By collaborating, we eliminate overlapping programs, prevent inconsistent and duplicative messaging, and achieve similar outcomes at lower costs. In 2021, SCWEP partners included:

- Scott County
- Scott Watershed Management Organization
- Scott Soil and Water Conservation District
- Prior Lake-Spring Lake Watershed District
- Vermillion River Watershed Joint Powers Organization
- Lower Minnesota River Watershed District
- Spring Lake Township
- Credit River Township
- Jackson Township
- Louisville Township

SCWEP also collaborates with other agencies, organizations and clubs implementing outreach programs with similar goals and objectives in Scott County. This collaboration achieves an even greater level of consistency, reach and cost effectiveness. In 2021, these agencies included:

- Scott County Library System
- Prior Lake Association
- Cedar Lake Improvement District
- O'Dowd Lake Association
- Spring Lake Association
- Scott County School System
- Three Rivers Park District
- Shakopee Mdewakanton Sioux Community

Accomplishments

Every year, SCWEP's work plan lists initiatives and activities that the partnership aims to complete within the calendar year. The annual report is a chance to reflect on what was accomplished based off the initial planned trajectory. Individual items may shift along the way, but the message of "clean water starts with me" always remains at the heart of everything SCWEP accomplished.

In 2021, SCWEP saw a great deal of success amid the lingering effects of the COVID-19 pandemic. Many of the proposed activities were accomplished and involved both in-person and virtual audiences across all three of SCWEP's targeted groups. Tabling events resumed in the fall and provided a great outlet for outreach.

The 2021 SCWEP Work Plan targeted and customized its "Clean Water Starts with Me!" campaign to three general audiences:

1. Agriculture/Rural Landowners
2. Urban and Lakeshore Residents
3. Community Groups like Schools and Government.

Appendix 1 details the assembly of ongoing activities by targeted audiences SCWEP completed in 2021.
Appendix 2 details the assembly of events by targeted audiences SCWEP participated in during 2021.

Unimplemented planned events

Occasions happen where a planned activity is unable to be executed the year it was planned. In 2021, the SCWEP partnership worked within community gathering restrictions surrounding the COVID-19 Pandemic. As a result, planned tabling events at Celebrate Jordan, Garden Fever, and Prior Lake Wellness Expo were unable to take place. This led to a decrease in outreach materials like brochures, flyers, and Smart Salting cups.

The planned video demonstrating the steps for raingarden construction has been partially filmed, but not completed.

MS4 Activity

The 2021 Work Plan was designed to ensure member compliance with the educational requirements of their respective Stormwater Pollution Prevention Plans. There are six minimum control measures (MCMs) defined in the MS4 Permit, including:

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Storm Water Runoff Control
5. Post Construction Storm Water Management in New and Redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

Many SCWEP activities helped partners comply with the MCM1 requirements. Data used for MS4 reporting can be found in the appendix.

Budget

What was budgeted

Funding Agency	General Program Staff/Supplies	Chloride & Bacteria Grant Staff Time (WBIF FY19)*	Chloride & Bacteria Grant Materials (WBIF FY19)*	K5-8 Education Enhancements (WBIF FY21)	Total
SWMO	$42,820	$20,000	$5,000	$40,000	$107,820
PLSLWD	$3,500	-	-	-	$3,500
LMRWD	$1,300	-	-	-	$1,300
VRWJPO	$1,300	-	-	-	$1,300
SL TWP	$2,000	-	-	-	$2,000
MVEC	$1,000	-	-	-	$1,000
				Grand Total:	**$115,920**

*SWMO is the grantee for these initiatives on behalf of the Minnesota River South WBF Partnership

What was spent

Funding Agency	General Program Staff/Supplies	Chloride & Bacteria Grant Staff Time (WBIF FY19)	Chloride & Bacteria Grant Materials (WBIF FY19)	K5-8 Education Enhancements (WBIF FY21)	Total
SWMO	$42,820	$12,432.98	$2,175.59	$3,819.00	$61,247.57
PLSLWD	$3,055	-	-	-	$3,055
LMRWD	$1,581	-	-	-	$1,581
VRWJPO	$1,300	-	-	-	$1,300
SL TWP	$2,000	-	-	-	$2,000
MVEC	$1,000	-	-	-	$1,000
				Grand Total:	**$70,183.57**

Outcomes, Evaluation and Reporting

The SCWEP goal – to make clean water choices second nature for all who live and work in Scott County – was reviewed throughout the year. Outcomes were evaluated primarily by number of participants and following-up with program participants. We also tracked follow-up requests for additional information and technical assistance in SWIMS database.

A large part of the Storm Water Pollution Prevention Program (SWPPP) requires identification and documentation of best management practices that will be undertaken to reduce the discharge of pollutants from the MS4 to the maximum extent practicable. A few of the metrics used to measure the impact of marketing strategies include:

- Number of participants at specific SCWEP hosted events or workshops
- Number of direct mailings, brochures and flyers distributed
- Number of submitted press releases articles
- Number of requests for technical assistance
- Number of best management practices completed through a partner organization

Staff recorded and quantified the above metrics to assess the success or benefit of each marketing strategy. Additionally, staff provided evaluations after educational workshops and outreach events (when applicable) to gauge how well-presented topics were understood, how much project excitement was felt, and if adjustments to curriculum were recommended. Once results were received, staff used feedback from the surveys to modify content and presentations as needed.

Evaluation was and continues to be an important component in understanding the effectiveness of reaching our goal of the "Clean Water Starts with Me!" campaign.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, March 16, 2022

Agenda Item
Item 4. H. – Authorize payment to Inter-Fluve for invoice 21-04-21-02

Prepared By
Linda Loomis, Administrator

Summary.
LMRWD has been working with Inter-Fluve to put a number on the cost to stabilize the river bank in Area #3, address the issue with the stormwater pond that is exacerbating the bank stabilization and to stabilize the slope above the river bank. The first invoice for this work is attached. Young Environmental Consulting Group has reviewed the invoice and recommends payment of the invoice.

Attachments
Inter-Fluve Invoice 21-04-21-02

Recommended Action
Motion to authorize payment of Inter-Fluve Invoice 21-04-21-02

Inter-Fluve, Inc.
501 Portway Ave., Ste. 101
Hood River, OR 97031
Office: (541) 386-9003

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

Invoice number 21-04-21-02
Date 03/08/2022

Project **21-04-21 Area 3 Bluff Concept Design and Rendering**

Billing Period Through 02/28/2022

Invoice Summary

Description	Contract Amount	Prior Billed	Total Billed	Current Billed	Remaining
Task 1: Project Management and Meetings	6,092.00	3,592.50	3,763.00	170.50	2,329.00
Task 2: Conceptual Design	23,409.00	915.00	2,816.25	1,901.25	20,592.75
Total	29,501.00	4,507.50	6,579.25	2,071.75	22,921.75

Task 1: Project Management and Meetings

Professional Fees:

	Hours	Rate	Billed Amount
Principal	0.50	260.00	130.00
Administration/Clerical	0.50	81.00	40.50
Phase subtotal			170.50

Task 2: Conceptual Design

Professional Fees:

	Hours	Rate	Billed Amount
Senior Staff	8.25	185.00	1,526.25
Staff	2.50	150.00	375.00
Phase subtotal			1,901.25

Invoice total **2,071.75**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
21-04-21-01	02/03/2022	4,507.50		4,507.50			
21-04-21-02	03/08/2022	2,071.75	2,071.75				
	Total	6,579.25	2,071.75	4,507.50	0.00	0.00	0.00

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, March 16, 2022

Agenda Item
Item 5. A. – Presentation by Carver WMO of 2022 Monitoring Program

Prepared By
Linda Loomis, Administrator

Summary
Andrew Edgcumbe from the Carver County Water Management Organization (CCWMO) will be present to provide the Board with the result of 2021 sampling season of LMRWD water resources located in Carver County.

The LMRWD contracts with CCWMO to sample and analyze water resources on behalf of the LMRWD. A copy of the Memorandum of Agreement (MOA) between the LMRWD and CCWMO is attached for the Board's information. 2022 is the final year of the MOA.

Attachments
2018 Memorandum of Agreement between the LMRWD and CCWMO

Recommended Action
No action recommended – for information only

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, March 16, 2022

Agenda Item
Item 6. A. – Audit and Financial Accounting Services

Prepared By
Linda Loomis, Administrator

Summary.
At the February 16, 2022, LMRWD Board of Managers meeting the Board authorized transferring LMRWD funds to the 4M Fund and opening a bank account at US Bank. The Board authorized President Hartmann, Manager Amundson and Administrator Linda Loomis as signors on the accounts. Manager Amundson was out of town and securing her signature had to be done by mail. Once the signatory documents have been received, they will be sent to the 4M Fund and US Bank. Funds will be transferred from Carver County to 4M and all claims against the LMRWD will be paid from this source.

In addition, Carver County has been working to assist with the transition. They have provided a list of vendors that are paid through electronic funds transfers. CLA will work to set up those vendors in the new system. The LMRWD will also need to notify the Counties and others who automatically transfer funds to the LMRWD, so that levy and grant payments are made to the new accounts and not to Carver County.

Attachments
No attachments

Recommended Action
No action recommended – for information only

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, March 16, 2022

Agenda Item
Item 6. E. – Watershed Management Plan

Prepared By
Linda Loomis, Administrator

Summary.
In February 2020, the LMRWD adopted rules to implement its Comprehensive Watershed Management Plan. Since the adoption of rules it has became apparent that modifications to the rules were necessary.

A red-lined version of the rules was provided to the Board between the February and March Board meetings. Young Environmental Consulting Group has prepared a Technical Memorandum dated March 9, 2022, which details the process to revise rules and includes a red-lined version of the proposed revisions for the record.

Staff is asking for Board to authorize initiation of the rule amendment process.

Attachments
Technical Memorandum dated March 9, 2022 – Lower Minnesota River Watershed District Rule Revision Proposal

Recommended Action
Motion to authorize initiation of the rule amendment process

Young Environmental Consulting Group, LLC

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: March 9, 2022

Re: Lower Minnesota River Watershed District (LMRWD) Rule Revision Proposal

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On October 24, 2018, the LMRWD adopted its amended state-approved Watershed Management Plan. The plan established management standards that form the foundation of the District's rules. The rules were developed as required by Minnesota Statute 103D to provide a legal basis for the District to regulate projects not regulated by municipalities (e.g., project within unincorporated areas and MnDOT rights-of-way).

On February 19, 2020, the LMRWD Board of Managers adopted the following rules: administrative and procedural, erosion and sediment control, floodplain and drainage alteration, stormwater management, and steep slopes. Since the implementation of the rules, the LMRWD, through its technical consultant, Young Environmental Consulting Group (Young Environmental), has worked with municipalities to update their respective official controls to administer the rules. However, during the transition period until their official controls are modified, the LMRWD has been issuing permits per the rules. After more than a year of implementing the rules and fielding questions, it is apparent that clarifying modifications to the rules are required.

Below are the suggested modifications for consideration, the rule revision process, and Young Environmental's recommended next steps.

Suggested Modifications

Attached is the redlined version of the rules highlighting the suggested changes; they were also shared with the Board via email on March 1, 2022.

Rule Revision Process

The process to amend the LMRWD rules is outlined in MS 103D.341 and summarized below:

- The draft rules must be submitted to the LMRWD Board of Managers and all public transportation authorities in writing for review and comment, allowing a minimum of 45 days for review.
- The draft rules and public hearings must be announced in at least one newspaper within each county.
- Any comments received during the public notice and 45-day review period will be collected and summarized by staff.
- The draft rules will be finalized and must be adopted by a majority vote of the LMRWD managers.
- The final rules must be filed with each county recorder and mailed to each governing body of each municipality within the District.

Recommendations

With the managers' approval, Linda Loomis, administrator; Young Environmental, technical consultant; and Rinke Noonan, legal counsel, will initiate the rules amendment process with the Minnesota Board of Water and Soil Resources. Barring any unforeseen issues, we hope to have the public hearing in April or May 2022 and the final document to the managers for final approval in July 2022.

Lower Minnesota River Watershed District

Rules

February 19, 2020

Revised Draft February 22, 2022

Table of Contents

Table of Figures

1 Definitions

Regarding these Rules, unless the context otherwise requires, the following terms are defined below. References in these Rules to specific sections of the Minnesota Statutes or Minnesota Rules include amendments, revisions, or recodifications of such sections. The words "shall" and "must" indicate a mandatory rule, and the word "may" indicates a permissive rule. The following definitions and acronyms apply to the District rules and accompanying guidance materials.

Abstraction~~s~~: Removal of stormwater from runoff by such methods as infiltration; evaporation; transpiration by vegetation; and capture and reuse, such as capturing runoff for use as irrigation water.

Agricultural Activity: The use of land for the growing and/or production of agronomic, horticultural, or silvicultural crops, including nursery stock, sod, fruits, vegetables, flowers, cover crops, grains, forestry activities~~Christmas trees~~, and grazing.

Alteration or Alter: When used in connection with public waters or wetlands, is any activity that will change or diminish the supply, course, current, or cross section of an existing drainage way, ~~-~~public waters or wetlands, or a District overlay district.

Appropriations: For the purposes of these Rules, "appropriations" means the withdrawal, removal, or transfer of water from its source, regardless of how the water will be used.

Atlas 14: Precipitation frequency estimates released by the National Oceanic and Atmospheric Administration's National Weather Service Hydrometeorological Design Studies Center. The information supersedes precipitation frequency estimates in Technical Paper No. 40 (1961), National Weather Service HYDRO-35 (1977), and Technical Paper No. 49 (1964).

Base Flood Elevation: The computed elevation to which floodwater is anticipated to rise during the base flood. Base flood elevations are shown on flood insurance rate maps (FIRMs) and on the flood profiles.

Best Management Practices~~, or~~ (BMPs): Structural or nonstructural methods used to treat runoff, including, but not limited to, such diverse measures as ponding, street sweeping, filtration through a rain garden, and infiltration to a gravel trench.

Bioengineering: Various shoreline and stream bank stabilization techniques using aquatic vegetation and native upland plants along with techniques such as willow wattling, brush layering, and willow posts.

Buffer Zone: An area consisting of perennial vegetation, excluding invasive plants and noxious weeds, adjacent to a waterbody that protects water resources from runoff pollution; stabilizes soils, shores, and banks; and protects or provides riparian corridors.

Channel: A perceptible natural or artificial depression, with a defined bed and banks that confines and conducts water flowing either continuously or periodically.

Compensatory Storage: Excavated volume of material below the 100-year floodplain elevation required to offset floodplain fill.

Conditional Approval: Approval of a District permit application that requires the applicant to provide further information or plan changes, or meet other stated conditions, prior to the District issuance of the permit. See Rule A.

Construction Activity: Disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and nonvegetative), or existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and the movement of sediment into surface waters or drainage systems.

Conveyance System: The drainage facilities, both natural and manmade, which collect, contain, and provide for the flow and treatment of surface and stormwater from multiple properties the highest points on the land down to a receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The humanmade elements of the conveyance system include gutters, ditches, pipes, channels, and retention/detention facilities.

Criteria: Specific details, methods and specifications that apply to all permits and reviews and that guide implementation of the District's goals and policies.

Crossing: Any crossing over a water conveyance either supported by a structural span or culvert.

Development: The construction of any public or private improvement project, infrastructure, structure, street, or road or the subdivision of land. Normal farming practices part of an ongoing farming operation shall not be considered development.

Dewatering: The removal of water for construction activity.

District: The Lower Minnesota River Watershed District (LMRWD) established under the Minnesota Watershed Law, Minnesota Statutes Chapter 103D.

Drain or Drainage: Any method for removing or diverting water from waterbodies, including excavation of an open ditch and installation of subsurface drainage tile, filling, diking, or pumping.

Dredging: The removal of sediment or other materials from the beds, banks, or shores of a waterbody by means of hydraulic suction, mechanical excavation or any other means.

Easement: The perpetual right to use another owner's land for a specified use, which may be granted for the purpose of constructing and maintaining walkways, roadways, subsurface sewage treatment systems, utilities, drainage, driveways, and other uses.

Erosion: The wearing away of the ground surface as a result of wind, flowing water, ice movement, or land-disturbing activities.

Erosion and Sediment Control Plan: A plan of BMPs or equivalent measures designed to control runoff and erosion and to retain or control sediment on land during the period of land-disturbing activities in accordance with the applicable Rule.

Excavation: The intentional removal or displacement of soil, sediment, vegetation, or other earth material.

Existing Conditions: Site conditions at the time of application consideration by the LGU or District before any of the work has commenced, except that, when impervious surfaces have been fully or partially removed from a previously developed parcel but no intervening use has been legally or practically established, "existing conditions" denotes the parcel's previously established developed use and condition.

FEMA: Federal Emergency Management Agency.

Fen or Calcareous Fens: Rare and distinctive wetlands characterized by a substrate of nonacidic peat and dependent on a constant supply of cold, oxygen-poor groundwater rich in calcium and magnesium bicarbonates.

Fill: Any rock, soil, gravel, sand, debris, plant cuttings, or other material placed onto land or into water.

Filtration: A series of processes that physically removes constituents from stormwater.

Floodplain: The area adjacent to a waterbody that is inundated ~~during~~ by the~~a~~ 100-year flood elevation.

Floodway: The channel of ~~the river or streama~~ watercourse, the bed of waterbasins and the adjacent land that must remain free from obstruction so that the 100-year flood can be conveyed downstream.

Fully Reconstructed: The reconstruction of an existing impervious surface that involves site grading and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are not considered fully reconstructed.

Groundwater-Dependent Natural Resource (GDNR): A feature with surface emergence of groundwater at a spring or seepage area, sufficiently mineral rich to support a plant community or aquatic ecosystem.

Groundwater Recharge: The replenishment of groundwater storage through infiltration of surface runoff into subsurface aquifers.

High Value Resources Area~~, or~~ (HVRA): Portion of land (or a watershed) that contributes direct surface runoff to a trout water and/or fen within the ~~Lower Minnesota River Watershed District~~District. Those areas within the District but not contained within the HVRA are referred to as General areas.

Hot Spot: A point source or potential pollution-generating land use, such as a gas station or chemical storage facility.

~~**H:V:** horizontal:vertical.~~

Impervious Surface: A constructed or compacted hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than before development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, concrete, asphalt, and gravel roads or other areas of compacted ~~gravel~~surfaces.

Infiltration: A passage of water into the ground through the soils.

Infrastructure: The system of public works for a county, state, or municipality, including but not limited to structures, roads, bridges, culverts, and sidewalks; stormwater management facilities,

conveyance systems, and pipes; pump stations, sanitary sewers, and interceptors; hydraulic structures, permanent erosion control, and stream bank protection measures; water lines, gas lines, electrical lines, and associated facilities; and phone lines and supporting facilities.

Land-Disturbing Activity: Any change of the land surface ~~to~~ includ ing but not limited to: ~~e~~ removing vegetative cover, excavating, fill, grading, stockpiling soil, and constructing any structure that may cause or contribute to increases in the flow of water off of a property, ~~eroding~~ erosion downstream, or moving sediment into water bodies. Land use for new and continuing agricultural activities shall not constitute a land-disturbing activity under these Rules.

Landlocked ~~Basin~~: A water basin ~~localized depression~~ that does not have a natural outlet at or below ~~the~~ its 100-year flood elevation.

Linear Project: Construction or reconstruction of a public road, sidewalk, or trail or construction, repair, or reconstruction of a utility or utilities that is not a component of a larger contemporaneous development or redevelopment project. A linear project does not include ancillary structures or facilities.

Local Government Unit (LGU): The municipality or other public body within the Lower Minnesota River Watershed District and subject to these Rules ~~Entity such as a city or county~~.

Local Water Plan (LWP): A plan adopted by each municipality pursuant to Minnesota Statutes 103B.235.

~~**MNDOT:** Minnesota Department of Transportation.~~

~~**MPCA:** Minnesota Pollution Control Agency.~~

~~**MPCA General Construction Permit**~~**Construction Stormwater General Permit: The** ~~G~~general ~~P~~permit Authorization to Discharge Storm w ~~W~~ater Associated with Construction Activity under the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) ~~Permit~~ Program, ~~Permit MN R100001 (~~also known as the NPDES General Construction Permit or NPDES Permit~~)~~, issued by the Minnesota Pollution Control Agency (MPCA) on~~,~~ August 1, 2018, and as amended.

Municipality: Any city or township wholly or partly within the Lower Minnesota River Watershed District.

Natural Vegetation: Any combination of ground cover, understory, and tree canopy that, although human activity may have altered it, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.

~~**NAVD:** North American Vertical Datum.~~

~~**Nested:** A hypothetical precipitation distribution whereby the precipitation depths for various durations within a storm have the same exceedance probabilities. This distribution maximizes the rainfall intensities by incorporating selected short-duration intensities within those needed for longer durations at the same probability level. As a result, the various storm durations are "nested" within a single hypothetical distribution. Nested storm distribution (or frequency-based hyetograph) development must~~

~~be completed using the most recent applicable National Weather Service reference data (e.g., Atlas 14), in accordance with~~

~~a. the alternating block methodology, as outlined in Chapter 4 of the *HEC-HMS (Hydrologic Engineering Center-Hydrologic Modeling System) Technical Reference Manual* (USACE, 2000);~~

~~b. methods in HydroCAD;~~

~~c. methods established by the Natural Resources Conservation Service; or~~

~~d. otherwise as approved by the District.~~

~~Reference: US Army Corps of Engineers. 2000. *Hydrologic Modeling System: HEC-HMS Technical Reference Manual.*~~

~~**Nondegradation:** For purposes of these rules, nondegradation refers to the regulatory policy stated in Minnesota Administrative Rules 7050.0185, and as amended.~~

~~**NOT:** Notice of Termination.~~

~~**NPDES:** National Pollutant Discharge Elimination System.~~

Official Controls: Defined and enacted policies, standards, maps and other criteria which control the physical development of the LGU and are the means of translating into ordinances all or any part of the general objectives of the comprehensive plan.

Ordinary High Water Level (OHWL): ~~Ordinary high water level, as defined by the Minnesota Department of Natural Resources, m~~Means the boundary of water basins, watercourses, public waters, ~~and public~~or ~~waters~~ wetlands, and ~~the OHWL~~ is an elevation ~~delineating~~ indicating the highest water level maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.~~;~~ ~~f~~For watercourses, the OHWL is the elevation of the top of bank of the channel bank. ~~; and~~ ~~F~~for ~~reservoirs~~ basins and flowages, the OHWL is the operating elevation of the normal summer pool.

Outfall: A constructed point source where water discharges to a receiving water.

Overlay District: A district established by Lower Minnesota River Watershed District rules/regulations that may be more or less restrictive than the primary District's rules/regulations. Where a property is located within an overlay district, it is subject to the provisions of both the primary rules/regulations and those of the overlay district.

Owner: Any individual, firm, association, partnership, corporation, trust, or other legal entity having proprietary interest in the land.

Parcel: A lot of record in the office of the county recorder or registrar or that otherwise has a defined legal existence.

Person: Any individual, trustee, partnership, unincorporated association, limited liability company, or corporation.

Pervious: Surfaces that are readily penetrated or permeated by rainfall or runoff resulting in infiltration of surface water to the groundwater.

Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

~~**Practical Difficulties:** As defined in Minnesota Statutes section 462.357, subdivision 6.~~

Professional Engineer: a licensed engineer registered under the laws of the state of Minnesota.

Public Drainage System: Any drainage system as defined in Minnesota Statutes 103E.005, subdivision 12.

Public Project: Land development or redevelopment or other land-disturbing activity conducted or sponsored by a federal, state, or local governmental entity, for which a permit from the Lower Minnesota River Watershed District, or its designee is required.

Public Waters: Waters as defined in Minnesota Statutes 103G.005, subdivision 15, and included in the public waters inventory.

Qualified Professional: A person, compensated for her/his service, possessing the education, training, experience, or credential to competently perform or deliver the service provided.

Reconstruction: Removal of an impervious surface such that the underlying structural aggregate base is effectively removed and the underlying native soil exposed. The following do not constitute "reconstruction" for the purposes of these rules: impervious surface mill, reclamation, overlay, or paving of an existing rural section gravel road.

Redevelopment: Any construction or improvement performed on sites where the existing land use is commercial, industrial, institutional, or residential.

Regional System: A surface water storage or conveyance system used at a regional scale.

Runoff: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

Seasonally Saturated Soils: The highest known seasonal elevation of groundwater, or seasonal high water table, as indicated by redoximorphic features such as mottling within the soil.

Sediment: The solid mineral or organic material that is in suspension, is being transported, or has been moved from its original location by erosion and deposited at another location.

~~**Sedimentation:** The process or action of depositing sediment.~~

Semi-Pervious: Land cover or surfaces which include both pervious and impervious features that allow for some infiltration, but are directed to a conveyance system, such as synthetic turf and capped or lined systems at landfills.

Shoreland ~~District~~: ~~Shoreland a~~Areas regulated by a local municipal or county shoreland ordinance or by Minnesota Statutes 103F. Generally, a shoreland district consists of land located within a floodplain, within 1,000 feet of the ordinary high-water level of a public water or public waters wetland, or within 300 feet of a stream or river.

Shoreline: The lateral measurement along the contour of the ordinary high water level of waterbodies other than watercourses, the top of the bank of the channel of watercourses, and the area waterward thereof.

Single-Family Home: A free-standing residential building designed for and to be occupied as a single-dwelling unit on its own land.

Site: A contiguous area of land under common ownership, designated and described in official public records and separated from other lands, see Parcel.

Standard: A preferred or desired level of quantity, quality, or value.

Steep Slope: A natural topographic feature having average slopes of 18 percent or greater measured over a horizontal distance of 25 feet or more.

Steep Slopes Overlay District (SSOD): A ~~district~~ subarea within the District containing steep slope~~s areas~~ established by Lower Minnesota River Watershed District ~~rules/regulations~~Watershed Management Plan that is subject to the provisions of ~~both the primary rules/ regulations and those of the overlay district~~these Rules.

Storage System: The drainage facilities, both natural and manmade, which collect, contain, and provide for the flow and treatment of surface and stormwater from multiple properties the highest points on the land down to a receiving water. The natural elements of the storage system include lakes and wetlands. The humanmade elements of the storage system include retention or detention facilities.

Stormwater: Water discharged to natural and artificial conveyance or holding systems resulting from precipitation, including rainfall and snowmelt.

Structure: Anything manufactured, constructed, or erected that is normally attached to or positioned on land, including portable structures, earthen structures, water and storage systems, drainage facilities, and parking lots.

~~**Subsurface Sewage Treatment System, or SSTS:** A sewage treatment system or part thereof serving a dwelling, other establishment, or group thereof and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. A subsurface sewage treatment system includes holding tanks and privies.~~

Subwatershed: A portion of land (or a watershed) contributing runoff to a particular point ~~of discharge~~.

Surface Water: All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, ~~waterways~~water basins, watercourses, and irrigation systems regardless of whether natural or artificial, public or private.

~~**Thalweg:** A line following the lowest points of a valley, river, stream, or creek bed.~~

Total Phosphorus (TP): ~~Total phosphorus~~A measure of all forms of phosphorus, dissolved or particulate, in a given water sample or flow.

Trout Waters: Lakes or streams that currently support or historically have supported a population of stocked or naturally ~~produced~~ occurring trout.

Total Suspended Solids (TSS): ~~Total suspended solids~~Refers to the dry-weight of waterborne particles, that are not dissolved and can be trapped by a filter, in a given water sample or flow.

Waterbody: All surface waters, watercourses, and wetlands as defined in these ~~Policies~~Rules.

Water Basin: An enclosed depression with definable banks capable of containing water.

Watercourse: A channel that has definable beds and banks capable of conducting confined runoff from adjacent land.

Watershed: A region draining to a specific watercourse or water basin.

Wellhead Protection Plan: A document that provides for the protection of a public water supply, submitted to the Minnesota Department of Health, that is implemented by the public water supplier and complies with (a) the wellhead protection elements specified in the 1986 amendments to the Federal Safe Drinking Water Act, United States Code, title 42, chapter 6A, subchapter XII, part C, section 300h-7 (1986 and as subsequently amended) and (b) Minnesota Rules parts 4720.5200 to 4720.5290.

Wetland: Any land as defined in Minnesota Statutes 103G.005, subdivision 19.

2 Rule A: Administrative and Procedural Requirements Rule

Minnesota Statutes 103D.341 requires the Lower Minnesota River Watershed District (District) to adopt rules. Pursuant to Minnesota Statutes chapter 103D, on October 24, 2018, the District adopted its Board of Water and Soil Resources–approved watershed management plan (Plan). The Plan establishes management standards that form the foundation of these Rrules.

These rRules are primarily applied by a local governmental unit (LGU) under a Municipal (LGU) Permit (Section 1.1) or by the District through an Individual Permit (Section 1.2)

Implementation by municipalities or LGUs of these Rrules is required on all projects within their jurisdiction and by the District on projects within unincorporated and ungoverned areas of the Fort Snelling Historic District, and on Minnesota Department of Transportation (MnDOT) right-of-way, and within municipalities that have not obtained a Municipal Permit.

2.1 Municipal (LGU) Permit

The Mmunicipal (LGU) pPermit allows local municipalities to issue permits and manage actions as the primary permitting authority and allows the District to act in the event the LGUs are unable to permit.

2.1.1 Policy

It is the policy of the District to:

A. Rrecognize that control and determination of appropriate land use is the responsibility of LGUs;

B. Hhold LGUs to the requirement of Minnesota Statutes section 103G.235, subdivision 1, that each adopt the official controls necessary to bring local water management into conformance with the Plan;

C. Ppresent minimum threshold requirements and allow LGUs to adopt more restrictive requirements;

D. Rrecognize that the authorities and procedures that LGUs use in implementing these Rrules will not be identical and that, therefore, some LGUs may occasionally need language and procedures that vary from the language and procedures outlined herein; and

E. Ccoordinate with and provide a mMunicipal pPermit to all LGUs with compliant local controls.

2.1.2 Regulation

All Those LGUs that wish tomust obtain a municipal permit must highlighting how they intend to implement and enforce these rRules through official controls, in accordance with Minnesota Statutes 103B.235, on or before May 1, 2020.

2.1.3 Application

The District established these Rules on February 2020 and all LGUs were required to submit their An LGU must submit an application packets to the District to obtain a Mmunicipal pPermit under these rRules on or before February 7, 2020, with the intent of LGUs receiving their Municipal Permits before the implementation deadline of May 1, 2020. All Municipal Permit applications thereafter will follow

the timeline below. The submitted permit application must address how the LGU's official controls adhere to these ~~r~~Rules. LGUs are encouraged to contact the District ~~on or~~ before ~~January 1, 2020, to begin~~ beginning this process; this allows for nonbinding, informal review of the official controls~~to conform with the District's rules before the May 1, 2020, implementation deadline~~.

A. ~~The municipal permit application packets are due on or before February 7, 2020.~~ The District has up to 60 business days to take action on a submitted permit application that is considered complete.

B. The ~~m~~Municipal ~~p~~Permit may be applied for using ~~application forms can be obtained from the District office or downloaded on~~ the District website at www.lowermnriverwd.org/.

C. The ~~m~~Municipal ~~p~~Permit applications must be signed by the City Administrator, a licensed professional engineer under the laws of the state of Minnesota (professional engineer), or designated City staff upon authorizing action of the LGU's governing board or council.

D. All ~~m~~Municipal ~~p~~Permit application packets must include a completed application form and all required exhibits. These documents must be electronically submitted to the District in .pdf format. Compliance with these specifications will be used to determine whether the municipal permit application is complete. The District will not act on an incomplete ~~m~~Municipal ~~p~~Permit application and will notify LGUs within 15 business days of receiving the application if it is not complete.

2.1.4 Municipal Permit Approval, Renewal and Assignment

A. Approval. Municipal P~~p~~ermit approval is valid for five calendar years from the approval date, with or without conditions, unless otherwise specified. This does not include suspended or revoked municipal permits. Substantive changes, such as updates to these Rules and LGU official controls that affect the specific standards identified in the Plan, require a new municipal permit application.

B. Renewal. To renew ~~or assign~~ a municipal permit, the original permittee must notify and provide an explanation to the District, in writing, at least 60 days before the expiration date.

C. Assignment. When approved by the District, the permittee may assign a municipal permit to another LGU; however t~~T~~he assignment of a permit does not extend the term~~.~~. Approval may be granted if:

i. ~~t~~The ~~proposed assignee~~current permittee first notifies and provides and explanation to the District, in writing, before the permit expiration date.

~~i.~~ii. The proposed assignee agrees in writing to assume responsibility for compliance of all terms and conditions of the municipal permit as issued; and

~~ii.~~iii. ~~a~~At the time of the request, there are no pending violations of the municipal permit or conditions of approval.

iv. If the District finds that the proposed assignee has not demonstrated the ability to fulfill the municipal permit terms, it may impose new or additional conditions or deny the permit renewal or assignment. ~~The assignment of a permit does not extend the term.~~

D. Amendments. When approved by the District, the permittee may modify its municipal permit, however amendment of a permit does not extend the term. Approval may be granted if:

i. The current permittee first notifies and provides an explanation to the District, in writing, before the permit expiration date.

ii. The proposed assignee agrees in writing to assume responsibility for compliance of all terms and conditions of the municipal permit as issued; and

iii. At the time of the request, there are no pending violations of the municipal permit or conditions of approval.

iv. If the District finds that the proposed assignee has not demonstrated the ability to fulfill the municipal permit terms, it may impose new or additional conditions or deny the permit renewal or amendment.

2.1.5 Audit Process

The District reserves the right to conduct periodic audits and/or inspections of LGU programs, project approvals, issued municipal permits, and other processes to assess conformance with the municipal permit, the standards identified in the Plan, and these Rules.

2.1.6 Enforcement

LGUs are responsible for implementing and enforcing local water plans ~~(LWPs)~~ covering their jurisdictions. To avoid unnecessary duplication of permitted programs, the District anticipates providing oversight to confirm that LWPs, including these Rules and local controls, are properly implemented and enforced. Oversight will include spot checks of municipal projects and program audits. If the LGU is found noncompliant, the District will work with the LGU to correct the issue. However, if problems persist, the District may revoke or suspend the municipal permit and require individual permits, issued by the District, for all activities covered by these Rules. The District may also pursue remedies as provided by law to ensure compliance with these Rules.

The District will not be responsible for liabilities, costs, and damages caused by the LGU's lack of proper implementation.

2.1.7 Suspension or Revocation

The District may revoke or suspend an issued municipal permit if it was issued based upon inaccurate information provided by the permittee, the permittee has not demonstrated the ability to fulfill the terms, or the permittee fails an audit.

2.1.8 Variance

It is the District's policy to allow LGUs to grant variances and issue conditional use permits according to processes for such actions contained in existing local controls, except for the professional certification

requirement for steep slopes. At least thirty days before municipal consideration of a variance or conditional use permit request, the District shall be notified of the requested action and be allowed to provide comment on the requested action. Variances that would circumvent the intent and purposes of these ~~r~~Rules shall not be granted.

2.1.9 Permits Subject to Rule F: Steep Slope Rule

Upon showing, to the satisfaction of the District, that the LGU has enacted and is following official controls necessary to meet the intent of these R~~r~~ules, the District may issue an exception to the rule for projects with land-disturbing activities that require a municipal grading, building, parking lot, or foundation permit that impact less than 50 cubic yards or less than 5,000 square feet of surface area or vegetation. The exception, if issued, will be documented in the M~~m~~unicipal ~~p~~Permit, wherein the LGU must agree: (1) that it will enforce its official controls; (2) that the exception will terminate if the LGU amends its official controls such that they no longer meet the intent of these R~~r~~ules; and (3) that the LGU will provide notice to the District of all permits issued under the exception.

2.2 INDIVIDUAL PERMIT

The Individual Permit allows the District to act as regulatory body in those areas not regulated by a municipality with an approved Municipal Permit. These generally include unincorporated and ungoverned areas of the Fort Snelling Historic District, Minneapolis-St. Paul International Airport, and on MnDOT right-of-way.

2.2.1 Policy

An individual permit is required for projects proposed by the MnDOT and all projects occurring in the Fort Snelling Historic District unincorporated area of the District (i.e., where there is no LGU exercising official controls).

Except where a ~~m~~Municipal ~~p~~Permit has been issued and remains in effect (i.e., has not been revoked or suspended), a person undertaking an activity for which these R~~r~~ules require a permit must obtain the required permit from the District before commencing the regulated activity.

2.2.2 Application

An application must be submitted to the District to obtain a permit for all projects subject to these R~~r~~ules. Applicants are strongly advised to contact the District early in the project development process. This will allow for a nonbinding, informal review to assess conformity with District rules.

Complete p~~P~~ermit applications are due 20 business days before the monthly board meeting to be considered at that board meeting. The District will act on permit applications in a manner consistent with Minnesota Statutes section 15.99.

A. Application forms can be obtained from the District office or downloaded on the District website at www.lowermnriverwd.org/.

B. The project/property owner must sign all permit applications.

C. All permit application packets must include a completed application form, all required exhibits, and a check (if applicable). These documents can be electronically submitted to the District in .pdf format. Applicable fees should be mailed to the District office. See the District website for the most current fee schedule. Compliance with the~~se~~ required exhibits outlined in the applicable Rules~~specifications~~ will be used to determine whether an application is complete.

~~C.~~D. The District will not act on an incomplete permit application. If the application is not complete, the District will notify applicants within 15 business days of receiving it.

~~D.~~E. Any entity undertaking emergency activity immediately necessary to protect life or prevent substantial physical harm to persons or property must submit an application within 30 days of commencing the work. The emergency activity must be brought into compliance with District rules in a timely manner.

2.2.3 Administrative Review and Approval

It is administratively burdensome for the Board to review every Individual Permit application. Therefore, the District Administrator and Engineering/Technical Consultant shall review all applications

and make recommendations for approval or denial, including proposed conditions. Certain Individual Permit applications may be reviewed and approved administratively by the District Administrator with concurrence of the Engineering/Technical Consultant.

A. The following Individual Permit applications may be approved administratively, provided all required, local permits have been secured:

i. Rule B: Erosion control permit applications under Rule B that involve the disturbance of less than 10,000 square feet of surface area or vegetation or the excavation of less than 100 cubic yards of earth within the HVRA or SSOD Overlay Districts, as shown on the Lower Minnesota River Watershed District Overlay District Maps (Figures 1 and 2).

ii. Rule C: No administrative approval authorized.

iii. Rule D: Stormwater permit applications under Rule D, including development, redevelopment, and drainage alternations (including roads) creating new impervious areas of less than 20,000 square feet within the HVRA Overlay District, as shown on the Lower Minnesota River Watershed District—High Value Resources Area Overlay District Map (Figure 1).

iv. Rule F: Steep Slope area permit applications under Rule F, including land-disturbing activities that involve the excavation of less than 100 cubic yards of earth or displacement or removal of less than 10,000 square feet of surface area or vegetation within the Steep Slopes Overlay District, as shown on the Lower Minnesota River Watershed District—Steep Slopes Overlay District Map (Figure 2)

B. The District Administrator may work with consultants on the administrative review of a permit.

C. If a permit meets the administrative approval requirements but the District Administrator determines that administrative approval is inappropriate due to an unusual circumstance, the permit application shall be brought before the Board for approval.

D. All administratively approved permits shall be deemed issued when signed by the District Administrator, or other Board-designated staff or consultant, and all conditions of the permit have been satisfied.

E. The District Administrator shall provide reports to the Board of all administratively approved permits.

F. District Staff may not deny a permit. District Staff must instead bring the permit application before the Board with a recommendation to deny the permit application including proposed written reasons for denial.

~~2.2.3~~2.2.4 Conditional Approval

The District may conditionally approve an application; however, it will not issue the permit until the applicant has met all approval conditions. The applicant must demonstrate clear intent to comply with these Rules and all conditional approval requirements that the District has outlined. All conditions must

be met within twelve (12) months from the date conditional approval was granted. If conditions are not satisfied within the specified period~~After this timeframe~~, the conditional approval will expire and the applicant will be required to reapply for a permit and pay applicable permit fees. For conditionally approved permits, the permit term does not begin until all conditions have been met and the permit has been issued.

~~2.2.4~~2.2.5 Reconsideration

An applicant aggrieved by the District's decision regarding a permit application may file a notice of reconsideration.

A. A notice of reconsideration must be filed with the District within 10 business days of the board meeting at which the original decision was made. The notice must include a statement identifying the specific conditions and findings to be reconsidered.

B. The District will schedule a reconsideration of the matter by the Board of Managers. The applicant will receive a notice of the reconsideration date at least 20 business days in advance.

C. The applicant may supplement existing permit exhibits with additional documentation and submit all additional exhibits to the District no later than 10 business days before the date of the reconsideration.

D. In accordance with Minnesota Statutes section 103D.345, subdivision 2, an applicant will assume the analytical costs incurred by the District while conducting a reconsideration. Costs will not be recovered when the applicant is a local, state, or federal governmental body.

E. Once an applicant has filed a notice for reconsideration, the underlying permit decision will be suspended until the Board of Managers issues a final decision on the reconsideration.

F. The District's decision on the reconsideration constitutes the final decision on the application.

~~2.2.5~~2.2.6 Appeal

Pursuant to Minnesota Statutes section 103D.537, an applicant may appeal a permit decision or order made by the Board of M~~m~~anagers by a declaratory judgment action brought under Minnesota Statutes chapter 555. An applicant must file an appeal of a permit decision or order within 30 days of the Board of M~~m~~anagers' decision. An applicant may request a meeting with the dispute resolution committee of the Board of Water and Soil Resources to informally resolve a dispute before initiating a declaratory judgment action.

~~2.2.6~~2.2.7 Permit Renewal ~~and Assignment~~

Permit approval is valid for one calendar year from the date the permit was approved, with or without conditions, unless otherwise specified. This does not include suspended or revoked permits. To renew or assign permit approval, the original permittee must ~~notify and~~ provide notification, an explanation of the requested action, ~~document~~documentation of plan changes, and ~~provide~~ supporting information to the District, in writing, at least sixty (60) days prior to~~before~~ the permit expiration date. The District may impose different or additional conditions on the permit renewal or deny the renewal in the event of a

material change in circumstances~~if there is a significant change in the work proposed~~. The first renewal request will not be subject to new or additional requirements solely because of a change in the District's rules where substantial progress has been made toward the completion of the permitted project.

Applicants wishing to continue projects for which permit approval has expired must reapply for a permit and pay associated fees. All District rules in effect at the time of the reapplication will apply.

2.2.8 Permit Assignment

When approved by the District, the permittee may assign a permit to another party. Approval may be granted if, all of the following conditions are met:

A. ~~t~~The proposed assignee agrees in writing to assume responsibility for compliance with all terms, ~~and~~ conditions and obligations of the permit as originally issued to the permittee; ~~and~~

~~A.~~ The proposed assignee has the ability to satisfy the terms and conditions of the permit as originally issued;

B.

~~B.~~C. A~~a~~t the time of the request, there are no current or pending violations of the permit or conditions of approval as originally issued; and

~~C.~~D. ~~t~~The proposed assignee has provided any required financial assurance necessary to complete the permitted project.

If the District finds that the proposed assignee has not demonstrated the ability to fulfill the permit terms, it may impose new or additional conditions or deny the permit assignment. The assignment of a permit does not extend the term of the permit.

2.2.9 Permit Amendments

Permits may be amended after approval but before the initiation of work or construction activities. The permittee must notify the District of proposed amendments as soon as possible. The District reserves the right to review and adjust any financial sureties as part of the amendment process. Permits may not be amended after the initiation of work, in this case applicants must reapply for a District permit.

~~2.2.7~~2.2.10 Suspension or Revocation

~~The~~ District staff may ~~revoke or~~ suspend an issued permit if the permit was issued based upon inaccurate information provided by the permittee, or the permittee has failed to meet the requirements of a conditional approval. A special meeting of the Board of Managers may be called to revoke an issued permit or recommend other enforcement actions under section 2.2.15.

~~2.2.8~~2.2.11 Variance

The Board of Managers may consider a request for a variance from compliance with these R~~r~~ules. To grant a variance, the applicant must demonstrate the following:

~~A.~~ Practical Difficulties.

A. ~~"~~Practical difficulties~~"~~ is a legal standard set forth in ~~law~~ Minnesota Statutes Section 462.357, Subdivision 6 that regulatory authorities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied:~~.~~

i. The applicant proposes to use the property in a reasonable manner. This factor means that the applicant would like to use the property in a particular reasonable way but cannot do so under the regulatory rule. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. Activities causing environmental degradation, creating increased risk of damage to property or public or private infrastructure, or unable to be certified as suitable for site conditions may not be considered reasonable.

ii. The applicant's problem is caused by circumstances unique to the property and are not caused by the applicant. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not to personal characteristics or preferences of the landowner.

iii. The variance, if granted, will not alter the locality's essential character. Under this factor, consider whether the resulting structure or land modification will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

B. Additional Considerations

i. The activity for which the variance is sought will not adversely affect water resources, flood levels, or drainage in the District.

ii. A better natural resource protection or enhancement can be achieved by the proposed project if a variance is approved.

C. Term and Revocation. A variance granted by the District remains valid as long as the activity for which the variance was granted remains consistent with the conditions of the underlying permit. A variance may be revoked if the activity for which the variance was granted is abandoned.

~~2.2.9~~2.2.12 After-the-Fact Permits

Any work requiring a permit that is performed without a permit is subject to enforcement and restoration under Minnesota Statutes 103D. The District may grant an after-the-fact permit in certain situations. The work sought to be permitted by an after-the-fact permit must have been capable of receiving a permit before the work was performed or must be capable of correction to meet the intent or performance standards of these Rules. Because an after-the-fact permit will require increased investigation of the conditions of the unauthorized work, an increased inspection fee may be required before processing the after-the-fact permit. After-the-fact inspection fees may be incurred and will be the sole responsibility of the applicant~~are found District website at www.lowermnriverwd.org/~~.

If the work does not qualify for a permit, no after-the-fact permit shall be issued, and corrective actions may be sought pursuant to Minnesota Statutes 103D.545 and 103D.551. Before considering an after-the-fact permit application, the District may require that the property be returned to the condition that existed before the unpermitted work was performed.

A. Completed Work

If, after inspection, the unauthorized work is found to comply with these Rules or the performance standards herein, the after-the-fact permit shall be issued to the applicant without further cost. If, after inspection, the unauthorized work is found not to comply with these Rules or the performance standards herein, further inspection and permit processing may be required, including additional inspection fees. An after-the-fact permit may require correction work and be subject to additional conditions.

B. Incomplete Work

For work in progress, work must cease and the work site must be stabilized until a permit is issued. Standard administrative procedures shall apply to the application, except for increased inspection fees as described above. For any portion of work completed that does not meet performance standards herein, deficiencies must be corrected as a condition of permit issuance.

C. Emergency Work

An after-the-fact permit may be required after emergency work. If the work is deemed an emergency and otherwise performed in compliance with these Rules or the performance standards herein, the after-the-fact permit shall be issued to the applicant without cost. If the work is deemed an emergency but is not otherwise performed in compliance with these Rules or the performance standards herein, the after-the-fact permit shall be issued to the applicant without any increased cost, rather than that required for a before-the-fact permit. If the work is not deemed an emergency, the standard after-the-fact permit requirements will apply. In all cases, an after-the-fact permit may include conditions to correct any damage caused by the emergency work.

D. Enforcement

The District may pursue remedies as provided by law to ensure compliance with an issued permit, variance, or permit condition.

~~2.2.10~~2.2.13 Permit and Inspection Fees

A. Policy

It is the determination of the Board of Managers that:

i. charging a minimal permit application fee will increase public awareness of and compliance with District permitting requirements and will reduce enforcement and inspection costs;

ii. the public interest will benefit from inspection by District staff of certain large-scale projects in locations presenting particular risk to water resources to provide the Board of

Managers with sufficient information to evaluate compliance with District rules and applicable law; and

iii. from time to time, persons perform work requiring a permit from the District without a permit, and persons perform work in violation of an issued District permit. The Board of Managers determines that its costs of inspection and analysis in such cases will exceed costs incurred where an applicant has complied with District requirements.

B. Requirement

The District will charge applicants permit and inspection fees in accordance with a schedule that will be maintained and revised from time to time by resolution of the Board of Managers to ensure that permit fees cover the District's actual costs of administrating and enforcing permits and the actual costs related to field inspections of permitted projects, such as investigation of the area affected by the proposed activity, analysis of the proposed activity, services of a consultant, and any required subsequent monitoring of the proposed activity. Costs of monitoring an activity authorized by permit may be charged and collected as necessary after permit issuance. The fee schedule may be obtained from the District office or the District's website at http://lowermnriverwd.org/. A permit applicant must submit the required permit fee to the District at the time it submits the relevant permit application. The fee provided by this rule will not be charged to any agency of the United States or any governmental unit or political subdivision of the State of Minnesota.

~~2.2.11~~2.2.14 Financial Assurances

A. Policy

It is the District's policy to protect and preserve the water resources within the District by requiring financial performance assurances with a permit application. Such assurances will ensure adequate adherence to District rules when performing authorized activities.

B. Requirement

The District may require a performance bond, letter of credit, or other financial assurance in a form approved by the District for an activity permitted under these R~~r~~ules. A financial assurance will not be required of any agency of the United States or any governmental unit of the State of Minnesota.

C. Criteria

Financial assurances required pursuant to this rule must be issued in compliance with the following District criteria:

i. The financial assurance must be a performance bond, letter of credit, cash deposit, or other form acceptable to the District. Commercial financial assurances must be from an issuer licensed and doing business in the State of Minnesota.

ii. Any bond issued under this section shall be executed by such sureties as are named in the list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," as published in Circular 570

(amended) by the Financial Management Service, Surety Bond Branch, US Department of the Treasury. All bonds signed by an agent or attorney-in-fact must be accompanied by a certified copy of that individual's authority to bind the surety. The evidence of authority shall show that it is effective on the date the agent or attorney-in-fact signed each bond.

iii. Financial assurances must be issued in favor of the District and are contingent upon the applicant's compliance with the issued permit and payment of District fees. The financial assurance must state that, in the event of financial assurance conditions not being met, the District may make a claim against it. If the District makes a claim against a financial assurance, the full amount of the financial assurance required must be restored within 20 business days.

iv. The financial assurance must be effective for a minimum of three years from the date it was issued. The District may require the financial assurance to be extended or remain in place until all project components are stabilized and verified to be functioning to permitted specifications. The financial assurance must contain a provision that it may not be released without the District's consent.

v. The permit applicant must submit the financial assurance. The financial assurance principal may be the landowner or the individual or entity undertaking the proposed activity.

vi. Financial assurance will be released only under the terms of section ~~1~~2.2.13.D~~.2.11.4~~

vii. No interest will be paid on financial assurances held by the District.

viii. The District Board of Managers will set the amount of financial assurances by resolution. Financial assurance amounts are set to cover potential liabilities to the District, including but not limited to the following:

a. Field inspections and monitoring
b. Maintaining and implementing erosion and sediment control and other protections as the permit requires
c. Planting and establishing buffer area
d. Remediation of damages resulting from noncompliance with the permit or for which the permittee is otherwise responsible

D. Financial Assurance Release

Once the District has received written notification of project completion, it will promptly inspect the project to determine whether the project was constructed in accordance with the issued permit and District rules. If the project is found in compliance, all practices and project components are stabilized, all practices and project components are verified to be functioning to permitted specifications, all required documentation has been submitted and approved by the District, and all permit fees have been paid, the District Board of Managers will authorize the release of the financial assurance.

Further, upon written notice, a portion of the assurance may be released if the District finds that the entire amount is not needed to ensure compliance. After inspection, the District will determine what portion, if any, of the financial assurance can be released. If a portion of the financial assurance is not released, the District will notify the permittee of the outstanding compliance matters to address.

E. Financial Assurances by Rule

Financial assurance required for a particular permit will include a 10 percent contingency and a 30 percent administrative costs in addition to the amounts calculated according to the criteria found in section ~~1.2.11.3.h.~~2.2.14.C.viii . No financial assurance is required for a project undertaken by or for a resident owner on a single-family home site requiring only a permit under Erosion and Sediment Control, unless the Board of Managers determines that the project presents a significant risk of damage to water resources from erosion. See the fee schedule policy on the District's website for additional information.

2.2.15 Enforcement

A. Investigation of Noncompliance

District staff, agents, and contractors may enter and inspect a property within the watershed to determine if a violation of permit conditions or District rules has occurred.

B. Informal Resolution of Noncompliance

Before initiating formal proceedings (see below), the District and its staff shall attempt to informally resolve incidences of noncompliance (i.e., by voluntary corrective actions or after-the-fact permitting).

C. Board Hearing; Administrative Compliance Order

The District will provide the permittee or landowner with reasonable notice when a compliance hearing will take place. An opportunity to be heard by the Board of Managers will be allotted at the compliance hearing, during which the permittee or landowner can address the finding of probable violation. At the hearing's conclusion, the District may issue a compliance order.

D. District Court Enforcement

The District Board of Managers may seek judicial enforcement of an order and recovery of associated legal costs and fees, as provided by Minnesota Statutes chapter 103D.

E. Liability for Enforcement Costs

The permittee or owner of a property subject to the District's enforcement action will be liable for associated costs incurred by the District. Such costs include but are not limited to inspection and monitoring, engineering, technical analysis, and legal and administrative expenses.

2.2.16 Permit Close-Out

Upon written notification from permittee of the completion of the permitted project and submittal of actual "as-built" plans for any stormwater management practices or improvements located on site after

final construction is completed, the District will inspect the project to determine if it is constructed in accordance with the terms of the permit and District Rules. Final inspection compliance includes, but is not limited to, confirmation that all erosion and sediment control BMPs and stormwater management features have been constructed or installed as designed and are functioning properly. The District may return a portion of the surety if it finds that a portion of the surety is no longer warranted to assure compliance with District Rules per section 2.2.14.D. Upon determination that the project is complete, the District will notify the permittee, surety, and municipality that the individual permit has been closed out.

3 Rule B: Erosion and Sediment Control Rule

3.1 Policy

It is the District's policy to

A. minimize erosion and sediment transport to lakes, streams, fens, and the Minnesota River;

B. retain or control sediment on land and during land-disturbing activities;

C. prevent resource degradation and loss or damage to property from erosion and sedimentation;

D. protect receiving water bodies, wetlands, and storm sewer inlets; and

E. require the preparation and implementation of erosion and sediment control plans to control runoff and erosion.

3.2 Regulation

A ~~m~~Municipal or Individual Project ~~District erosion and sediment control~~ permit must be obtained for any land-disturbing work in overlay districts or other areas within the watershed as defined below:

A. General: Land-disturbing activities of one (1) acre or more

B. HVRA: Land-disturbing activities that involve the displacement or removal of 5,000 square feet or more of surface area or vegetation or the excavation of 50 cubic yards or more of earth within the HVRA Overlay District, as shown on the Lower Minnesota River Watershed District—High Value Resources Area Overlay District Map (Figure 1)

3.3 Exceptions

An erosion and sediment control permit is not required for the following land-disturbing activities:

A. Minor land-disturbing activities, such as home gardens contained within a residential lot, landscape repairs, and maintenance work

B. Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles

C. Emergency activity necessary to protect life or prevent substantial harm to persons or property

D. All maintenance, repair, resurfacing, and reconditioning activities of existing road, bridge, and highway systems that do not involve land-disturbing activities outside of the existing surfaced roadway

E. Agricultural activity

3.4 Criteria

Permit approval for activities that meet the general threshold must demonstrate that the implementation of their erosion and sediment control will meet the following criteria:

3.4.1 Erosion and Sediment Control

Erosion and sediment control ~~plan~~ during and after the proposed activities that provides the following:

A. Protection of natural topography and soil conditions

B. Temporary erosion and sediment control practices consistent with the Minnesota Pollution Control Agency's "Protecting Water Quality in Urban Areas," as amended or updated, and the "Minnesota Stormwater Manual," as amended or updated

C. Minimization of the disturbance's intensity and duration

D. Provide adequate stabilization measures on slopes of 3:1 (H:V) or steeper

E. Protection of all stormwater conveyance systems during construction activities

F. Final site stabilization measures

3.4.2 Waste Management

All waste generated by project activities will be properly managed and disposed of to avoid adverse impacts on water quality.

~~3.4.1~~3.4.3 Site Stabilization

A. Establish sediment control BMPs on all downgradient perimeters of the site and downgradient areas of the site that drain to any surface water, including curb and gutter systems, locate sediment control practices upgradient of any buffer zones, install sediment control practices before any upgradient land-disturbing activities begin and must keep the sediment control practices in place until permanent vegetative cover is established.

B. All soil surfaces that are compacted during construction and remain compacted upon construction completion must be decompacted. Decompaction can be achieved through soil amendment and/or ripping to a depth of 18 inches. All decompaction measures should be completed before final stabilization.

C. All temporary erosion and sediment control BMPs must be maintained until construction is completed and permanent vegetative cover is established, where appropriate, to a consistent, uniform density of 70 percent of its expected final growth.

D. When final stabilization is achieved, all temporary erosion and sediment control BMPs must be removed from the project site.

E. All disturbed areas must be finally stabilized within 14 days of completing land-altering activities.

~~3.4.2~~3.4.4 Inspection and Maintenance during Construction

The permit holder is responsible for inspecting and maintaining the project site until final stabilization is complete, ~~including ensuring~~to ensure that all erosion and sediment control measures are effective.

~~F. Inspection~~

A. Routine inspections shall be conducted at least once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.5 inch in 24 hours by the owner or the owner's representative. Following a rainfall inspection, the next inspection shall be

conducted within seven (7) days. The inspection schedule will be modified for the following conditions:

i. Where parts of the construction site have permanent cover, but work remains on other parts of the site, inspections shall be reduced to once per month.

ii. Where construction sites have permanent cover on all exposed soil areas and no construction activity is occurring anywhere on the site, monthly inspections shall be performed for 12 months (except during frozen ground conditions). After the 12th month of permanent cover and no construction activity, inspections may cease until construction activity resumes or sooner if notified by the District or the LGU.

iii. Where frozen ground conditions have resulted in suspension of work, the inspection and maintenance schedule shall resume within 24 hours after runoff occurs at the site or upon resuming construction, whichever comes first.

B. Routine inspections shall include the following:

i. All areas disturbed by construction activity and areas used for storage of materials exposed to precipitation

ii. Discharge locations, inaccessible locations, and nearby downstream locations where inspections are practicable

iii. Locations where vehicles enter or exit the site for evidence of off-site sediment tracking

C. Records for each inspection and maintenance activity shall be kept on file with the owner and shall contain the following information:

i. Date and time of inspection

ii. Name, title, and qualifications of person(s) conducting inspection

iii. Date, duration, and amount of all rainfall events that produce more than 0.5 inch of rain in a 24-hour period and whether any discharges occurred

iv. Inspection findings, including corrective action recommendations and implementation dates

v. Locations of the following:

a. Sediment discharges or other pollutants from the site
b. BMPs that need to be maintained
c. BMPs that have failed to operate as designed or have proven inadequate for a particular location
d. Needed BMPs that did not exist at the time of inspection

vi. Documented changes to the erosion and sediment control plan

vii. Inspector’s signature

D. The owner shall keep an inspection log with the erosion and sediment control plan for a period of three (3) years following the completion of the project and filing of the Notice of Termination (NOT).

~~3.4.3~~3.4.5 Maintenance

All maintenance conducted during construction must be recorded in writing, and these records must be kept. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs within 24 hours after discovery or as soon as field conditions allow access, unless another period is specified below. Maintenance will include the following:

A. Excess sediment behind silt fences and biorolls shall be removed and properly disposed of when sediments reach one third the height of the structure. Such sedimentation shall be corrected by the next business day following discovery.

B. Construction site vehicle exit locations shall be inspected for evidence of off-site sediment tracking onto paved surfaces. Tracked sediment will be removed from all paved surfaces within 24 hours of discovery or, if applicable, within a shorter time.

C. Surface waters, including drainage ditches and conveyance systems, shall be inspected for evidence of erosion and sediment deposition. Evidence of erosion and/or sediment deposition will be addressed within seven (7) calendar days.

D. Infiltration areas shall be maintained to ensure that no compaction or sedimentation occurs.

E. Construction entrances shall be maintained daily.

F. Turf shall be maintained until final stabilization is established.

The maintenance of temporary erosion and sediment controls and implementation of additional controls shall be performed as soon as possible and before the next storm event, whenever practicable. All remaining temporary erosion and sediment controls and accumulated sediments from silt fences will be removed within 30 days of achieving final stabilization at the site.

3.5 Required Information and Exhibits

The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by 17 inches] and one set as electronic files in a format acceptable to the District):

3.5.1 Narrative

A cover letter and narrative that includes the following:

A. Total project area and area of proposed disturbance. If within the HVRA, the narrative must include the excavated volume, in addition to the total area disturbed.

B. An explanation of existing and proposed conditions

~~G.~~C. The name, address, and telephone number(s) of all property owners

~~H.~~D. The name, address, and telephone number(s) for all contractors undertaking land-disturbing activities as part of the proposed project

~~I.~~E. The property owner's signature

~~J.~~F. A statement granting the District and its authorized representatives' access to the site for inspection purposes

~~K.~~G. Designation of an individual who will remain liable to the District for performance under this Rule from the time the permitted activities commence until vegetative cover is established and the District has certified satisfaction with erosion and sediment control requirements

3.5.2 Erosion and Sediment Control Plan

An erosion and sediment control plan that includes the following:

A. Topographic maps of existing and proposed conditions that clearly indicate all hydrologic features and areas where grading will expose soils to erosive conditions as well as the flow direction of all runoff (single-family home construction or reconstruction projects may comply with this provision by providing satellite imagery or an oblique map acceptable to the District)

B. Tabulation of the construction implementation schedule for all projects except construction or reconstruction of a single-family home

C. Name, address, and phone number of the individual responsible for inspection and maintenance of all erosion and sediment control measures

D. Temporary erosion and sediment control measures that will remain in place until vegetation is established

E. All final erosion control measures and their locations

F. Staging areas, as applicable

G. Delineation of any floodplain and/or wetland area changes

H. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable

4 Rule C: Floodplain and Drainage Alteration Rule

4.1 Policy

It is the District's policy to

A. regulate alterations within the floodplain and drainageways within the watershed to provide flood protection to natural resources, permanent structures, and private lands, in accordance with Minnesota Statutes 103F;

B. preserve existing water storage capacity below the 100-year high-water elevation of all public waters, wetlands subject to the Wetland Conservation Act, and public drainage systems subject to Minnesota's buffer law in the watershed to minimize the frequency and severity of high water; and

C. minimize development below the Federal Emergency Management Agency (FEMA) 100-year flood elevation that will unduly restrict flood flows or aggravate known high water problems.

4.2 Regulation

A ~~m~~Municipal or ~~District~~ Individual Project permit is required for any alteration to or filling of land below the 100-year flood elevation of any wetland, public water, or landlocked subwatershed (as identified by municipalities) in accordance with state-approved floodplain management and shoreland ordinances.

4.3 Exceptions

A floodplain and drainage alternation permit is not required if all of the following conditions exist:

A. The 100-year flood elevation of a waterbody is entirely within a municipality.

B. The water basin is landlocked.

C. The municipality has adopted a floodplain ordinance regulating floodplain encroachment.

D. The proposed project is entirely within the water basin drainage area.

4.4 Criteria

All permitted projects under this rule shall be subject to the following criteria and shall be completed in accordance with state-approved floodplain management and shoreland ordinances:

A. Placement of fill below the 100-year flood elevation is prohibited unless documentation prepared by a professional engineer shows that the proposed fill will not cause a rise in the 100-year flood elevation of the waterbody.

   i. A no rise certification to the 0.00-foot by a professional engineer satisfies this requirement.

   ii. Compensatory storage may be used to offset proposed fill in the floodplain, but does not take the place of a no rise certification. If used, the compensatory storage shall be created before the proposed fill is placed in the floodplain, unless the permit applicant demonstrates that doing so is impractical and that placement of fill and creation of compensatory storage can be achieved concurrently.

B. All new residential, commercial, industrial, and institutional structures shall be constructed such that the lowest floor of the lowest enclosed area (including basement or crawl space) is at a minimum of two (2) feet above the 100-year high water elevation, unless they have protection through floodproofing or by another approved construction technique.

C. No permanent structure, except for FEMA and National Flood Insurance Program approved structures and uses, may be constructed in the floodway.

D. No person shall install or remove a ~~culvert~~crossing, or other artificial means to remove or drain surface water, create artificial pond areas, or obstruct the natural flow of waters without demonstrating that the activity has no adverse impact on upstream or downstream landowners or water quality, habitat, or fisheries.

E. Temporary placement of fill within the floodway for river dredge, including facilities for such activity, shall be allowed when it is conducted in agreement with the United States under the Rivers and Harbors Act and it meets requirements of the LGU.

F. Maintenance activities to restore design conditions require a permit. If the original design was not previously permitted by LMRWD, documentation must be provided that demonstrates the original design did not increase in the 100-year flood elevation.

Temporary placement of fill, other than in Section 4.4.E, is not allowed without prior approval by the District.

4.5 Required Information and Exhibits

The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by 17 inches] and one set as electronic files in a format acceptable to the District):

4.5.1 Narrative

A cover letter and narrative that includes the following:

A. Total project area and locations of proposed floodplain or drainage alterations.

B. An explanation of existing and proposed conditions

C. The name, address, and telephone number(s) of all property owners

D. The name, address, and telephone number(s) for all contractors undertaking land-disturbing activities as part of the proposed project

E. The property owner's signature

~~E.~~F. A statement granting the District and its authorized representatives' access to the site for inspection purposes

4.5.2 Site Plan:

A site plan showing the following information:

A. Property lines

B. Delineation of the work area

C. Existing elevation contours of the work area

~~C.~~D. Proposed elevation contours

~~D.~~E. Ordinary high water level or normal water elevation and existing and proposed 100-year flood elevations determined by a professional engineer. ~~(a~~All elevations must reference the North American Vertical Datum of~~NAVD~~ 1988 (NAVD88)~~datum).~~

~~4.5.1 Grading plan showing proposed elevation changes~~

~~4.5.2 Preliminary plat of proposed land development~~

~~4.5.3 Determination by professional engineer of the 100-year flood elevations for the parcel before and after the project~~

4.5.3 Floodplain Fill Calculations

Determination by a professional engineer of the 100-year flood elevations for the parcel before and after the project, including:

A. Tabulation ~~Computation by a professional engineer~~ of cut, fill, and compensatory storage resulting from the proposed activity.

B. ~~c~~Tabulation and documentation of the change in water storage capacity and conveyance resulting from proposed activity in a format acceptable to the District.

~~E.~~C. A no-rise certification, including supporting hydraulic modeling files or calculations, workmaps, and reports.

4.5.4 Erosion and Sediment C~~e~~ontrol ~~p~~Plan

An erosion and sediment control plan including the following:

A. Topographic maps of existing and proposed conditions that clearly indicate all hydrologic features and areas where grading will expose soils to erosive conditions as well as the flow direction of all runoff (single-family home construction or reconstruction projects may comply with this provision by providing satellite imagery or an oblique map acceptable to the District)

B. Tabulation of the construction implementation schedule for all projects, except construction or reconstruction of a single-family home

C. Name, address, and phone number of the individual responsible for inspection and maintenance of all erosion and sediment control measures

D. Temporary erosion and sediment control measures that will remain in place until vegetation is established

E. All final erosion control measures and their locations

F. Staging areas, as applicable

G. Delineation of any floodplain and/or wetland area changes

H. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable

~~4.5.4 Soil boring information, if requested by the municipal or District engineer~~

4.5.5 Easements

Documentation that drainage and flowage easements over all land and facilities below the 100-year flood elevation, if required by the municipality with jurisdiction, have been conveyed and recorded. For public entities, this requirement may be satisfied by a written agreement executed with the District in lieu of a recorded document. The agreement must state that, if the land within the 100-year floodplain is conveyed, the public body will require the buyer to comply with this subsection.

5 Rule D: Stormwater Management Rule

5.1 Policy

It is the District's policy to

A. manage new development, redevelopment, and drainage alternations by requiring each development or land-disturbing activity to manage its stormwater effectively, either on- or off-site;

B. promote and encourage a reduction in runoff rates to encourage infiltration and to promote groundwater recharge;

C. encourage infiltration and stormwater storage in the District's upland areas;

D. maximize groundwater recharge as a means of maintaining drinking water supplies, preserving base flows in streams and water levels in fens, and limiting discharges of stormwater to downstream receiving waters;

E. protect and maintain existing groundwater flow, promote groundwater recharge, and improve groundwater quality and aquifer protection;

F. require that property owners control the rate and volume of stormwater runoff originating from their property so that surface water and groundwater quantity and quality is protected or improved, soil erosion is minimized, and flooding potential is reduced; and

G. protect and improve natural resources within the watershed to prevent further degradation.

5.2 Regulation

A Mm~~m~~unicipal ~~or District p~~Permit that incorporates an approved stormwater management plan or an Individual Project Permit is required under this rule prior to the commencement of any activities to which this rule applies. The District may review a stormwater management plan at any point in the development of a regulated project and encourages project proposers to seek the District's early review of plans.

The requirements of this rule apply to any land-disturbing activity that will involve the following:

A. General: Development, redevelopment, reconstruction, and drainage alterations ~~(including roads)~~ creating new impervious areas greater than one (1) acre

B. HVRA: Development, redevelopment, reconstruction, and drainage alternations ~~(including roads)~~ creating new impervious areas greater than 10,000 square feet in an HVRA Overlay District, as shown on the Lower Minnesota River Watershed District—High Value Resources Area Overlay District Map (Figure 1)

5.3 Exceptions

A stormwater management permit is not required for ~~The requirements of this rule do not apply to~~ the following activities:

A. Construction or remodeling on a single-family homesite consistent with a subdivision, development, or redevelopment plan implemented in accordance with a District permit issued after May 1, 2020, and an approved erosion control prevention and sediment control plan

B. Rehabilitation of paved surfaces, such as impervious surface mill, reclamation, overlay, or paving of an existing rural section gravel road, where the underlying structural aggregate base is not removed.

C. Trails, sidewalks, and retaining walls that do not exceed 10 feet in width and are bordered down gradient by a pervious area extending at least half the trail width

D. Land-disturbing activities that do not involve creation of new impervious surface, reconstruction of existing impervious surface, or grading that materially alter stormwater flow at a site boundary

5.4 CRITERIA

Permit approval for activities that meet the ~~general~~ regulation thresholds must demonstrate that the implementation of their stormwater management plan will meet the following criteria:

5.4.1 Rate Control

Stormwater runoff rate from development, redevelopment, and drainage alterations shall not exceed the existing runoff rates for the 1 or 2-year, 10-year, and 100-year 24-hour events using NOAA Atlas 14 values, as amended, and using a nested rainfall distribution (e.g. MSE 3).

5.4.2 Volume Reduction

To the maximum extent practicable, volume control shall be fully met on-site. Site conditions may make infiltration undesirable or impossible. The owner must make soil corrections and/or investigate other locations on the site for feasible infiltration locations. Infiltration of stormwater must avoid areas of contaminated soil.

If the permittee claims that infiltration is not feasible or allowed on-site, sufficient supporting documentation must be provided with the permit application. Filtration technologies are an acceptable alternative for types C and D soils and other sites where infiltration is infeasible given the criteria ~~above~~ in section 5.4.2.C below.

A. General: For projects that create one (1) acre or more of new impervious surface on sites without restrictions (such as factors that prevent attainment of the performance goal, like shallow depth to bedrock, presence of contaminated soils, and lack of access because utilities are present [*Minnesota Stormwater Manual*, 2019]), the post-construction stormwater runoff volume retained on-site shall be equivalent to one (1) inch of runoff from the new and/or reconstructed impervious surfaces or the MPCA's Construction General Permit ~~abstraction~~ volume reduction requirements (as amended), whichever is greater.

B. HVRA: Projects that create new impervious areas greater than 10,000 square feet in an HVRA Overlay District have the following volume requirements:

i. New development: For new, nonlinear developments that create 10,000 square feet or more of new impervious surface on sites without restrictions, the post-construction stormwater runoff volume retained on-site shall be equivalent to 1.0 inch of runoff from new and/or reconstructed impervious surfaces.

ii. Redevelopment: Nonlinear redevelopment projects on sites without restrictions that create 10,000 square feet or more of new and/or fully reconstructed impervious surfaces shall capture and retain on-site 1.1 inches of runoff from the new and/or fully reconstructed impervious surfaces.

iii. Linear projects: Linear projects on sites without restrictions that create 10,000 square feet or greater of new and/or fully reconstructed impervious surfaces shall capture and retain the larger of the following:

a. 0.55 inch of runoff from the new and fully reconstructed impervious surfaces
b. 1.1 inches of runoff from the net increase in impervious area

~~To the maximum extent practicable, volume control shall be fully met on-site. Site conditions may make infiltration undesirable or impossible. The owner must make soil corrections and/or investigate other locations on the site for feasible infiltration locations. Infiltration of stormwater must avoid areas of contaminated soil.~~

C. Infiltration practices are not allowed in the following areas:

i. Areas that receive discharges from vehicle fueling and maintenance facilities

ii. Areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock

iii. Areas that receive discharges from industrial facilities that are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA

iv. Areas where infiltrating stormwater will mobilize high levels of contaminants in soil or groundwater

v. Areas of predominately Hydrologic Soil Group D (clay) soils, unless allowed by an LGU with a current NPDES/SDS Municipal Separate Storm Sewer Systems (MS4) permit

vi. Areas within 1,000 feet up gradient or 100 feet down gradient of active karst features, unless allowed by an LGU with a current MS4 permit

vii. Areas within a Drinking Water Supply Management Area (DWSMA), as defined in Minnesota Administrative Rules 4720.5100, subpart 13., unless allowed by an LGU with a current MS4 permit

viii. Areas where soil infiltration rates are more than 8.3 inches per hour, unless soils are amended to slow the infiltration rate below 8.3 inches per hour or as allowed by an LGU with a current MS4 permit

ix. Areas within the ~~LMRWD~~ District Steep Slopes Overlay District (See Rule F)

~~If the permittee claims that infiltration is not feasible or allowed on-site, sufficient supporting documentation must be provided with the permit application. Filtration technologies are an acceptable alternative for types C and D soils and other sites where infiltration is infeasible given the criteria above.~~

~~5.4.2~~5.4.3 Water Quality

A. General: Projects that create one (1) acre or more of new impervious surface shall have no net increase from existing conditions in total phosphorus (TP) and total suspended solids (TSS) to receiving waterbodies.

B. HVRA: Projects that create new impervious areas greater than 10,000 square feet in an HVRA Overlay District have the following water quality requirements:

i. Total phosphorus and total suspended solids: All projects shall have a net decrease TP and TSS to receiving waterbodies from existing conditions. For new development projects, the decrease in TP and TSS shall be 60 percent and 80 percent, respectively, from existing conditions.

ii. Buffer zone: An undisturbed buffer zone of 100 linear feet from trout waters shall be maintained at all times, both during construction and as a permanent feature after construction, except where a water crossing, or other encroachment is necessary to complete the project.

a. Exceptions: The replacement of existing impervious surfaces within the buffer zone is allowed provided that the use of additional or redundant BMPs minimizes all potential water quality, scenic, and other environmental impacts of the activity. Buffer encroachments (circumstance and reason) and minimization activities must be documented.

iii. Temperature controls: Permanent stormwater management facilities shall be designed to minimize any increase in the temperature of trout waters receiving waters resulting from the 1 and 2-year 24-hour precipitation events. This includes all tributaries of designated trout streams within the Public Land Survey System (PLSS) section where a trout water is located. Projects that discharge to trout waters must minimize the impact using one or more of the following measures, in order of preference:

a. Minimize new impervious surfaces
b. Minimize the discharge from connected impervious surfaces by discharging to vegetated areas or grass swales and using other nonstructural controls
c. Use infiltration or other volume reduction practices to reduce stormwater runoff in excess of pre-project conditions (up to the 2-year, 24-hour precipitation event)
d. Design an appropriate combination of measures, such as shading, filtered bottom withdrawal, vegetated swale discharges, or constructed wetland treatment cells, that will limit temperature increases when incorporating ponding. Also, design the pond to be drawn down in 24 hours or less.
e. Use other methods that will minimize any increase in trout water temperature

iv. Diffusion of runoff: stormwater discharge points in the HVRA shall incorporate BMPs to diffuse stormwater entering the HVRA and avoid concentrated discharges.

~~5.4.3~~5.4.4 Maintenance and Easement

The permittee is responsible for developing and adhering to a maintenance plan for the permitted project, including the acquisition of all necessary easements.

A. All stormwater management structures and facilities must be designed for maintenance access and properly maintained in perpetuity so that they continue to function as designed.

B. A maintenance plan shall identify and protect the design, capacity, and functionality of on-site and off-site stormwater management facilities; specify the methods; and schedule responsible parties for maintenance for every stormwater management facility.

C. The maintenance agreement shall be recorded with the applicable county (Carver, Dakota, Hennepin, Scott, or Ramsey) as part of the LGU or other development approval process. The District may require that stormwater management structures and facilities be publicly dedicated or placed in a conservation easement, giving rights of enforcement to an LGU, the District, or other appropriate public authority.

D. A public entity assuming a maintenance obligation may submit a written executed agreement in lieu of the recorded maintenance agreement.

~~5.4.4~~5.4.5 Alternative Measures

At sites where infiltration is infeasible, an applicant must comply with the NPDES General Construction Permit, issued by the MPCA, August 1, 2018, as amended.

5.4.6 Regional Facilities

Off-site stormwater management facility approved under a prior permit or approval by an entity other than the District may not be used without prior District approval. Applicants wishing to use a regional facility to meet their stormwater management requirements are encouraged to discuss the plan with District staff early in the permitting process.

5.5 Required Information and Exhibits

The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by 17 inches] and one set as electronic files in a format acceptable to the District):

5.5.1 Narrative

A cover letter and narrative that includes the following:

A. An explanation of existing and proposed conditions including:

i. Total amount of disturbance proposed by project, both in terms of surface area (square feet) and volume (cubic feet)

ii. Total amount of existing impervious surfaces, proposed new impervious surfaces, and fully-reconstructed impervious surfaces proposed by the project.

B. The name, address, and telephone number(s) of all property owners

C. The name, address, and telephone number(s) for all contractors undertaking land-disturbing activities as part of the proposed project

D. The signature of the property owner

E. A statement granting the District and its authorized representative's access to the site for inspection purposes

F. Designation of an individual who will remain liable to the District for performance under this rule from the time the permitted activities commence until vegetative cover is established and the District has certified its satisfaction with erosion and sediment control requirements.

5.5.2 Stormwater Modeling

Stormwater management system modeling in a form acceptable to the District that utilizes the most recent applicable precipitation reference data (e.g., Atlas 14), for example, HydroCAD, SWMM, MIDS calculator, or P8.

5.5.3 Site Plan

A site plan showing the following:

A. Property lines and delineation of lands under ownership of the applicant

B. Existing and proposed elevation contours

C. Identification of existing and proposed normal and ordinary high- and 100-year water elevations on-site.

5.5.4 Stormwater Management Plan

A stormwater management plan that includes, at a minimum, the following:

A. Proposed and existing stormwater facility locations, alignment, and elevation

B. Delineation of existing wetlands, marshes, shoreland, and/or floodplain areas on-site or to which any portion of the project parcel drains; except where a project will not alter or change the hydrology of a wetland, the plan need only identify the wetland.

C. Geotechnical analysis, including soil borings, at all proposed stormwater management facility locations

D. If infiltration of runoff is proposed, data must be submitted showing the following:

i. No evidence of groundwater or redoximorphic soil conditions within three (3) feet of the bottom of the facility, practice, or system

ii. Soil conditions within five (5) feet of the bottom of any stormwater treatment facility, practice, or system

iii. If requested by the engineer, site-specific infiltration capacity of soils at the bottom of the facility, practice, or system. In addition, the District engineer may require submission of a phase I environmental site assessment and/or other documentation to facilitate analysis by the District of the suitability of the site for infiltration.

E. If filtration of runoff is proposed due to site constraints listed in Section 5.4.2.C, the application must include a discussion why filtration was selected and provide an exhibit documenting all active karst features, DWSMA, contamination, soils, and any other infiltration-limiting features.

~~E.~~F. Construction plans and specifications for all proposed stormwater management facilities, including design details for outlet control structures

~~F.~~G. Stormwater runoff volume and rate analyses for the 2-, 10-, and 100-year 24-hour critical events, existing and proposed conditions, using Atlas 14 nested distribution

~~G.~~H. All hydrologic, water quality, and hydraulic computations completed to design the proposed stormwater management facilities

~~H.~~I. Narrative addressing incorporation of retention BMPs

~~I.~~J. Platting or easement documents showing sufficient drainage and ponding/flowage easements over hydrologic features, such as floodplains, storm sewers, ponds, ditches, swales, wetlands, and waterways, if required by the municipality with jurisdiction

~~J.~~K. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable

~~K.~~L. If a stormwater harvest and reuse practice is proposed to meet applicable requirements, the following materials must be submitted:

i. An analysis using a stormwater reuse calculator or equivalent methodology approved by the District engineer

ii. Documentation of the adequacy of soils, storage capacity, and delivery systems

iii. Delineation of green space area to be irrigated, if applicable

iv. A detailed irrigation or usage plan showing compliance with the District's volume-retention requirements.

5.5.5 Off-Site Stormwater Facilities

If off-site stormwater or regional conveyance systems are proposed, the applicant must provide d~~D~~ocumentation demonstrating that the applicant holds the legal rights necessary to discharge to any off-site stormwater facility/facilities used for compliance, that the proposed design is in compliance with the original off-site stormwater facility design assumptions and capacity, and that the facility/facilities are subject to a maintenance document satisfying the requirements of this ~~r~~Rule

5.5.6 Erosion and Sediment Control Plan

An erosion and sediment control plan complying with the District's Erosion and Sediment Control Rule, including the following:

A. Topographic maps of existing and proposed conditions that clearly indicate all hydrologic features and areas where grading will expose soils to erosive conditions as well as the flow direction of all runoff (single-family home construction or reconstruction projects may comply with this provision by providing satellite imagery or an oblique map acceptable to the District)

B. Tabulation of the construction implementation schedule for all projects, except construction or reconstruction of a single-family home

C. Name, address, and phone number of the individual responsible for inspection and maintenance of all erosion and sediment control measures

D. Temporary erosion and sediment control measures that will remain in place until vegetation is established

E. All final erosion control measures and their locations

F. Staging areas, as applicable

G. Delineation of any floodplain and/or wetland area changes

5.5.7 Maintenance

A maintenance plan and applicable maintenance agreements (note that in many cases a municipal stormwater agreement may be acceptable in lieu of a separate agreement with the District).

6 Rule E: Shoreline and Streambank Alteration Rule (Reserved)

7 Rule F: Steep Slopes Rule

7.1 Policy

It is the District's policy to

A. protect water quality down gradient of steep slopes from sediment, nutrients, bacteria, and other contaminant pollutant loadings;

B. maintain stability of steep slopes, shorelines, and other areas prone to erosion;

C. sustain and enhance the biological and ecological functions of noninvasive vegetation on steep slopes as outlined in the Lower Minnesota River Watershed District Vegetation Management Plan;

D. minimize impacts to and preserve the natural character and topography of steep slopes;

E. protect properties and waterbodies adjacent to steep slopes from erosion, sedimentation, flooding, and other damage; and

F. promote public safety by requiring certification from qualified individuals before land-disturbing activities and other changes to land on steep slopes.

7.2 Regulation

A Mmunicipal or Individual Project District pPermit must be obtained for the following activities within the Steep Slopes Overlay District, as shown on the Lower Minnesota River Watershed District—Steep Slopes Overlay District Map (Figure 2):

A. Land-disturbing activities that involve the excavation of 50 cubic yards or more of earth or displacement or removal of 5,000 square feet or more of surface area or vegetation within the Steep Slopes Overlay District, as shown on the Lower Minnesota River Watershed District—Steep Slopes Overlay District Map (Figure 2)

B. Activities requiring municipal/LGU permits for grading, building, parking lot, and foundations permits construction that result in a net increase in impervious surface within or stormwater runoff within to the Steep Slopes Overlay District, as illustrated on Figure 2

7.3 Exceptions

A steep slopes permit is not required for the following activities:

A. New impervious areas associated with driveway widenings that drain to the street where a municipal storm sewer system manages runoff water

B. Maintenance, repair, or in-kind replacement of existing structures, public roads, utilities, and drainage systems within the Steep Slopes Overlay District

C. Disturbances that are part of an approved LWP local water plan to repair, grade, or reslope existing steep slopes that are eroding or unstable to establish stable slopes and vegetation

D. Native plantings that enhance natural vegetation of steep slopes

E. Selective removal of noxious, exotic, or invasive vegetation, using locally recognized methods to control and/or minimize their spread

F. Pruning of trees or vegetation that are dead or diseased or pose a public hazard and removal of vegetation in emergency situations from steep slopes

G. Maintenance of existing lawns, landscaping, and gardens

H. Agricultural and forestry activities

7.4 CRITERIA

All permitted projects under the Steep Slopes Rule must comply with the following regulations:

7.4.1 Land-Disturbing Activities

Land-disturbing activities as regulated in this section may occur within the Steep Slopes Overlay District provided that a qualified professional/professional engineer registered in the state of Minnesota certifies the area's suitability for the proposed activities, structures, or uses resulting from the proposed activities and that the following requirements are addressed:

A. Minimum erosion and sediment control BMPs include site stabilization and slope restoration measures to ensure the proposed activity will not result in:

i. adverse impacts to adjacent and/or downstream properties or water bodies;

ii. unstable slope conditions; and

iii. degradation of water quality from erosion, sedimentation, flooding, and other damage.

B. Preservation of existing hydrology and drainage patterns.

C. Land-disturbing activities may not result in any new water discharge points on steep slopes or along the bluff.

7.4.2 Soil Saturation-Type Features

Stormwater ponds, swales, infiltration basins, or other soil saturation–type features shall not be constructed within a Steep Slopes Overlay District.

7.5 REQUIRED INFORMATION AND EXHIBITS

The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by 17 inches] and one set as electronic files in a format acceptable to the District):

7.5.1 Narrative

A cover letter and narrative that includes the following:

A. Total amount of disturbance proposed by project, both in terms of surface area (SF) and volume (CY)

B. An explanation of existing and proposed conditions

~~D.~~C. The name, address, and telephone number(s) of all property owners

~~E.~~D. The name, address, and telephone number(s) for all contractors undertaking land-disturbing activities as part of the proposed project

~~F.~~E. The signature of the property owner

~~G.~~F. A statement granting the District and its authorized representatives' access to the site for inspection purposes

~~H.~~G. Designation of an individual who will remain liable to the District for performance under this rule from the time the permitted activities commence until vegetative cover is established and the District has certified its satisfaction with erosion and sediment control requirements

~~I. An explanation of existing and proposed conditions~~

7.5.2 Erosion and Sediment Control Plan

An erosion and sediment control plan including the following:

A. Topographic maps of existing and proposed conditions that clearly indicate all hydrologic features and areas where grading will expose soils to erosive conditions as well as the flow direction of all runoff (single-family home construction or reconstruction projects may comply with this provision by providing satellite imagery or an oblique map acceptable to the District)

B. Tabulation of the construction implementation schedule for all projects, except construction or reconstruction of a single-family home

C. Name, address, and phone number of the individual responsible for inspection and maintenance of all erosion and sediment control measures

D. Temporary erosion and sediment control measures that will remain in place until vegetation is established

E. All final erosion control measures and their locations

F. Staging areas, as applicable

G. Delineation of any floodplain and/or wetland area changes

H. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable

7.5.3 Stormwater Modeling

Stormwater management system modeling in a form acceptable to the District and that uses the most recent applicable precipitation reference data (e.g., Atlas 14), for example, HydroCAD, SWMM, MIDS calculator, or P8 for all discharge locations and clearly demonstrates no changes to existing drainage patterns, rates, and volumes.

7.5.4 Site Plan

A site plan showing the following:

A. Property lines and delineation of lands under ownership of the applicant

B. Existing and proposed elevation contours

C. Identification of existing and proposed normal and ordinary 100-year and high water elevations on-site

7.5.5 Stormwater Management Plan

A stormwater management plan, including, at a minimum:

A. Proposed and existing stormwater facilities location, alignment, and elevation

B. Delineation of existing wetlands, marshes, shoreland, and/or floodplain areas on-site or to which any portion of the project parcel drains; except that where a project will not alter or change the hydrology of a wetland, the wetland need only be identified on the plan.

C. Geotechnical analysis, including soil borings, at all proposed stormwater management facility locations

D. If infiltration of runoff is proposed, data must be submitted showing the following:

i. No evidence of groundwater or redoximorphic soil conditions within three (3) feet of the bottom of the facility, practice, or system

ii. Soil conditions within five (5) feet of the bottom of any stormwater treatment facility, practice, or system

iii. If requested by the engineer, site-specific infiltration capacity of soils at the bottom of the facility, practice, or system. In addition, the District engineer may require submission of a phase I environmental site assessment and/or other documentation to facilitate analysis by the District of the suitability of the site for infiltration.

E. Construction plans and specifications for all proposed stormwater management facilities, including design details for outlet control structures

F. Stormwater runoff volume and rate analyses for the 2-, 10-, and 100-year 24-hour critical events, existing and proposed conditions, using Atlas 14 nested distribution

G. All hydrologic, water quality, and hydraulic computations completed to design the proposed stormwater management facilities

H. Narrative addressing incorporation of retention BMPs

I. Platting or easement documents showing sufficient drainage and ponding/flowage easements over hydrologic features, such as floodplains, storm sewers, ponds, ditches, swales, wetlands, and waterways, if required by the municipality with jurisdiction

J. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable

K. If a stormwater harvest and reuse practice is proposed to meet applicable requirements, submission of:

i. ~~a~~An analysis using a stormwater reuse calculator or equivalent methodology approved by the District engineer;

ii. D~~d~~ocumentation of the adequacy of soils, storage capacity, and delivery systems;

iii. Ddelineation of green space area to be irrigated, if applicable; and

iv. Aa detailed irrigation or usage plan showing compliance with the District volume-retention requirements.

7.5.6 Off-Site Stormwater Facilities

If off-site stormwater or regional conveyance systems are proposed, the applicant must provide dDocumentation that the applicant holds the legal rights necessary to discharge to any off-site stormwater facility/facilities used for compliance, that the proposed design is in compliance with the original off-site stormwater facility design assumptions and capacity constraints, and that the facility/facilities are subject to a maintenance document satisfying the requirements of this rRule

7.5.7 Maintenance

For any structural stormwater BMPs that may be constructed as part of the proposed activities, the applicant must provide a A maintenance plan and applicable maintenance agreements (note that in many cases a municipal stormwater agreement may be acceptable in lieu of a separate agreement with the District).

7.5.8 Certification

Construction plans and specifications certifying construction on the steep slope by a registered professional engineer. The certification must indicate that the slope is suitable to withstand proposed construction.

8 Rule G: Water Appropriations Rule (Reserved)

9 Rule H: Water Crossing Rule (Reserved)

Figure 1 Lower Minnesota River Watershed District—High Value Resources Area Overlay District Map

Figure 2 Lower Minnesota River Watershed District—Steep Slopes Overlay District Map

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, March 16, 2022

Agenda Item
Item 6. F. – 2022 Legislative Action

Prepared By
Linda Loomis, Administrator

Summary.
The LMRWD approached Senator Julia Coleman from Chanhassen about carrying legislation for Area #3. Senator Coleman said she would be happy to co-author, however, she suggested that the LMRWD approach Senator Cwodzinski about becoming the chief author, since Area#3 is within his District (48). A meeting with Senator Cwodzinski is scheduled for March 16th. An informational piece about the project to assist with education of legislators is attached.

The legislation titled "Salt Applicators; Voluntary Certification Program", which allows for limited liability, also called the "Smart Salting Bill" has had committee hearings in both the House and Senate. It has been passed through first committee hearings. The House bill is HF 2908. This bill was adopted and re-referred to the Environmental and Natural Resource Finance and Policy Committee, because it was amended by the Judiciary Finance and Civil Law Committee. The Senate bill is SF 2768. This bill was amended and adopted by the Environment and Natural Resources Policy and Legacy Finance Committee. The bill was re-referred to the Environment and Natural Resources Finance Committee, which adopted the amended bill and referred the bill to the Civil Law and Data Practices Policy Committee. An informational piece prepared by the MN Center for Environmental Advocacy is attached.

Another bill the LMRWD may be interested in is:

SF1707/HF1700 Carver levee restoration bond issue and appropriation – Request $9,000,000 for capital improvements to restore the Carver levee protecting an important historic district in Minnesota from flood waters of the Minnesota River. This levee restoration must meet the requirements for FEMA certification.

Attachments
Eden Prairie Area #3 Information
How Does Chloride Affect Minnesota's Lakes?

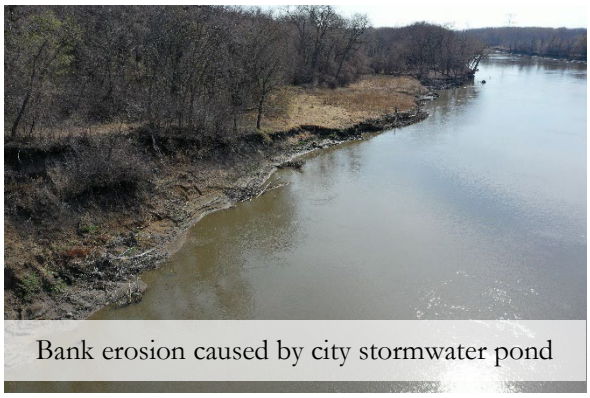
Recommended Action
No action recommended – for information only

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

EDEN PRAIRIE AREA 3

Located on the north bank of the Minnesota River, this area has been prone to erosion for some time. The Lower Minnesota River Watershed District, in partnership with the City of Eden Prairie, has evaluated options to stabilize the slope, protect public and private infrastructure, and prevent future degradation of the Minnesota River water quality resulting from Area 3 bank erosion.

PROBLEM



Bank erosion caused by city stormwater pond

- The underlying soils and groundwater seeps, combined with bluff development and erosive flows from the Minnesota River, have destabilized the slope and resulted in continual erosion since at least 2008.
- Using inclinometers, the Lower Minnesota River Watershed District (LMRWD) has monitored slope movements since 2010. However, geotechnical engineers have warned the LMRWD that due to the nature of the soils in Area 3, the slope is more likely to catastrophically fail without advanced warning.
- The City of Eden Prairie has a stormwater pond just downstream of Area 3 that is acerbating the natural erosion processes of the river on the slope, causing further instability.
- This is a larger, more complex problem than either the LMRWD or the City can tackle alone.

SOLUTION

1. Remove the city stormwater pond, capture city stormwater currently being directed to the pond, and convey it to the Minnesota River in a less erosive and bank-destructive manner.
2. Armor the bluff toe and flatten the slope as needed to protect the slope from the Minnesota River.

REQUEST

- To complete the construction, the estimated cost is $4.6M.

For more information, contact Linda Loomis, LMRWD Administrator
Email: admin@lowermnriverwd.org | Phone: (763) 545-4659

THE PROBLEM

Where does the salt go?

- Minnesota uses approximately 400,000 tons of salt on its roads each year (CBS 2019)
- There is no current widespread way to remove chloride - it is a permanent pollutant to freshwater sources including our lakes, rivers, and wetlands
- 1tsp salt pollutes 5 gallons of water permanently
- "In extreme cases, salinization can generate density gradients within the lake water column that prevent vertical mixing. Permanent stratification can result in anoxia and internal nutrient and metal resuspension, which decreases lake habitability and water quality" (PNAS 2017)
- The natural process of seasonal lake mixing in Minnesota's freshwater lakes may be threatened or impacted due to the increased input of salt (Lake Champlain Basin Program 2008)
- With a changing climate including warming temps and increased precipitation, the salinization of our freshwater systems may increase and may inhibit the natural process of lake mixing. As a result, freshwater sources, including fish habitat, will be severely impacted.

BACKGROUND

Lake Mixing: Freshwater lakes naturally stratify each season, usually based on density and temperature. In the fall, the warmer, and less dense water at the upper regions begins to cool. This causes the density shift, and the upper region begins to "mix" with the lower regions. This is an important ecological event because it allows for distribution of oxygen and nutrients throughout the freshwater system. (Pelican Lake MN) (EPA fact sheet)

"Thermal stratification is the most important physical event in a lake's annual cycle and is a direct result of heating by the sun" (USGS 1989)

MINNESOTA'S FRESHWATER SOURCES DESERVE PROTECTION

Action Items:

- Reduce and mitigate chloride pollution in our lakes by reducing the use of salt on roadways, reducing salty discharges from wastewater treatment plants, and mitigate impacts from water softeners and other commercial chloride products
- Educate the public and land managers through Smart Salting trainings and the Stop Over Salting campaign
- Mitigation efforts may also include the implementation of raingardens throughout urban areas to reduce the amount of impervious surface cover and runoff during storm events

SOURCES

https://www.researchgate.net/publication/273022422_Road_Salt_Impact_on_Lake_Stratification_and_Water_Quality

https://commons.emich.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1456&context=honors

https://www.pnas.org/content/114/17/4453#:~:text=Elevated%20chloride%20concentrations%20in%20lakes%20can%20alter%20the%20composition%20and,%E2%87%93%E2%80%9312%2C%2035).&text=In%20extreme%20cases%2C%20salinization%20can,column%20that%20prevent%20vertical%20mixing.

Contacts

MCEA Legislative Associate, Andrea Lovoll | alovoll@mncenter.org

MCEA Water Policy Associate, Nadia Alsadi | nalsadi@mncenter.org

MCEA Senior Staff Attorney, Elise Larson | elarson@mncenter.org

Distributed and produced by the Minnesota Center for Environmental Advocacy

Contact: Andrea Lovoll, MCEA Legislative Associate | alovoll@mncenter.org

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, March 16, 2022

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

Prepared By
Linda Loomis, Administrator

Summary.

i. **2022 MBL Nicollet River Crossing (LMRWD Permit No. 2022-002)**

This project repairs an existing natural gas pipeline that crosses under the river. This project has been on the project review section of the Administrator's Report as "CenterPoint Energy Nicollet River Crossing Segment 1 and CenterPoint Energy Nicollet River Crossing Segment 2". Young Environmental Consulting Group has reviewed the project on behalf of the LMRWD. The summary of the review if attached.

Attachments
Technical Memorandum dated March 8, 2022 – 2022 MBL Nicollet River Crossing (LMRWD No. 2022-002)

Recommended Action
Motion to conditionally approve 2022 MBL Nicollet River Crossing (LMRWD No. 2022-002), subject to receipt of a copy of the NPDES permit, contact information of the contractor, contact information for the person(s) responsible for inspection and maintenance of erosion and sediment control, and a special stipulation in the final permit that prohibits dewatering discharges within the Steep Slope Overlay District and requires notification if groundwater disturbances occur.

ii. **Ivy Brook Parking East (LMRWD Permit No. 2022-003)**

This project was reviewed by Young Environmental Consulting Group (YECG) on behalf of the LMRWD. The proposal will construct an area for parking and storage of vehicles, equipment, and light material. A summary of YECG's review is attached.

Attachments
Technical Memorandum dated March 9, 2022 – Ivy Brook Parking East (LMRWD No. 2022-003)

Recommended Action
Motion to conditionally approve Ivy Brook Parking East (LMRWD No. 2022-003), subject to receipt of a copy of the NPDES permit, contact information of the contractor, contact information for the person(s) responsible for inspection and maintenance of erosion and sediment control features, and a copy of the City's Low Impact Development (LID) Management Practices Agreement for the proposed sand filter.

iii. Ivy Brook Parking West (LMRWD Permit No. 2022-008)

This project proposes to construct a parking area for storage, the same as Ivy Brook Parking East. The summary provided by YECG on behalf of the LMRWD is less detailed than Ivy Brook East, because it is not located in Drinking Water Supply Management Area (DWSMA) and drainage is not part of a regional system.

Attachments

Technical Memorandum dated March 8, 2022 – Ivy Brook Parking West (LMRWD No. 2022-008)

Recommended Action

Motion to conditionally approve Ivy Brook Parking West (LMRWD No. 2022-008), subject to receipt of a copy of the NPDES permit, contact information of the contractor, and contact information for the person(s) responsible for inspection.

iv. MN River Greenway Pedestrian Bridge Temporary Crossing

A summary of a meeting of the Technical Evaluation Panel for disturbances to wetland caused by temporary access (over the Union Pacific Railroad) necessary to construct the MN Greenway Trail. YECG provided a summary of the discussion for the Board's information. No action is needed at this time.

Attachments

Technical Memorandum dated March 9, 2022 – Minnesota River Greenway Railroad Pedestrian Bridge – Temporary Crossing

Recommended Action

No action recommended – for information only

v. Canterbury Park Eastern Development EAW Review

The City of Shakopee has its Municipal Permit, however, the LMRWD received an Environmental Assessment Worksheet (EAW) for the construction of an amphitheater east of Canterbury Park. The proposal requires significant excavation for the construction of the amphitheater and this area is in a DWSMA, and there is concern of potential karst formations. YECG reviewed the EAW on behalf of the LMRWD, which are attached, and provided comments to the City of Shakopee.

Attachments

Technical Memorandum dated March 8, 2022 – Canterbury Park Eastern Development EAW Review

Recommended Action

No action recommended – for information only

Young Environmental Consulting Group, LLC

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Hannah LeClaire, PE
Katy Thompson, PE, CFM

Date: March 8, 2022

Re: 2022 MBL Nicollet River Crossing (LMRWD No. 2022-002)

CenterPoint Energy (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to replace two steel natural gas pipelines, the Nicollet and Lyndale lines, by constructing a 24-inch gas line parallel to the existing pipeline then abandoning the old pipeline in place, as shown in Figure 1. The applicant's engineer, Environmental Resources Management (ERM), has provided site plans for the 2022 MBL Nicollet River Crossing (Project) along with the permit application.

The proposed project consists of replacing approximately 7,539 feet of its existing Nicollet Line steel natural gas pipeline and approximately 1,593 feet of its existing Lyndale Line steel natural gas pipeline at the Minnesota River and Black Dog Lake to maintain the integrity of the existing CenterPoint Energy natural gas transmission pipeline system. The project area (Figure 1) crosses the Minnesota River and Black Dog Lake from Bloomington in Hennepin County to the CenterPoint facility in Burnsville in Dakota County. In addition, the project is located within the Minnesota Valley National Wildlife Refuge. The pipeline will be installed using a combination of the horizontal bore and open trench methods. The total area of disturbance is estimated to be approximately 12.91 acres. The project does not involve the construction or replacement of impervious surfaces, and all project areas will be returned to preconstruction conditions upon completion of the construction activities.

The project is located within the High Value Resource Area, Steep Slopes Overlay District, and Minnesota River floodplain in both Hennepin and Dakota Counties. The applicant proposes to commence construction on April 1, 2022.

Because the city of Burnsville does not have its LMRWD municipal LGU permit and the city of Bloomington has waived authority for floodplain work, this project requires an LMRWD individual permit and, as such, is subject to an LMRWD permitting review.

Summary

Project Name:	2022 MBL Nicollet River Crossing
Purpose:	Replace steel natural gas pipeline to maintain integrity of existing CenterPoint Energy natural gas transmission pipeline system
Project Size:	12.91 acres disturbed; 0.00 acres existing impervious; 0.00 acres proposed impervious
Location:	Approximately 107th St Circle E Bloomington, MN to 1400 Black Dog Road, Burnsville, MN 55337
LMRWD Rules:	Rule B—Erosion and Sediment Control Rule C—Floodplain and Drainage Alteration Rule F—Steep Slopes
Recommended Board Action:	Conditional approval

Discussion

The District received the following documents for review:

- LMRWD online permit application, received January 18, 2022
- Project Letter Narrative, dated January 18, 2022, received January 18, 2022
- Authorization of Agent, dated January 17, 2022, received January 18, 2022
- Project Map, dated January 5, 2022, received January 18, 2022
- Site Plan Figures, dated January 14, 2022, received January 18, 2022, revised February 16, 2022
- Typical BMP figures, various dates, received January 18, 2022
- Permit application fee of $1,500, received January 18, 2022
- Minnesota “No-Rise” Certification, dated December 8, 2021, received January 18, 2022
- Floodplain maps, dated December 8, 2021, received January 18, 2022
- Construction plans, dated January 7, 2022, received February 16, 2022
- Minnesota River Crossing (Nicollet Line)—HDD Plan and Profile, dated January 7, 2022, received February 16, 2022
- Response letter to LMRWD comments, dated February 16, 2022, received February 16, 2022

- National Flood Hazard Layer FIRMette, dated February 1, 2022, received February 16, 2022
- Slope Restoration Plan—North, dated February 16, 2022, received February 16, 2022
- Slope Restoration Plan—South, dated February 16, 2022, received February 16, 2022
- Easement site map, dated January 19, 2022, received February 16, 2022
- Certificate of titles and easements, various dates, received February 16, 2022
- Application supplement, no date, received February 16, 2022
- Email correspondence with MnDNR, dated January 21, 2021, received February 16, 2022
- Email correspondence with ERM, dated and received March 8, 2022

The application was deemed complete on February 18, 2022, and the documents received provide the minimum information necessary for permit review.

Background

The new 24-inch diameter steel natural gas pipeline will be installed using a combination of a horizontal directional drill (HDD) and open trench methods. Approximately 3,804 feet of new pipeline will be installed under the Minnesota River, Black Dog Lake, and adjacent wetlands using the HDD method. Approximately 773 feet of new pipeline will be installed in wetlands and uplands north of the Minnesota River, and 4,452 feet of new pipeline will be installed south of Black Dog Lake using the open trench method. In addition, approximately 920 feet of new pipeline will be installed via the HDD method to complete the crossing of the Union Pacific rail line south of Black Dog Lake. Approximately 3,813 feet of existing pipeline located under the Minnesota River, Black Dog Lake, and wetlands adjacent to the banks of the river will be abandoned in place. Where the new and existing pipeline alignments overlap, the existing pipeline will be removed using the open trench method, and the new pipeline will be installed within the same trench.

Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more under Rule B or involve the displacement or removal of 5,000 square feet or more of surface area or vegetation or the excavation of 50 cubic yards or more of earth within the HVRA Overlay District. The proposed project would disturb approximately 12.91 acres within the LMRWD boundary, of which 4.5 acres are within the HVRA. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention Plan. The project generally complies with Rule B, but a copy of the NPDES permit and contact information for the contractor and person(s) responsible for the inspection and maintenance of erosion and sediment control features is needed before the District can issue a permit.

Rule C—Floodplain and Drainage Alteration

As discussed, the project is located in the Minnesota River floodplain, shown on the Dakota County Flood Insurance Rate Map (FIRM) Panel 27037C0070E (effective December 2, 2011). The base flood elevation at the project site is 715.1 (NAVD 1988). The project does not propose any permanent fill or excavation or drainage alterations within the floodplain. All disturbed project areas will be returned to preconstruction conditions upon completion of the construction activities. The project meets the minimum requirements of Rule C.

Rule F—Steep Slopes Rule

The District regulates land-disturbing activities within the SSOD and requires a permit for activities that involve the excavation of 50 cubic yards or more of earth or the displacement or removal of 5,000 square feet or more of surface area or vegetation within the overlay area. The project proposes to excavate approximately 3 feet in depth to lay the new natural gas lines on the slope, then backfill and restore the slope with native vegetation. Drainage patterns within the SSOD will not be affected by construction. A slope restoration plan for the project has been developed and signed by a professional engineer in the state of Minnesota and includes restoration sequence and erosion control BMPs.

The discharge sites for the dewatering activities are not currently located within the SSOD; however, this should be added as a special stipulation for the final permit. The project complies with Rule F.

Additional Considerations

Considering the past issue encountered on the Cedar Avenue Line, the LMRWD is increasingly concerned about the potential negative impacts of deep excavations on groundwater. The applicant has confirmed that the Cedar Avenue Line Project occurred in a different location that had historical evidence of groundwater and springs. The 2022 MBL Project area does not have the same historical indications and the previous disturbances in the Project corridor did not encounter any springs or groundwater flow. The new Lyndale and Nicollet pipelines will be installed at similar depths to the existing lines, approximately three feet below grade, and will not require deep excavations. While the Project is not anticipated to disturb groundwater patterns, if an event does occur, CenterPoint Energy will contact LMRWD, the local city jurisdiction, and any relevant state agencies immediately upon discovery.

Threatened and endangered species were identified in the area. The project implementation plan has taken these species into consideration and has identified methods for minimizing disturbance. Additionally, a significant cultural resources review was completed. In coordination with the Shakopee Mdewakanton Sioux Tribal Historic

Preservation Office, ERM has recommended measures to protect the historical resources that may be encountered on the project site.

Recommendations

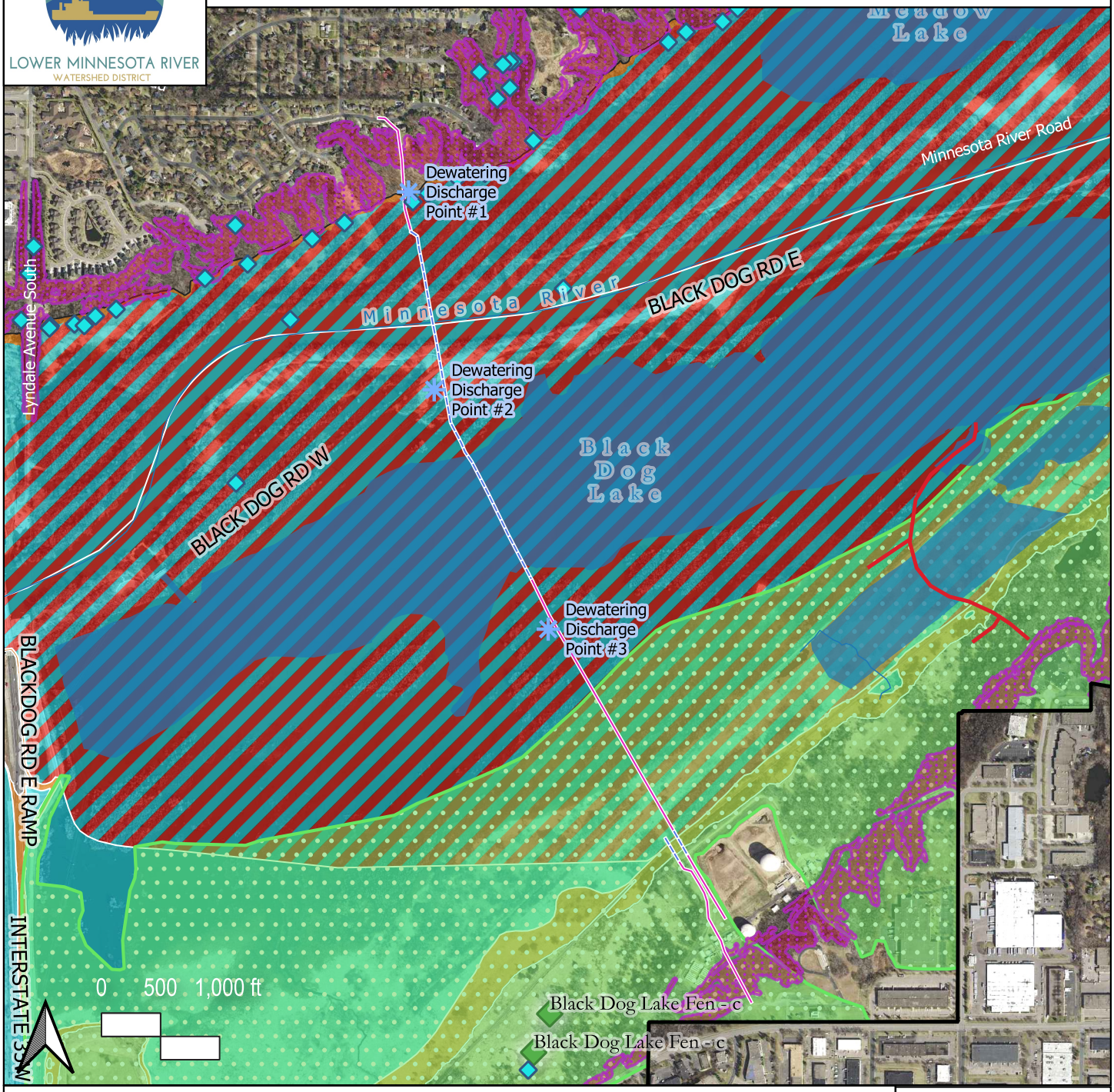
Staff recommends conditional approval of the Project, contingent upon the receipt of the following:

- Copy of NPDES permit
- Contact information of the contractor
- Contact information for the person(s) responsible for erosion and sediment control
- A special stipulation in the final permit that prohibits dewatering discharges within the SSOD

Attachments

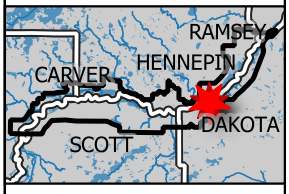
- Figure 1—2022 MBL Nicollet River Crossing

Figure 1: 2022 MBL Nicollet River Crossing



- Project Location
- New Gas Pipeline (Boring Method)
- New Gas Pipeline (Trench Method)
- High Value Resource Area
- Steep Slopes Overlay District
- Public Waters
- Public Waters
- Trout_Streams
- LMRWD Calcareous Fens
- Springs
- County Boundaries
- LMRWD Boundary
- 100-yr Floodplain
- Floodway
- 500-yr Floodplain

LMRWD Watershed Location Map



Young Environmental Consulting Group, LLC

Young Environmental Consulting Group, LLC

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Hannah LeClaire, PE
Katy Thompson, PE, CFM

Date: March 9, 2022

Re: Ivy Brook Parking East (LMRWD No. 2022-003)

Ivy Brook Parking LLC (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop an outdoor storage lot located at the 2100 Frontage Rd N site in the City of Burnsville (City), as shown in Figure 1. The applicant's engineer, Larson Engineering, Inc., has provided site plans for the Ivy Brook Parking Lot, along with the permit application.

The proposed project consists of constructing an outdoor storage yard approved for the parking/storage of commercial vehicles, recreational vehicles, equipment, and light material. The project would disturb 3.55 acres and create 2.68 acres of new impervious surfaces. The project will also remodel an existing structure on-site to use as a general office building. The project is not located within the High Value Resource Area (HVRA), Steep Slopes Overlay District, or the Minnesota River floodplain. The applicant proposed to commence construction in April 2022.

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

Summary

Project Name:	Ivy Brook Parking East
Purpose:	Outdoor storage yard
Project Size:	3.55 acres of disturbed surfaces; 0.96 acres of

	existing impervious surfaces; 2.70 acres of proposed impervious surfaces; net increase of 1.74 acres of new impervious surfaces
Location:	2100 Frontage Rd N, Burnsville, MN 55377 (Parcels 037-020110001016 and 037-021539002012)
LMRWD Rules:	Rule B – Erosion and Sediment Control Rule D – Stormwater Management
Recommended Board Action:	Conditional approval

Discussion

The District received the following documents for review:

- LMRWD online permit application, received January 19, 2022
- Permit application fee of $750, received January 25, 2022
- 2100 Truck Lot Development Plan Set by Larson Engineering, Inc., dated January 19, 2022, received January 19, 2022, revised February 25, 2022
- 2100 Project Narrative by Ivy Brook Parking, LLC, no date, received January 19, 2022, revised February 11, 2022
- Project Site Map by Larson Engineering, Inc., no date, received January 19, 2022
- Drinking Water Supply New Development Environmental Checklist by Larson Engineering, Inc., dated January 19, 2022, received January 19, 2022, revised February 11, 2022
- Ivy Brook Truck Storage Stormwater Calculations by Larson Engineering Inc., dated January 19, 2022, received January 19, 2022, revised February 25, 2022
- MPCA Stormwater Pollution Prevention Plan by Larson Engineering Inc., no date, received January 19, 2022
- Preliminary Geotechnical Evaluation by Braun Intertec, dated February 8, 2022, received February 11, 2022
- Regional Pond Usage Email by City of Burnsville, provided by Larson Engineering Inc., dated September 24, 2021, received February 11, 2022
- Drinking Water Protection Overlay District by the City of Burnsville, provided by Larson Engineering, Inc., dated October 8, 2012, received February 11, 2022
- Individual Project Permit – Authorization of Agent by Ivy Brook Parking, LLC, dated January 26, 2022, received February 11, 2022
- Yellow Freight Pond – Stormwater Development Review City of Burnsville by AE2S, provided by Larson Engineering, Inc., dated September 20, 2021, received February 11, 2022
- City Pond Maintenance Email from City of Burnsville, dated February 22, 2022,

received February 25, 2022
- Ivy Brook Preliminary Construction Schedule by Larson Engineering, Inc., no date, received February 25, 2022
- Pond Assessment Work Order by City of Burnsville, dated June 20, 2018, received February 25, 2022
- Yellow Freight Pond – Stormwater Development Review City of Burnsville by AE2S, dated February 25, 2022, received February 25, 2022

The application was deemed complete on February 15, 2022, and the documents received provide the minimum information necessary for permit review.

Background

This development is part of a larger regional development called the Minnesota River Quadrant (MRQ), which is bounded by the Minnesota River to the north, I-35W to the east, and Lynn Avenue to the west. In 2011, the City earmarked the MRQ area for future development and redevelopment and created an overall master plan for stormwater management that would meet its standards for stormwater rate control and water quality. The MRQ area is immediately upstream of the City's drinking water intake, within the City's Drinking Water Protection Overlay District (DWPOD), and partially within the Minnesota Department of Health's Drinking Water Supply Management Area (DWSMA), precluding infiltration on site. Overall, the initial 2011 plan proposed meeting the City's stormwater standards through the use of lined wet ponds that maintain existing discharge rates for 2-, 10-, and 100-year storm events, as well as remove 90 percent of total suspended solids (TSS) and 60 percent of total phosphorus (TP) from the new development and redevelopment areas contributing to these ponds, which is slightly more stringent than City requirements. In an email sent on Friday, September 24, 2021, by Jen Desrude, the City Engineer for Burnsville, she suggested the applicant utilize the Yellow Freight Pond (Regional Pond) to treat stormwater runoff from the proposed site, consistent with the 2011 plan.

The Yellow Freight Pond had been previously reviewed by the LMRWD for two other permit applications in 2021: the Burnsville Industrial IV (2021-009) and Park Jeep (2021-030). Since these projects were permitted, the City has conducted a more detailed review of the pond and its remaining capacity, detailed in the sections below.

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 3.55 acres within the LMRWD. The applicant has provided an erosion and sediment control plan and a stormwater pollution prevention plan. The project generally complies with Rule B, but a copy of the NPDES permit and contact information for the contractor and person(s) responsible for

the inspection and maintenance of the erosion and sediment control features are needed before the District can issue a permit.

Rule D – Stormwater Management

The Project proposes a total of 2.70 acres of impervious surfaces, including the construction of 1.74 acres of new impervious surfaces and the reconstruction of 0.96 acres. The majority of runoff from the new impervious surfaces will be routed to an existing City-maintained regional wet pond (Yellow Freight Pond in Figure 1). A small portion will be treated on-site, and 0.09 acres will be discharged directly to the existing storm sewer.

A technical memorandum, titled Yellow Freight Pond – Stormwater Development Review City of Burnsville, was prepared on September 20, 2021, by AE2S to evaluate the capacity of the regional pond for this project. The key findings in this memorandum are as follows:

- The Yellow Freight Pond can provide water quality benefits for the 235.6-acre upstream drainage area, which includes 166.3 acres of existing impervious surfaces.
- The Yellow Freight Pond has the capacity for an additional 50.1 acres of new impervious surfaces within the watershed as of September 2021.

However, the 50.1 acres of remaining capacity of Yellow Freight Pond does not include the proposed Park Jeep development (LMRWD Permit No. 2021-030). With the inclusion of this upcoming development, the pond's remaining capacity is 45.13 acres of impervious surfaces.

Section 4.4.1 of Rule D requires applicants demonstrate no increase in proposed runoff rates compared with existing conditions. Runoff from the site currently discharges directly to the Oliver Avenue storm sewer. Under the proposed conditions, the majority of the site will be rerouted to Yellow Freight Pond. Table 1 shows the existing and proposed peak discharge rates leaving the site.

Table 1. Peak discharge rates in cubic feet per second from the Ivy Brook East Site

	Discharge Location	2-Year	10-Year	100-Year
Existing Conditions	Oliver Ave Storm Sewer	4.95	9.28	20.24
	Yellow Freight Pond	0.00	0.00	0.00
Proposed Conditions	Oliver Ave Storm Sewer	2.04	3.05	8.62
	Yellow Freight Pond	7.93	12.38	22.80

The AE2S Yellow Freight Pond Tech Memo was updated on February 25, 2022, to evaluate the proposed Ivy Brook East development and its impact on the discharge rates from the pond. Table 2 summarizes the existing and proposed peak discharge rates leaving Yellow Freight Pond. The existing condition represents the pre-regional pond development, whereas the proposed condition represents the current fully developed conditions, including the Ivy Brook contributing area and assuming 80 percent impervious surfaces across the entire watershed. It should be noted that the Ivy Brook Parking East development is proposing 75 percent impervious surfaces, less than the model assumption.

Table 2. Peak discharge rates in cubic feet per second for Yellow Freight Pond

Condition	2-Year	10-Year	100-Year
Existing Condition	757	944	1,098
Proposed Condition	457	674	1,082

The reported runoff rates show a decrease in the existing conditions for the 2- through 100-year events routed to Yellow Freight Pond, meeting the rate control requirements in Rule D.

As mentioned, infiltration is not allowed because the Project is located within the City's DWPOD, an area that is highly vulnerable to contamination. The project must provide a total of 9,745 cubic feet of volume reduction to meet the volume reduction requirements of Rule D Section 4.4.2. Because infiltration is not allowed, the applicant is proposing to provide an equivalent filtration volume. Approximately 1.99 acres of impervious surface runoff, equivalent to approximately 7,215 cubic feet of runoff, will be routed to the Yellow Freight Pond.

The remaining runoff from the site will either be treated by an oversized sand filter that runs along the west side of the parcel or routed directly to the storm sewer. A grass filter strip will be provided as a pre-treatment to the sand filter. Table 3 summarizes the proposed filtration volumes.

Table 3. Water Quality Volumes

Discharge Location	Acres of Impervious Surface (acre)	Proposed Treatment Volume (cubic feet)
Regional Pond	1.99	7,215
Sand Filter	0.60	2,603
Storm Sewer	0.09	0
Total	**2.68**	**9,818**

Despite not treating a small portion of the impervious area, the post-construction conditions are anticipated to exceed the required filtration volume. The sand filter BMP is oversized and treats approximately 1.2 inches of runoff from the contributing impervious surface. The site meets the volume requirements for Rule D.

Section 4.4.3 of Rule D requires projects that create more than one acre of impervious surfaces to provide evidence that no net increase in total phosphorus (TP) and total suspended solids (TSS) to receiving waters would result from the project. As previously discussed, Yellow Freight Pond has the capacity to treat the 1.99 acres of impervious surface from the proposed Ivy Brook East development without exceeding pre-pond discharge amounts for TP and TSS. Therefore, the runoff being routed to the regional pond from the Ivy Brook East site is considered compliant with Rule D.

Additionally, the applicant has provided MIDS water quality calculations to document the TP and TSS loads under existing and proposed conditions for the runoff being discharged directly to the Oliver Ave storm sewer. Table 4 summarizes those results.

Table 4. MIDS water quality summary for discharges to Oliver Ave

Pollutant	Existing Pollutant Runoff (lb/yr)	Proposed Pollutant Runoff (lb/yr)	Change (lb/yr)
Total Phosphorus	1.18	1.17	-0.01
Total Suspended Solids	213.6	102.2	-111.4

As presented, the pollutant load will be reduced for both TP and TSS. Hence, the project meets the water quality requirements established under Rule D.

Section 4.4.4 of Rule D requires the applicant develop and adhere to a maintenance plan for the permitted stormwater management structures. The Yellow Freight Pond is part of the City of Burnsville's MS4 program and has been maintained according to their permit requirements. The City also requires a maintenance agreement for stormwater BMPs be recorded with Dakota County; a copy of the maintenance agreement for the proposed sand filter BMP will be a stipulation of the permit.

Additional Considerations

Given the potential for future development within the Burnsville MRQ, and to Yellow Freight Pond in particular, it should be noted that with the inclusion of Ivy Brook Parking East, the pond will have a remaining treatment capacity for 42.38 acres of new and redeveloped impervious surfaces.

Recommendations

Based on our review of the project, we recommend conditional approval contingent on the receipt of the following:

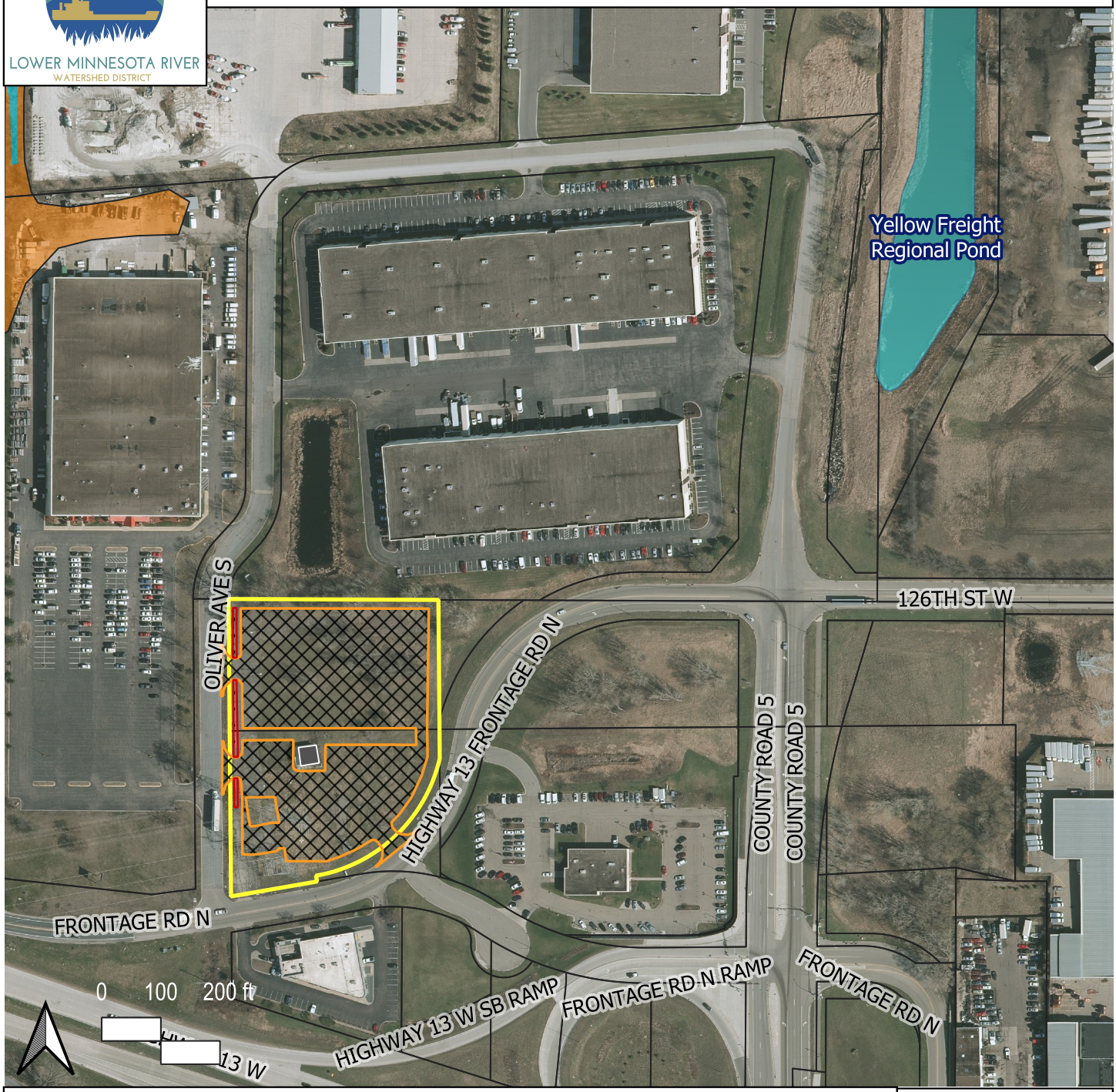
- A copy of the NPDES permit
- Contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of all erosion and sediment control features
- A copy of the City's Low Impact Development (LID) Management Practices Agreement for the proposed sand filter

Attachments

- Figure 1 – Ivy Brook East Project Location Map

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

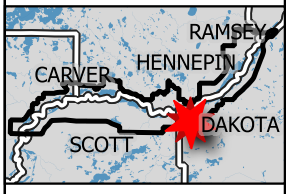
Figure 1: Ivy Brook East Project Location



LEGEND

- Project Location
- Ivy Brook East Site
- Proposed Pavement
- Sand Filter BMP
- Existing Building
- Yellow Freight Regional Pond
- Public Waters
- Public Waterbodies
- High Value Resource Area
- Steep Slopes Overlay District
- Trout_Streams
- County Boundaries
- Dakota Co. Parcels
- LMRWD Boundary
- 100-yr Floodplain
- Floodway
- 500-yr Floodplain

LMRWD Watershed Location Map



Young Environmental Consulting Group, LLC

Young Environmental Consulting Group, LLC

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Hannah LeClaire, PE
Katy Thompson, PE, CFM

Date: March 8, 2022

Re: Ivy Brook Parking Lot West (LMRWD No. 2022-008)

Ivy Brook Parking LLC (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop an outdoor storage lot located at 3509 Highway 13 W in the City of Burnsville (City), as shown in Figure 1. The applicant's engineer, Larson Engineering, Inc., has provided site plans for the Ivy Brook Parking Lot West, along with the permit application.

The proposed project consists of redeveloping and expanding an existing paved parking lot to be used as an outdoor storage yard that is approved for the parking/storage of commercial vehicles, recreational vehicles, equipment, and light material. The project would disturb 1.59 acres and create 0.84 acres of new impervious surfaces. The project is not located within the High Value Resource Area (HVRA), Steep Slopes Overlay District, or Minnesota River floodplain. The applicant proposed to commence construction in late April 2022, following City approval on April 19, 2022.

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

Summary

Project Name:	Ivy Brook Parking Lot West
Purpose:	Outdoor storage yard for commercial vehicles, recreational vehicles, equipment, and light material

Project Size:	3.63-acre site; 1.59 acres disturbed; 1.98 acres existing impervious; 2.82 acres proposed impervious; net increase of 0.84 acres new impervious
Location:	3509 Highway 13 W Burnsville, MN (Parcel 037-022050001040, 037-020150001017, and 037-020150001016)
LMRWD Rules:	Rule B – Erosion and Sediment Control
Recommended Board Action:	Conditional approval

Discussion

The District received the following documents for review:

- LMRWD online permit application, received February 16, 2022
- Site Map, dated February 16, 2022, received February 16, 2022
- Project Narrative by Ivy Brook Parking LLC, undated, received February 16, 2022
- Permit application fee of $750, received February 16, 2022
- Preliminary Geotechnical Evaluation by Braun Intertec, dated January 18, 2022, received February 16, 2022, revised February 8, 2022
- 3509 Truck Lot Development Plan Set by Larson Engineering, Inc., dated February 16, 2022, received February 16, 2022
- Plan Sheet C301 by Larson Engineering, dated February 16, 2022, revised February 25, 2022, received February 25, 2022
- Preliminary Construction Schedule by Larson Engineering Inc., undated, received February 25, 2022

The application was deemed complete on February 22, 2022, and the documents received provide the minimum information necessary for permit 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 1.59 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention Plan. The project generally complies with Rule B, but a copy of the NPDES permit and contact information for the contractor(s) and person(s) responsible for the inspection and maintenance of erosion and sediment control features is needed before the District can issue a permit.

Additional Considerations

While the project does not trigger Rule D – Stormwater Management because the new and reconstructed impervious surfaces are less than one acre (0.84), the applicant is proposing an infiltration basin to capture and treat stormwater runoff onsite.

Recommendations

Based on our review of the project, we recommend conditional approval contingent on the receipt of the following:

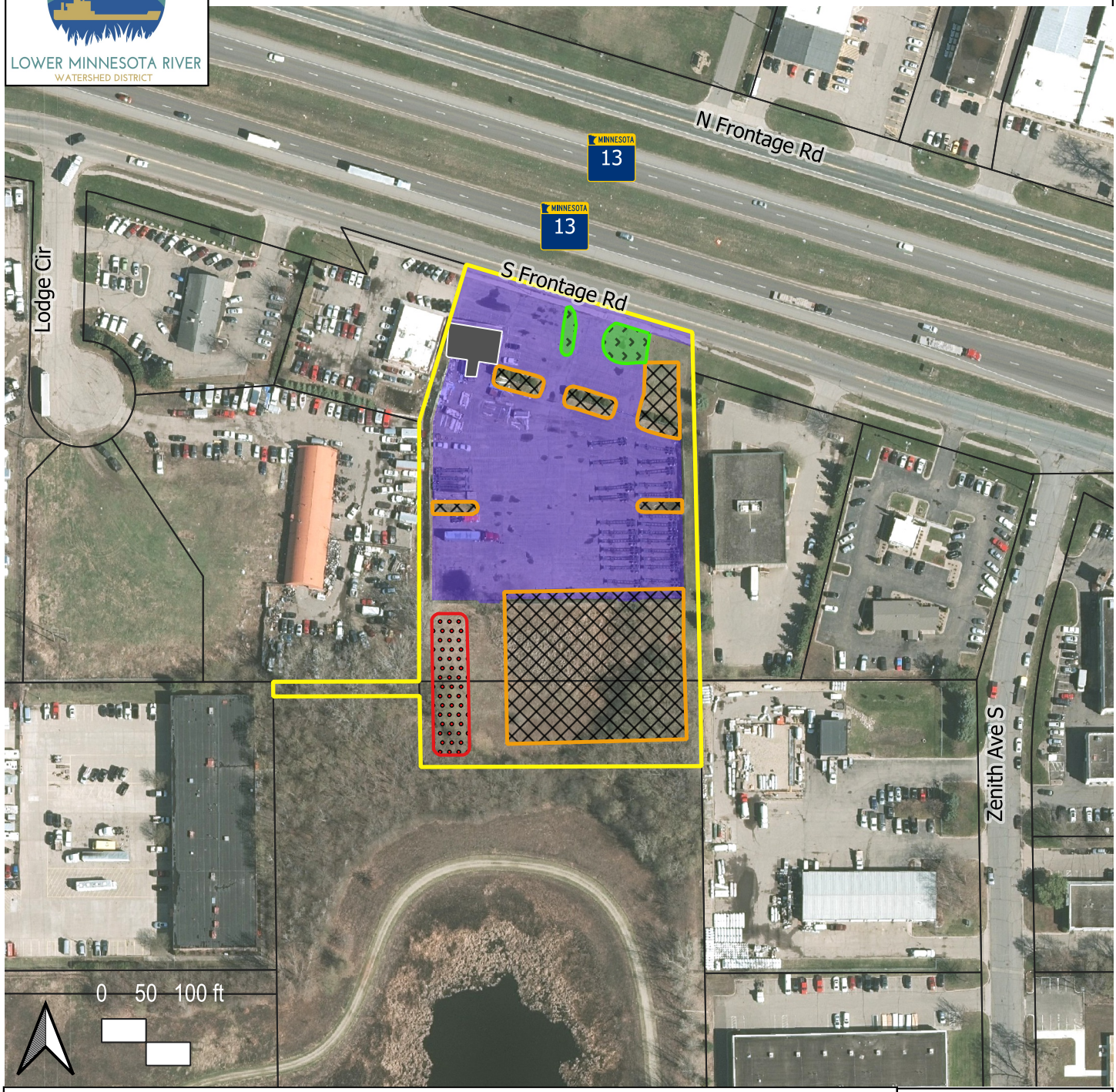
- Copy of the NPDES permit
- Contact information for the contractor(s) and/or the person(s) responsible for the inspection and maintenance of all erosion and sediment control features

Attachments

- Figure 1 – Ivy Brook West Project Location Map

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

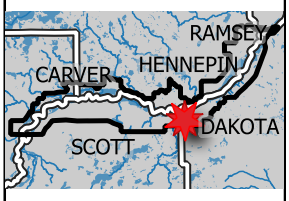
Figure 1: Ivy Brook West Project Location



LEGEND

- Project Location
- Ivy Brook West Site
- Existing Building
- Infiltration Basin
- Proposed Pavement
- Existing Pavement
- New Pervious Area
- Public Waters
- Public Waterbodies
- High Value Resource Area
- Steep Slopes Overlay District
- Floodway
- 500-yr Floodplain
- Dakota Co. Parcels
- County Boundaries
- LMRWD Boundary

LMRWD Watershed Location Map



Young Environmental Consulting Group, LLC

Young Environmental Consulting Group, LLC

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Hannah LeClaire, PE

Date: March 9, 2022

Re: Minnesota River Greenway Railroad Pedestrian Bridge—Temporary Crossing

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The Minnesota Department of Natural Resources (MnDNR) is the local government unit for the Wetland Conservation Act (WCA) for the proposed Minnesota River Greenway Railroad Pedestrian Bridge project. On February 4, 2022, the MnDNR provided the Lower Minnesota River Watershed District (District or LMRWD) with the Notice of Application and wetland delineation report for review for the temporary construction access crossing. Dakota County and Bolton & Menk, Inc., previously applied for a Minnesota Wetland Conservation Act wetland delineation approval for the entire trail project in 2020 and 2021. The proposed Minnesota River Greenway project is divided into two separate projects: the trail and boardwalk scheduled for spring 2022 construction (conditionally approved by the LMRWD managers on November 17, 2021, LMRWD No. 2021-027) and the railroad bridge connection to the Lone Oak trailhead in Eagan scheduled for construction in late 2022 or early 2023.

The MnDNR requested Technical Evaluation Panel (TEP) representatives from the Board of Water and Soil Resources, the City of Eagan, the LMRWD, Xcel Energy, and Dakota County's consultant (Bolton & Menk, Inc.) to meet virtually and review a new 2021 wetland delineation for a proposed temporary crossing over the railroad, needed for pre-construction site preparation work.

Summary

Project Name:	Minnesota River Greenway Railroad Pedestrian Bridge Temporary Crossing

Purpose:	Construction access
Project Size:	1.3 acres disturbed, 0 acres existing impervious, and 0.39 acres proposed impervious
Location:	West of Sibley Memorial Highway and Skyline Drive, Eagan, Minnesota
LMRWD Rules:	Rule B—Erosion and Sediment Control Rule C—Floodplain and Drainage Alteration
Recommended Board Action:	None, information only

Summary

The proposed temporary construction access location is north of the proposed pedestrian bridge and outside of the previous delineations. The TEP met virtually on February 23, 2022, to discuss the expanded disturbance, as part of Dakota County's No-Loss/Type and Boundary Application. The proposed crossing is located within the LMRWD High Value Resource Area; however, no permanent changes to drainage or landscape are anticipated as it is expected to remain in place for 90 days. The County will use geotextile fabric and an aggregate base to construct the crossing over the railroad to allow for tree clearing and Xcel Energy pole replacement work that must also be completed before the trail and bridge components. After completion of the tree removal, the access road will be completely removed and the area will be seeded with a native seed mix to restore it to original conditions.

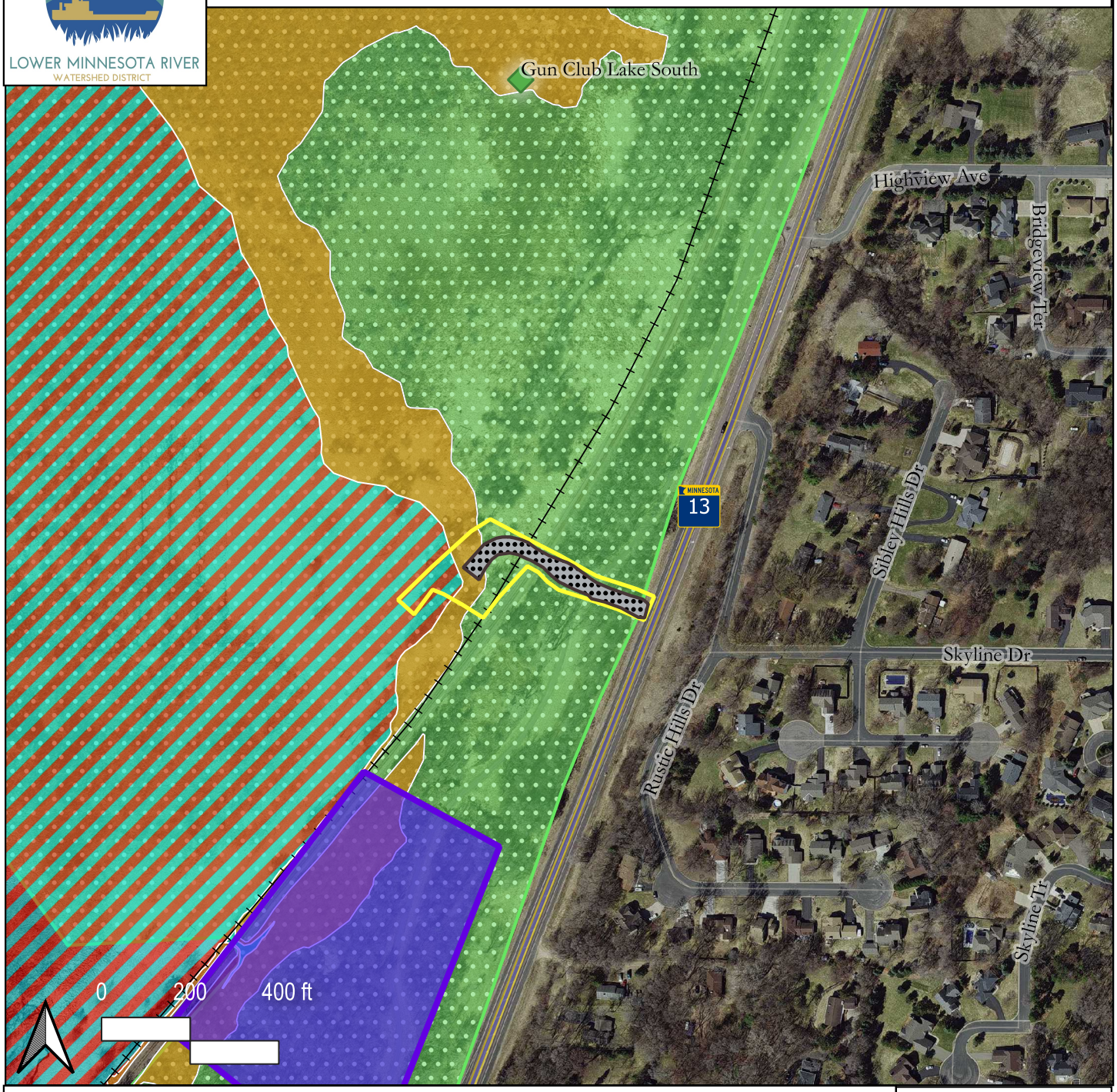
This no-loss application is ahead of the rest of the bridge project as tree clearing must occur during the winter to avoid affecting endangered bat species. The permanent impacts from the pedestrian bridge are not yet known and will be permitted at a later date. In preparation for that work, the County is working with the MnDNR to determine the potential impacts of the pedestrian bridge and are monitoring groundwater near the Gun Club calcareous fen complex to determine if the bridge footings could affect its groundwater source. A calcareous fen management plan will be developed as part of the bridge WCA permit application.

Recommendations

No Board action is required at this time. During the meeting, the LMRWD mentioned that the County must apply for a LMRWD Individual Project Permit before the start of the temporary access construction activities per the applicable District rules, which, based on the information presented, appear to be Rules B and C.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

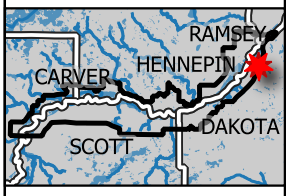
Figure 1: MN River Greenway RR Bridge Temporary Crossing



LEGEND

- Project Location
- Temporary Aggregate Crossing
- Study Area
- Public Waterways
- Public Waters
- Previous Delineation Area
- High Value Resource Area
- County Boundaries
- LMRWD Boundary
- 100-yr Floodplain
- Floodway
- 500-yr Floodplain
- LMRWD Calcareous Fens

LMRWD Watershed Location Map



Young Environmental Consulting Group, LLC

Young Environmental Consulting Group, LLC

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Hannah LeClaire, PE
Katy Thompson, PE, CFM

Date: March 8, 2022

Re: Canterbury Park Eastern Development Environmental Assessment Worksheet Review

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Swervo Development Corporation (Swervo) is proposing the construction of an amphitheater (Project) providing occupancy for 19,000 attendees and up to 500 staff at Canterbury Park. Although the amphitheater is within the Canterbury Park Master Plan area, it will be a stand-alone parcel subdivided from Canterbury Park under separate ownership. The Project is located on a 62.75-acre parcel located in the northeast quadrant of Canterbury Park bordered by County Road (CR) 83 to the east and Unbridled Avenue to the north in Shakopee. The Project requires the removal of existing buildings; relocation of 15 horse barns; and construction of the amphitheater, associated parking, and pedestrian walkways. New streets within Canterbury Park and south of the amphitheater are also included in the Project to serve the amphitheater from 12th Avenue (Figure 1). Construction on the Project is planned to start in the summer of 2022.

On February 24, 2022, Scott County provided the Lower Minnesota River Watershed District (LMRWD or District) with an environmental assessment worksheet (EAW) for comment. The Project is not located within the High Value Resource Areas, Steep Slopes Overlay District, or the 100-year FEMA Floodplain. A project summary and comments on the EAW follow.

Project Summary

Project Name:	Canterbury Park Eastern Development
Purpose:	Private development
Project Size:	62.75 acres
Location:	SW ¼ Section 4 and NW ¼ Section 9, Township 115N, Range 22W, Scott County, MN (Parcel IDs 271320010, 271320020, 279040103, 275010030, 274500020, 275010010)
Applicable LMRWD Rules:	Rule B—Erosion and Sediment Control Rule D—Stormwater Management
Recommended Board Action:	None, information only

Comments on the EAW

Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more outside of the special overlay districts. The EAW references Swervo's intent to obtain a National Pollutant Discharge Elimination System (NPDES) general construction stormwater (CSW) permit and develop a stormwater pollution prevention plan (SWPPP), as required under the City of Shakopee's Municipal (LGU) Permit.

Comment 1: Provide a copy of the NPDES CSW permits.

Rule D—Stormwater Management

The EAW, under item 11.a, notes that the top of bedrock occurs at less than 10 feet to an estimated 50 feet below the ground surface in the Project area and other portions of the Canterbury site. The proposed amphitheater will excavate down to 25 feet below the existing ground surface and is likely to encounter bedrock based on the preliminary information. Additionally, the Project site lies in an area where there is potential for karst formations. However, Braun Intertec Corporation (Braun) completed a preliminary geotechnical investigation for the Project site and noted that karst formations have not been identified in the vicinity of the site in the past. Braun is under contract to complete additional geotechnical soil borings for stormwater management and structural design. These soil borings will be summarized in a new geotechnical report scheduled to be available in March 2022.

Comment 2: The District does not allow infiltration practices in areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the top of bedrock. The District also regulates infiltration practices within 1,000 feet up gradient or 100 feet down gradient of active karst features. The final Geotechnical Report must verify that bedrock outcrops or karst formations will not be an issue for the proposed infiltration systems.

On page 19 of the EAW (item 12.a.ii), it is noted that the Project is located in a drinking water supply management area (DWSMA) and the Shakopee Wellhead Protection Area. Most of the Project is within a low to moderate vulnerability DWSMA, but the southern portion of the Project is in a high vulnerability DWSMA. For this reason, the amphitheater portion of the Project (north side) is proposed to be treated through infiltration, whereas the public road improvements (south side) are proposed to be treated using alternative volume reduction best management practices (BMPs) (item 12.b.ii). The Project proposes 42.3 acres of impervious surfaces, which would require a volume reduction of approximately 3.5 acre-feet. Applicable BMPs will be provided on site to meet the volume reduction, rate control, and water quality requirements of the City and the District.

No surface water appropriations will be made by the Project. An existing appropriation permit held by the Shakopee Public Utilities Commission (SPUC) has the capacity to cover the potable water needs of the Project. The project will be serviced by the SPUC's Normal Service District. The projected water use for this Project is less than 2.5% of the unused appropriation. Additionally, historic soil borings indicate that groundwater is well below the depth of excavations for the Project, and dewatering is not anticipated to be required.

Comment 3: The District does not allow infiltration practices in areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils. The final Geotechnical Report must verify the groundwater levels in the area have adequate separation from the bottom of the infiltration system. Additionally, given that the Project is in a vulnerable DWSMA, ensure that the SWPPP includes a spill prevention plan to prevent hazardous contaminants from entering the groundwater.

There are three ultimate discharge locations for the Project: the Minnesota River, Upper Valley Drainage Way, and Blue Lake. The proposed stormwater management approach will be determined through design coordination with the City. Additionally, Canterbury must maintain its livestock production and manure waste pond in accordance with the permit conditions. Stormwater management associated with the project is taking into consideration potential impacts to water quality from nearby activities, including Canterbury's operations, to ensure compliance with regulatory requirements.

Comment 4: It is the District's policy to protect and improve natural resources within the watershed to prevent further degradation. Stormwater management for the proposed site should promote and encourage a reduction in runoff rates to encourage infiltration and promote groundwater recharge where feasible.

Comment 5: As the developer moves forward with finalizing the EAW and Project plans, the District respectfully requests updates on any changes to the Project and construction methods that would cause the Project to significantly affect water and natural resources.

Recommendations

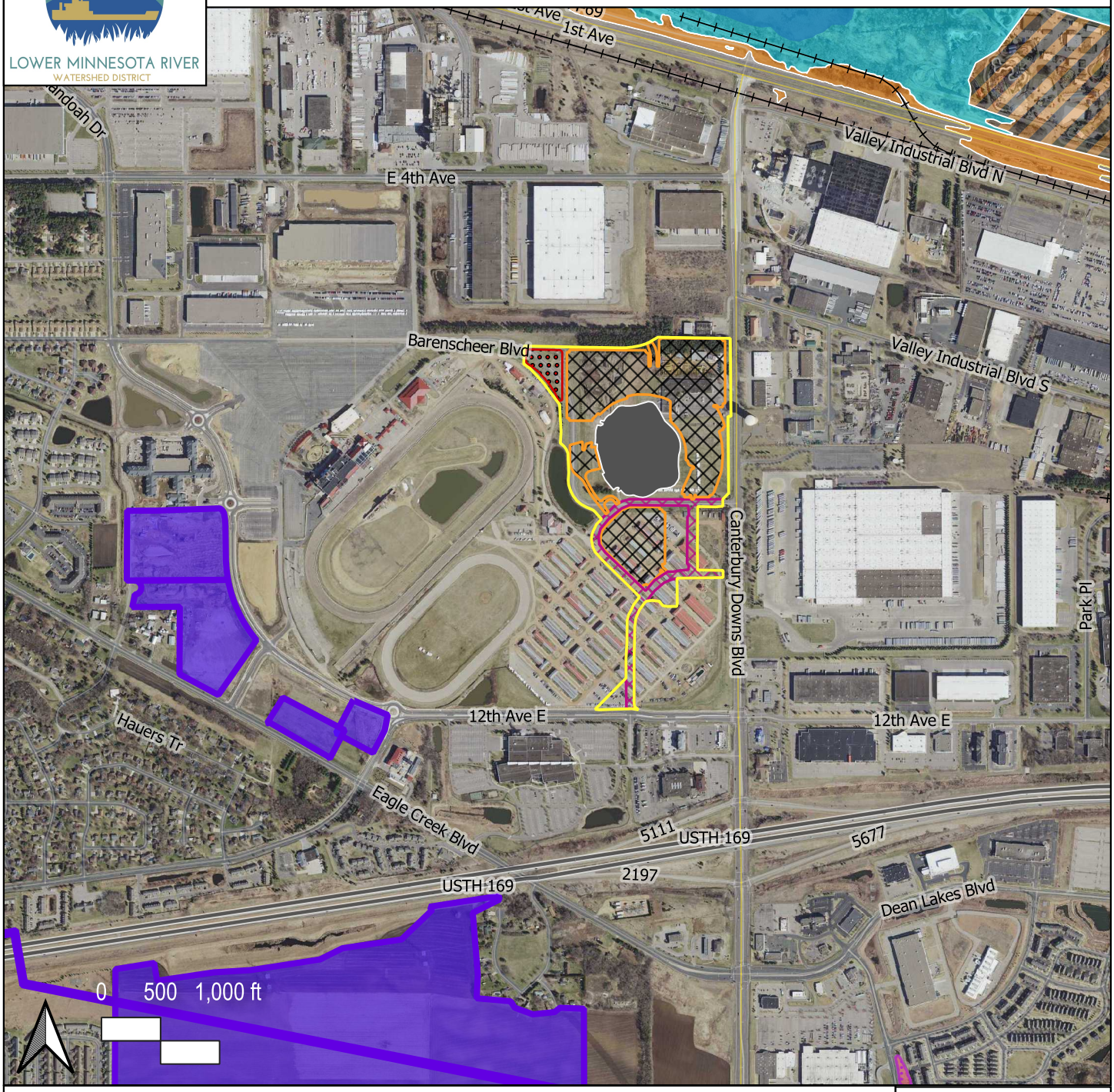
No board action is required at this time. Swervo must obtain a project permits from all applicable entities, including the City of Shakopee before construction commences. This memo will also be submitted to the City as part of the EAW comment period.

Attachment:

- Figure 1. Proposed Features

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

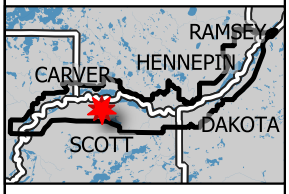
Figure 1: Canterbury Park Eastern Development



Legend

- Project Location
- Canterbury Park Site
- Past LMRWD Permits
- Amphitheater
- Infiltration Basin
- Pavement
- Street
- High Value Resource Area
- Steep Slopes Overlay District
- Public Waters
- Public Waterbodies
- County Boundaries
- LMRWD Boundary
- 100-yr Floodplain
- Floodway
- 500-yr Floodplain

LMRWD Watershed Location Map



Young Environmental Consulting Group, LLC