Commenting entity/resident	Section and page number	Comment	Response
City of Chaska	Section 3. Goals, Policies, and Management Strategies	Page 3-30: Strategy 2.2.4 discusses a Water Quality Restoration Program to provide funding assistance to LGUs to reduce urban nonpoint source pollution. Can we get details on this program, including project criteria and proposed budget?	The water quality restoration program is funding though the Water Resources Restoration Fund presented in the Table 4-1 and in Section 4.3.5. The program will be built on the existing water quality restoration information in Appendix L. Additional, information including success metric and desired outcomes will be posted on the District's website.
City of Chaska	Section 4. Implementation Plan	We previously submitted a number of Seminary Fen projects for partnering to the LMRWD in a 3/17/2017 email to Linda Loomis. Chaska would like the LMRWD to include these in the Plan Amendment for support and potential funding consideration. This would also indicate support to BWSR and the MnDNR in the event of future grant applications to those agencies. The 3/17/2017 email with the proposed projects is attached.	Collaboration with municipalities and other partners on water and natural resources restoration, preservation and protection projects is the corner stone of the District's implementation philosophy. The projects submitted will be evaluated and the city of Chaska will be notified of the District's decision on whether all or some of the project proposed will be added to the Implementation Program.
City of Chaska	Appendix K . LMRWD Draft Standards	Pages 24+: Floodplain standards are defined. The standards call for compensatory storage for any fill within the floodplain, and they define floodplain as the 100-year flood elevation of any wetland, public water, or subwatershed (as opposed to only FEMA floodplains). Chaska would like to see an exception for facilities that are within a planned and approved municipal stormwater system or otherwise regulated by local controls. Requiring compensatory storage within the City's stormwater ponding system will greatly restrict the City's ability to effectively and efficiently manage its system.	The Floodplain and Drainage Alteration Standard states no filling is allowed within the 100-year floodplain which causes a rise in the 100-year elevation without providing compensatory floodplain storage equal to or greater than the volume of fill. As presented, compensatory storage is only required if the 100-year elevation will be affected negatively as a result of the proposed project(s). Note, the Floodplain and Drainage Alteration Standard language has been in place since the 2011 Plan. Nevertheless, the District will consider the requested exception.
City of Shakopee		On behalf of the City of Shakopee, please accept this request for a continuance of the October 25, 2017 public hearing for the Major Watershed Management Plan Amendment. We would like you to consider the following when deciding to grant a continuance: • The Response to Comments document provided by the Watershed was received on October 15, 2017 and includes 59 pages of comments and responses – this is an extremely significant amount of comments and responses. City staff have not had adequate time to fully review and understand the responses and comments. • The Watershed's responses to some comments are not clear and/or are not fully answered or understood, warranting follow-up with the Watershed. • The Watershed's proposed new requirements for linear projects (reconstruction projects) are not fully understood and could seemingly result in city rehabilitation projects being postponed due to the new storm water requirements being too onerous. We feel there is enough vagueness in the responses and feel several items were not adequately addressed where acting on the proposed plan amendment would be inappropriate. For these reasons, we are asking the Board of Managers to delay any decision on the proposed plan amendment to allow more time for inclusive and direct discussions between the Watershed and its member cities. We must ensure all plan updates and proposed rule changes are understood and feasible with an inclusive partnership-type relationship to ensure successful and responsible implementation by all.	The District recessed the public hearing and welcomes the opportunities to clarify information about the proposed amendment to the watershed management plan. The changes proposed to the Stormwater Management Standard are specific to the High Value Resource Areas (HVRA), as noted. Areas outside of HVRA that do not drain to fens, trout lakes and trout streams are required to complied with the general requirement which are primarily the NPDES Construction Stormwater Permit requirements. These, more strict requirements, are specific to impact areas of high value resources and are necessary and reasonable for the protection and preservation these unique resources. Within the city of Shakopee, there are two areas affected by the proposed changes: the first area is east of Stagecoach Road and County Road 18; and the second area is the portion of the city of Shakopee within the floodplain adjacent to the Minnesota River and the city of Shakopee's municipal boundary with the city of Chaska. Given the areas affected within the city of Shakopee, the District needs more information on the rehabilitation projects proposed in those areas and why their respective timelines will be affected.
City of Carver	General Comments	1. Can the City construct trails in bluff areas under the proposed LMRWD plan amendment? 2. Does the LMRWD help with local surface water management plan updates to their plans to address the LMRWD plan amendments? 3. Confirming your next update be in 2027 and not sooner.	1. Trails and other public projects may be constructed with the proposed setback provided it does not adversely impact adjacent or downstream properties or waterbodies, destabilize slope conditions and degrade water quality due to erosion, sedimentation, flooding and other damages. 2. The District provides technical support to cities during the local surface water management plan update process to make certain the updates are in line with the Districts standards. 3. The next Plan update would be in 2027, although there maybe amendments to the Implementation Program that will not require updates to local surface water management plans.

Commenting entity/resident	Section and page number	Comment	Response
Upper Mississippi Waterway Association - Taylor Luke, President	page 2-16, Section 2.2.9 Issue 9, paragraph 3	A troublesome point in our understanding of the LMRWD Management Plan 2018-2027 is the following statement: [The] District may be unable to support navigation if it is not clear who will pay for commercial navigation maintenance." (Draft Watershed Mgt Plan, page 2-16, Section 2.2.9 Issue 9, paragraph 3). While we surmise this statement reflects the District's attempt to develop a policy to address ways to sustain the 9-foot channel fund over the next 10 years, the LMRWD is nonetheless required to provide placement sites for the life of the project.	The District understands and will honor it current obligation to maintain the 9-foot channel for navigation. However, a navigable 9-ft channel benefits the entire state of Minnesota and not just the residents within the District whom historically have solely financed the acquisition and maintenance for the dredge site. As discussed in the Plan, it is the District's desire to secure permanent State funding for operation and maintenance of the 9-foot Channel.
Upper Mississippi Waterway Association - Taylor Luke, President	General	The State of Minnesota appropriated $240,000 for each 2017 and 2018 to perform capital improvement projects and on-going O&M projects with a caveat that those funds cannot be used to finance the 9-foot channel fund; they can only be used to manage the dredge placement site. Conversation with District officials revealed that with new State money the deficit in the fund will not continue, and that revenue from the storage of private dredge material and the sale of main channel dredge material can now all be used to reduce the fund's deficit. We learned that there is also $80,000 in the 2018 budget for the 9-foot channel fund. What will these funds be used for?	The preliminary draft 2018 budget allocated $80,000 to the 9-foot Channel Fund. During the Board's Budget hearing, the amount was revised down to $50,000. In 2018, the District has a $50,000 budget for all costs incurred by the District to maintain the Nine Foot Channel. Expenses assigned to the 9-foot Channel Fund do not include the activities identified in the workplan for the Dredge Site Restoration project and operation and maintenance activities
Upper Mississippi Waterway Association - Taylor Luke, President		Will State recognition of economic value be reflected in future funding?	Yes. The Implementation Program contains the State's appropriation, as a grant which is facilitated by the Minnesota Board of Water and Soil Resources.
Upper Mississippi Waterway Association - Taylor Luke, President		We understand your Board of Managers want to maintain the presence of the District at the capital after 2018 and 2019 funding to allow the District to continue to work with others in the Minnesota River Basin to reduce sediment of upstream flows. Since upstream erosion has been and continues to be an issue, what programs will be established?	As recommended by the legislature, the District intends to work with the Minnesota Pollution Control Agency on the Minnesota River Sediment Reduction Strategy during fiscal year 2018 and 2019. The Implementation Program, in Section 4, budgets $25,000 per year to contribute to the analysis and evaluation of the Minnesota River sediment reduction strategy.
Upper Mississippi Waterway Association - Taylor Luke, President	9-foot Channel	A narrow view of the beneficiaries of the 9-foot channel argues that non-commercial taxpayers do not benefit from the project and that it is therefore unfair to expect them to be the only ones to pay to support navigation. But they are not the only ones: The District's FY 2015 annual report covering the Nine Foot Channel Fund indicated that property taxes (commercial terminals included) and dredge site income generated just over $94 thousand while expenses charged against that fund amounted to over $40 thousand, resulting in a positive revenue flow of $54 thousand. Stated another way, by this matrix alone, the fund is self-supporting and is made negative by expenses charged against it which may or may not be appropriate as navigation was one of the primary initiatives driving the establishment of the District in 1960.	The conditions under which the District was able to have positive revenue in FY 2015 have not always existed. To assume the 9-ft channel fund would have been self-supporting purely off the FY2015 information over simplifies a more complex system. Note, that some of the revenue received in FY 2015 was actually income that should have been received in FY 2014, but because of the timing of negotiations for the sale of the main channel dredge material for beneficial re-use, the income was received in FY 2015. Additionally, the structure of the agreement for sale of the main channel dredge material called for payment of the last half of the stockpile upfront. The District will endeavor to find markets for the main channel dredge material.

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Upper Mississippi Waterway Association - Taylor Luke, President		The 332-mile long Minnesota river, draining over16,000 square miles in Iowa, South Dakota and Minnesota, through urban and rural landscapes deposits its sediment load in the last 14.7 mile navigable channel maintained by the District's Nine Foot Channel Fund. According to Corps records, sediment flows have increased over the last two decades and wildly fluctuating annual events continue causes UMWA to expect demands in dredging to be at least at the current level of 40-50 thousand cubic yards per year. Given a correlation between river shipments and dredging, our expectation is supported by Clay Todd's statements that going forward, research suggest that declines in grain shipments from the Minnesota River are unlikely (page 38).	Noted.
Upper Mississippi Waterway Association - Taylor Luke, President	Dredge Site Probable Cost Analysis	This February 2017 analysis (LMRWD ProForma under Private CIP) contains a negative $1,648,721 under year 2017 which seems to never be totally offset by Private/COE Revenues. What is the explanation for this?	As explained in the (Estimate of Probable Cost, Cargill East River (MN-14.2 RMP) Dredge Material Site) Tech Memo, the $1,648,721 under year 2017 represents capital improvement costs to be paid for by private dredge users for reconfiguring the site and for upgrading Vernon Avenue. How this cost is funded is up to the private dredge users and was not part of the analysis.
Upper Mississippi Waterway Association - Taylor Luke, President		We reserve the right to make changes to our comments to reflect outcome of public hearings.	These comments and modification to them will be a part of the Plan amendment record. UMWA has until the District closes the public hearing (which was continued to an undetermined date and time) to submit comments. Comments will not be accepted after the public hearing closes.

Commenting entity/resident	If resident, resident's address	Comment	Response
Adam Buenz	No address provided	Just a quick question. We farm part of the land that this is slated for after reading through the documentation provided on the plan web site. It looks to say we can't affect vegetation, which I suppose obviously means we have to shut down our farm?	Farms/agricultural practices will not be affected by the proposed standard. An exception will be incorporated in upcoming revision to the proposed standard.
Andrew Carlson, Representative	No address provided	At the request of several Bloomington residents, I'm contacting you regarding the Lower Minnesota River Watershed District's draft Watershed Management Plan. I am aware that the comment period for the draft document expired on September 20th and that the next step is to hold a public hearing. My constituents' concern is that the hearing is intended to be held in Chaska, MN. However, I was unable to find any information about the public hearing on the website: ttp://www.watersheddistrict.org/index.html The City estimates that over 600 properties in Bloomington would be impacted by the new regulations proposed in the plan. A hearing in Bloomington would likely increase the number of Bloomington residents able to attend. Thank you for your consideration and I look forward to your response regarding the possibility of hosting a public hearing in the City of Bloomington.	The District recessed the October 25, 2017 public hearing and is evaluating options (including your request for a hearing in the city of Bloomington) for a time and location to continue the hearing. Once a date, time and location is determined, the information will be noticed in local newspapers, posted on the District's website and emailed to individuals in the District's database.
Craig Diederichs	9551 Riverview Road, Eden Prairie, MN 55347	I contacted Linda Loomis to discuss the mailing that was sent out on the public hearing notice that is scheduled for October 25th in Chaska. All the previous information I received did not explain the grandfather clause as Linda explained to me. That certainly helps land owners with structures on their property. My understanding is that I can still rebuild if the property is damaged or needs replacing for some reason. She also mentioned this goes with the property, not the owner, so as long as the property is fully developed, the current landowner should not see a reduction in value of the property. For others that still have undeveloped lots, the new proposals would take affect. This would drastically reduce the value of that property. I understand the desire to improve the water and local environment to the water, but I don't understand how anyone could justify reducing somebody else's property without some kind of compensation.	The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls and conditions do not result in a taking of property.
David Dikken	3701 Overlook Drive, Bloomington, MN 55431	I have been made aware of your actions regarding the Water Shed District's plan that will likely affect my property. Please consider withdrawing the new plan and taking a more serious effort at determining the individual impact to affected persons. My wife and I have taken seriously being good stewards of our property and have removed invasive species, and worked diligently to be conscientious. I have the specific following concerns: 1. The regulations are overly excessive. Please advise me on how I can give input and what actions you may be taking to serve the concerns listed above. Also please clarify what are the new proposed changes.2. Input from impacted individuals has not been adequately sought. (only one available meeting in one location??)	The District recessed the October 25, 2017 public hearing and is evaluating options for a time and location to continue the hearing. Once a date, time and location is determined, the information will be noticed in local newspapers, posted on the District's website and emailed to individuals in the District's database. One of the informational meetings in planned for the city of Bloomington.
David Dikken	3701 Overlook Drive, Bloomington, MN 55431	3. No impact study has been made regarding the effects on individuals, the intent is simply one sided and indicative of statist (we know best).	The District watershed management plan provides justification for the proposed changes. Although not required under Minnesota Rules and Statutes, the District is drafting a Statement of Need and Reasonableness (SONAR) for the changes proposed. The draft SONAR will be posted on the District's website and notification emailed to individuals within its database.

Commenting entity/resident	If resident, resident's address	Comment	Response
Don Stiles	Auto Club Road, Bloomington, MN	I am writing you because I received a letter from the City of Bloomington indicating that the Watershed District is proposing a Management Plan Amendment. My wife Leslie and I built on the bluff 20 years ago because we love this location and the animals. We have spent much time and treasure caring for the environment, the trees, and the bluff through managing the prairie and wildflowers, including removing buckthorn and performing periodic prairie burns that are managed appropriately. We want the bluff to continue to flourish and be a safe and inviting place to live and visit for both humans and the wealth of animal life. We cannot grow much or create flower beds because the animals eat just about everything, but that is just fine with us. Nature has a way of doing the right thing, like when too many rabbits appear, so do the hawks, and then the hawks move on and the rabbits re-appear. I looked at the website and the extensive language which is very confusing. I am writing you today to ask that the Watershed continue to properly manage the bluff areas, but not to the extent it prevents homeowners who also care about the environment to manage their individual portions of this magnificent bluff. We do not plan to build any more than currently exists ... the only change we made to our property in the last 20 years was to restructure the deck and supporting hill in order to minimize erosion of the bluff. A 40-foot ban from the bluff seems extensive to me because it may take a retaining wall closer than that in order to prevent further natural erosion. Buckthorn removal and control is an ongoing process. We removed and burned the extensive buckthorn some 15 years ago, but seeds carried by birds and roots that continue to sprout require us to be vigilant and continue to remove this damaging plant that is not indigenous to Minnesota. In fact, I organized all the neighbors around us to join in that effort, and almost everyone did, so continuing maintenance has been controllable. Those are my thoughts, so I hope whatever passes through as an amendment will not prevent us from continuing our efforts to preserve this wonderful bluff area.	The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic or invasive vegetation, or the pruning of trees or vegetation that are dead, diseased or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural ad forestry activities. It is also important to note that, the proposed standard will contain an exemption for maintenance or replacement of existing structures so long as accomplished under certain performance standards.
Doug Alleman	18971 Vogel Farm Trail, Eden Prairie, MN	I live at 18971 Vogel Farm Trail and received a notice of public hearing. We moved here in 2016 and the home was built in 2002. I think I am back about 30ft from the bluff. Can you tell me how what is being proposed would impact me?	Without a clear presentation of planning projects on your property, the District cannot speculate on the affects the changes proposed may have on your property. Nevertheless, the District with have staff available at upcoming informational meetings at which time specific questions can be addressed. Details about the informational meetings will be emailed to individuals in the District's database and posted on its website.
Katherine Mullen	Glen Wilding Lane, Bloomington, MN	what does the proposed plan specifically mean to us residents here?	Without a clear presentation of planning projects on your property, the District cannot speculate on the affects the changes proposed may have on your property. Nevertheless, the District with have staff available at upcoming informational meetings at which time specific questions can be addressed. Details about the informational meetings will be emailed to individuals in the District's database and posted on its website.
Katherine Mullen	Glen Wilding Lane, Bloomington, MN	The two below sections in particular raise concerns (Strategy 4.3.1 and 5.4.1 General Bluff Standard). Looking at Figure L1, it looks like Glen Wilding Lane is in the orange area (i.e. the bluffs). As a resident living on Glen Wilding Lane, are we considered “part of an approved local water plan” and not subject to the new bluff standards under 5.4.1, including the 40 foot set back? My husband and I want to continue living here in peace with our natural surroundings.	As the city of Bloomington updates its required local water plan, they may identify certain areas in the LMRWD's proposed Bluff Overlay District where land-disturbing activities, vegetation removal, development and redevelopment is conditionally allowed.

Commenting entity/resident	If resident, resident's address	Comment	Response
Kurt and Heidi Scheppmann	40 Settlers Court, Chanhassen, MN 55317	We've reviewed some of the materials online, but it's still not clear to us whether this would impact us, and whether we should be concerned about it. Can you please tell us what, if any, impact this would have on us?	Without a clear presentation of planning projects on your property, the District cannot speculate on the affects the changes proposed may have on your property. Nevertheless, the District with have staff available at upcoming informational meetings at which time specific questions can be addressed. Details about the informational meetings will be emailed to individuals in the District's database and posted on its website.
Mike Paradis	10421 Bluff Circle, Chaska, MN	I'm one of the property owners in the Hess Farm development and had a question about why my property is included in the proposed amendment. More specifically, my land does not have an 18 degree slope on the bluff. Is there some other existing standard which requires the inclusion of my property at 10421 Bluff Circle Chaska, MN now that it's not limited to Shore Land Area? Regardless of my property being classified in this classification area, is there any guidance as to how this regulation might have an effect on me. Specific concerns would be changes related to my septic, well or structures.	According to county records your property is not a part of the District and would not be subject to District requirements (existing or proposed).
Melissa Wiklund, Senator	No address provided	I am getting in touch with you to see if I can find out a little more about how the process was set up and whether there is any opportunity for an additional meeting to be held in Bloomington where so many residents will be affected by the draft plan. From what I have learned, it seems like there will be a significant impact on Bloomington bluff residents and therefore communication to them and opportunities for feedback are important. I'd appreciate information on: what is the timeline for receiving feedback, processing it and then responding to requests for modifications to the draft plan?	The District recessed the October 25, 2017 public hearing and will continue taking comments on the proposal changes until the hearing closed. In the interim, comments received since the official close of the 60-day Comment Period on Sept. 20 and during the public hearing are being logged. All of the comments received are evaluated and modifications to the Plan will be proposed to the managers. Once approved by the managers, the information will be shared with the District's technical advisory committee (TAC), posted on the District's website and emailed to individuals in District's database.
Melissa Wiklund, Senator	No address provided	What type of feedback from LMRWD will be available to the public responding to their concerns and input on the plan?	The District maintains a comment/response log of all comments received. It also will evaluate all of the comments, identify themes and address the concerns through modifications to the standards, presentation of the statement of need and reasonableness (SONAR) report, exceptions...and other appropriate means.
Melissa Wiklund, Senator	No address provided	Is there a possibility of having a public comment meeting in Bloomington?	The District recessed the October 25, 2017 public hearing and is evaluating options for a time and location to continue the hearing. Once a date, time and location is determined, the information will be noticed in local newspapers, posted on the District's website and emailed to individuals in the District's database. One of the informational meetings in planned for the city of Bloomington.
Melissa Wiklund, Senator	No address provided	Is there a website where the process for drafting and finalizing the watershed plan is located? I have the draft plan document, but would be interested in knowing where the public can go to find out more information along with the draft plan.	This District's website is www.watersheddistrict.org.
Todd K. Johnson	10020 Dell Road, Eden Prairie, MN 55347	There are other, more formal legal terms for your action, but in my vernacular it is simple theft. Do you intend to compensate every existing owner for the destruction in values that will entail your actions? I sincerely doubt that. Where is your due process? It is beyond discouraging that common citizens and landowners need to be continuously vigilant in order to fend off groups like yours. Until I received notification of this action, (and not, I note, from your organization), I had only a vague idea that you even existed, let alone could claim that extent of rights and powers that you now want over my property and others. Please reverse your course and abandon this proposal. This unilateral and nefarious action should, instead, have been properly offered in an open and fair court of opinion. I believe that if it had been so presented to the owners of property involved, it would have been rejected utterly.	The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls and conditions do not result in a taking of property.

Commenting entity/resident	If resident, resident's address	Comment	Response
Unknown resident	Bloomington	However, consideration to the actual homeowner seems to have been a missed opportunity. Appendix K of the Plan, however, places significant burdens on Bloomington residents along the bluff without a corresponding water quality improvement. In many cases, it prohibits any modification to existing property, without regard to whether it has an actual impact on water quality. The plan should not be adopted without major modifications to Appendix K. 1. Many activities that have no water impact are prohibited by the Bluff Standard. The image below, provided by the City of Bloomington, shows the estimated location of the Bluff Impact Zone at my home. (see word doc). As you can see, except for a small area in the front of my home, my entire lot lies in the Overlay District, meaning it is subject to the proposed Bluff Standard. The Standard prohibits any "land-disturbing activity" in the District.	The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls and conditions do not result in a taking of property. All bluff and steep slope properties within the District are treated equally based on the specific and documented concerns resulting from development on or adjacent to bluff and steep slope areas.
Tim Erhart		Can you tell me what is meant by Minnesota River Corridor Critical Area? Does this proposed change only affect that area? If so is there a map of that area available? How do you define a bluff? Does a 3 ft. elevation change constitute a bluff? Does 30 ft. elevation change? Point being this must be defined to apply a slope and set back standard otherwise it has no meaning.	The Mississippi River Corridor Critical Area or MRCCA is a joint state, regional and local program that provides coordinated planning and management for the 72 mile stretch of the Mississippi River through the seven-county metropolitan area and 54,000 acres of surrounding land across 30 local jurisdictions. The proposed changes, initially modeled after the MRCCA rule, affect the bluff and steep slopes areas within the Minnesota River Valley. The Bluff is definition can be found in Appendix K of the proposed Draft Watershed Management Plan on the District's website (www.watersheddistrict.org).
Michael Schley	5019 Overlook Circle, Bloomington, MN	Please add me to your notice list related to this, or any replacement/substitute, plan.	Noted.
Andrew & Cindy Costigan	9980 Dell Road, Eden Prairie, MN	We are residents at 9980 Dell Rd in Eden Prairie and are wondering how this new "amendment" of the watershed management plan will effect us as home owners living on a designated bluff area.	Without a clear presentation of planning projects on your property, the District cannot speculate on the affects the changes proposed may have on your property. Nevertheless, the District with have staff available at upcoming informational meetings at which time specific questions can be addressed. Details about the informational meetings will be emailed to individuals in the District's database and posted on its website.
Jessica Frey		I understand the need to preserve the river and the surrounding bluffs and as a resident who resides in this area I appreciate the effort you are trying to put in place. However, consideration to the actual homeowner seems to have been a missed opportunity. Appendix K of the Plan, however, places significant burdens on Bloomington residents along the bluff without a corresponding water quality improvement. In many cases, it prohibits any modification to existing property, without regard to whether it has an actual impact on water quality. The plan should not be adopted without major modifications to Appendix K. 1. Many activities that have no water impact are prohibited by the Bluff Standard The image below, provided by the City of Bloomington, shows the estimated location of the Bluff Impact Zone at my home. (map shown) As you can see, except for a small area in the front of my home, my entire lot lies in the Overlay District, meaning it is subject to the proposed Bluff Standard. The Standard prohibits any "land-disturbing activity" in the District. The proposed definition of "land-disturbing activity" is: Land-Disturbing Activity: Any change of the land surface to include removing vegetative cover, excavation, fill, grading, stockpiling soil, and the construction of any structure that may cause or contribute to erosion or the movement of sediment into water bodies. The use of land for new and continuing agricultural activities shall not constitute a land-disturbing activity under these standards.	The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls and conditions do not result in a taking of property. All bluff and steep slope properties within the District are treated equally based on the specific and documented concerns resulting from development on or adjacent to bluff and steep slope areas. The District has already undertaken revisions to the proposed standard to address these concerns. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of bluffs and steep slopes. The District has documented numerous instances of slope failure resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard, as revised, will ensure such use and development and appropriately place responsibility on landowners.

Commenting entity/resident	If resident, resident's address	Comment	Response
City of Bloomington	Mayor Gene Winstead	The city of Bloomington has always supported bluff protection. They have very strong standards in place. The proposed rules create some problems and are taking some property rights and are not reasonable or acceptable as drafted. There needs to be more of a balance between environmental protection and property rights. Bloomington asked the board to not adopt the proposed standards without a full board of 5 members. He also asked for improvements to language and definitions in the Draft Plan and was glad to hear the SONAR (*statement of needs and reasonableness*) report is being developed.	The District agrees that the City of Bloomington has strong standards. However, those standards have not served to protect the resources of concern in all instances. Additionally, the District must look at all resources within its boundary and reconcile various, often inconsistent standards between municipalities. The propose standards, as intended in Minnesota Statute section 103B.235, are meant to set a base standard across the District. The District has already undertaken revisions to the proposed standard to address property rights concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of bluffs and steep slopes. The District has documented numerous instances of slope failures resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard, as revised, will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls and conditions do not result in a taking of property.
City of Bloomington	Glen Markegard	There are 795 impacted properties within the city of Bloomington and the standard goes beyond the river bluff. Bloomington has had sufficient standards to protect the bluff. The bluff standard as written would place a big burden on cities. The definition for structure is extremely expansive and could be interpreted as anything. Do not adopt the standard. Provide more information and consider additional public input.	The City of Bloomington has more than 20 plans and policies it must navigate for property use and development within its designated bluff area. It is possible that the City can gain an exemption if it can demonstrate an existing equivalent standard or sufficiency of its existing controls. The District agrees that certain definitions must be clarified to eliminate ambiguity and return the proposed standard to its original intent. The District has already undertaken revisions to the proposed standard to address this concern. The District is also planning more opportunities for public input.
City of Eden Prairie	Dave Modrow	The city of Eden Prairie already has ordinances in place to protect bluffs. Determining bluff per the current definition isn't easy to decipher and is done on a case-by-case basis. Glad to see a sonar is going to be provided and looks forward to reviewing the maps to clarify impacts.	The District agrees that the City of Eden has strong standards. However, those standards have not served to protect the resources of concern in all instances. Additionally, the District must look at all resources within its boundary and reconcile various, often inconsistent standards between municipalities. The propose standards, as intended in statutes section 103B.235, are meant to set a base standard across the District. The District has already undertaken revisions to the proposed standard to address property rights concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of bluffs and steep slopes. The District has documented numerous instances of slope failures resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard, as revised, will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property. Also, the District's intent is to eliminate the guesswork involved in determining what is or is not a bluff or steep slope by providing a uniform standard with technical predictability for determining bluff and steep slope areas covered by the standard.
Nora Beall	2915 Over Drive, Bloomington	1. How was the bluff impact zone calculated, given the irregularity of slopes on the property? 2. Where is bedrock? 3. Interested in learning more about how this would impact her property.	1. The bluff impact zone or BIZ was determined using the Minnesota Department of Natural Resources tool for GIS (geographic information system). The DNR tool and GIS uses state/county furnished lidar (or light detection and ranging is a remote sensing method that uses light in the form of a pulsed laser to measure ranges to the Earth). 2. Bedrock is rock that lies under a loose softer material . The depth and location of bedrock varies geographically. Informational meetings are planned and once the details are solidified, an email notification will be sent.
Todd Johnson	10020 Dell Road, Eden Prairie	Constructed 16 years ago on his property, his home was conforming. Suddenly and unilaterally from what he has heard so far, without substantiation for need or objective scientific evidence, or any evaluation of the economic impact to private property owners, the District has gone ahead and proposed a standard that will make his property non-conforming.	The District is required by law to conduct a resource inventory, develop water and resource management issues resulting from that inventory, develop policies, goals and objectives to address those resource management issues, and consolidate all of those components into a watershed management plan. A component of the plan is the development of standards for resource management that must be incorporated into official controls by local government within the District. This plan amendment is the culmination of the District's most recent inventory and planning process. The standards being proposed are, in the Board's judgment, appropriately targeted to address the concerns revealed in the most recent resource inventory. The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes.

Commenting entity/resident	If resident, resident's address	Comment	Response
Greg Porter	11601 Palmer Road, Bloomington,	The property will become non-conforming and will affect the value of his property. What improvements will he be allowed to make in the future? What will happen to the proposed DNR trail along the river? How might the proposed DNR project be allowed but adding a patio to his property would not be allowed?	Without a clear presentation of planning projects on your property, the District cannot speculate on the affects the changes proposed may have on your property. Nevertheless, the District with have staff available at upcoming informational meetings at which time specific questions can be addressed. Details about the informational meetings will be emailed to individuals in the District's database and posted on its website.
Ron Nelson	163 Spring Valley Drive, Bloomington	He doesn't understand the objective of the new standard. Who wanted this standard and would it become law? Who has the District talked to about the proposed standard? The property is steep and is prone to erosion and needs to be preserved, protected and in some cases, restored. Who should be responsible for that? If the District has money to distribute to the neighbors so they could build a conforming retaining walls or a creek with a waterfall, then let's pursue this, he is all for it. At this moment it seems to be an overreach. He has 200 feet of land from his back door to the end of his property line and if he wanted to put a fence around his property to protect his family from coyotes would that be a problem?	Some of the standard needs flexibility and better balance. The District has already undertaken revisions to the proposed standard to address this concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of bluffs and steep slopes. The District has documented numerous instances of slope failures resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard, as revised, will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes.
Tom Roberts	11015 Bell Oaks Estate Road, Eden Prairie,	1. Where does the watershed district fits into government process? 2. The mayor (of Bloomington) stated that there should be five people and there are only two on the board. Will it just be two people making the decision? 3. The City of Eden Prairie has already have rules and regulations and Eden Prairie has a watershed district person already; what is your purpose as an entity, that doesn't have enough people, on your board, which people have chosen not to be on, that we think we need to make a big change. 4. Is my state legislator allowed to say he wants to slow it down? 5. Is the LMRWD is transferring all the enforcement to the cities?	1. The watershed district is a special purpose unit of government created by the legislature. The Minnesota Board of Water and Soil Resources or BWSR , a state agency, oversees the District (and all other water management organizations). 2. There are three (3) members of the board and 2 vacancies. According to the bylaws, two members are required for a quorum. 3. The District agrees that the City of Eden has strong standards. However, those standards have not served to protect the resources of concern in all instances. Additionally, the District must look at all resources within its boundary and reconcile various, often inconsistent standards between municipalities. The propose standards, as intended in statutes section 103B.235, are meant to set a base standard across the District. The District has already undertaken revisions to the proposed standard to address property rights concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of bluffs and steep slopes. The District has documented numerous instances of slope failures resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard, as revised, will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property. Also, the District's intent is to eliminate the guesswork involved in determining what is or is not a bluff or steep slope by providing a uniform standard with technical predictability for determining bluff and steep slope areas covered by the standard.4. Members of legislature cannot tell the District (and other water management organizations) what to do, dictate its agenda or implementation strategies, except bt introducing legislation that would change its authrorities, its purposes and the reason why it exisits. 5. The District is required by law to conduct a resource inventory, develop water and resource management issues resulting from that inventory, develop policies, goals and objectives to address those resource management issues, and consolidate all of those components into a watershed management plan. A component of the plan is the development of standards for resource management that must be incorporated into official controls by local government within the
Duane Saunders	9901 Riverview Road, Eden Prairie	Owns 4 properties on the bluff - a 10-acre lot is where the house is, 6 acre lot where there is a small house where his caretaker lives and undeveloped 6-acre and 12-acre lots. As far as he can tell from the somewhat limited specific information he has received, it appears the undeveloped lots will become worthless and there will be substantial limits of what can be done to the two lots with houses on them. This is worse than eminent domain, where at least there would be some payment for taking his property.	The District has already undertaken revisions to the proposed standard to address this concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of bluffs and steep slopes. The District has documented numerous instances of slope failures resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard, as revised, will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls and conditions do not result in a taking of property.
Michael Heckman	City of Shakopee	Requested a continuance of the public hearing to allow staff adequate time to review the document (*response to comment log*). He asked for time to work through the comments with staff and said some of the responses are open-ended and vague enough that they don't really address the comment.	The public hearing has been continued and will be rejoiced prior continuation. Additionally, the District is planning local informational meetings at various locations within the District. These meetings will also be noticed and emails sent to individuals in the District's database.

Commenting entity/resident	If resident, resident's address	Comment	Response
Daniel Miller	1875 Meadow View Road, Bloomington	One of the main issues is the significant negative impact this could have on his properties. He said his property is almost 4 acres and the majority is down the bluff and down the river valley. If these proposed amendment changes, especially to the definition of the bluff impact zone and setback area, are adopted his entire backyard and portions of his house would be in the bluff impact zone or setback area and he would have a legally nonconforming property. He can't even begin to predict what would happen to his property if and when he decides to sell his property and he has to disclose the property is legally non-conforming. The negative financial impact this would have on his property is unpredictable. He can't do anything with 90% of his lot and he is adamantly opposed to any change that, quite frankly he doesn't understand what the purpose of it is. Why does it have to be changed? He questioned the standard for undue hardship and proving undue hardship is almost impossible.	The District is required by law to conduct a resource inventory, develop water and resource management issues resulting from that inventory, develop policies, goals and objectives to address those resource management issues, and consolidate all of those components into a watershed management plan. A component of the plan is the development of standards for resource management that must be incorporated into official controls by local government within the District. This plan amendment is the culmination of the District's most recent inventory and planning process. The standards being proposed are, in the Board's judgment, appropriately targeted to address the concerns revealed in the most recent resource inventory. The District has already undertaken revisions to the proposed standard to address these concerns. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of bluffs and steep slopes. The District has documented numerous instances of slope failures resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard, as revised, will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes.
David Shervey	1901 Meadow View Road, Bloomington,	David Shervey appreciative of all the city officials that made comments. He noted he has been at the address for 18 years. He was told the back would be a wildlife refuge and he doesn't understand how a park was built on a wildlife refuge. He stated his concern is with his 90-foot drop. He said he was told nothing would be done with the property and now the district is looking to take away more property. There is no proven track on record and the committee doesn't have the experience, background or no scientific data has been shown. Mr. Shervey said there are a lot of commercial properties in Bloomington that would also be in the outlawed area. He questioned why his property would be impacted and not others that are further down the river bluff area.	The proposed standard would apply to all properties lying within the bluff and steep slope area. The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes.
Adam Buenz	10100 Eden Prairie Road	Adam Buenz said they have a tree farm they are economically dependent on and asked how this works and if they would have to shut down the farm. He noted there are no structures in place.	Farms/agricultural practices will not be affected by the proposed standard. An exception will be incorporated in upcoming revision to the proposed standard.
Tom Moehn	5025 Overlook Circle, Bloomington	Tom Moehn said they moved in 3 years ago. He questioned who the governing agency is. He commented on the plain language rules and said he would leave the document. He questioned the working session that was had the other day and asked why the public wasn't notified. Mr. Moehn talked about the open meeting law. He said not once were the citizens with the impacted area were informed. His distance from his house to the river is half a mile and questioned how far is too far. Mr. Moehn talked about the terminology in the policy statement and pointed out require is only mentioned once in the policy statement. There is conflicting information in the document. Mr. Moehn said when he moved in to Bloomington they live over a ½ acre and the forested area to the east had a lot of buckthorn and according to the new standard he can't remove it. He stated there are 1,000 of homes in the affected area and said this should be public information and a mass mailing should be done to inform all. He talked about the properties decreasing. He questioned if he has to get permission to paint his house or remodel the inside. Mr. Moehn talked about "Dan's Law". He commented on the 100-year flood and said it should be a 500-1,000 plan. He said to consider this is a publicly funded board and there might be offense. He stated there are a lot of impacts that will affect people.	The Minnesota Board of Water and Soil Resources or BWSR oversees the District (and all other water management organizations). Work sessions are noticed and inforamtion posted on the District's website. The District has already undertaken revisions to the proposed standard to address many of the stated concerns. The commenter is mistaken regarding the removal of invasive buckthorn. However, the removal of invasive plants, including buckthorn, with no requirement to revegetate or stabilize a bluff or steep slope only creates further risk of bank or slope failure. The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes.
Chris Penwall	Suite 1300, Washington Avenue South, Minneapolis	Chris Penwall said he represents a number of homeowners who are affected. He provided some background information. Mr. Penwall commented on a regulatory taking. As to parcels that already have development on them there may also be a regulatory taking claim on them. If the bluff standards take away the ability to develop parcels that is a regulatory taking which will result in millions of dollars. Mr. Penwall referred to the eminent domain and said if the bluff standards are approved the board needs to budget for all the claims. He commented on the amount of time that it will take to enact these standards and the start of development will be grandfathered.	The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls and conditions do not result in a taking of property. The District has already undertaken revisions to the proposed standard to address this concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of bluffs and steep slopes. The District has documented numerous instances of slope failures resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard, as revised, will ensure such use and development and appropriately place responsibility on landowners.

Commenting entity/resident	If resident, resident's address	Comment	Response
Laura Bluml	105040 West Riverview Drive, Eden Prairie	Laura Bluml said she and her husband Kevin have lived there for 23 years. She suggested having an open house where they have the maps and exhibits. She noted she is oblivious to the current rules. She said her property is about 2 ½ acres. Ms. Bluml said she would like to know what has happened and what is trying to be addressed. Agricultural is exempted and said they will all become farmers. She talked about the properties that will be grandfathered in and said disparities are being created. Ms. Bluml talked about the exemptions and how the city doesn't have the final decision. She said she has spent months pulling invasive species to restore natural vegetation. She said there should be new rules for new development only. Ms. Bluml questioned the rules for the flatter areas. Can she put in a fence for horses.	The District is required by law to conduct a resource inventory, develop water and resource management issues resulting from that inventory, develop policies, goals and objectives to address those resource management issues, and consolidate all of those components into a watershed management plan. A component of the plan is the development of standards for resource management that must be incorporated into official controls by local government within the District. This plan amendment is the culmination of the District's most recent inventory and planning process. The standards being proposed are, in the Board's judgment, appropriately targeted to address the concerns revealed in the most recent resource inventory. The District has already undertaken revisions to the proposed standard to address this concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of bluffs and steep slopes. The District has documented numerous instances of slope failures resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard, as revised, will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource
Roger Peters	3601 Overlook Drive, Eden Prairie	Roger Peters asked if very strict restrictions are proposed and then they are backed off. Mr. Peters proposed not implementing these and non-restricting some of these standards. He questioned the last time when major erosion has happened and asked what the reasoning is. He stated let's put the private back in the property. Mr. Peters said nobody here wants this to happen and said they should be going the other way. He asked why more restrictions would be added	The District admits that its first articulation of the standard was likely more restrictive than necessary to accomplish the resource management goals intended by the standard. However, the initial articulation was beneficial in revealing both deficiencies in the proposed standard and community concerns. The District has already undertaken revisions to the proposed standard to address this concern. The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and
Steve Peterson	11036 Glen Wilding Way, Bloomington,	Steve Peterson came with a presentation but all his points have been made. The sense he gets is to educate people in the watershed district and this process was a great opportunity for the watershed district to have a conversation of the people around the bluff but instead a strict approach was taken and there are so many questions. Because of the incredible excessive nature that takes away the ability to this is now being set back which he has great disappointment and hopes the district will listen to what the people have said.	The District is required by law to conduct a resource inventory, develop water and resource management issues resulting from that inventory, develop policies, goals and objectives to address those resource management issues, and consolidate all of those components into a watershed management plan. A component of the plan is the development of standards for resource management that must be incorporated into official controls by local government within the District. This plan amendment is the culmination of the District's most recent inventory and planning process. The standards being proposed are, in the Board's judgment, appropriately targeted to address the concerns revealed in the most recent resource inventory. The District involved its Technical Advisory Committee (TAC) extensively in the standard development process. The TAC includes representatives from all of the municipalities in the District. The public comment process is the appropriate forum for the community dialog mentioned by the commenter. Additionally, the District is coordinating community informational meetings at various locations throughout the District which will be noticed to the public.
Doug Bartyzal	11012 Glen Wilding Lane,	A couple years ago he pulled a permit to put a small addition on the back of his house and the current laws are already very restrictive. He said his house was built in 1956 and it is a privilege to live on the bluff. He noted you can type in your address to see how your property would be affected by the 18% rule. Mr. Bartyzal talked about buckthorn. Mr. Bartyzal said that needs to be made clear. He said the information isn't getting out there and it is the districts responsibility to make sure the 1,000 homes affected are notified.	1. The proposed standard allows removal of invasive buckthorn and other invasive and noxious plants. However, the removal of invasive plants, including buckthorn, with no requirement to revegetate or stabilize a bluff or steep slope only creates further risk of bank or slope failure. 2. The standard will not prevent the safe and responsible use of property. Nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes.

CITY OF
BLOOMINGTON
MINNESOTA

November 10, 2017

Lower Minnesota River Watershed District
Board of Managers
112 E. 5th Street; #102
Chaska MN 55318

Dear Lower Minnesota River Watershed District Board of Managers:

The City of Bloomington appreciates the Board's decision at the public hearing on October 25, 2017 to provide additional informational meetings so those most affected by the proposed bluff standards have the opportunity to participate in the process. The City continues to have significant concerns regarding the proposed Bluff Standards and on November 6th the Bloomington City Council passed the enclosed resolution opposing the proposed bluff standards.

The City looks forward to additional opportunities to work with the District in order to modify the proposed standards in a manner that better balances environmental protection with the preservation of property rights in a fully built out community that has time-tested, established regulations with essentially the same policy objectives.

If you have any questions please contact me at 952.563.4557 or bgruidl@bloomingtonmn.gov.

Sincerely,

Bryan Gruidl
Engineering Division

CC: (via email)
Linda Loomis, District Administrator <naiadconsulting@gmail.com>
Della Young, District Planning Consultant <della@youngecg.com>
John Kolb, District Counsel <jkolb@rinkenoonan.com>
Debbie Goettel, Hennepin County Commissioner <debbie.goettel@hennepin.us>
Charlie Vander Aarde, Metro Cities Government Relations Specialist < Charlie@metrocitiesmn.org>
Steve Christopher, BWSR Board Conservationist <Steve.Christopher@state.mn.us>
Mark McNeill, Mendota Heights City Administrator <markm@mendota-heights.com>
Vince DiMaggio, Mendota City Manager < vincedimaggio@cityofmendota.com>
Mary Schultz, Lilydale City Clerk-Treasurer/Administrator <cityoflilydale@comcast.net>

ENGINEERING DIVISION
1700 WEST 98TH STREET, BLOOMINGTON MN 55431-2501
PH 952-563-4870 FAX 952-563-4868 TTY 952-563-8740

Dave Osberg, Eagan City Administrator <dosberg@cityofeagan.com>
Heather Johnson, Burnsville City Manager/Administrator < heather.johnston@burnsvillemn.gov>
Barry Stock, Savage City Administrator <bstock@ci.savage.mn.us>
Bill Reynolds, Shakopee City Administrator <breynolds@shakopeemn.gov>
Rick Getschow, Eden Prairie City Manager <rgetschow@edenprairie.org>
Todd Gerhardt, Chanhassen City Manager < TGerhardt@ci.chanhassen.mn.us>
Matt Podhradsky, Chaska City Manager < mpodhradsky@chaskamn.com>
Brent Mareck, Carver City Manager < bmareck@cityofcarver.com>
James Verbrugge, Bloomington City Manager
Melissa Manderschied, Bloomington City Attorney
Karl Keel, Bloomington Public Works Director
Shelly Hanson, Bloomington City Engineer
Glen Markegard, Bloomington Planning Manager

RESOLUTION NO. 2017-141

A RESOLUTION OPPOSING THE PROPOSED LOWER MINNESOTA RIVER WATERSHED DISTRICT BLUFF STANDARD

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota; and

WHEREAS, the Lower Minnesota River Watershed District (LMRWD) is in the process of amending its Watershed Management Plan; and

WHEREAS, as part of the plan amendment, the LMRWD is proposing to amend the bluff standards; and

WHEREAS, under the proposed bluff standard, the LMRWD is proposing to prohibit all grading, clear cutting, removal of vegetation and/or other land disturbing activities on the bluff and/or the bluff impact zone; and

WHEREAS, as part of the plan amendment, the LMRWD proposes to expand the current state definition of a bluff to lower the minimum average slope threshold of a bluff area from 30% to 18% and increase the bluff structure setback from 30 feet to 40 feet, thereby significantly increasing the land area subject to LMRWD bluff standards; and

WHEREAS, the proposed bluff amendments will prohibit structures and other land disturbing activities within the newly defined area of a bluff or bluff setback which will negatively impact hundreds of residential properties across the LMRWD; and

WHEREAS, the LMRWD has provided the minimum level of notice required by statute, and has not effectively communicated the proposed bluff standard to individual property owners who will be most impacted; and

WHEREAS, the LMRWD has not released a Statement of Need and Reasonableness (SONAR) related to the redefining of bluffs; and

WHEREAS, the LMRWD's proposed bluff standard will severely limit uses on existing residential properties; and

WHEREAS, the City Council of the City of Bloomington received notice from the Minnesota Department of Natural Resources on June 30, 2017, that a trout stream designation on the unnamed stream near the Mall of America (locally known as "Ike's Creek") was not necessary; and

WHEREAS, based on water temperature monitoring and dissolved oxygen levels sufficient protections already exist for Ike's Creek and any additional regulations or mapping will not materially add to the protections for Ike's Creek and should not occur; and

WHEREAS, the City of Bloomington already has in place extensive bluff protection provisions which the City actively enforces and have been effective for over 30 years; and

WHEREAS, the City Council of the City of Bloomington endorses the Bloomington staff comment letter submitted on September 20, 2017, and the presentation made by the City of Bloomington at the LMRWD public hearing on Wednesday, October 25, 2017, in the County Board

Room of the Carver County Government Center, 602 East 4th Street, Chaska, MN.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, that the City Council does not support the LMRWD's proposed changes to the bluff standard.

Passed and adopted this 6 day of November, 2017.

Mayor

ATTEST:

Secretary to the Council

COPY

October 20, 2017

Ms. Linda Loomis
District Administrator
Lower Minnesota River Watershed District
112 E. 5th Street, #102
Chaska, MN 55318

RE: City of Eden Prairie Resolution Opposing Changes to the Definition of Bluff and Bluff Setback

EDEN PRAIRIE
LIVE • WORK • DREAM

OFC 952 949 8300
FAX 952 949 8390
TDD 952 949 8399

8080 Mitchell Rd
Eden Prairie, MN
55344-4485

edenprairie.org

Ms. Loomis,

Please find enclosed Resolution 2017-110 which proclaims the City of Eden Prairie City Council's opposition to the Lower Minnesota River Watershed District's proposed changes to the definition of a bluff and bluff setback. At the direction of the City Council a copy of this resolution is also being transmitted to various state and county organizations.

Should you have any questions please feel free to contact me at 952-949-8310.

Sincerely,

RBE

Robert B. Ellis
Public Works Director

Enclosure: Resolution 2017-110

CC: Governor Mark Dayton
Senator Carrie Ruud, Environment and Natural Resources Policy Chair
Representative Dan Fabian, Environment and Natural Resources Policy Chair
Gerald Van Amburg, Minnesota Board of Water and Soil Resources Chair
Carver County Commissioners
Dakota County Commissioners
Hennepin County Commissioners
Scott County Commissioners

CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 2017-110

WHEREAS, the Lower Minnesota River Watershed District (LMRWD) is in the process of amending its Watershed Management Plan; and

WHEREAS, as part of the plan amendment, the LMRWD proposes to establish new standards related to land-disturbing activities, vegetation removal, structure placement, development, and redevelopment of lands near bluffs; and

WHEREAS, the LMRWD is proposing to expand the current state definition of a bluff to areas outside the shoreland area, expand bluffs to lands with an average slope of 18% as opposed to the current 30%, and increase the bluff structure setback from 30 feet to 40 feet; and

WHEREAS, the proposed bluff amendments will prohibit structures and other land disturbing activities within the newly defined area of a bluff or bluff setback which will negatively impact hundreds of residential properties across the LMRWD; and

WHEREAS, the LMRWD has posted the proposed Watershed Management Plan amendment on their website and provided notice in the local newspaper, but has not effectively communicated these proposed bluff changes to individual property owners who will be most impacted; and

WHEREAS, the LMRWD has not released a Statement of Need and Reasonableness (SONAR) related to the redefining of bluffs; and

WHEREAS, the LMRWD's proposed changes to the definition of a bluff and bluff setback area will cause undue hardship and practical difficulties to existing residential properties; and

WHEREAS, a public hearing on the proposed plan amendment is scheduled for Wednesday, October 25th in the County Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, MN.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Eden Prairie City does not support the LMRWD's proposed changes to the definition of a bluff and bluff setback area.

ADOPTED by the Eden Prairie City Council on October 17, 2017.

Nancy Tyra-Lukens, Mayor

ATTEST:

Kathleen Porta, City Clerk

FRIENDS OF THE MINNESOTA RIVER VALLEY

RESOLUTION TO SUPPORT MINNESOTA RIVER BLUFF PROTECTION PROGRAMS

WHEREAS, the Friends of the Minnesota Valley works within the Minnesota River watershed to procure sound, science-based decisions that promote a healthy and sustainable river and watershed; and

WHEREAS, the Lower Minnesota River Watershed District (LMRWD) is in the process of amending its Watershed Management Plan; and

WHEREAS, the plan amendment proposes to establish standards related to land disturbing activities, vegetation removal structure placement, development and redevelopment of land in bluffland areas within the watershed; and

WHEREAS, the proposed bluffland standards are consistent with well researched and well vetted standards that currently exist in statute for the Mississippi Critical Corridor and which currently apply to areas within the LMRWD; and

WHEREAS, development, redevelopment, and associated land disturbing activities in bluffland areas contribute to the pollution, sediment load, flooding, and habitat loss in and along the Minnesota River; and

WHEREAS, development, redevelopment, and associated land disturbing activities in bluffland areas increases the probability shoreland erosion and bank failure and transfers the economic burden associated with the loss of land, flood mitigation, and streambank restoration/stabilization to downstream property owners and state tax payers.

NOW, THEREFORE BE IT RESOLVED, the Friends of the Minnesota River Valley strongly support the LMRWD's proposed amendment to their Watershed Management Plan related to bluffland areas.

ADOPTED by the Board of the Friends of the Minnesota River Valley October 25, 2017.

_____

Tim Lies, President

_____

Attest: Apollo Lammers, Secretary

Board of the Friends of the Minnesota River Valley approved this resolution during their October 25, 2017 meeting. The fully executed resolution is forthcoming. (LMRWD 16Jan2018)

Lower Minnesota River Watershed District

November 22, 2017

City of Bloomington
Mayor & City Council
1700 West 98th Street
Bloomington, MN 55431-2501

Dear Mayor and Council:

The Board of Managers of the Lower Minnesota River Watershed District has received your correspondence and a copy of Resolution No. 2017-141 opposing standards proposed by the District for protection of land and water resources on and adjacent to steep slopes and bluff areas of the lower Minnesota River watershed. The Board appreciates the City's concern over the proposed standards and the impact they will have on properties within the City. The Board also appreciates the City's current land use controls and efforts to protect bluff and steep slope areas.

However, despite your and neighboring cities' efforts, it is clear that the minimal controls associated with the State's Shoreland Standards are ineffective in protecting steep slopes and their associated water resources from the detrimental and often catastrophic impacts of manipulation and poor stormwater management. As an entity charged by the State and by statute with the protection of land and water resources, it is the District's obligation to address resource concerns identified in its Watershed Management Plan by developing standards to be included in the Watershed Management Plan. The proposed standards related to steep slopes and bluffs are intended to address a very specific resource concern – the deterioration and failure of bluffs and steep slopes and their corresponding negative impacts on water resources.

Unfortunately, the communities within the District are not uniform in their controls to manage this resource concern. The result has been ill-advised development on bluff and steep slope faces, unmanaged denuding of vegetation on these slopes and, ultimately, failure of the slope resulting in substantial public and private correction costs and significant degradation of water and land resources.

The District shares your concerns regarding the impact the proposed standards will have on properties within the various communities impacted. The District is responding to these concerns with anticipated changes to the proposed standards to account for pre-existing non-conformities and with conditional performance standards for lots of record within the various communities. These changes will not prohibit development, redevelopment or expansion within the affected areas. Rather, the proposed changes will promote responsible development while addressing the specific resource concerns. To the extent existing municipal controls provide equivalent protection, the municipality will have no new requirements but to enforce existing controls.

Again, the Board appreciates your interest in and input to this important endeavor on behalf of your community. The Board hopes you and your staff will continue to work with the District in developing meaningful standards to address these very real resource concerns.

For the Board of Managers:

Sincerely,

Yvonne Shirk, President
Lower Minnesota River Watershed District

CC: (via email)
Della Young, District Planning Consultant
John Kolb, District Counsel
Debbie Goettel, Hennepin County Commissioner
Charlie Vander Aarde, Metro Cities Government Relations Specialist
Steve Christopher, BWSR Board Conservationist
Mark Mc Neill, Mendota Heights City Administrator
Vince DiMaggio, Mendota City Manager
Mary Schultz, Lilydale City Clerk-Treasurer/Administrator
Dave Osberg, Eagan City Administrator
Heather Johnson, Burnsville City Managers
Barry Stock, Savage City Administrator
Bill Reynolds, Shakopee City Administrator
Rick Getschow, Eden Prairie City Manager
Todd Gerhardt, Chanhassen City Manager
Matt Podhradsky, Chaska City Manager
Brent Mareck, Carver City Manager
James Verbrugge, Bloomington City Manager
Melissa Manderschied, Bloomington City Attorney
Karl Keel Bloomington Public Works Director
Shelly Hanson, Bloomington City Engineer
Glen Markegard, Bloomington Planning Manager

Lower Minnesota River Watershed District

November 22, 2017

City of Eden Prairie
Mayor & City Council
8080 Mitchell Road
Eden Prairie, MN 55344-4485

Dear Mayor and Council:

The Board of Managers of the Lower Minnesota River Watershed District has received your correspondence and a copy of Resolution No. 2017-110 opposing standards proposed by the District for protection of land and water resources on and adjacent to steep slopes and bluff areas of the lower Minnesota River watershed. The Board appreciates the City's concern over the proposed standards and the impact they will have on properties within the City. The Board also appreciates the City's current land use controls and efforts to protect bluff and steep slope areas.

However, despite your and neighboring cities' efforts, it is clear that the minimal controls associated with the State's Shoreland Standards are ineffective in protecting steep slopes and their associated water resources from the detrimental and often catastrophic impacts of manipulation and poor stormwater management. As an entity charged by the State and by statute with the protection of land and water resources, it is the District's obligation to address resource concerns identified in its Watershed Management Plan by developing standards to be included in the Watershed Management Plan. The proposed standards related to steep slopes and bluffs are intended to address a very specific resource concern – the deterioration and failure of bluffs and steep slopes and their corresponding negative impacts on water resources.

Unfortunately, the communities within the District are not uniform in their controls to manage this resource concern. The result has been ill-advised development on bluff and steep slope faces, unmanaged denuding of vegetation on these slopes and, ultimately,

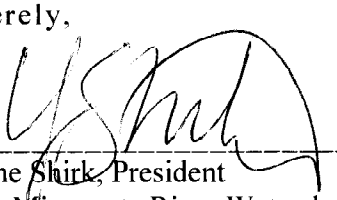
failure of the slope resulting in substantial public and private correction costs and significant degradation of water and land resources.

The District shares your concerns regarding the impact the proposed standards will have on properties within the various communities impacted. The District is responding to these concerns with anticipated changes to the proposed standards to account for pre-existing non-conformities and with conditional performance standards for lots of record within the various communities. These changes will not prohibit development, redevelopment or expansion within the affected areas. Rather, the proposed changes will promote responsible development while addressing the specific resource concerns. To the extent existing municipal controls provide equivalent protection, the municipality will have no new requirements but to enforce existing controls.

Again, the Board appreciates your interest in and input to this important endeavor on behalf of your community. The Board hopes you and your staff will continue to work with the District in developing meaningful standards to address these very real resource concerns.

For the Board of Managers:

Sincerely,



Yvonne Shirk, President
Lower Minnesota River Watershed District

CC: Governor Mark Dayton
Senator Carrie Ruud, Environment and Natural Resources Policy and Legacy Finance Chair
Representative Dan Fabian, Environment and Natural Resources Policy and Finance Chari
Gerald Van Amburg, Minnesota Board of Water and Soil Resources Chair
Carver County Commissioners
Dakota County Commissioners
Hennepin County Commissioners
Scott County Commissioners