



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 21, 2018

### Agenda Item

#### Item 6. D. - Watershed Management Plan

#### Prepared By

Linda Loomis, Administrator

#### Summary

Staff will present the comments received since the holding the TAC and public meetings at a workshop preceding the Board meeting. Managers will need to provide direction to staff in order for responses to comments to be prepared in advance of re-convening the public hearing. Formal action will need to be taken at the Board meeting on any direction determined at the workshop.

The Board should determine what direction to take regarding Ike's Creek. Several comments asked that Ike's Creek be given special status as a High Value Resource, since it has a self sustaining population of trout. The DNR determined that Ike's Creek not be listed as a trout stream by the DNR. One reason for the determination by the DNR was that the Creek has protection under the LMRWD Watershed Management Plan. Staff has been meeting with the US Fish & Wildlife Service to determine an appropriate monitoring protocol for Ike's Creek. It is the only trout stream found in Hennepin County.

In addition, there continues to be requests for meetings from the cities and Savage has requested a public meeting, which has been scheduled for Tuesday, April 3, from 5:30 to 7:00 PM. The District has run to against the amount of the increase in the previous task order and Burns & McDonnell has asked the Board to amend the task order. The District spent \$134,417.68 in 2017 on legal and engineering for the Plan Amendment. Of that \$93,543.78 was for engineering & technical services. The District spent \$3,737.03 on engineering & technical services related to the Plan Amendment in 2016.

The original task order was executed in October 2016 and was for \$38,515. The first amendment to the task order was in February 2017 and was for \$20,240. The first amendment occurred because there was a need for an additional TAC meeting and several meetings with individual cities.

The second amendment was in September 2017 for \$10,000 (basically a stop gap in order to continue work on the amendment) and the third was in October 2017 for \$41,840. The second and third amendments to the task order were because of additional meetings with individual cities. The fourth task order is for \$29,197. This covers the public meetings, additional meetings with cities and the extension of the whole plan process due to the continuation of the public hearing. Staff expects this will be the last request for an increase unless something unexpected happens.

#### Attachments

Task Order Amendment #4

#### Recommended Action

Provide direction to staff regarding response to comments  
Call for re-convening the public hearing and provide public notice  
Determine direction for Ike's Creek  
Motion to authorize Task Order amendment #4

# Memorandum



Date: March 14, 2018

*(Email transmittal)*

To: Linda Loomis, Administrator

From: Jeff Thuma, Project Manager

Subject: Watershed Management Plan – Major Amendment Project Task Order  
Watershed Management Plan – Major Amendment Project Task Order  
Watershed Management Plan – Major Amendment Project Task Order (Change Order #4)

The Lower Minnesota River Watershed District (District) intends to amend its Watershed Management Plan (Plan). The Plan amendment is in response to requests from the technical advisory committee (TAC) and the fact that most of the municipalities within and adjacent to the District and adjacent watershed organizations are updating their water governance documents.

The original Task Order for this work was approved and dated October 17, 2016, and was amended with Change Order #1 on June 2, 2017. Change Order #2 partially funded Task 6 on September 28<sup>th</sup>, 2017. Change Order #3 added additional funding for task 6. Since that time, the Task 6 scope of work has been expanded and is described below.

**Task 6:** Plan Approval which includes logging and responding to comments on the 60-day draft plan, receiving comments at the public hearing, and finalizing the Plan was not included original task order because of the unknowns associated with the quantity of comments the District could receive from the Board of Water and Soil Resources (BWSR), other states review agencies and cities. The 60-day Draft Plan comment period closed on September 20, 2017. Below is a summary of the sub-tasks, deliverables and cost estimate.

- a. 60-day Draft Plan Comment Review and Resolution
  - i. The Consultant will address comments received and log the responses.
  - ii. The Consultant will meet with the Project team and the Board to finalize the comments/responses.

At the close of the 60-day Draft Plan comment period, the District had received 341 total comments (48 from Review Agencies, 170 for Cities, 30 from Counties and 93 from Residents). The comments were logged, responses drafted, and the Comment/Response Log provided to the District on October 15, 2017 to distribute to commenters. The Project team held two (2) meetings and a board workshop to discuss the comments and strategies for addressing them.

Deliverables: 60-day Draft Comment/Response Log

- b. Meetings with Cities of Eden Prairie and Bloomington, BWSR and Scott County  
The Consultant attended three meetings with cities (two with the City of Bloomington and one with the City of Eden Prairie), one meeting with BWSR and one meeting is planned with Scott County. The meetings with the cities were requested by them to help the District better understand their concerns with the proposed standards and potential gaps that would need to be addressed to

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help them implement the standards, once approved. The meeting with BWSR was requested by District staff to give BWSR a progress report and to address potential questions or concerns. And finally, a meeting with Scott County is planned to discuss their comments on the proposed Floodplain Standard and Dredge Site Restoration Project.

Deliverables: Meeting Summaries

## c. Public Hearing Submittal, Revisions, and Response

The District hosted a public hearing on October 25, 2017 with the support of The Consultant. Comments made at the public hearing were transcribed by the District and provided to the Consultant. The Consultant reviewed responses and drafted initial responses. The District continued the public hearing and hosted informational meetings in the Cities of Bloomington, Eden Prairie and Burnsville. Before the informational meetings, the Managers directed District staff (which includes The Consultant) to review and revise the Draft Bluff Standard using the mission and purpose of the District as a guide, while considering the concerns express by residents, municipal staff, and elected officials. District staff modified the Draft Bluff Standard and it was approved at the December 2017 board meeting for discussions with the technical advisory commission (TAC). District Staff hosted a meeting with the TAC in January 2018 and solicited comments on the modified Draft Bluff Standard. District staff also completed and distributed the Draft Statement of Need and Reasonableness (SONAR) report, and met separately with the cities of Burnsville, Shakopee, Savage, Carver and the Minnesota Department of Natural Resources.

Formal comments from the TAC will be compiled and responses added to the Comment/Response Log. The modification to the Bluff Standard (amending the regulated areas and the overlay district) and the inclusion of Ike's Creek as a potential District Recognized Trout Stream, required additional mapping assistance.

The following are the remaining sub-tasks.

- i. The District will host two managers workshops, one in March 2018 and one in May 2018 to review general responses to comments and the capital improvement projects.
- ii. The District will host an informational meeting in the city of Savage.
- iii. The District will host a public hearing (to close the continued hearing) in April 2018 with support from The Consultant.
- iv. The Consultant will finalize the SONAR.
- v. The Consultant will address comments received, revisit previous comments and

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log/modify the responses.

- vi. The Consultant will meet with the Project team to finalize the comments/responses.

Deliverables: Comment/Response Log, Maps and Comment Sheets

d. Final Draft 90-day Plan

- i. The Consultant will finalize the Plan according to the comments and resolutions compiled under the above action.
- ii. The Consultant will attend a Board meeting to submit the final plan for Approval.
- iii. The Consultant will prepare the final copy and electronic submittal products for submission to BWSR.
- iv. The Consultant will assist the District with submittal of the Draft Final 90-day Plan to the BWSR for review.

Deliverables: Comment/Resolve Plan with changes tracked, Transmittal letter and Final Draft 90-day Plan

Task Description	Estimate
Task 1: Project Team Kick-off Meeting	No Change
Task 2: Project Team Coordination Meetings	No Change
Task 3: Stakeholder Meetings	No Change
Task 4: Complete Initial Draft Plan	No Change
Task 5: Board Presentation of Initial Draft Plan	No Change
Task 6: Plan Approval	
6.1. 60-day <sup>16</sup> Draft Plan Comment Review and Resolution	No Change
6.2. Meetings with Cities of Eden Prairie and Bloomington, BWSR and Scott County	No Change
6.3. Public Hearing Submittal, Revisions, and Response	\$29,197
6.4. Final Draft 90-day Plan	No Change
Total Change Order #4	\$29,197
Total Project Authorization	\$139,792

# Memorandum (cont'd)



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(Email transmittal)

If you find this scope and cost estimate to be acceptable, please complete the signature block below and return the executed copy of this proposal to the Consultant, as notice to proceed. Services will be provided in accordance with the Agreement between the Lower Minnesota River Watershed District and Burns & McDonnell Engineering Company, Inc., executed on November 16, 2016.

**Accepted and Agreed to: Watershed Management  
Plan – Major Amendment Project Task Order  
(Change Order #4)**

CLIENT  
Lower Minnesota River Watershed District

CONSULTANT  
Burns & McDonnell Engineering Company, Inc.

A handwritten signature in black ink, appearing to read "Jeff J. Thuma". The signature is written in a cursive, somewhat stylized font.

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: Jeffrey J. Thuma

Title: \_\_\_\_\_

Title: Senior Hydrogeologist/ Regional Manager