



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, April 17, 2024

Agenda Item

Item 6. C. – Interstate 35W Early Release Project Permit (LMRWD No. 2024-004)

Prepared By

Linda Loomis, Administrator

Summary

This project is for a temporary project needed by improvements to Interstate 35W in Burnsville. Young Environmental Consulting Group has reviewed the application on behalf of the LMRWD and details of the review and recommendations can be found in Technical Memorandum – Interstate 35W Early Release Project Permit (LMRWD No. 2024-004), dated April 10, 2024.

Attachments

Technical Memorandum – Interstate 35W Early Release Project Permit (LMRWD No. 2024-004), dated April 10, 2024

Recommended Action

Motion to approve a permit for Interstate 35W Early Release Project contingent upon receipt of a copy of the NPDES construction stormwater permit, contact information for the contractor(s) undertaking land-disturbing activities, contact information for the person(s) responsible for erosion control inspections and maintenance and final construction plans signed by a professional engineer

Technical Memorandum



To: Linda Loomis, Administrator
Lower Minnesota River Watershed District (LMRWD)

From: Rachel Kapsch, Water Resources Scientist
Hannah LeClaire, PE, Project Manager

Date: April 10, 2024

Re: Interstate 35W Early Release Project Permit (LMRWD No. 2024-004)

The Minnesota Department of Transportation (MnDOT) has applied for an individual project permit from the LMRWD to construct temporary lane widening for project staging, shoulder pavement replacement to accommodate temporary traffic load increases, and crossovers to allow maintenance of temporary traffic. The proposed activities for this project will facilitate traffic maintenance during construction of MnDOT State Project (SP) 1981-140, a larger MnDOT construction project slated for 2025 (LMRWD No. 2023-025). The early release project is located within the Interstate 35W (35W) corridor in Burnsville, MN, extending from Southcross Drive West to north of 121st Street (Figure 1). The applicant's engineer, TKDA, submitted the permit application, associated application exhibits, and site plans for the 35W Early Release project.

The early release project will disturb 3.1 acres of developed MnDOT Right of Way (ROW) and proposes 0.7 acres of temporary new impervious surfaces. Within the LMRWD boundaries, the project proposes to perform crossover construction at the following locations: Minnesota State Highway 13 (MN 13) westbound (WB), MN 13 eastbound (EB), and within the 35W corridor. Additionally, temporary shoulder widening and replacement are proposed along the entrance ramp from MN 13 WB to 35W northbound (NB). Temporary shoulder widening and replacement is also proposed proximal to 35W NB entrance ramps from Cliff Road. Locations of proposed activities are detailed in Figure 1.

No new permanent stormwater best management practices (BMPs) will be constructed as part of this project due to the temporary nature of proposed activities. Permanent stormwater BMPs will be constructed as part of the SP 1981-140 project, which is currently under review by the LMRWD for a permit.

Although the project is not located within a High Value Resource Area (HVRA), drainage from temporary pavement enters the Black Dog Lake HVRA. Drainage that enters the Black Dog Lake HVRA is treated by an existing MnDOT stormwater BMP before entering the Minnesota River. Additionally, the northern extent of the project is located within the Minnesota River floodplain. The applicant proposes to begin construction in August of 2024. The project triggers LMRWD Rule B – Erosion and Sediment Control, Rule C – Floodplain and Drainage Alteration, and Rule D – Stormwater Management.

The City of Burnsville has a LMRWD municipal local governmental unit (LGU) permit. However,

because the city does not have authority to permit MnDOT projects, this project requires an LMRWD individual permit and is subject to an LMRWD permitting review.

SUMMARY

Project Name:

35W Early Release Permit

Purpose:

Perform temporary lane widening, shoulder pavement replacement, and crossover construction to accommodate current traffic loads and future ROW construction project.

Project Size:

	Existing Impervious Area	Proposed Impervious Area	Net Increase Impervious Area
Area Disturbed	—	3.1 acres	—
Total Impervious	0.7 acres	1.4 acres	0.7 acres

Location:

MN13 (EB/WB) and 35W (NB/SB)
Burnsville, MN 55337

LMRWD Rules:

Rule B – Erosion and Sediment Control
Rule C – Floodplain and Drainage Alteration
Rule D – Stormwater Management

Recommended Board Action:

Conditional approval

DISCUSSION

The LMRWD received the following documents for review:

- LMRWD online permit application; received February 20, 2024.
- LMRWD Application Exhibits for 35W Early Release by TKDA; received February 20, 2024.
- Pages 83-97 of Construction Plan Set with Markups by TKDA; received March 6, 2024.
- Authorization of Agent form and SP-150 Drainage Overview Map by TKDA; received March 14, 2024.
- Minnesota River Bridge Design-Build Drainage Overview Map and Pages X39-X42 and Page 95 from Construction Plan Set with Markups by TKDA; received March 21, 2024.

The application was deemed complete on March 21, 2024, and the documents received provide the minimum information necessary for permit review.

Rule B – Erosion and Sediment Control

The LMRWD regulates land-disturbing activities that affect **one acre** or more under Rule B. The proposed project would disturb approximately **3.1 acres** within the LMRWD boundary. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention Plan (SWPPP). Temporary erosion and sediment control measures proposed include filter berm type

1 (compost), filter berm type 4 (topsoil berm), storm drain inlet protection, culvert end controls, sediment control logs (compost), silt fences, and rapid stabilization method 4. The contractors and person responsible for the inspection and maintenance of erosion and sediment control will be determined in June 2024 after bidding has occurred.

The project generally complies with Rule B, but a copy of the National Pollutant Discharge Elimination System (NPDES) construction stormwater permit, contact information for the contractor(s) performing land-disturbing activities, contact information for the person(s) responsible for erosion control inspections and maintenance, and designation of individual liable to the LMRWD for performance under Rule B are needed before the LMRWD can issue a permit.

Rule C – Floodplain and Drainage Alteration

The LMRWD requires the applicant to provide documentation that proposed floodplain alterations will not cause an increase in 100-year water surface elevations. Per the 95% construction plans submitted by TKDA, work within the floodplain is limited to the removal of a median barrier to allow for a temporary traffic crossover, which will not impact existing ground contours. The temporary modifications will have no effect on conveyance or the 100-year water surface elevations, meeting the minimum requirements of Rule C.

Rule D – Stormwater Management

The project proposes a total of 0.7 acres of temporary new impervious surface, a portion of which (16,735 square feet) drains to the Black Dog Lake HVRA. Stormwater management is provided by an existing stormwater BMP. Stormwater drains to a MnDOT Pond (located in the southeast (SE) quadrant of 35NB and Black Dog Road SE ramp) constructed during the Minnesota River Bridge Design-Build Project and outlets to the Minnesota River. The existing pond effectively manages stormwater before it enters the Minnesota River, complying with Rule D.

Recommendations

Based on review of the project, we recommend conditional approval contingent on the receipt of the following:

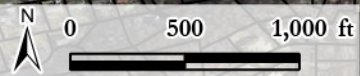
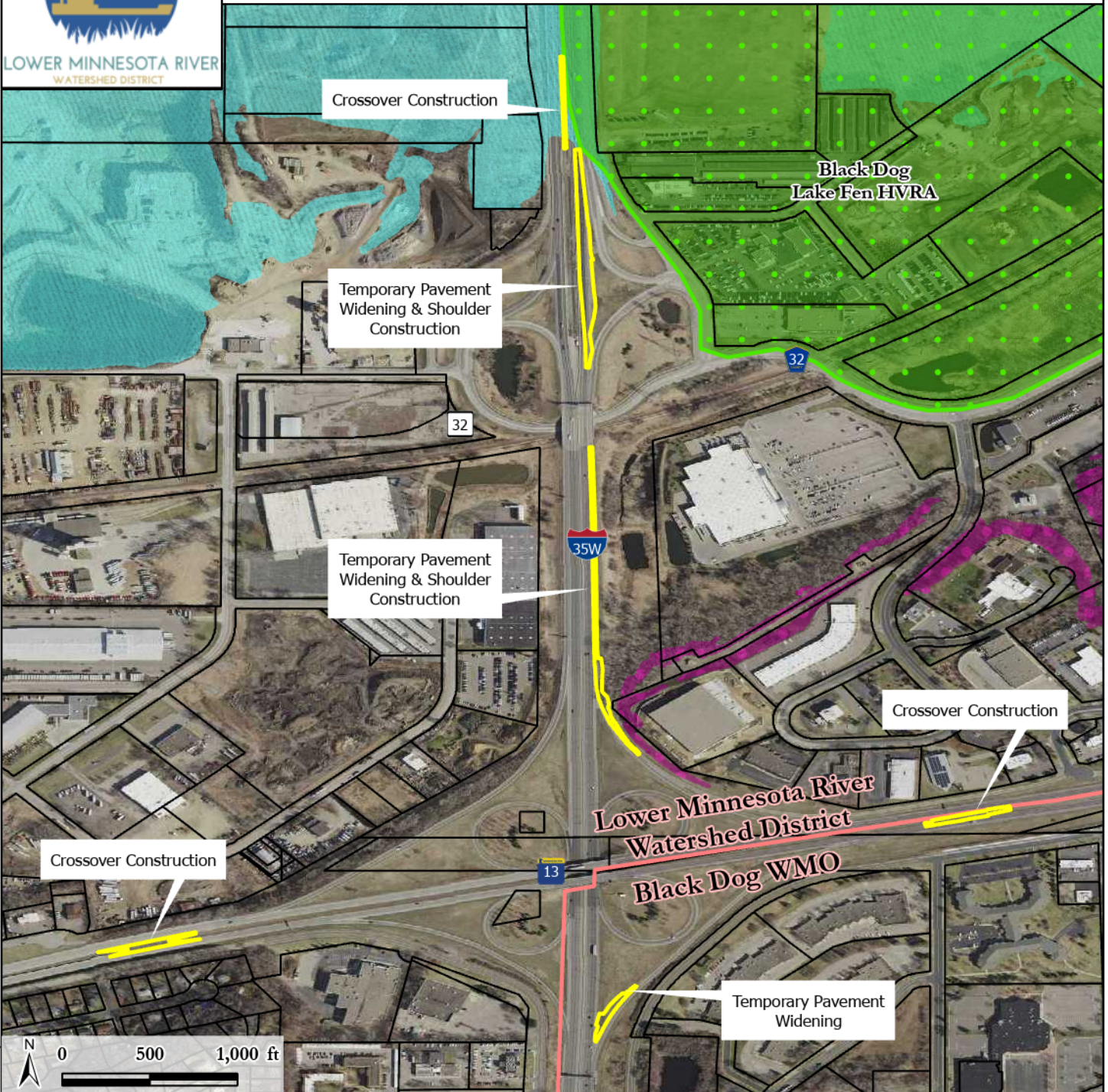
- Copy of the NPDES construction stormwater permit.
- Contact information for the contractor(s) undertaking land-disturbing activities.
- Contact information for the person(s) responsible for erosion control inspections and maintenance.
- Final construction plans signed by a professional engineer.

Attachments

- Figure 1—35W Early Release Location Map



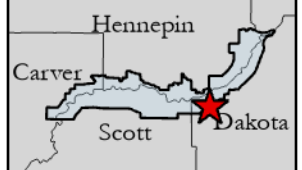
Figure I: 35W Early Release Project Location
LMRWD No. 2024-004



Legend

- Project Location
- LMRWD Boundary
- Parcels
- High Value Resource Area
- Steep Slope Overlay District
- 100-yr Floodplain

LMRWD Watershed Location Map



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