

Please note the meeting will be held at the Carver County Government Center on the Wednesday, March 18, 2020



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Lower Minnesota River Watershed District

7:00 PM

Wednesday, March 18, 2020

Carver County Government Center

602 East Fourth Street, Chaska, MN 55318

Agenda Item	Discussion
1. Call to order	A. Roll Call
2. Approval of agenda	
3. Citizen Forum	<p><i>Citizens may address the Board of Managers about any item not contained on the regular agenda. A maximum of 15 minutes is allowed for the Forum. If the full 15 minutes are not needed for the Forum, the Board will continue with the agenda. The Board will take no official action on items discussed at the Forum, with the exception of referral to staff or a Board Committee for a recommendation to be brought back to the Board for discussion or action at a future meeting.</i></p>
4. Consent Agenda	<p><i>All items listed under the consent agenda are considered to be routine by the Board of Managers and will be enacted by one motion and an affirmative vote of a majority of the members present. There will be no separate discussion of these items unless a Board Member or citizen request, in which event, the items will be removed from the consent agenda and considered as a separate item in its normal sequence on the agenda.</i></p> <p>A. Approve Minutes February 19, 2020 Regular Meetings            B. Receive and file February 2020 Financial reports            C. Approval of Invoices for payment</p> <ul style="list-style-type: none"> <li>i. Daniel Hron - for February 2020 office rent</li> <li>ii. Scott County SWCD - for Q4 2019 monitoring services</li> <li>iii. Frenette Legislative Advisors - for February 2020 lobbying services</li> <li>iv. Rinke Noonan Attorneys at Law - January 2020 legal services</li> <li>v. US Bank Equipment Finance - for April 2020 copier lease payment</li> <li>vi. TimeSaver Off Site Secretarial - for preparation of December 2019 meeting minutes</li> <li>vii. Dakota County SWCD - for Q4 2019 monitoring services</li> <li>viii. TimeSaver Off Site Secretarial - for preparation of January 2020 meeting minutes</li> <li>ix. Young Environmental Consulting Group - for January 2020 technical services</li> </ul> <p>D. Eagle Creek WOMP Agreement</p>
5. New Business/ Presentations	A. Presentation of 2019 monitoring results by Scott County Soil & Water Conservation District

	<p>B. One Watershed One Plan for Lower Minnesota River</p> <p>C. Metropolitan Area Watershed Based Funding</p> <p>D. 2020 Cost Share Application</p> <p>E. Freshwater Ice Out/Loon In</p>
6. Old Business	<p>A. City of Carver Levee</p> <p>B. Proposal from Friends of the Minnesota Valley</p> <p>    i. Riverwatch</p> <p>    ii. County Fair Project</p> <p>C. Remote meeting participation</p> <p>D. Dredge Management</p> <p>    i. Vernon Avenue Dredge Material Management site</p> <p>    ii. Private Dredge Material Placement</p> <p>E. Watershed Management Plan</p> <p>F. 2020 Legislative Action</p> <p>G. Education &amp; Outreach - no new information to report</p> <p>H. LMRWD Projects - See Administrator Report for project updates <b><i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i></b></p> <p>    i. East Chaska Creek Stream Bank Stabilization</p> <p>I. Project Reviews - See Administrator Report for project updates <b><i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i></b></p> <p>J. MPCA Soil Reference Values - No new information since last update</p>
7. Communications	<p>A. Administrator Report</p> <p>B. President</p> <p>C. Managers</p> <p>D. Committees</p> <p>E. Legal Counsel</p> <p>F. Engineer</p>
8. Adjourn	<p>Next meeting of the LMRWD Board of Managers is 7:00pm Wednesday, April 15, 2020</p>

Upcoming meetings/Events

- [MAWD Legislative Reception & Day at the Capitol](#) - March 18 & 19, 2020, Doubletree Hotel, St. Paul - CANCELLED
- USACE River Resource Forum #116 - April 21-22, National Eagle Center, Wabasha, MN
- Metro MAWD - Tuesday, April 21, 2020, 7:00 - 9:00pm, Capitol Region WD 595 Aldine Street, St. Paul
- Freshwater Society Ice Out/Loon In
- [State of Water Conference](#) - April 30-May 1, 2020, Grand Casino Mille Lacs
- USACE River Resource Forum #117 - August 25-26, Savage City Hall
- USACE River Resource Forum #118 - December 1-2, MN Valley US Fish & Wildlife Service Visitor's Center, Bloomington, MN

## For Information Only

- WCA Notices
  - City of Chaska - Notice of application - East Street Bridge Replacement
- DNR Public Waters Work permits
  - None
- DNR Water Appropriation permits
  - City of Shakopee, Scott County - change of ownership of appropriation permit to International Paper Company; there is not increase in allowed appropriation

## Future Manager Agenda Items list

- Manager appointments

## Future TAC Agenda Items List

- LMRWD Vegetation Management Plan
- LMRWD monitoring plan



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Minutes of Regular Meeting

### Board of Managers

Wednesday, February 19, 2020

Carver County Government Center, 602 East 4th Street, Chaska, MN 7:00 p.m.

Approved \_\_\_\_\_, 2019

#### 1. CALL TO ORDER AND ROLL CALL

On Wednesday, February 19, 2020, at 7:00 PM in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD) and asked for roll call to be taken. The following Managers were present: Managers Adam Frey, and President Jesse Hartmann (Manager Raby's absence was excused). In addition, the following were also present: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; Della Schall Young, Young Environmental Consulting Group, LLC, Technical Consultant; John Kolb, Rinke Noonan, Attorneys at Law, Legal Counsel; Lindsey Albright, Dakota County SWCD, Heather Nelson, WSB Engineering, Todd Hubmer, Wenck and Courtney Johnson, Mayor for the City of Carver.

#### 2. APPROVAL OF THE AGENDA

Administrator Loomis asked that three items be added to the agenda. She asked that Item 4. E. - Receive and File Comments on the Rules from the Cities of Burnsville, Shakopee and Savage be added to the Consent Agenda and that Item 6. C. - Sponsorship of 2020 Salt Symposium, and Item 6. D. - Letter to the US Army Corps of Engineers be added to New Business

**President Hartmann made a motion to approve the Agenda, with the addition of that Item 4. E. - Receive and File Comments, Item 6. C. - Sponsorship of 2020 Salt Symposium, and Item 6. D. - Letter to the US Army Corps of Engineers. The motion was seconded by Manager Frey. The motion carried unanimously.**

#### 3. CITIZEN FORUM

There were no citizens who wished to address the board on non-agenda items.

#### 4. CONSENT AGENDA

President Hartmann introduced the item.

**A. Approve Minutes of the December 18, 2019 and January 15, 2020 Regular Meetings**

**B. Receive and file January 2020 Financial reports**

**C. Approval of Invoices for payment**

i. **Manager Frey - for second half 2019 per diem and expenses**

ii. **Daniel Hron - for January 2020 office rent**

iii. **Manager Raby - for second half 2019 per diem and expenses**

iv. **US Bank Equipment Finance - for January & February 2020 copier lease payment**

v. **Braun Intertech Corp. - for Area #3 in Eden Prairie**

- vi. **Frenette Legislative Advisors - for January 2020 lobbying services**
- vii. **Manager Hartmann - for second half 2019 per diem and expenses**
- viii. **Rinke Noonan Attorneys at Law - December 2019 legal services**
- ix. **US Bank Equipment Finance - for March 2020 copier lease payment**
- x. **Naiad Consulting, LLC - November 2019 administrative services & expenses**
- xi. **TimeSaver Off Site Secretarial - for preparation of November meeting minutes**
- xii. **Naiad Consulting, LLC - December 2019 administrative services & expenses**
- xiii. **USGS - Q4 2019 flow & sediment monitoring**

- D. **Designation of Official Depository and authorize execution of Financial Services Agreement**
- E. **Receive and File Comments from the Cities of Burnsville, Shakopee and Savage**

President Hartmann made a motion to approve the Consent Agenda with the addition of Item 4. E. - Receive and File Comments from the Cities of Burnsville, Shakopee and Savage. The motion was seconded by Manager Frey. The motion carried unanimously.

## 5. PUBLIC HEARING

### A. Regarding Adoption of Rules to Implement the LMRWD Watershed Management Plan

President Hartmann introduced the item and opened the public hearing. He asked Attorney Kolb to review the purpose of the hearing and the decision standard for the Board. Attorney Kolb advised the Board of the requirements of Statutes regarding watershed rules. He noted the most relevant comments are those related to whether or not the rules are consistent with the standards already adopted and incorporated into the Watershed management plan or if they somehow exceed the standards previously adopted. He stated the most important comment received was from the Board of Water Resources' review of the proposed rules and their conclusion that the rules are consistent with the standards that have already been adopted in the watershed management plan.

Mr. Kolb then provided the order of the hearing.

Ms. Young reviewed the scope of the rules. She provided an overview of the plan adoption process and a history of how the District got where it is tonight. She pointed out that the Board set the goals for the plan, specifically, for flood plains, high value resources (trout waters and fens), groundwater resources and protections for steep slopes. She noted the LMRWD prepared a Statement of Need and Reasonableness that normally is not prepared in the watershed planning process. However, several cities requested that the District prepare such a document. She noted that the municipalities were given 180 days to implement the standards contained in the plan and that the rules were developed to be the foundation the LMRWD would use to enforce the standards. She noted the standards are what need to be reflected in the cities' official controls, not the rules. She noted this distinction is what will be critical to evaluating some of the comments received.

She said the purpose of the rules are to facilitate municipal compliance with statute; to provide a mechanism to verify local controls and avoid duplication of programs.

She noted the process began with 8 specific rules. Rules E. G. and H. were reserved to be implemented in partnership with the MN Department of Natural Resources. The LMRWD will work with them and review and comment on activities within those areas.

The first rule, Rule A, is the administrative and procedural requirements which set the permit structure. She explained the LGU permit and what is required of the municipalities. She then explained the individual permit and the impact individual permits will have on MNDOT projects.

She pointed out the differentiation between projects located within High Value Resource Areas and other areas of the LMRWD.

Ms. Young said Rule C; flood plain requirements received the most comments, particularly from the cities of Savage and Shakopee. She pointed out that the floodplain standards in the plan are not new. They are the same standards contained in previous versions of the LMRWD Plan. Rule F deals with the steep slope overlay zone.

Ms. Young went through the stakeholder engagement process. Rule development was authorized by the Board in November 2018. In March 2019, a TAC (Technical Advisory Committee) meeting was held and rules were provided to Municipalities for comment shortly thereafter. The period for comments was extended because of several requests from cities. The TAC requested an additional TAC meeting and the Board of Managers also authorized staff to meet with any municipality that requested a meeting to discuss specific issues (which they did). Draft rules were sent to BWSR in October 2019 and others. BWSR made a determination that the rules were consistent with the plan approved by BWSR in 2018.

Attorney Kolb pointed out that a comment response log was in the meeting packet and that additional comments received after the end of the comment period, were acknowledged this evening. He advised the Board that unless the Board had questions, the hearing could be opened for public comment.

The public hearing was invited to speak. No one indicated a wish to speak. President Hartmann closed the public.

Staff recommended that the rules be adopted.

**President Hartmann made a motion to approve Resolution 20-02. The motion was seconded by Manager Frey. The motion carried unanimously.**

## 6. NEW BUSINESS

### A. City of Carver Levee

Courtney Johnson, Mayor of the City of Carver, introduced herself and gave a presentation. She asked for partnership on a project for levee improvement in the City of Carver. Mayor Johnson said the existing levee is non-conforming according to FEMA and the US Army Corps of Engineers.

Mayor Johnson talked about the historic downtown and how much of it is in the 100 year floodplain. She said the community built the levee after the 1965 flood. The Minnesota River has flooded 22 times in the last 10 years. She detailed the deficiencies to the levee. Last year (2019) the river was above flood stage more often than it was below flood stage.

Mayor Johnson said the estimated plan right now is \$11.2 million. She said this plan will correct the deficiencies and will allow the City to have a levee that meets the standards for certification. The City is looking to get into the State's bonding bill this year. She outlined the steps the City has laid out and they are in the funding phase right now, looking at a variety of ways to fund the project.

Mayor Johnson said state funding requires a local match and the city is looking for help from the Lower Minnesota Watershed District for the local match. The City is asking for the LMRWD to contribute \$50,000. She thought this would require an amendment to the LMRWD CIP.

She said the City has already invested \$1.2 million towards the levee improvements project which includes replacing a storm water lift station, improvements to drainage systems and developing the concept plan for the levee improvement project.

President Hartmann asked if Spring Creek is part of this project. Heather Nelson explained the flooding that the City experiences and that some levee improvements will be along Spring Creek

Administrator Loomis commented on two properties cited by the LMRWD that are experiencing loss of property through erosion. Todd Humber said erosion control upstream is not part of this project and funds received from the State would not be eligible to fix erosion.

Mayor Johnson said the \$11.2 would be to make improvements, not tearing down and starting from scratch. Mr. Hubmer said that under the State program the local match is capped. Currently the City's contribution is capped at \$2.1 million.

Attorney Kolb commented on the process the LMRWD would need to go through to be able to contribute. It would likely require a plan amendment to add the project to the CIP.

Administrator Loomis pointed out that the LMRWD plan was adopted in 2018 and this project was not identified by the City through the Plan amendment process.

President Hartmann asked some questions about the project and Ms. Nelson responded.

Ms. Young asked what the timeline for the project was. Mayor Johnson said sooner rather than later. She asked what is realistic for the LMRWD. Ms. Young said LMRWD staff will have to go through a process similar to what was done for the Amazon project in Shakopee.

Next steps will be for city staff to get in touch with the LMRWD. Administrator Loomis asked about the status of legislation. Mr. Hubmer said language is being drafted and that he would share it with the LMRWD once it is drafted.

**B. Proposal from Friends of the Minnesota Valley**

Administrator Loomis said she was approached by Ted Suss, Executive Director for Friends of the Minnesota Valley (FMV), for two projects. The first project, FMV is looking for \$10,000 to help fund a River Watch Program. Administrator Loomis explained what River Watch is.

The second project is to set up booths at County fairs within the MN River Basin, similar to the project the LMRWD did with Friends in 2017.

President Hartmann asked about other proposals the Mr. Suss had presented to the Board.

Administrator Loomis said that Mr. Suss had come to the LMRWD in 2018 to ask for a proposal to hold education events in each county in the MN River basin to improve soil health. She also spoke about a project proposed by Scott Sparlin, from the MN River Congress. Mr. Sparlin had requested the LMRWD's help to pass legislation that would fund water storage within the MN River basin in an effort to reduce water flow and erosion. She said right now she is only asking if the Board is interested in having her meet with Mr. Suss to gather more information about his proposals.

**President Hartmann made a motion to direct staff to bring back further information on these programs. The motion was seconded by Manager Frey. The motion carried unanimously.**

**C. Sponsorship of 2020 Salt Symposium**

Administrator Loomis talked about a request the LMRWD received to sponsor a salt symposium. She explained that in the past the LMRWD has sponsored a Road Salt Symposium that has been a project of the Freshwater Society. The Road Salt Symposium has been a joint effort between Freshwater, the MPCA, and Fortin Consulting and was aimed at cities and others that maintain Minnesota roadways. Recently, winter maintenance contractors have also been invited to attend.

The request this evening is for a symposium from Fortin Consulting and the MPCA that would expand the focus of the event to address all salt sources; winter maintenance and water softeners. This event will be in August in Medina. She noted if this is funded at \$500, the LMRWD may receive additional requests to sponsor salt symposium events this year.

President Hartmann commented that he liked that this is addressing more than road salt and said he would like to attend and is in support of the request.

**President Hartmann made a motion to support the Salt Symposium with a \$500 maximum. The motion was seconded by Manager Frey. The motion carried unanimously.**

**D. Letter to the US Army Corps of Engineers**

Administrator Loomis said the LMRWD supported spin-off studies from the MN River Integrated Basin Study in the past. She noted the Corps is getting ready to request funds again and wants the LMRWD to update its letter of support. She noted that the letter is not binding, so no funds are being committed. She noted an updated letter has been prepared.

**President Hartmann made a motion in support of continuing to work with the Army Corps of Engineers. The motion was seconded by Manager Frey. The motion carried unanimously.**

**7. OLD BUSINESS**

**A. Remote meeting participation**

No new information since last update.

**B. Dredge Management**

**i. Review Process for funding of maintenance of Navigation Channel**

No new information since last update. Administrator Loomis noted this item will be removed from future agendas.

**ii. Vernon Avenue Dredge Material Management site**

Administrator Loomis said a contract was provided in the meeting packet. She noted that the documents have been reviewed by legal counsel. Attorney Kolb clarified that he reviewed the documents and noted some deficiencies that have been corrected.

President Hartmann asked how long the contract is good for. Attorney Kolb said until the project is complete and then for two years beyond the completion of the project, which is basically a warranty period. Ms. Young commented that the project is scheduled for construction in the fall.

**President Hartmann made a motion to execute construction documents. The motion was seconded by Manager Frey. The motion carried unanimously.**

**iii. Private Dredge Material Placement**

No new information since last update

**C. Watershed Management Plan**

This project was discussed during the public hearing.

**D. 2020 Legislative Action**

Administrator Loomis said she received an update from Ms. Frenette. Two bills have been introduced to address the LMRWD grant for the Ravine Stabilization at Seminary Fen that was denied. Ms. Frenette noted that the City of Shakopee has introduced a bill to request funding to stabilize Minnesota River banks from the city's western edge to Three Rivers Park at Murphy's Landing. Administrator Loomis said she has contacted the City and they were not very clear on



what this project entails. President Hartmann asked if this was at Huber Park and she said she thought that it was more likely within Memorial Park.

**E. Education and Outreach Plan**

No information to report since last update.

**F. LMRWD Projects**

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

**i. East Chaska Creek Restoration**

Administrator Loomis said staff had hoped to get this project done this spring, however, staff met with the city to discuss staging of the project and the city informed the District that additional permits would be required. LMRWD staff is trying to get information needed for the permits from the City in time to complete the project this spring. It is not looking like that will happen.

Administrator Loomis said that no action is needed on this project, however, staff wanted to inform the Board that this work will add additional cost to the project and staff will bring an estimate of the added cost to the Board at a future meeting. LMRWD staff met with the City throughout the development of this project and was told that City approval of the project would not be a problem. It wasn't until the LMRWD applied for a permit through the DNR for work in the public waters that the city informed the District that the project would have to go through the Wetland Conservation Act process and provide a certificate of no-rise for work in the floodplain.

**G. Project/Plan Reviews**

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

**H. MPCA Soil Reference Values - no change since last update**

No new information since last update.

**7. COMMUNICATIONS**

**A. Administrator Report:** Administrator Loomis reported that the City of Savage said that the Schroeder's Acres Park project will be going to the Savage City Council soon. She noted the administrator report will be sent to the board.

**B. President:** No report

**C. Managers:** No report.

**D. Committees:** No report

**E. Legal Counsel:** No Report

**F. Engineer:** No report

**8. ADJOURN**

**President Hartmann made a motion to adjourn. Manager Frey seconded the motion. The meeting was adjourned at 8:07pm. The next meeting of the LMRWD Board of Managers will be 7:00, Wednesday, March 18, 2020 and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN.**

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Dave Raby, Secretary

Attest:

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Linda Loomis, Administrator

DRAFT

**Item 4.B.**  
**LMRWD 3-18-20**

<b>BEGINNING BALANCE</b>	<b>31-Jan-20</b>	<b>\$ 2,310,917.07</b>
<b>ADD:</b>		
<b>General Fund Revenue:</b>		
Payment of Dredge Management Grant		\$ 240,000.00
		<u>\$ -</u>
<b>Total Revenue and Transfers In</b>		<b>\$ 240,000.00</b>
<b>DEDUCT:</b>		
<b>Warrants:</b>		
421924 Daniel Hron February 2020 office rent		\$ 650.00
421940 Scott County SWCD Q4 2019 monitoring services		\$ 3,455.67
422234 Frenette Legislative Advisors February 202 lobbying services		\$ 1,666.67
422258 Rinke Noonan Attorneys at Law January 2020 legal services		\$ 1,397.50
422271 US Bank Equipment Finance April Copier lease payment		\$ 168.10
100011907 TimeSaver Off Site Secretarial December 2019 meeting minutes		\$ 180.00
100012041 Dakota County SWCD Q 4 2019 mointoring services		\$ 1,688.48
100012065 TimeSaver Off Site Secretarial January 2020 meeting minutes		\$ 148.00
100012067 Young Environmental Consulting January 2020 technical services		\$ 30,006.19
JE Carver County WMO 2019 monitoring services		<u>\$ 20,886.30</u>
<b>Total Warrants/Reductions</b>		<b>\$ 60,246.91</b>
<b>ENDING BALANCE</b>	<b>29-Feb-20</b>	<b><u><u>\$ 2,490,670.16</u></u></b>

EXPENDITURES	2020 Budget	February Actual	YTD 2020	Over (Under) Budget
<b>Administrative expenses</b>	\$ 250,000.00	\$ 5,178.15	\$ 7,999.12	\$ (242,000.88)
<b>Cooperative Projects</b>				
Eden Prairie Bank Stabilization Area #3	\$ 35,000.00	\$ 2,352.21	\$ 2,352.21	\$ (32,647.79)
Gully Erosion Contingency Fund		\$ -	\$ -	\$ -
USGS Sediment & Flow Monitoring	\$ 19,700.00	\$ -	\$ -	\$ (19,700.00)
Ravine Stabilization at Seminary Fen in Chaska	\$ 55,200.00	\$ -	\$ -	\$ (55,200.00)
Riley Creek Cooperative Project with RPBCWD	\$ 74,565.67	\$ -	\$ -	\$ (74,565.67)
<b>509 Plan Budget</b>				
<i>Resource Plan Implementation</i>				
TH 101 Shakopee Ravine	\$ 35,000.00	\$ -	\$ -	\$ (35,000.00)
Assumption Creek Hydrology Restoration		\$ -	\$ -	\$ -
Carver Creek Restoration	\$ 15,000.00	\$ -	\$ -	\$ (15,000.00)
Groundwater Screening Tool Model	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Eagle Creek (East Branch) Project		\$ -	\$ -	\$ -
Minnesota River Floodplain Model Feasibility Study		\$ -	\$ -	\$ -
Schroeder Acres Park Stormwater Mgmt Proj	\$ 181,055.00	\$ -	\$ -	\$ (181,055.00)
PLOC Realignment/Wetland Restoration		\$ -	\$ -	\$ -
Spring Creek Project		\$ -	\$ -	\$ -
West Chaska Creek		\$ -	\$ -	\$ -
Sustainable Lakes Management Plan (Trout L	\$ 50,000.00	\$ 703.90	\$ 703.90	\$ (49,296.10)
Geomorphic Assessments (Trout Streams)	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Paleolimnology Study (Floodplain Lakes)		\$ -	\$ -	\$ -
Fen Stewardship Program		\$ 7,931.55	\$ 7,931.55	\$ 7,931.55
District Boundary Modification		\$ -	\$ -	\$ -
East Chaska Creek Bank Stabilization Project		\$ 7,449.40	\$ 7,449.40	\$ 7,449.40
East Chaska Creek Treatment Wetland Project		\$ -	\$ -	\$ -
Minnesota River Sediment Reduction Strategy		\$ -	\$ -	\$ -
Seminary Fen - gap analysis		\$ -	\$ -	\$ -
Seminary Fen C2 Ravine Stabilization	\$ -	\$ 97.50	\$ 97.50	\$ 97.50
Data Assessments and Program Review		\$ -	\$ -	\$ -
Dakota County Fen Management Study	\$ 25,000.00	\$ -	\$ -	\$ (25,000.00)
Riley Creek Cooperative Project		\$ -	\$ -	\$ -
Local Water Management Plan reviews	\$ 8,000.00	\$ 1,979.35	\$ 1,979.35	\$ (6,020.65)
Project Reviews	\$ 20,000.00	\$ 4,226.75	\$ 4,226.75	\$ (15,773.25)
<i>Monitoring</i>	\$ 65,000.00	\$ -	\$ -	\$ (65,000.00)
<i>Watershed Management Plan</i>	\$ 56,000.00	\$ 2,748.55	\$ 2,748.55	\$ (53,251.45)
<i>Public Education/CAC/Outreach Program</i>	\$ 30,000.00	\$ -	\$ -	\$ (30,000.00)
<i>Cost Share Program</i>	\$ 20,000.00	\$ -	\$ -	\$ (20,000.00)
<b>Nine Foot Channel</b>				
Transfer from General Fund	\$ 80,000.00	\$ -	\$ -	\$ (80,000.00)
Dredge Site Improvements	\$ 315,000.00	\$ 1,369.10	\$ 1,369.10	\$ (313,630.90)
<b>Total:</b>	<b>\$ 1,184,520.67</b>	<b>\$ 34,036.46</b>	<b>\$ 36,857.43</b>	<b>\$ (1,155,662.36)</b>

EXPENDITURES	2019 Budget	February Actual	Total 2019	Over (Under) Budget
<b>Administrative expenses</b>	\$ 250,000.00	\$ 180.00	\$ 242,810.28	\$ (7,189.72)
<b>Cooperative Projects</b>				
Eden Prairie Bank Stabilization Area #3	\$ -	\$ -	\$ 4,566.80	\$ 4,566.80
Gully Erosion Contingency Fund	\$ -	\$ -	\$ -	\$ -
USGS Sediment & Flow Monitoring	\$ 19,700.00	\$ -	\$ 24,833.75	\$ 5,133.75
Ravine Stabilization at Seminary Fen in Chaska	\$ -	\$ -	\$ 110,713.50	\$ 110,713.50
<b>509 Plan Budget</b>				
<i>Resource Plan Implementation</i>				
TH 101 Shakopee Ravine	\$ -	\$ -	\$ 402.97	\$ 402.97
Assumption Creek Hydrology Restoration	\$ 30,000.00	\$ -	\$ -	\$ (30,000.00)
Carver Creek Restoration	\$ 80,000.00	\$ -	\$ -	\$ (80,000.00)
Groundwater Screening Tool Model	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Eagle Creek (East Branch) Project	\$ 10,000.00	\$ -	\$ -	\$ (10,000.00)
Minnesota River Floodplain Model Feasibility Study	\$ 30,000.00	\$ -	\$ -	\$ (30,000.00)
Schroeder Acres Park Stormwater Mgmt Project	\$ 39,555.00	\$ -	\$ -	\$ (39,555.00)
PLOC Realignment/Wetland Restoration	\$ 71,727.00	\$ -	\$ -	\$ (71,727.00)
Spring Creek Project	\$ 45,000.00	\$ -	\$ 4,543.78	\$ (40,456.22)
West Chaska Creek	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Sustainable Lakes Management Plan (Trout Lakes)	\$ 50,000.00	\$ -	\$ 22,479.65	\$ (27,520.35)
Geomorphic Assessments (Trout Streams)	\$ -	\$ -	\$ 88,771.08	\$ 88,771.08
Paleolimnology Study (Floodplain Lakes)	\$ -	\$ -	\$ -	\$ -
Fen Stewardship Program	\$ 25,000.00	\$ -	\$ 63,342.00	\$ 38,342.00
District Boundary Modification	\$ -	\$ -	\$ -	\$ -
East Chaska Creek Bank Stabilization Project	\$ 50,000.00	\$ -	\$ 30,970.55	\$ (19,029.45)
East Chaska Creek Treatment Wetland Project	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Minnesota River Sediment Reduction Strategy	\$ 25,000.00	\$ -	\$ -	\$ (25,000.00)
Seminary Fen - gap analysis	\$ -	\$ -	\$ -	\$ -
Data Assessments and Program Review	\$ -	\$ -	\$ -	\$ -
Dakota County groundwater modeling	\$ -	\$ -	\$ -	\$ -
Riley Creek Cooperative Project	\$ -	\$ -	\$ 52,027.65	\$ 52,027.65
Local Water Management Plan reviews	\$ 12,000.00	\$ -	\$ 2,410.70	\$ (9,589.30)
Project Reviews	\$ 20,000.00	\$ -	\$ 52,027.65	\$ 32,027.65
<i>Monitoring</i>	\$ 65,000.00	\$ 22,830.45	\$ 50,030.70	\$ (14,969.30)
<i>Monitoring Data Analysis</i>			\$ -	
<i>Technical Assistance</i>			\$ -	
<i>Watershed Management Plan</i>			\$ -	
Rule Drafting	\$ 25,000.00	\$ -	\$ 23,622.62	\$ (1,377.38)
Plan Amendment	\$ -	\$ -	\$ -	\$ -
Vegetation Management Standard/Plan	\$ 50,000.00	\$ -	\$ 6,456.10	\$ (43,543.90)
<i>Public Education/CAC/Outreach Program</i>	\$ 30,000.00	\$ 3,200.00	\$ 4,533.55	\$ (25,466.45)
<i>Cost Share Program</i>	\$ 20,000.00	\$ -	\$ -	\$ (20,000.00)
				\$ -
<b>Nine Foot Channel</b>				\$ -
Transfer from General Fund	\$ 80,000.00	\$ -	\$ 80,000.00	\$ -
Dredge Site Improvements	\$ 240,000.00	\$ -	\$ 144,348.74	\$ (95,651.26)
<b>Total:</b>	<b>\$ 1,417,982.00</b>	<b>\$ 26,210.45</b>	<b>\$ 947,763.26</b>	<b>\$ (390,218.74)</b>



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 18, 2020

### **Agenda Item**

#### **Item 4. D. - Eagle Creek 2020-2021 WOMP Agreement**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The LMRWD is responsible for collecting data from the Watershed Outlet Monitoring station (WOMP) on Eagle Creek. The Metropolitan Council Environmental Services (MCES) provides a grant to the LMRWD for collecting this data. Grants run for two years. The grant amount is for \$10,000 or the actual amount expended on eligible expenses. A portion of the grant will be paid upon execution of the grant agreement. Additional payments will be made upon completion of reporting by the LMRWD.

The LMRWD contracts with the Scott County SWCD to collect this data. The Scott SWCD submits reports to MCES on behalf of the LMRWD. The 2019 report submitted to MCES and the 2020-2021 Grant Agreement is attached for Board review.

### **Attachments**

2019 Eagle Creek WOMP report

Eagle Creek 2020-2021 WOMP Agreement

### **Recommended Action**

Motion to authorize execution of Grant Agreement between the Metropolitan Council and the LMRWD for the Metropolitan Area Watershed Outlet Monitoring Program (WOMP1)

Eagle Creek WOMP Report\_12312019.xlsx

Invoice Date: Invoice #:	4/25/2019 2019-008 service from 1/1/2018 to 3/31/2018			7/31/2018 2019-051 service from 4/1/2018 to 6/30/2018			10/31/2019 2019-086 service from 7/1/2018 to 9/30/2018			12/31/2019 2019- service from 10/1/2018 to 12/31/2018			Totals
	Description	Hours	Rate	Amount	Hours	Rate	Amount	Hours	Rate	Amount	Hours	Rate	
Water Quality & Flow	30.5	67.00	\$ 2,043.50	15	56.75	\$ 851.25	34.5	59.25	\$ 2,044.13	23.5	57.64	\$ 1,354.54	\$ 6,293.42
Thermal Monitoring	9	67.00	\$ 603.00	4	67.00	\$ 268.00	3.5	57.00	\$ 199.50			\$ -	\$ 1,070.50
Chloride Monitoring	28	67.00	\$ 1,876.00				4	70.00	\$ 280.00			\$ -	\$ 2,156.00
Courier and Supplies		133.38	\$ 133.38		34.62	\$ 34.62			\$ -			\$ -	\$ 168.00
Metropolitan Council-Lab Analysis			\$ 925.25		1350.50	\$ 1,350.50		670.50	\$ 670.50		670.50	\$ 670.50	\$ 3,616.75
Additional Monitoring			\$ -	0		\$ -			\$ -			\$ -	\$ -
Presentation Prep & Delivery			\$ -	0		\$ -						\$ -	\$ -
<b>TOTAL:</b>			<b>\$ 5,581.13</b>			<b>\$ 2,504.37</b>			<b>\$ 3,194.13</b>			<b>\$ 2,025.04</b>	<b>\$ 13,304.67</b>
												<b>Total 2019 Expenditures:</b>	<b>\$ 13,304.67</b>

# Memorandum

**DATE:** February 25, 2020  
**TO** Lower Minnesota River Watershed District  
**FROM:** Joe Mulcahy, MCES *jm*  
**SUBJECT:** 2020-21 WOMP monitoring agreement

Two copies of the 2020-21 Watershed Outlet Monitoring (WOMP) agreement for Eagle Creek are enclosed. Please have the appropriate person sign both copies, and return both signed copies to me.

We will then sign both copies, keep one, and return the other fully executed copy to you. If you have any questions please call me at 651 602-1104, or email me at: [joe.mulcahy@metc.state.mn.us](mailto:joe.mulcahy@metc.state.mn.us).

Thanks.

Joe Mulcahy  
MCES  
390 Robert Street North  
St. Paul, MN 55101



**GRANT AGREEMENT  
BETWEEN THE METROPOLITAN COUNCIL  
AND LOWER MINNESOTA RIVER WATERSHED DISTRICT  
FOR THE METROPOLITAN AREA  
WATERSHED OUTLET MONITORING PROGRAM (WOMP1)**

**THIS AGREEMENT** is made and entered into by and between the **METROPOLITAN COUNCIL** (the "Council") and the **LOWER MINNESOTA RIVER WATERSHED DISTRICT** (the "Grantee"), each acting by and through its duly authorized officers.

**WHEREAS:**

1. The Metropolitan Council has been charged by the Minnesota Legislature (Minnesota Statutes, section 473.157, Water Resources Plan) with the development of target pollution loads for all Metropolitan Area watersheds.
2. A search of the available data yielded very little data adequate for use in the development of these loads.
3. The Metropolitan Council has authorized its staff to enter into grant agreements with various watershed management organizations for the collection of watershed outlet data.
4. The Grantee has expressed an interest in collecting water quality data at the watershed outlet.
5. The Grantee has exhibited the technical capability to conduct a watershed outlet monitoring program.
6. The Council has reviewed the Grantee's proposal and desires to assist it in the collection of data.

**NOW, THEREFORE**, the Council and the Grantee agree as follows:

**I. GRANTEE PERFORMANCE OF GRANT PROJECT**

**1.01 Grant Project.** The Grantee agrees to perform and complete in a satisfactory and proper manner the grant project as described in the Grantee's application for grant assistance, incorporated in this agreement by reference, and in accordance with the terms and conditions of this agreement. Specifically, the Grantee agrees to perform the specific activities described in Exhibit A ("WOMP Monitoring Work Plan") and to undertake the financial responsibilities described in Exhibit B ("WOMP Monitoring Budget and Financial Responsibilities" document), both of which are attached to and incorporated in this agreement. These activities and financial responsibilities are referred to in this agreement as the "Grant Project".

**1.02 Use of Contractors.** With the approval of the Council's Grant and Project Managers, the Grantee may engage contractors to perform Grant Project activities. However, the Grantee retains primary responsibility to the Council for performance of the Grant Project and the

use of such contractors does not relieve the Grantee from any of its obligations under this agreement.

**1.03 Material Representations.** The Grantee agrees that all representations contained in its application for grant assistance are material representations of fact upon which the Council relied in awarding this grant and are incorporated in this agreement by reference.

## **II. AUTHORIZED USE OF GRANT FUNDS**

**2.01 Authorized Uses.** Grant funds may be used only for costs directly associated with Grant Project activities, as described in paragraph 1.01, and which: i) occur during the Project Activity Period specified in paragraph 6.01, and ii) are eligible expenses as listed in the Grantee Financial Responsibilities portion of the WOMP Monitoring Budget and Financial Responsibilities document (Exhibit B). Grant funds may also be used to prepare the data and financial reports required by paragraphs 5.02 and 5.03 of this grant agreement. No other use of grant funds is permitted.

**2.02 Unauthorized Uses of Grant Proceeds.** Grant funds cannot be used to purchase land, buildings, or other interests in real property, or to pay legal fees, or permit, license, or other authorization fees, unless specifically approved in advance by the Council's Grant Manager.

**2.03 Project Equipment and Supplies.** With approval of the Council's Project Manager, grant funds may be used to purchase or lease equipment, machinery, supplies, or other personal property directly necessary to conduct the Grant Project. The Grantee will comply with the personal property management requirements described in article VIII of this agreement, with regard to any property purchased pursuant to this paragraph.

## **III. GRANT AMOUNT AND DISTRIBUTION**

**3.01 Maximum Grant Amount.** The Council shall pay to the Grantee a Maximum Grant Amount of \$10,000. Provided, however, that in no event will the Council's obligation under this agreement exceed the lesser of:

- a. the Maximum Grant Amount of \$10,000; or,
- b. the actual amount expended by the grantee on eligible expenses as specified in paragraph 2.01.

The Council shall bear no responsibility for cost overruns which may be incurred by the Grantee in performance of the Grant Project.

**3.02 Distribution of Grant Funds.** Grant funds will be distributed by the Council according to the following schedule:

- a. Within ten working days of Council execution of this agreement, the Council will distribute to the Grantee forty-five (45%) of the Maximum Grant Amount.
- b. Upon Council approval of Grantee's January 2021 financial report required by paragraph 5.03, the Council will distribute to the Grantee forty-five (45%) percent of the Maximum Grant Amount.

- c. Upon approval of Grantee's January 2022 financial report required by paragraph 5.03, the Council will distribute to Grantee the final payment of the remainder of the Maximum Grant Amount. However, no payment will be made which would cause the distribution of grant funds to exceed the limits in paragraph 3.01. Further, if the amount already paid to Grantee by the Council pursuant to this paragraph exceeds the cumulative amount actually expended by the Grantee on eligible expenses as specified in paragraph 2.01, the Council shall notify Grantee of the amount of over-payment. Grantee shall repay to the Council the amount of such overpayment within 30 calendar days of receipt of such notice from the Council.

No payment will be made under this paragraph if the Grantee is not current in its reporting requirements under article V at the time the payment is due. Distribution of any funds or approval of any report is not to be construed as a Council waiver of any Grantee noncompliance with this agreement.

**3.03 Repayment of Unauthorized Use of Grant Proceeds.** Upon a finding by Council staff that the Grantee has made an unauthorized or undocumented use of grant proceeds, and upon a demand for repayment issued by the Council, the Grantee agrees to promptly repay such amounts to the Council.

**3.04 Reversion of Unexpended Funds.** All funds granted by the Council under this agreement that have not been expended for authorized Grant Project activities as described in paragraph 2.01 shall revert to the Council.

#### **IV. ACCOUNTING AND RECORDKEEPING REQUIREMENTS**

**4.01 Documentation of Grant Project Costs.** All costs charged to the Grant Project must be supported by proper documentation, including properly executed payroll and time records, invoices, contracts, receipts for expenses, or vouchers, evidencing in detail the nature and propriety of the charges.

**4.02 Establishment and Maintenance of Grant Project Information.** The Grantee agrees to establish and maintain accurate, detailed, and complete separate books, accounts, financial records, documentation, and other evidence relating to: i) Grantee's performance under this agreement, and ii) the receipt and expenditure of all grant funds under this agreement. The Grantee shall establish and maintain all such information in accordance with generally accepted accounting principles and practices and shall retain intact all Grant Project information until the latest of:

- a. complete performance of this agreement; or
- b. six (6) years following the term of this agreement; or
- c. if any litigation, claim, or audit is commenced during either such period, when all such litigation, claims or audits have been resolved.

If the Grantee engages any contractors to perform any part of the Grant Project activities, the Grantee agrees that the contract for such services shall include provisions requiring the contractor to establish and maintain Grant Project information in accordance with the provisions of this paragraph and to allow audit of such information in accordance with paragraph 4.03.

**4.03 Audit.** The accounts and records of the Grantee relating to the Grant Project shall be audited in the same manner as all other accounts and records of the Grantee are audited. During the time of maintenance of information under paragraph 4.02, authorized representatives of the Council, and the Legislative Auditor and/or State Auditor in accordance with Minnesota Statutes, section 16C.05, subdivision 5, will have access to all such books, records, documents, accounting practices and procedures, and other information for the purpose of inspection, audit, and copying during normal business hours. The Grantee will provide proper facilities for such access and inspection.

## V. REPORTING AND MONITORING REQUIREMENTS

**5.01 Monitoring Work Plan.** The WOMP Monitoring Work Plan (Exhibit A) includes the specific geographic area and watershed outlet affected by the Grant Project, the tasks to be undertaken together with schedules and the organization responsible for the tasks' costs. The Grantee Financial Responsibilities portion of the WOMP Monitoring Budget and Financial Responsibilities document (Exhibit B) lists the Grantee expenses eligible for reimbursement by the Council, subject to the limitations of paragraph 2.01. The Grantee agrees to abide by the Monitoring Work Plan, including the Quality Control Provisions listed in the Monitoring Work Plan.

**5.02 Grant Project Data Reports.** The Grantee will submit Grant Project data reports to the Council in accordance with the requirements in the WOMP Monitoring Work Plan (Exhibit A).

**5.03 Grant Project Financial Reports.** In January 2021 and January 2022, the Grantee will submit a financial report detailing expenses incurred by Grantee for the Grant Project in the preceding twelve calendar months which are eligible for reimbursement by the Council in accordance with paragraph 2.01.

**5.04 Changed Conditions.** The Grantee agrees to notify the Council immediately of any change in conditions, local law, or any other event that may affect the Grantee's ability to perform the Grant Project in accordance with the terms of this agreement.

## VI. GRANT PROJECT ACTIVITY PERIOD; TERM; TERMINATION

**6.01 Project Activity Period.** The Grantee agrees to complete the Grant Project activities specified in paragraph 1.01 during the period from January 1, 2020 through December 31, 2021 (the "Project Activity Period").

**6.02 Term.** The term of this agreement shall extend from the effective date of this agreement to a date 60 calendar days following the end of the Project Activity Period, to permit closeout of this agreement.

**6.03 Termination.** Either the Council or the Grantee may terminate this grant agreement at any time, with or without cause, by providing the other party written notice of such termination at least thirty (30) days prior to the effective date of such termination. Upon such termination Grantee shall be entitled to compensation for Grant Project activities in accordance with this grant agreement which were satisfactorily performed and incurred prior to the effective date of the termination. Any remaining grant funds which have been distributed to Grantee will be returned to the Council no later than the effective date of such termination. Upon such effective date of termination, a) all data collected by Grantee prior to the effective date of termination shall be turned over to the Council by Grantee; and b) all Council personal property in possession of Grantee wherever located and all property acquired with Grant funds shall be turned over to the Council by Grantee.

**6.04 Termination by Council for Noncompliance.** If the Council finds that there has been a failure to comply with the provisions of this agreement, the Council may terminate the agreement at any time following seven calendar days written notice to the Grantee and upon failure of the Grantee to cure the noncompliance within the seven-day period. Noncompliance includes failure to make reasonable progress toward completion of the Grant Project. If the Council finds that the Grantee's noncompliance is willful and unreasonable, the Council may terminate or rescind this agreement and require the Grantee to

repay the grant funds in full or in a portion determined by the Council. Nothing in this paragraph shall be construed so as to limit the Council's legal remedies to recover grant funds.

**6.05 Effect of Grant Project Closeout or Termination.** The Grantee agrees that Grant Project closeout or termination of this agreement does not invalidate continuing obligations imposed on the Grantee by this agreement. Grant Project closeout or termination of this agreement does not alter the Council's authority to disallow costs and recover funds on the basis of a later audit or other review, and does not alter the Grantee's obligation to return any funds due to the Council as a result of later refunds, corrections, or other transactions.

## **VII. COUNCIL'S GRANT MANAGER AND PROJECT MANAGER**

Financial aspects of this grant agreement will be handled by the Council's Grant Manager. The Council's Grant Manager for this grant agreement is Joe Mulcahy, or such other person as may hereafter be designated in writing by the Council.

Technical aspects of the Grant Project, including supervision of the Grantee under the Monitoring Work Plan, will be handled by the Council's Project Manager. The Council's Project Manager for this grant agreement is Casandra Champion, or such other person as may hereafter be designated in writing by the Council.

However, nothing in this agreement will be deemed to authorize such Grant Manager or Project Manager to execute amendments to this Grant Agreement on behalf of the Council.

## **VIII. GRANT PROPERTY AND DATA**

**8.01 Title.** Title to all personal property at the monitoring station site as described in Exhibit A and all property acquired with grant funds will remain with the Council. The Council authorizes the Grantee to utilize the personal property at the site in carrying out the Grant Project activities during the Project Activity Period.

**8.02 Maintenance.** The Grantee agrees to maintain any such personal property in good operating order. If, during the Project Activity Period, any personal property is no longer available for use in performing the Grant Project, whether by planned withdrawal, misuse, or casualty loss, the Grantee shall immediately notify the Council's Project Manager.

**8.03 Utility Services.** The Council shall make arrangements with local utilities to provide both telephone and electrical hookups as needed at the monitoring station specified in Exhibit A. All utility accounts serving the monitoring station shall be in the name of the Council. All telephone and electric utility costs for the monitoring station shall be paid by the Council.

**8.04 Grant Project Closeout or Termination.** No later than a) the effective date of termination as provided in Sections 6.03 and 6.04 of this Grant Agreement or b) no later than sixty (60) calendar days following the end of the Project Activity Period ("Project Closeout Date"), whichever is applicable:

- i) all data defined in Section 9.04 of this Agreement collected by Grantee prior to the Project Closeout Date or the effective date of termination shall be turned over to the Council by Grantee; and
- ii) all Council personal property in possession of Grantee wherever located and all property acquired with Grant funds shall be turned over to the Council by the Grantee.

Provided, however, that if the Grant Agreement has not been terminated by either party and Grantee continues to participate in the Watershed Outlet Monitoring Program (WOMP1) through a subsequent Grant Agreement with the Council, Grantee shall not be required to comply with Section 8.04 subparagraph (ii) until such time as Grantee's participation in the WOMP1 program ceases.

## **IX. GENERAL CONDITIONS**

**9.01 Amendments.** The terms of this agreement may be changed only by mutual agreement of the parties. Such changes shall be effective only upon the execution of written amendments signed by duly authorized officers of the parties to this agreement.

**9.02 Assignment Prohibited.** Except as provided in paragraph 1.02, the Grantee shall not assign, contract out, sublet, subgrant, or transfer any Grant Project activities without receiving the express written consent of the Council. The Council may condition such consent on compliance by the Grantee with terms and conditions specified by the Council.

**9.03 Indemnification.** The Grantee assumes liability for and agrees to defend, indemnify and hold harmless the Council, its members, officers, employees and agents, from and against all losses, damages, expenses, liability, claims, suits, or demands, including without limitation attorney's fees, arising out of, resulting from, or relating to the performance of the Grant Project by Grantee or Grantee's employees, agents, or subcontractors.

**9.04 Grant Project Data.** The Grantee agrees that the results of the Grant Project, the reports submitted, and any new information or technology that is developed with the assistance of this grant may not be copyrighted or patented by Grantee. The Grantee shall comply with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, in administering data under this agreement.

**9.05 Nondiscrimination.** The Grantee agrees to comply with all applicable laws relating to nondiscrimination and affirmative action. In particular, the Grantee agrees not to discriminate against any employee, applicant for employment, or participant in this Grant Project because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local civil rights commission, disability, sexual orientation, or age; and further agrees to take action to ensure that applicants and employees are treated equally with respect to all aspects of employment, including rates of pay, selection for training, and other forms of compensation.

**9.06 Promotional Material: Acknowledgment.** The Grantee agrees to submit to the Council a copy of any promotional information regarding the Grant Project disseminated by the Grantee. The Grantee shall appropriately acknowledge the grant assistance made by the Council in any promotional materials, reports, and publications relating to the Grant Project.

**9.07 Compliance with Law; Obtaining Permits, Licenses and Authorizations.** The Grantee agrees to conduct the Grant Project in compliance with all applicable provisions of federal, state, and local laws, ordinances or regulations. The Grantee is responsible for obtaining all federal, state, and local permits, licenses, and authorizations necessary for performing the Grant Project.

**9.08 Workers Compensation; Tax Withholding.** The Grantee represents that it is compliance with the workers compensation coverage requirements of Minnesota Statutes, section 176.181, subdivision 2, and that it, and any of its contractors or material suppliers, if any, under this contract, are in compliance with the tax withholding on wages requirements of Minnesota Statutes, section 290.92.

**9.09 Jurisdiction, Venue, and Applicable Law.** Venue for all legal proceedings arising out of this agreement, or breach of this agreement, shall be in the state or federal court with competent jurisdiction in Ramsey County, Minnesota. All matters relating to the performance of this agreement shall be controlled by and determined in accordance with the laws of the State of Minnesota.

**IN WITNESS WHEREOF**, the parties have caused this agreement to be executed by their duly authorized officers on the dates set forth below. This agreement is effective upon final execution by, and delivery to, both parties.

**GRANTEE** \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

**METROPOLITAN COUNCIL**

Date \_\_\_\_\_

By \_\_\_\_\_

Sam Paske  
Assistant General Manager,  
Environmental Quality Assurance Department

## EXHIBIT A

### WOMP MONITORING WORK PLAN

The Grantee, **Lower Minnesota River Watershed District**, will operate and maintain the water quality monitoring site at **Eagle Creek 8451 West 126<sup>th</sup> St Savage, MN**. The Grantee, or designated agent, will conduct monitoring work from January 1, 2020 through December 31, 2021. The Grantor, Metropolitan Council Environmental Services (MCES) will provide training, supplies and technical support to the Grantee and/or its designated agent through the WOMP Coordinator, Casandra Champion.

#### CONTACT INFORMATION

Casandra Champion, WOMP Coordinator  
651-602-8745 (office)  
[Casandra.champion@metc.state.mn.us](mailto:Casandra.champion@metc.state.mn.us)

Daniel Henely, Assistant Manager Water Resources  
651-602-8085 (office)  
[Daniel.henely@metc.state.mn.us](mailto:Daniel.henely@metc.state.mn.us)

MCES Lab Services Logging Bench  
651-692-8293  
[Sara.voth@metc.state.mn.us](mailto:Sara.voth@metc.state.mn.us)

#### WORKPLAN

##### Site Visits

At each site visit, the Grantee will record stage, stream control conditions and obtain instantaneous temperature, conductivity, pH, dissolved oxygen, and turbidity measurements. The Grantee will record measurements and observations on an MCES Sample Submission Sheet and Field Notes form and submit the form to the WOMP Coordinator.

##### Rating Curve Measurements

The WOMP Coordinator will coordinate with the Grantee to ensure that flow measurements are being made approximately every six weeks, with additional targeted high-flow measurements as conditions allow. Flow measurement data collected by the Grantee will be submitted to the WOMP Coordinator. This submission should include the electronic file and a completed MCES Sample Submission Sheet and Field Notes form.

##### Water Quality Samples

The Grantee will routinely sample stream water quality by submitting bi-weekly grab samples, 26 samples per year. If ice conditions preclude taking a sample, the Grantee will attempt to collect the next sample after four weeks. The Grantee will measure and record temperature, conductivity, pH, dissolved oxygen and turbidity.

The first sample collected in March, June, September and December will include additional quarterly analyses as determined by the WOMP Coordinator.

If the site has an autosampler, the Grantee will collect discrete auto-grabs or flow-weighted composite samples to characterize storm events. If sufficient water volume is available, an aliquot should be poured into a separate container for temperature, conductivity, pH, dissolved oxygen and turbidity measurements.



Datalogger programming and sample collection timing will be coordinated by the WOMP Coordinator.

If the site does not have an autosampler, event grabs will be collected to characterize storm event. Event grab timing will be coordinated by the WOMP Coordinator and MPCA WPLMN staff. The WOMP Cooperator will use a Secchi Tube to measure transparency with every event grab.

**E. coli Samples**

The Grantee will collect an E. coli grab sample with every water quality grab or autosampler sample. E. coli samples must be delivered within 24 hours of collection; every effort should be made to deliver the sample within 4-5 hours.

**Quality Assurance/Quality Control Samples**

The Grantee will collect three QA/QC samples per year; one equipment blank, one routine grab field duplicate and one quarterly grab field duplicate.

**Forms and Labels**

The Grantee will complete an MCES Sample Submission Sheet and Field Notes form for every grab, autosampler, or QA/QC sample. The Grantee will clearly label all sample bottles and Whirl-Pacs with project number, location, date and time.

**Sample Submission**

The Grantee will submit all water quality samples to MCES Laboratory Services at the Metropolitan Wastewater Treatment Plant, 2400 Childs Road, St. Paul, Minnesota. The Grantee will notify Logging Bench staff before sample delivery. Deliveries should be prior to 2:00 PM, coordinate with Logging Bench staff if delivery will be late.

The Grantee will submit one copy of the MCES Sample Submission Sheet and Field Notes form to MCES Lab Services, one copy to the WOMP Coordinator, and keep one copy for Grantee records.

**Site Maintenance**

The Grantee will maintain the basic integrity of the site and notify the WOMP Coordinator of any unusual maintenance needs.

**WOMP Cooperator Forum**

The Grantee, or assigned representative, will attend the annual WOMP Cooperator Forum hosted by the WOMP Coordinator at Metro Plant each spring.

**Cost Accounting**

The Grantee will provide MCES with an annual invoice of costs incurred for WOMP monitoring including labor, mileage, and equipment expenses.

## EXHIBIT B

### WOMP MONITORING BUDGET AND FINANCIAL RESPONSIBILITIES

#### Grantee Financial Responsibilities

The Grantee, **Lower Minnesota River Watershed District** shall assume the following financial responsibilities for operating and maintaining a water quality monitoring and sampling station at **Eagle Creek 8451 West 126<sup>th</sup> St Savage, MN** during the Project Activity Period (January 1, 2020 through December 31, 2021).

On an annual basis (January 1, 2020 through December 31, 2021), the Grantee shall:

- Assume all Grantee labor costs associated with operating and maintaining the stream monitoring station according to the WOMP Monitoring Work Plan (Exhibit A);
- Assume all Grantee vehicle and mileage costs associated with operating and maintaining the stream monitoring station according to the WOMP Monitoring Work Plan;
- Assume all miscellaneous materials, supplies, and sample delivery costs associated with operating and maintaining the stream monitoring station according to the WOMP Monitoring Work Plan.

The Council will assist in the payment of such costs as provided for in this grant agreement.

#### Metropolitan Council Financial Responsibilities

Subject to the availability of funds, the Metropolitan Council shall assume the following financial responsibilities for operating and maintaining a water quality monitoring and sampling station at **Eagle Creek 8451 West 126<sup>th</sup> St Savage, MN** during the Project Activity Period (January 1, 2020 through December 31, 2021).

On an annual basis (January 1, 2020 through December 31, 2021), the Council shall:

- Assume all MCES Laboratory costs associated with analysis of the water samples submitted by the Grantee, in conformance with the WOMP Monitoring Work Plan (estimated cost: \$2,850);
- Assume all telephone service costs (if applicable) associated with operating and maintaining the stream monitoring station according to the WOMP Monitoring Work Plan (estimated cost: \$625);
- Assume all electrical service costs (if applicable) associated with operating and maintaining the stream monitoring station according to the WOMP Monitoring Work Plan (estimated cost: \$325);
- Assume all costs for the repair and/or replacement of all monitoring equipment necessary for operating the stream monitoring station according to the WOMP Monitoring Work Plan (estimated cost: \$850);
- Assume all materials and supplies costs associated with operating and maintaining the stream monitoring station according to the WOMP Monitoring Work Plan (estimated cost: \$1,100), beyond the cost contributed by the Grantee (\$250);
- Assume all MCES trades labor costs associated with maintaining the stream monitoring station in proper working order (estimated cost: \$625);

Assume all labor costs for the Council's Project Manager (WOMP Coordinator), who will provide technical support, guidance, and assistance for operating and maintaining the stream monitoring station and managing and assessing the data and information generated by the monitoring work.



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 18, 2020

### **Agenda Item**

#### **Item 5. A. - Presentation of 2019 monitoring results by Scott County Soil & Water Conservation District**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

Troy Kuphal and Jon Utecht, from the Scott County Soil & Water Conservation District (SWCD) will attend the LMRWD Board meeting to present findings of the 2019 monitoring program in Scott County.

The LMRWD contracts with Scott County SWCD to monitor resources within the LMRWD which are located in Scott County. A contract between the SWCD and the LMRWD is entered into annually before the monitoring season begins. The Agreement for 2020 along with a statement of work is attached for Board review. Fees are billed to the LMRWD based on time and materials/supplies.

In addition to monitoring, the LMRWD is a partner in the Scott County Water Education Partnership (SCWEP). SCWEP is managed by the Scott County SWCD and LMRWD contribution to the partnership is part of the agreement between the SWCD and the LMRWD. The 2019 Annual Report from the SCWEP is attached for the Board's information.

### **Attachments**

2019 Annual Monitoring Report

Agreement between the Lower Minnesota River Watershed District and the Scott Soil and Water Conservation District for Monitoring, Technical, Education and other Conservation Services

2020 Statement of Work

SCWEP 2019 Annual Report and 2020 Work Plan

### **Recommended Action**

Motion to receive and file 2019 Annual Monitoring Report and SCWEP Annual report

Motion to authorize execution of Agreement between the Lower Minnesota River Watershed District and the Scott Soil and Water Conservation District for Monitoring, Technical, Education and other Conservation Services

# ANNUAL MONITORING REPORT 2019



Savage Fen Tree Frog

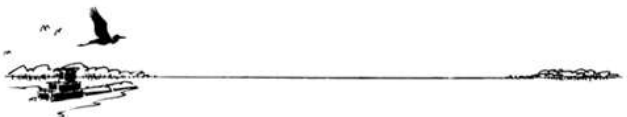
Prepared for:

**Lower Minnesota River Watershed District**

By: SCOTT SWCD

Jordan, MN

*Lower Minnesota River Watershed District*



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## Introduction

This report focuses on the summary and comparison of water resources data collected by Scott Soil and Water Conservation District (SWCD) from 2019 and previous monitoring seasons. Like previous years, the monitoring work plan for 2019 included three temperature logging locations in Eagle Creek, one continuous water monitoring station in Eagle Creek (operated in conjunction with Metropolitan Council Environmental Services (MCES) Watershed Outlet Monitoring Program (WOMP)), 19 observation wells located in the Savage Fen and surrounding area, and one water monitoring station on the inlet to Dean Lake (DLI). New to the 2019 monitoring activities included adding three additional temperature loggers and performing chloride sampling in the Eagle Creek watershed.

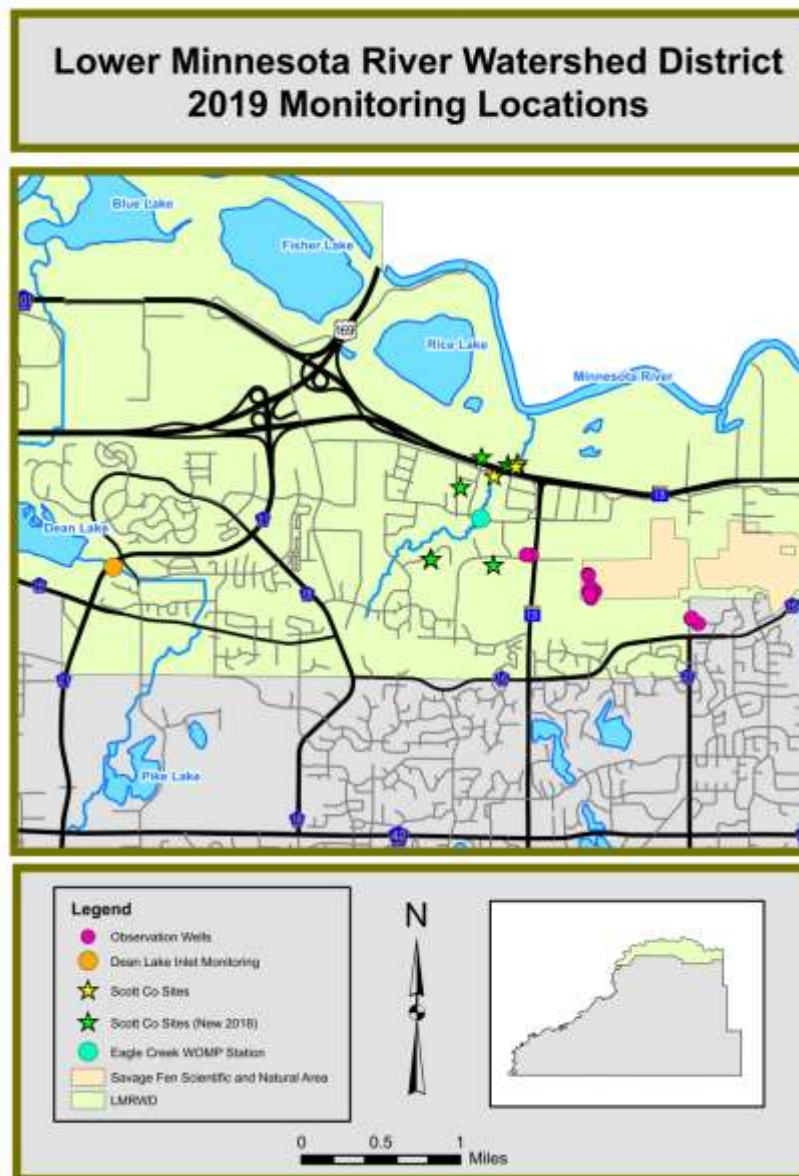


Figure 1. Monitoring Location Map.

## I. Thermal Monitoring

This study was initiated by the Lower Minnesota River Watershed District (LMRWD) to evaluate the impact storm water runoff from Highway 101 has on temperatures in Eagle Creek, a DNR designated trout stream. Brown Trout are very sensitive to temperature as it impacts growth rate, habitat, and food resources. The optimal temperature range for adult brown trout is approximately 12.4 – 17.6° Celsius (Bell, 2006).

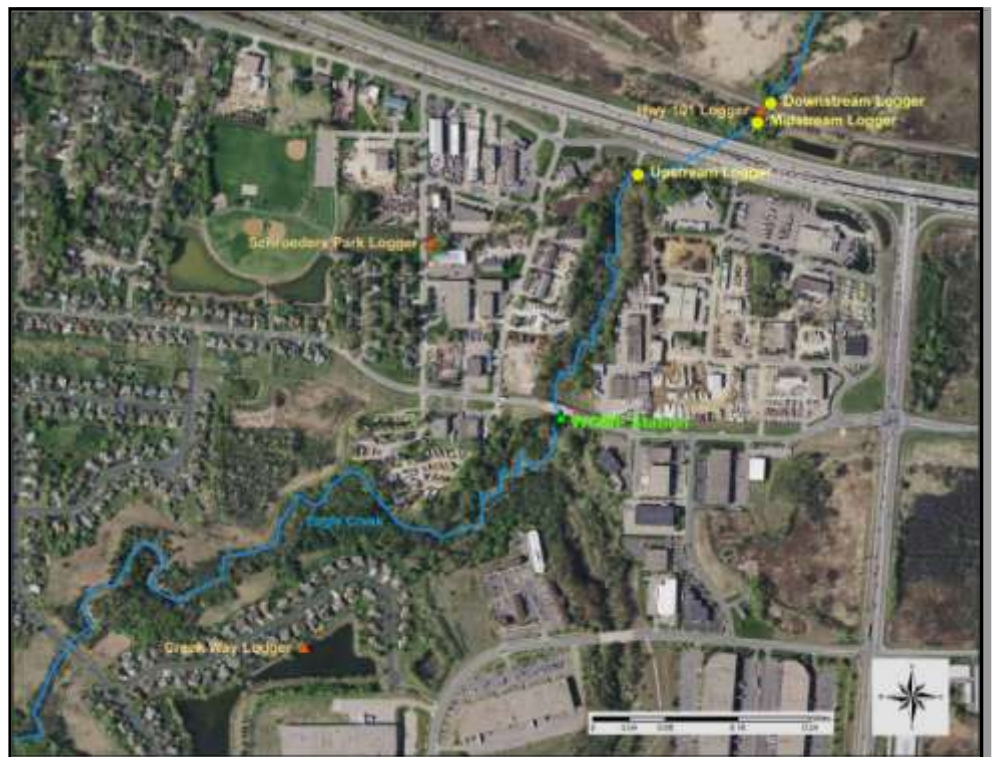
### Methods

Temperature loggers were placed upstream and downstream of Highway 101 in June of 2006 and have been recording stream temperature since that time. In October 2012, a midstream logger was placed just upstream of a pond tributary to monitor its impact on stream temperatures. Three additional loggers have been placed on the outlets of the ponds adjacent to Eagle Creek in late July of 2018 (Figure 2). The goal of the additional pond loggers is monitor water temperatures leaving the ponds, and help zero in on potential warm thermal sources contributing to the creek. All the loggers record continuous temperature data in 15-minute intervals. Scott SWCD contracted with the LMRWD to collect and report the instream temperature data. Rainfall data used for this report is taken from the Shakopee Mdwakanton Sioux Community (SMSC) rain gauge located in Shakopee.

### Results

Under most conditions, stream temperatures trend with atmospheric temperatures. The downstream logger shows a deviation from the midstream and upstream loggers during both the winter and summer. A combination of atmospheric temperatures and the inflow of cold and warm water from the inlet near the Hwy 101 logger would influence the deviation.

Similar to other years, the upstream logger continues to be the warmest during the winter and coolest in the summer of the three Eagle Creek loggers. The downstream logger shows an opposite trend as it is the warmest in the summer and coolest in the winter (Figure 3). During warm summer days, water temperatures occasionally exceeded the optimal range for trout but for only a few hours at a time (Figure 4). The maximum daily temperatures exceeded the optimal range 15, 6, and 2 times for the downstream, midstream, and upstream loggers respectively. A noticeable separation in water temperatures is noticed after rain events. It appears that the



**Figure 2.** Location of temperature loggers and WOMP station. The new 2018 loggers are represented by the orange triangles. No temperature logger exists at the WOMP station.

midstream and downstream loggers tend to peak higher than the upstream logger, likely due to surface runoff from the stormwater inlets under Hwy 101 and increased side channel flow from the inlet at the Hwy 101 logger location. The midstream logger is in between the Hwy 101 overpass and the Hwy 101 inlet, downstream temperature logger is located approximately 30 feet downstream of the Hwy 101 inlet.

The additional three loggers at the Creek Way pond outlet, Shroeder's park outlet and the Hwy 101 pond inlet are not a part of the spring fed Eagle Creek main channel. They are more reactive to atmospheric temperature fluctuations (Figure 5). The Creek Way pond logger tracks very close to average air temperatures, except for a few times in early and late 2019. Shroeder's park and Hwy 101 loggers track very close to one another, with the exception to the Spring of 2019 where the flooding likely kept the Hwy 101 logger cooler than normal. Looking at how these ponds influence the main channel of Eagle Creek, it is likely that the Hwy 101 pond inlet has some influence to rising temperatures at the downstream logger as the largest separation in temperatures between the midstream and downstream logger is observed after the Hwy 101 logger temperatures surpass the main channel temperatures (Figure 6). Fluctuations are also observed with the atmospheric temperatures and rain events.

## **Discussion**

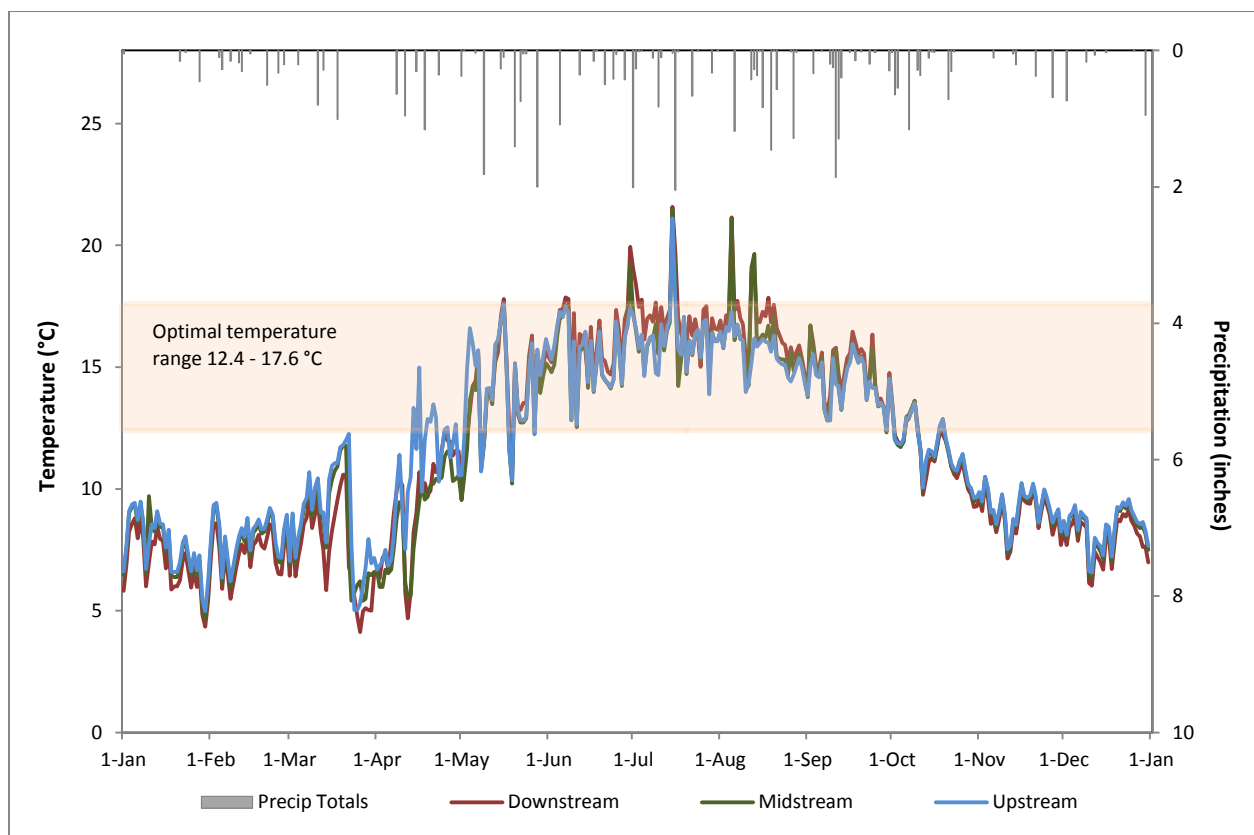
Multiple flooding events in the Minnesota River appeared to influence the data for all of the loggers during the Spring of 2019. The late May into June flood levels kept field staff out of the water and the levels also seemed to impact the water temperatures at all the loggers in the main channel and at the Hwy 101 logger. Following the flooding, all of the thermal monitoring loggers have shown typical responses to temperature increases and precipitation events. The downstream logger continues to show a greater and more sustained response to the events. This is likely due to the combination of the runoff from the crossing highway and overflow from the adjacent pond. All of the loggers showed spikes in maximum daily temperatures outside the optimal range for the Brown Trout, but the total number of spikes decreased by 29 between all of the loggers when compared with 2018 data. The pond loggers tracked well with average air temperatures. The logger at Creek Way pond only appeared to be submerged for a short period during the Spring thaw, the rest of the time it tracked with the atmospheric temperatures. The Hwy 101 pond logger tracked diurnally with the downstream and midstream loggers. It remained cooler than the main channel in the winter and warmer in the summers. It likely has some influence on the downstream logger temperatures as a noticeable separation is observed between the midstream and downstream loggers after the Hwy 101 logger temperatures surpass the main channel temperatures. This is similar to the results found in the brief investigation in 2009.

An investigation was conducted on August 19, 2009 during a 2-inch rain event at numerous temperature monitoring locations on Eagle Creek. Temperatures were recorded upstream and downstream of the pond tributary and in the tributary itself. The temperature of Eagle Creek rose almost 2°C directly after the tributary discharged into Eagle Creek. The tributary was almost 5°C higher than Eagle Creek. According to this study, temperature spikes in Eagle Creek appear to be from large volumes of solar heated pondwater and warm surface runoff discharging from the pond. The temperature of the pond may not actually increase during storm events, but rather the volume of water discharging into Eagle Creek is perhaps the stronger influence on temperature rise. This greatly exceeds the small increase in temperature that typically occurs during dry periods that could be attributed to atmospheric warming of the stream. The addition of the thermal loggers at the outlets of the ponds adjacent to the creek will provide a longer record of the actual influence of temperature increases from the ponds. Even though the temperature exceeds the optimal range for trout by only a few degrees and for only a short period, these rapid temperature increases could be stressful to fish. The state water quality standard for Class 2A waters maintain there shall be "no material increase" in temperature.



Other factors that show influence to fluctuating Eagle Creek temperatures are atmospheric temperatures, Spring flooding, and precipitation events. All of the loggers generally track with seasonal air temperatures with the main channel loggers have a more diluted effect, likely due to the flooding influences. Flooding usually occurs as early as March and can last up to June. This can artificially increase or suppress temperature fluctuations during these periods. Finally, precipitation events are seen to have impacts to the logger temperatures, especially in the midstream and downstream loggers. These loggers have the greatest potential for influence from highway runoff and pond overflow discharge.

Continually monitoring of Eagle Creek and the adjacent ponds will allow the tracking of temperature shifts. It also allows for historical background for past and future restoration projects, similar to the MNDNR habitat improvement project in 2013. Construction near the Schroeders park pond resulted in a missing logger data for much of the late 2018 to early 2019 season. The logger has since been replaced and all the loggers within the Eagle Creek watershed continue to capture continuous water temperature data.



**Figure 3.** 2019 Maximum daily water temperatures in Eagle Creek.

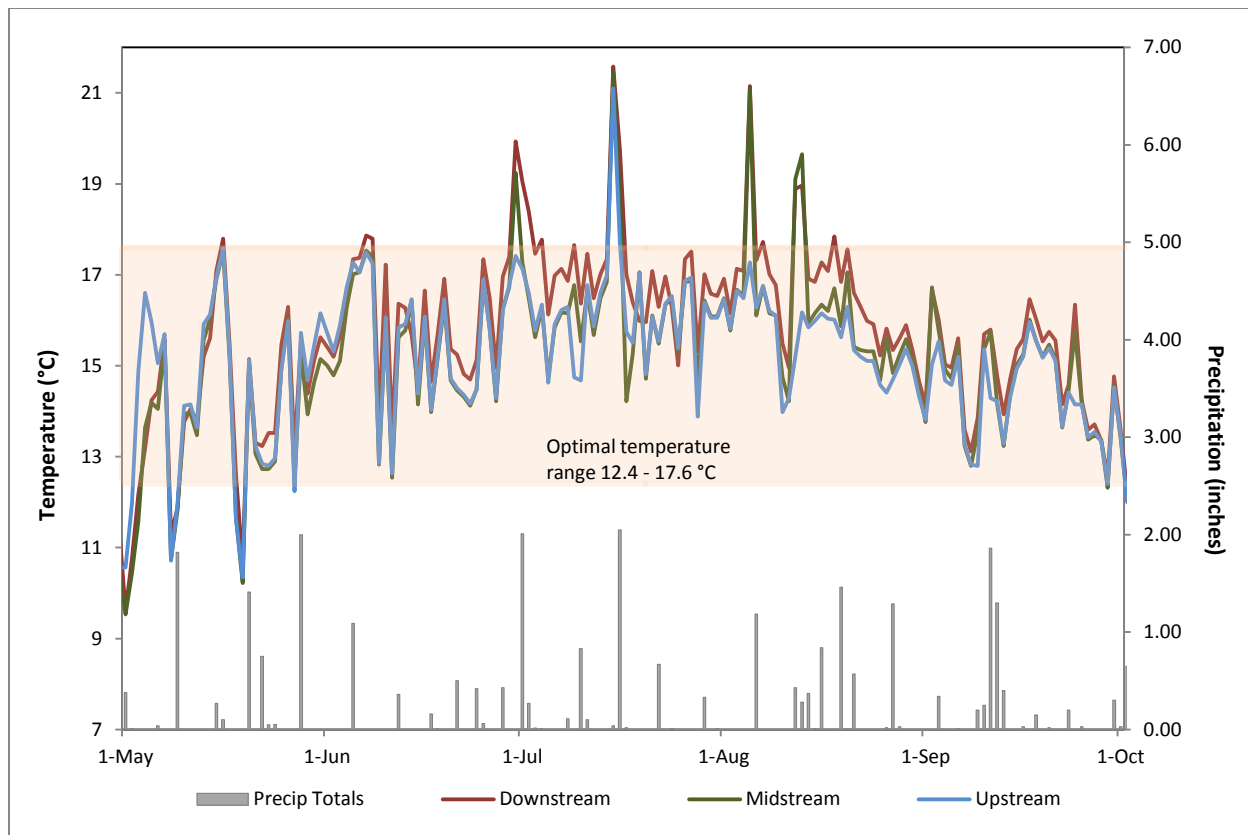


Figure 4. Maximum daily temperatures for the 2019 summer.

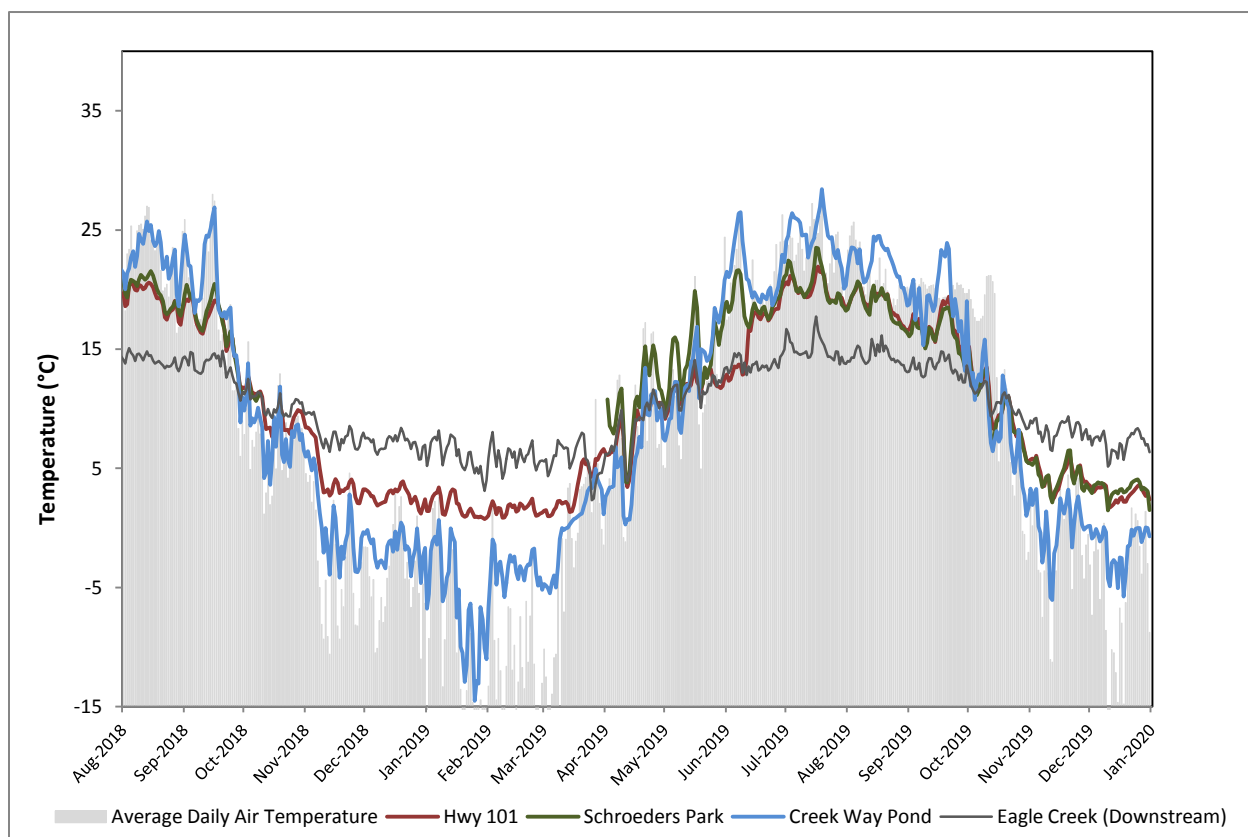
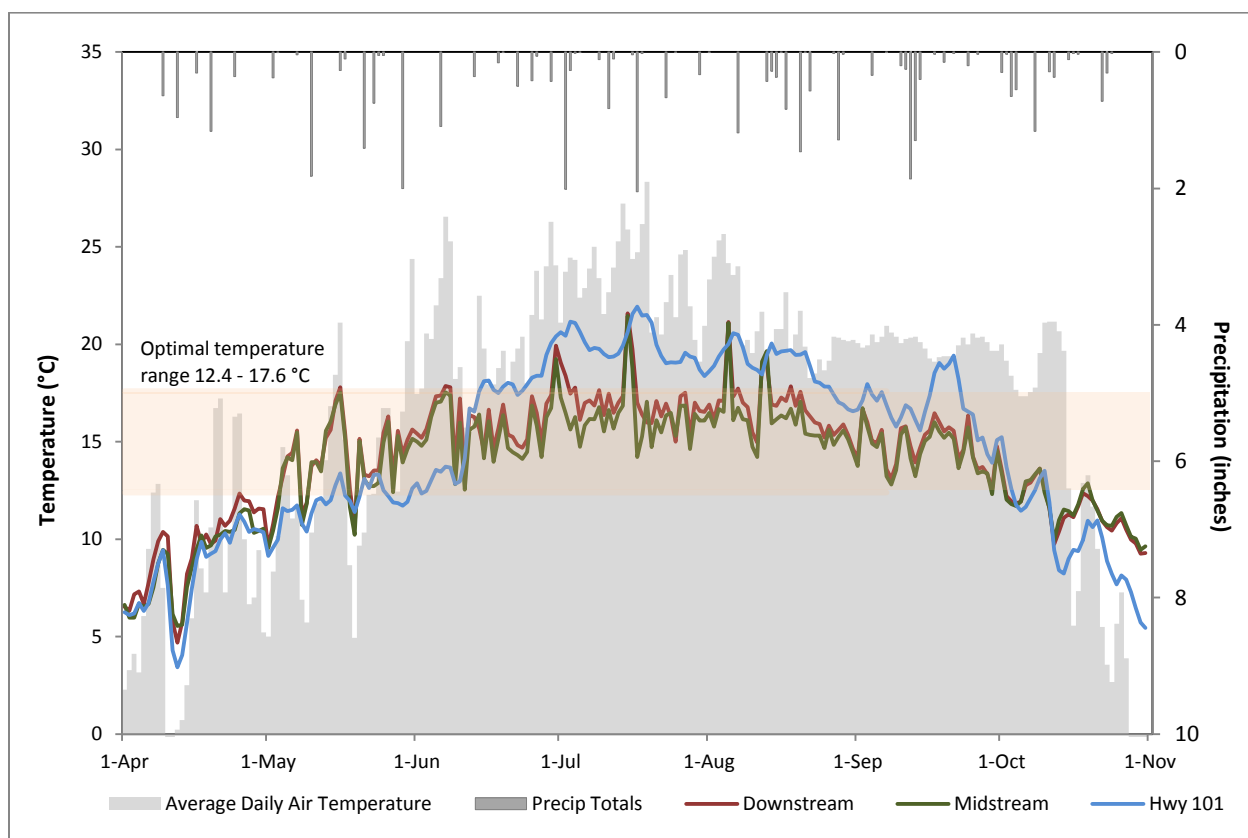


Figure 5. Pond outlet loggers 2019 average daily water temperatures. The Eagle Creek (Downstream) logger is shown for reference.



**Figure 6.** Comparison of 2019 water temperatures at the Hwy 101 pond and Eagle Creek upstream and downstream of pond confluence.

## II. Eagle Creek Monitoring

Eagle Creek is a Class 2A self-reproducing trout stream, a unique water resource in the metropolitan area. The Creek originates at the Boiling Springs (an area considered sacred by the Mdewakanton Sioux Community) and outlets into the Minnesota River. Significant measures have been taken over the past couple of decades to prevent degradation of Eagle Creek, including diverting storm water from the stream, the establishment of a 200-foot natural vegetative buffer along each side of the bank, and most recently in 2013, a habitat improvement project along the west branch of Eagle Creek. These and other steps have helped to significantly minimize impacts from this rapidly growing suburban area.

### Chloride Monitoring

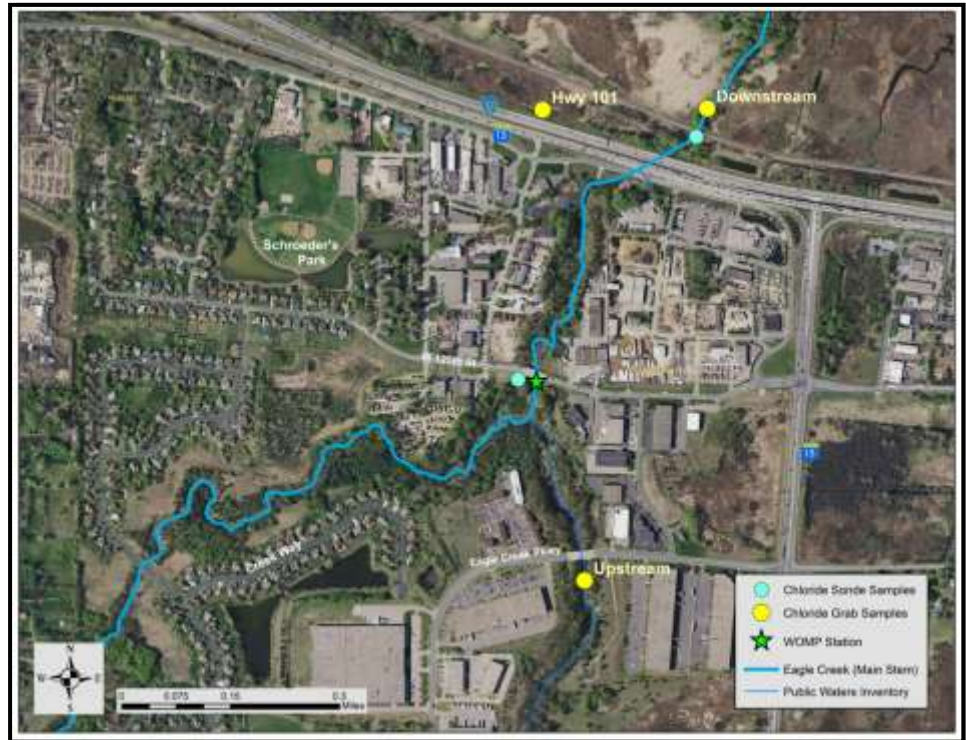
Located in a highly developed area, Eagle Creek is a unique metropolitan Brown Trout (*Salmo trutta*) stream that may be susceptible to increased levels of chloride. With over 67% of the watershed “developed” and a road density greater than 18%, the runoff potential from impervious surfaces that can transport deicing products into the creek is significant (MPCA, 2018). High levels of chlorides have been found to impact trout development and reduce their growth (Hintz & Relyea, 2017). Smaller streams in highly urbanized areas, like Eagle Creek, are more susceptible to higher chloride concentrations (SEWRPC, 2013).

## Methods

New monitoring to trace potential chloride inputs began in early November of 2018 and is scheduled to conclude at the end of March 2019. Samples are collected in three targeted areas around the watershed to capture baseline and runoff chloride concentrations to see if there are areas that are susceptible to higher levels of chloride pollution during the winters (Figure 7). The selected locations will divide the watershed into

sections that can help identify areas with the highest inputs. Chloride and *Escherichia coli* (*E. coli*) samples were collected bi-weekly along with up to five additional event samples. The event samples are dictated by two consecutive days of above freezing ambient temperatures (32°F). This will capture the greatest potential for chloride runoff into the creek. During each sample run stream parameters (temperatures, pH, conductivity, and dissolved oxygen) were recorded with an YSI EXO 1 sonde at each sample location along with four

additional sonde only sample sites. The goal is to relate chloride concentrations to conductivity levels and translate the correlated chloride values to the sonde only measurements. In addition to chloride, *E. coli* samples are also collected to help isolate the source of historically high levels observed during the winter months.



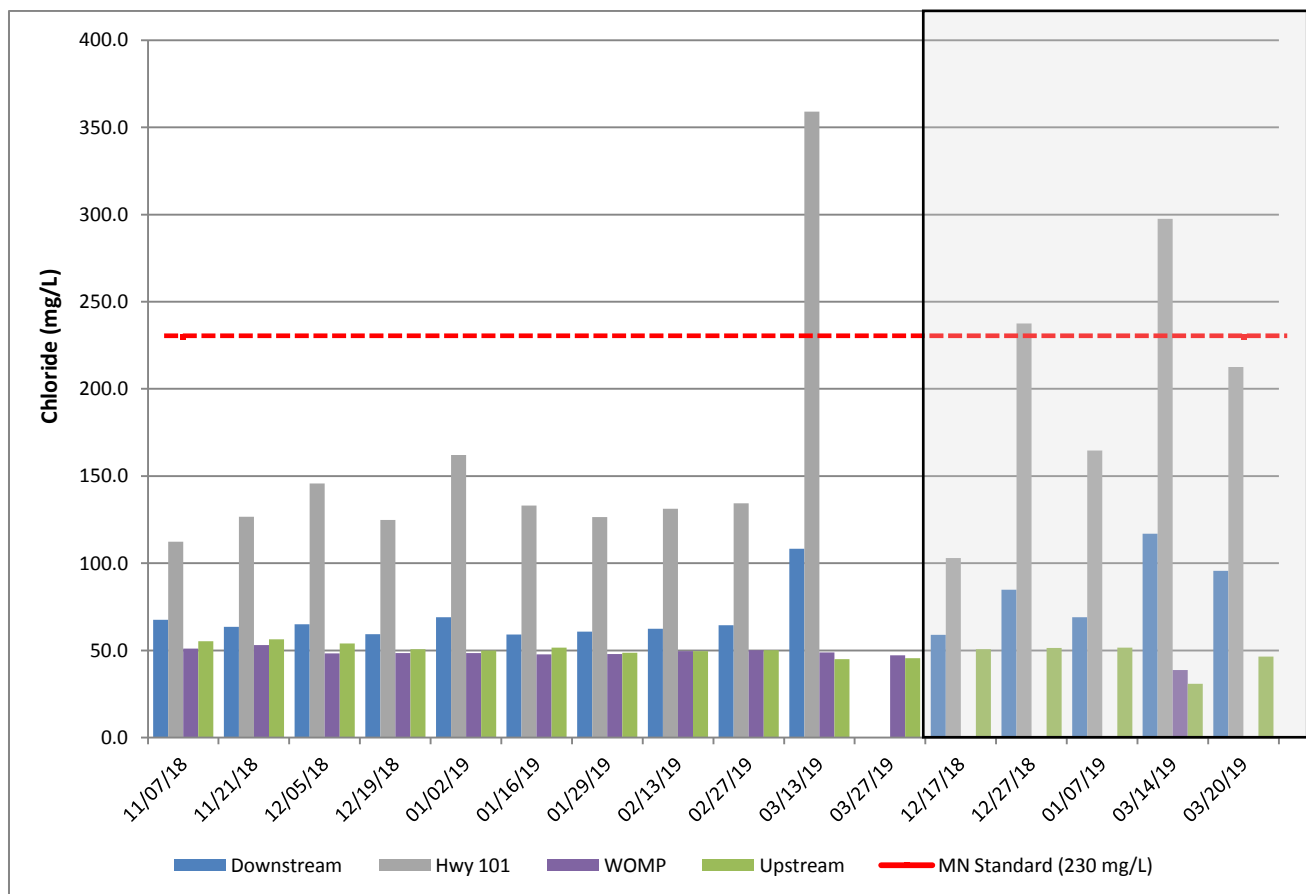
**Figure 7.** Map depicting the locations of the grab samples and sonde readings for the 2018-2019 chloride analysis.

## Results

A total of eleven bi-weekly samples were collected throughout the 2018-2019 winter, only ten were collected at the downstream and Hwy 101 site due to flooding. The chloride levels recorded ranged from 31-360 mg/L (Table 1). Most of the sites stayed below the state concentration standard of 230 mg/L, the Hwy 101 site was the only location with values above the state standard (Figure 8). Most of the sites did not see much fluctuation in chloride levels, the two sites upstream (upstream and WOMP) only varied 6-11 mg/L from the lowest to highest values collected. The upstream site even decreased in concentration for the event samples. Lower in the watershed there appears to be more variation with the Hwy 101 site has a range of 247 mg/L for routine and 195 mg/L for event samples. This likely impacted the lowest site downstream as it had a range of 50-60 mg/L, the highest in the Eagle Creek main channel. Even comparing routine and event samples the upstream site had the lowest range in averages with only a 4 mg/L difference, the Hwy 101 site had ten times that range with a 47 mg/L difference. Again this bumped the variation in the downstream site to a 17 mg/L difference.

**Table 1.** Chloride results of samples collected for the Eagle Creek chloride project. Data represents routine and event samples collected from 11/7/18 to 3/27/19. Red values are in exceedance of state standards for chlorides (230 mg/L).

Site	Type	Min	25th %	Median	Avg	75th %	Max	N
Upstream	Routine	45	48.7	50.1	50.6	53.9	56.3	11
	Event	30.8	38.6	50.7	46.18	51.5	51.6	5
WOMP	Routine	47.2	47.9	48.5	49.14	50.1	53	11
	Event	38.7	-	-	-	-	38.7	1
Hwy 101	Routine	112.4	126	132.15	155.57	149.8	359.1	10
	Event	102.9	133.75	212.5	203.04	267.6	297.6	5
Downstream	Routine	59.1	60.35	64	67.95	67.95	108.3	10
	Event	58.9	64	84.9	85.08	106.25	116.9	5

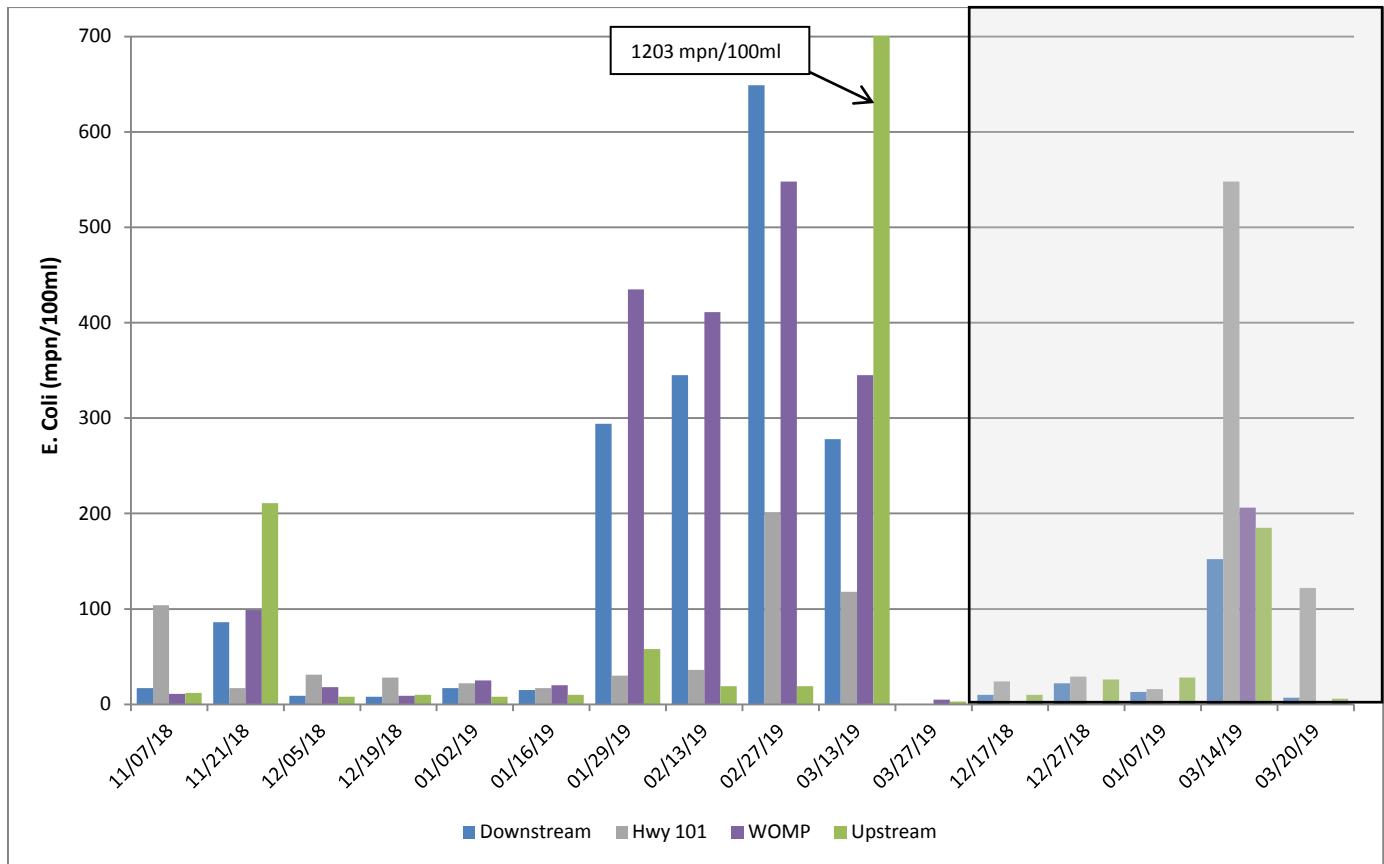


**Figure 8.** Distribution of chloride concentration for each grab sample. The highlighted area represents the event samples.

Along with chloride analysis, this study also collected E.coli data at the sample locations. Historically, the WOMP location sees and uptick in E.coli values during January and February, this has remained true during this study (Figure 9). The upstream site had the highest and lowest values observed (Table 2). On average the WOMP site had the highest values and in most cases decrease further downstream. There are no state standards for the winter, but a general 126 CFU/100ml is a standard values set for the summer that was used here to compare values. All the sites exceeded this value with their max values and most sites even exceeded the value with their averages.

**Table 2.** E.coli results of samples collected for the Eagle Creek chloride project. Data represents routine and event samples collected from 11/7/18 to 3/27/19. Red values are in exceedance of state standards for chlorides (126 CFU/100ml). The state standard only applies to Geometric means for summer measurements; the standard here is used as a guide to compare results.

Site	Type	Min	25th %	Median	Avg	75th %	Max	N
Upstream	Routine	3	8	12	142	58	1203	11
	Event	6	8	26	51	107	185	5
WOMP	Routine	5	11	25	175	411	548	11
	Event	206	-	-	-	-	206	1
Hwy 101	Routine	17	21	31	60	108	201	10
	Event	16	20	29	148	335	548	5
Downstream	Routine	8	14	52	172	307	649	10
	Event	7	9	13	41	87	152	5



**Figure 9.** Distribution of E.coli concentrations for each grab sample. The highlighted area represents the event samples.

## **Discussion**

The main channel of Eagle Creek upstream of Hwy 101 does not appear to be greatly impacted by chlorides, as the monitored levels remained fairly constant throughout the study. Furthermore, the reported levels never came close to the 230 mg/L state standard. Downstream has a little more room for concern as the main stem levels correlated with the levels of the inlet just downstream of Hwy 101. The Hwy 101 monitoring site recorded much higher levels than the main stem of Eagle Creek and even exceeded the state standard on a few occasions. Although the mixing of the main channel and the inlet kept chloride levels well below the standard at the downstream monitoring location, it is concerning to see these high levels anywhere within the Eagle Creek watershed. Further monitoring would provide more data in this area and would track whether the situation stays the same, or deviates from these results.

Monitoring E.coli levels at the Metropolitan Councils watershed outlet monitoring program (WOMP) site has been conducted for multiple years. Every year a spike in concentrations consistently appears in early part of the year (January, February and March). This trend remained consistent in this study as high levels of E.coli were seen at the WOMP station during those months. These high levels could have added to higher levels at the downstream site but was likely diluted further downstream. There was a case when the downstream site had higher levels than the WOMP station. Water fowl were noticed near the Hwy 101 overpass during this measurement which may have increased the readings. Similarly, at the Hwy 101 sampling location there were a few times that signs of muskrats were present which could have influenced the data. Eagle Creek has historically had issues with E.coli levels, as seen in the WOMP data, and it will continue to be monitored through the Metropolitan Councils WOMP program.

## **Watershed Outlet Monitoring Program (WOMP)**

The Eagle Creek monitoring station began in 1999 as part of the Metropolitan Council's Watershed Outlet Monitoring Program (WOMP). This program was designed and is currently managed by the Metropolitan Council, for the primary purpose of improving the ability to calculate pollutant loads to the Minnesota River. The Lower Minnesota River Watershed District (LMRWD) is the local funding partner for this station, and contracts with the Scott Soil and Water Conservation District (SWCD) to perform field-monitoring activities. The monitoring station is located in the City of Savage near Highway 13 and Highway 101, approximately 0.8 miles upstream of the confluence with the Minnesota River.

The following water quality and flow data is preliminary and is subject to change until the Metropolitan Council submits the final report for this period.

**Table 3.** Precipitation near Eagle Creek WOMP Station.

Month	2019 Precipitation* (inches)	30 Year Record **		
		Average	Minimum	Maximum
January	0.70	0.82	0.08	4
February	2.13	0.84	T	2.18
March	2.31	1.68	0.34	4.26
April	3.43	3.01	0.42	7.51
May	6.88	4.46	1.08	11.08
June	3.03	5.34	2.1	12.3
July	6.48	4.16	0.87	8.48
August	6.50	4.97	1.11	10.86
September	5.09	2.85	0.21	6.88
October	4.26	2.57	0.46	5.83
November	1.44	1.56	T	4.99
December	1.97	1.18	T	3.4
<b>Total</b>	<b>44.21</b>	<b>34.26</b>	<b>21.93</b>	<b>41.99</b>

\* Precipitation data obtained from Shakopee Mdewakanton Sioux community weather station.

\*\* The 30 year average (normal) is from 1989-2019, NOAA National Weather Service Forecast Office: site Jordan 1SSW Minimum annual average is from 1989 and maximum is from 2019. Records indicated with a "T" represent a trace of precipitation.

<https://w2.weather.gov/climate/xmacis.php?wfo=mpx>

## Methods

### **Sampling**

Many parameters are recorded continuously at the Eagle Creek WOMP station including stage, velocity, conductivity, precipitation, and stream temperature. Samples are collected and analyzed for multiple parameters (Table 5) during base flow conditions and storm events. Base flow samples are taken monthly during periods of time unaffected by rainfall or snowmelt events. Samples are taken directly from the stream and then transported to the Metropolitan Council Environmental Services Laboratory (lab) for analysis. The station is set with a composite sampler to collect a number of samples during peak flow events, but during 2019 the Metropolitan Council staff was still trying to fine tune the equipment's collection capabilities. The goal is to capture the water quality at or near the peak of the hydrograph. The event samples are treated similar to base flow samples and the grab samples are brought to the lab for analysis. The site was visited and samples were collected thirty-seven times during the 2019 monitoring season, a few of the composite samples did not collect enough water to run a full analysis.

### **Flow**

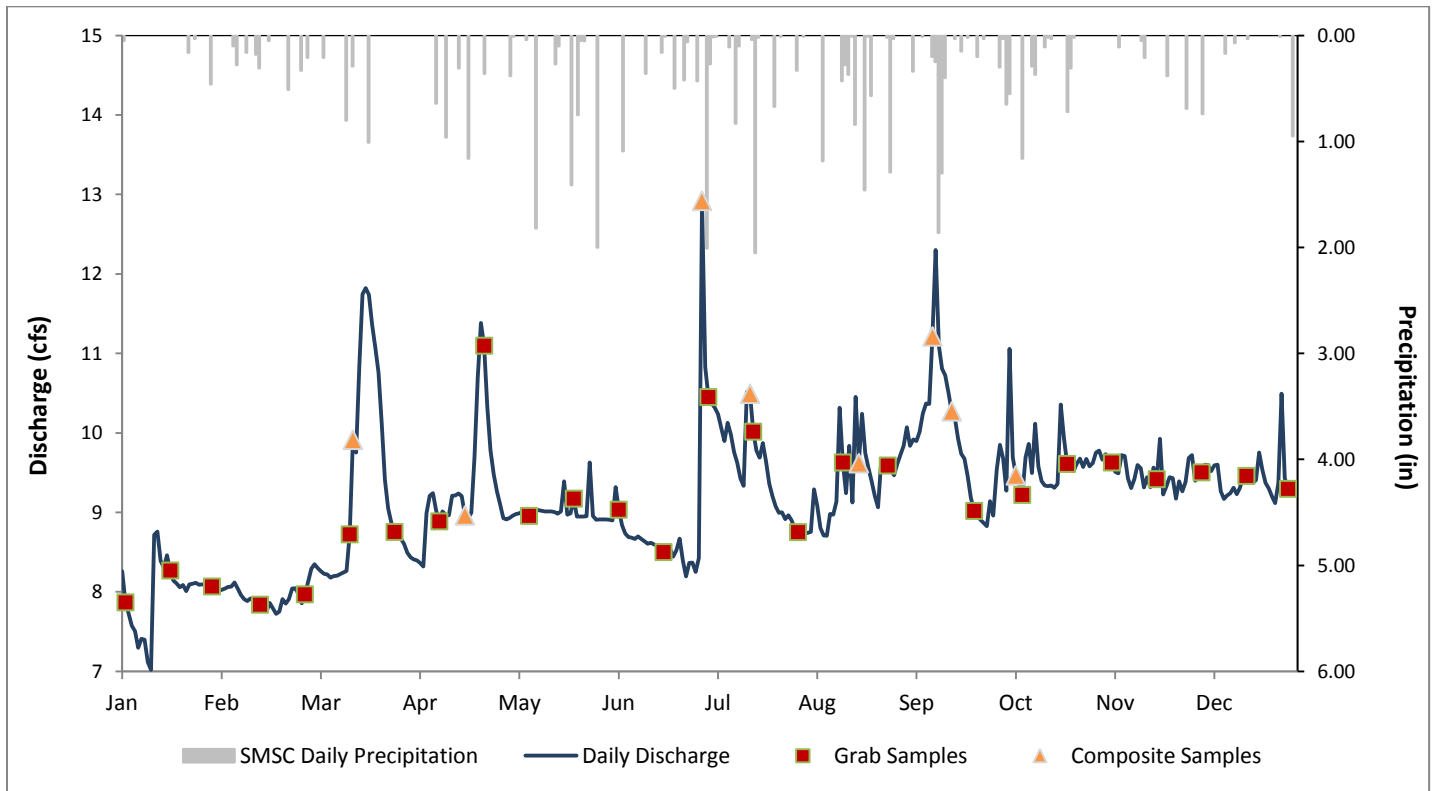
There are two means of measuring stage and flow at the WOMP station: a WaterLOG bubbler system and Sontek Argonaut Shallow Water (SW) system. The bubbler system has been used since 1999 to measure stage. To determine the amount of flow related to stage, flow measurements are taken manually by MCES staff with a flow meter while the creek is at different stages and a rating curve is developed. With this data, a stage-flow relationship can be applied to the datalogger program, which then calculates continuous flow values as determined by the measured stage.

The Sontek Argonaut-SW was installed by the Metropolitan Council in 2008. This equipment calculates instantaneous flow based on the cross section area, stage, and velocity of the water. This equipment was determined necessary because of occasional backwater conditions caused by beaver dams or flooding of the Minnesota River. The bubbler system is not able to determine that the water is moving slower, so it automatically calculates higher flow as the stage rises. The Argonaut is able to adjust the flow as velocity changes, making the flow values more accurate during backwater conditions.



## Results

The range of sampled water quality parameters are reported in table 5. The minimum, 25<sup>th</sup> percentile, median, mean, 75<sup>th</sup> percentile and maximum values are reported along with any state standard or comparable ecoregion range or mean for comparison purposes. Individual TSS and E. coli samples are plotted in figures 11 and 13 respectively. The 5 year trend of monthly TSS values and monthly geometric mean of all E. coli samples taken over the past 10 years are reported in figure 12 and 14 respectively.



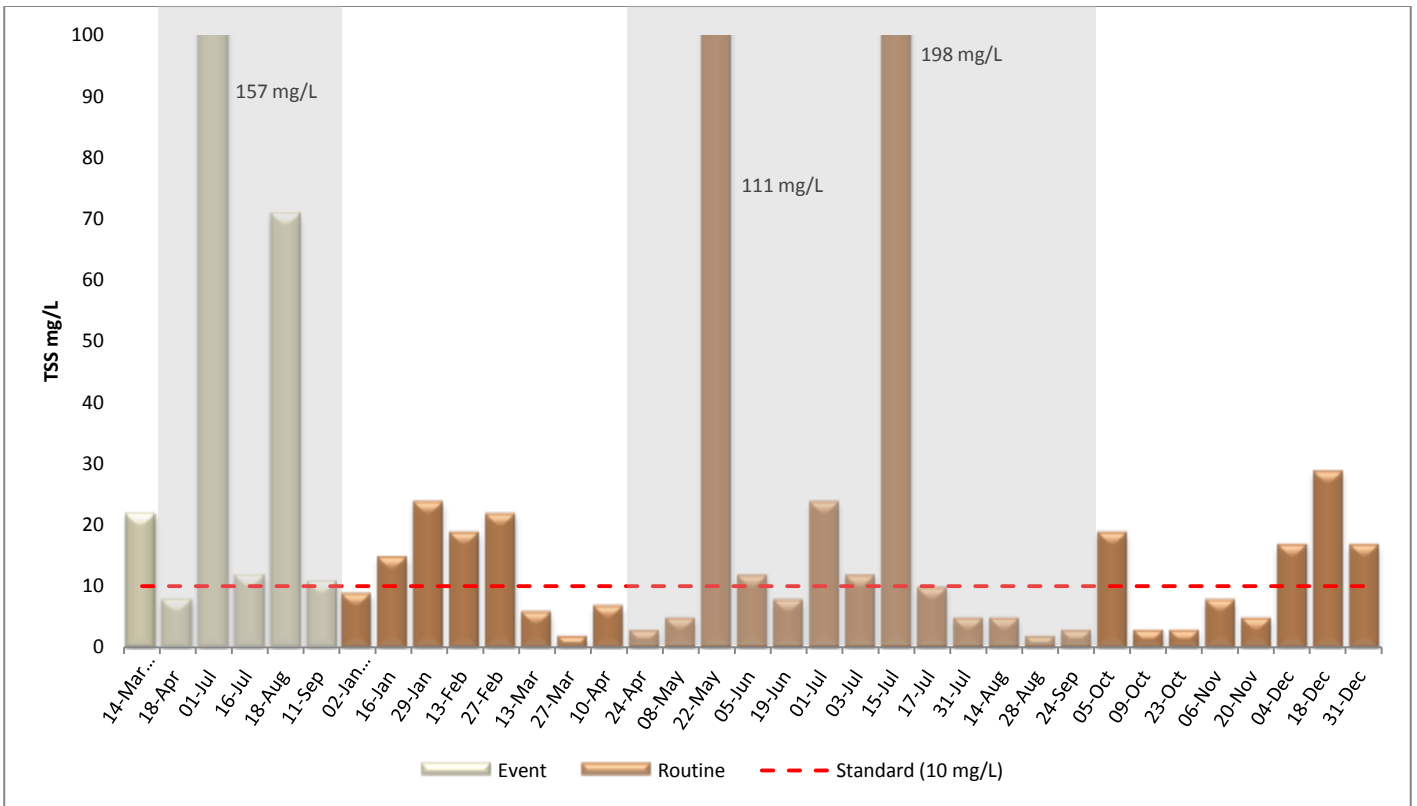
**Figure 10:** 2019 Eagle Creek WOMP discharge, precipitation, and samples collected. Discharge data is provided by METC and is preliminary.

**Table 4.** 2019 *In situ* water quality measurements taken by YSI EXO 1 multi-probe mini sonde during 2019 sampling.

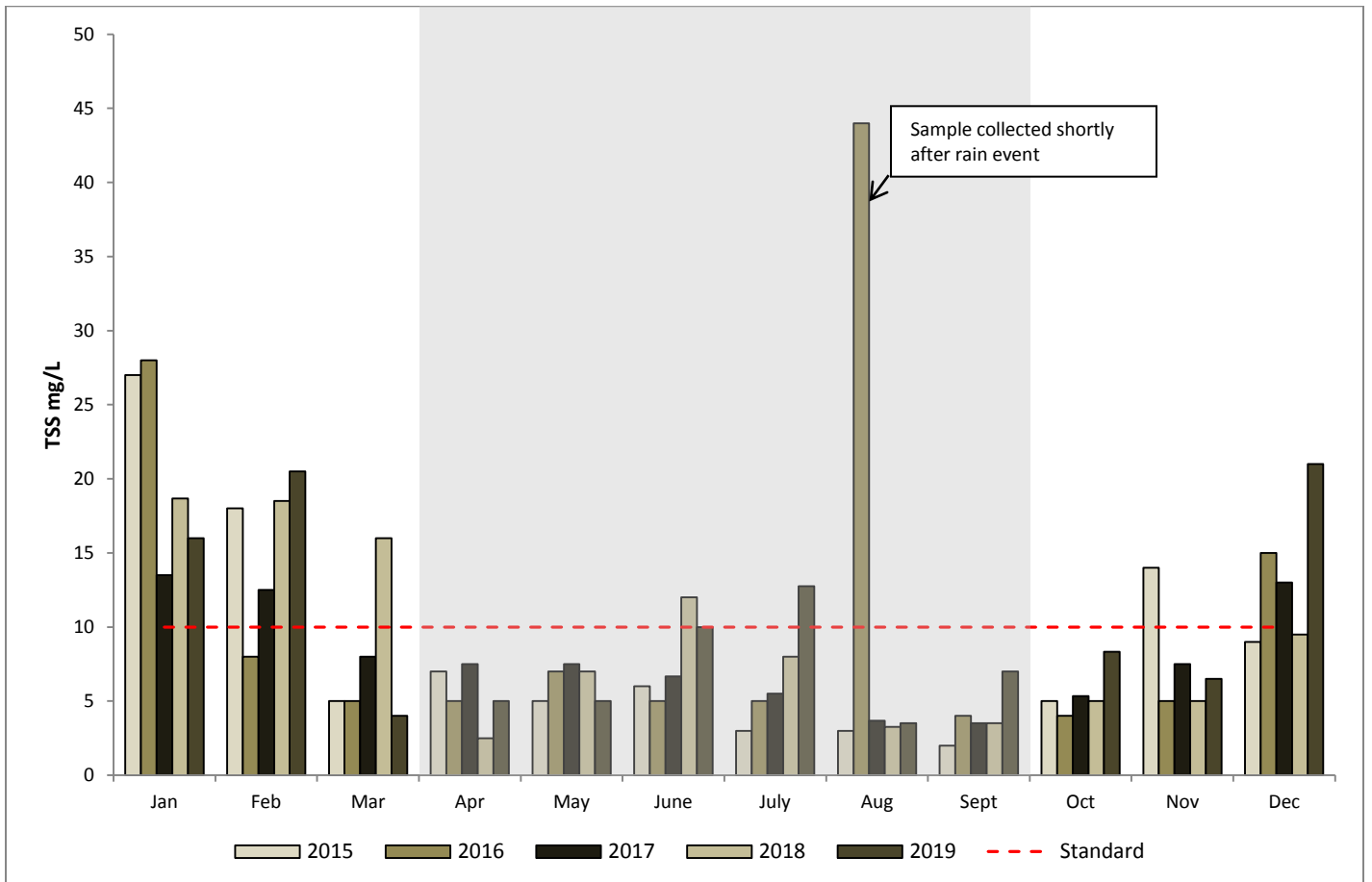
Parameter	Min	25th %	Median	Avg	75th%	Max	N	Notes
Temp (deg C)	5.30	7.67	9.92	10.36	12.60	21.06	32	
DO (mg/L)	7.30	8.00	8.57	8.62	9.12	10.47	32	Standard = > 7 mg/L
pH (Units)	7.43	7.58	7.71	7.69	7.76	8.09	32	Standard = 6.5-8.5
Conductivity (umho/cm)	452.0	658.6	670.9	652.6	673.2	688.6	33	

**Table 5.** 2019 Water quality preliminary lab results. Red text indicates exceedance of the state standard or NCHF ecoregion mean.

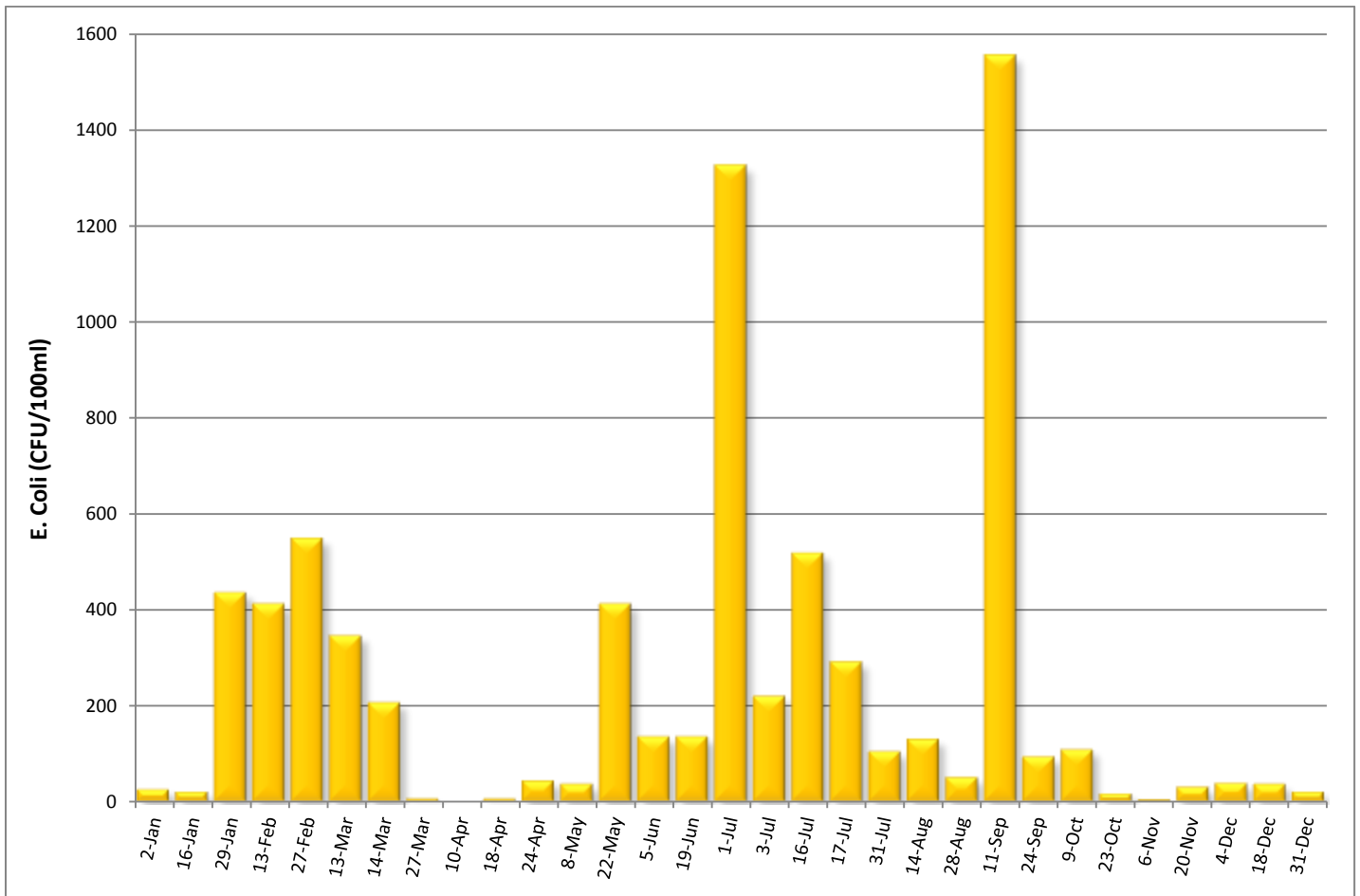
Parameter	Min	25th %	Median	Avg	75th%	Max	N	Notes
Alkalinity (mg/L_CaCO3)	270	-	277	277	-	283	2	No standard, 20-200 mg/L typical
Chloride (mg/L)	22.8	46.6	49.8	47.3	51.3	55.8	37	Standard = 230 mg/L
Hardness (mg/L_CaCO3)	276.0	-	293.0	293.0	-	310.0	2	
Ammonia (mg/L)	0.02	0.03	0.06	0.07	0.08	0.13	37	
Sulfate (mg/L)	18.2	-	19.3	19.3	-	20.4	2	
Nitrate (mg/L)	0.19	0.20	0.20	0.24	0.24	1.00	37	Ecoregion mean = 0.04-0.26 mg/L
Nitrite (mg/L)	0.03	0.06	0.06	0.05	0.06	0.06	37	Ecoregion mean = 0.04-0.26 mg/L
Total Kjeldahl Nitrogen (mg/L)	0.14	0.26	0.38	0.50	0.50	2.20	37	
Total Phosphorus filtered (mg/L)	0.020	0.020	0.020	0.081	0.022	1.730	36	Ecoregion mean = 0.06-0.15 mg/L EPA recommends < 0.1 mg/L
Total Phosphorus unfiltered (mg/L)	0.020	0.025	0.041	0.072	0.084	0.386	37	Ecoregion mean = 0.06-0.15 mg/L EPA recommends < 0.1 mg/L
Ortho Phosphate (mg/L)	0.005	0.007	0.008	0.008	0.010	0.016	33	
Total Organic Carbon (mg/L)	2.5	-	3.1	3.1	-	3.6	2	
Suspended Solids (mg/L)	2	5	11	25	22	198	35	Ecoregion mean = 4.8-16 mg/L Standard = 10 mg/L
Volatile Suspended Solids (mg/L)	1	2	3	8	7	59	35	
E. Coli (#/100ml)	1	25	104	235	345	1553	31	Standard = 126 CFU/100ml as geometric mean



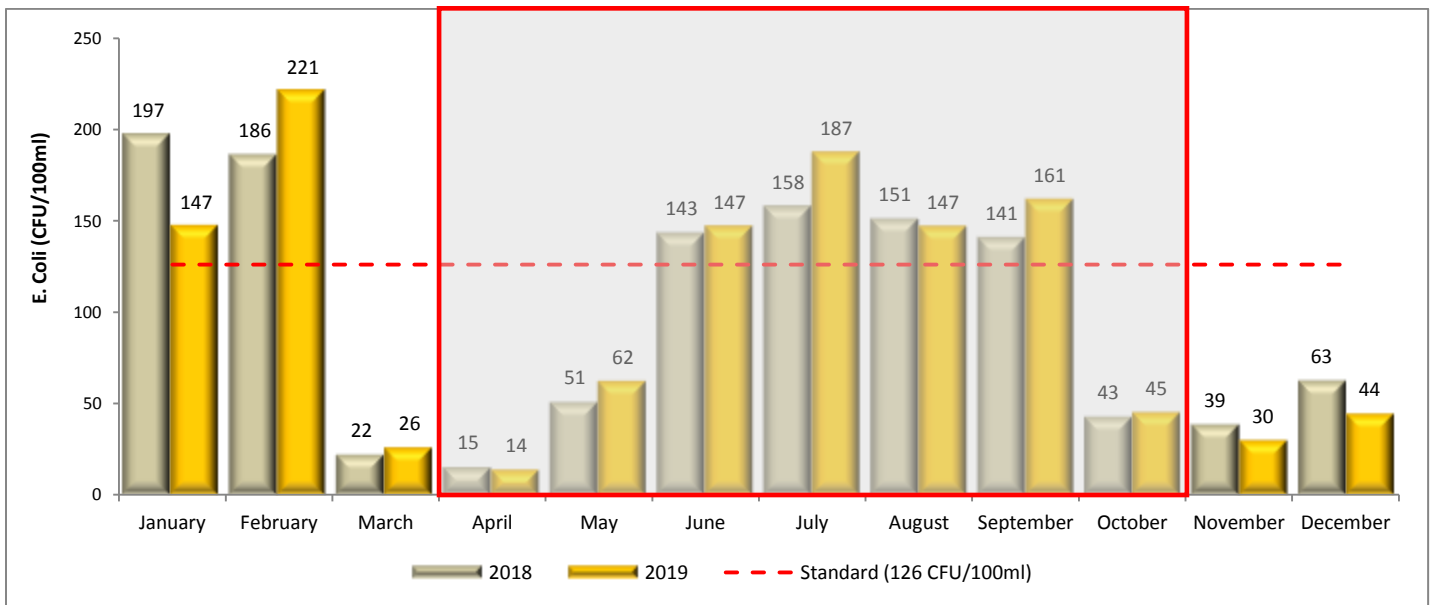
**Figure 11.** Total Suspended Solids (2019). State Standard for Class 2A Waters = 10 mg/L with no more than 10% exceedance between 1 April and 30 September (indicated by the red dashed line and the shaded areas in the graph).



**Figure 12.** Total suspended solid monthly average over the last 5 years for non-event samples. The state standard is 10mg/L indicated by the dashed red line. No more than 10% exceedance shall occur between 1 April and 30 September (shaded area).



**Figure 13.** *E. coli* samples (2019). *E. coli* state standard for class 2A waters is not to exceed 126 organisms/100 ml as a geometric mean of not less than 5 samples representative of conditions within any calendar month. Nor shall more than 10% of all samples taken during any calendar month individually exceed 1,260 organisms per 100 ml. The standard applies only between April 1 and October 31.



**Figure 14.** Geometric mean of *E. coli* at Eagle Creek. The geometric mean was calculated using all samples over the past 10 years (2009-2019) for any given month. *E. coli* state standard for class 2A waters is not to exceed 126 organisms/100 ml as a geometric mean of not less than 5 samples representative of conditions within any calendar month. Nor shall more than 10% of all samples taken during any calendar month individually exceed 1,260 organisms per 100 ml. The standard applies only between April 1 and October 31.

## Discussion

In general, the monitoring data suggests that Eagle Creek consistently meets state water quality standards and ecoregion means<sup>1</sup>, with the exceptions being bacteria and suspended solids (Figure 11, Figure 14 and Table 5). The elevated levels of these parameters in winter is characteristic of this stream due to the fact that Eagle Creek is spring fed and does not freeze over in the winter. The open water attracts a large number of waterfowl, which results in historically higher bacteria, sediment, and turbidity levels than observed in summer months (Figures 11 and 13). Elevated levels during the summer are a result of continual waterfowl use and runoff from significant rain events.

The *E. coli* standard is applicable from April 1 – October 31 and is exceeded when greater than 10% of the samples exceed 1260 Colony Forming Units (CFU) per 100 ml or the geometric mean of no fewer than five samples in a calendar month exceed 126 CFUs. Two samples exceeded 1260 CFU's from April through October, one in July and another in September (Figure 13). Additionally, the geometric mean of the previous ten years of *E. coli* samples resulted in the exceedance of 126 CFU's for June thru August (Figure 14). January and February also exceeded the 126 CFU threshold leaving six month's below the standard.

The previous state turbidity standard was replaced with a Total Suspended Solids (TSS) standard. The new TSS standard for Class 2A waters state that no more than 10% of samples shall exceed 10 mg/L between April 1 and September 30. This year, Eagle Creek exceeded 10 mg/L in 5 of 13 (38%) lab samples during the applicable season (Figure 11). In addition two of the five event samples and all samples exceeded the 10 mg/L level. For all of the samples collected from April thru September, 7 of 18 (39%) exceeded the state standard. Additionally, nine of the other samples outside of the standards date range had TSS levels above 10 mg/L.

## III. Dean Lake Inlet Monitoring

Dean Lake Inlet was once on the Minnesota Pollution Control Agency (MPCA) 303 (d) list of impaired waters from 2006-2016. It was impaired for Aquatic Recreation due to excess nutrients causing eutrophication. In 2016 the body of water was re-assessed and reclassified as a wetland in the MPCA's Lower Minnesota River Watershed Monitoring and Assessment Report of June 2017. Although the reclassification removes the body of water from the 303 (d) list the nutrient loading still remains. Scott SWCD continues to provide monitoring data on the inlet to Dean Lake to document nutrient loading. The monitoring site is located where CR21 passes over the Prior Lake Outlet Channel to the southeast of Dean Lake. The SWCD monitors water chemistry and continuous stage and flow at this location. This site has been monitored from 2014 to present.

## Methods

In-stream field measurements of dissolved oxygen, temperature, turbidity, pH, and conductivity were taken using an YSI EXO 1 multiparameter Sonde. Field transparency is measured with a 1 meter secchi tube. Bi-weekly scheduled samples and additional event grab samples taken after rain events are taken while the stream channel is open (March-November). In 2019, 17 base grab samples and 4 event grab samples were collected totaling 21 samples. In addition to water quality samples, a total of five periodic flow measurements were taken in 2019. These measurements are used and in conjunction with flow measurements taken over

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<sup>1</sup> There are seven ecoregions in Minnesota. Ecoregions are classified by geographic areas with similar plant communities, land use, soil, and geology. Eagle Creek is located in the North Central Hardwood Forest (NCHF) ecoregion. Each ecoregion has unique water quality goals as determined by historical monitoring of representative and minimally impacted reference streams within that ecoregion.

the previous years to develop a discharge rating curve. This rating curve is applied to the continuous 15 minute stage measurements collected by Campbell Scientific SR50 Ultrasonic Distance Sensor and CR1000 data logger to calculate continuous discharge data at the site (Figure 15).

## Results

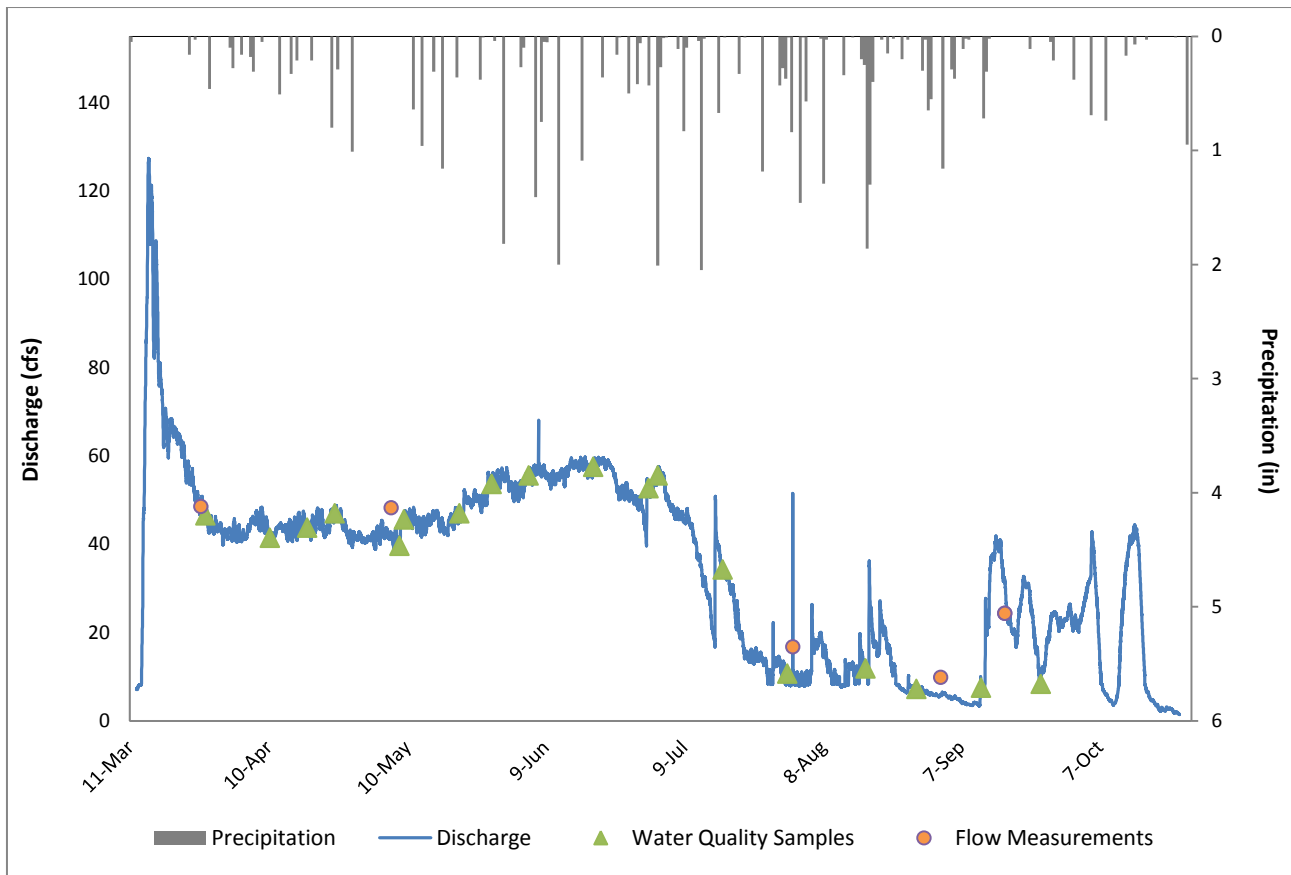
The 2019 monitoring data suggest that the inlet to Dean Lake meets MN water quality standards for all measurable categories, but it fell out of ecoregion mean and EPA recommendations for phosphorus, nitrate and suspended solids (Table 6). Historically, the inlet has seen spikes in nitrate and phosphorus. During the 2019 sampling season the total unfiltered phosphorus fell beyond the recommended level 19% of the time and measured below and above the Ecoregion mean 52% and 10% of the time respectively. The nitrates only exceeded the Ecoregion high 14% of the time and never went below the low. Finally, the suspended solids exceeded the state standard 9% of the time and went above the Ecoregion high 33% of the time.

**Table 6.** 2019 water quality data from Dean Lake Inlet. Red, bolded text indicates exceedance of the state standard or North Central Hardwood Forest ecoregion mean.

Parameter	Min	25th %	Median	Avg	75th%	Max	N	Notes
Chloride (mg/L)	28.60	47.1	50.0	49.0	53.3	60.4	21	Standard = 230 mg/L
Nitrate (mg/L)	0.16	0.20	0.20	0.22	0.21	<b>0.42</b>	21	Ecoregion mean = 0.04-0.26 mg/L
Nitrite (mg/L)	0.03	0.06	0.06	0.06	0.06	0.06	21	Ecoregion mean = 0.04-0.26 mg/L
Total Kjeldahl Nitrogen (mg/L)	0.08	0.75	0.80	0.81	0.90	1.20	21	
Total Phosphorus filtered (mg/L)	0.020	0.020	0.028	0.041	0.046	<b>0.164</b>	21	Ecoregion mean = 0.06-0.15 mg/L EPA recommends < 0.1 mg/L
Total Phosphorus unfiltered (mg/L)	0.015	0.048	0.055	0.074	0.094	<b>0.170</b>	21	Ecoregion mean = 0.06-0.15 mg/L EPA recommends < 0.1 mg/L
Lab Turbidity (NTRU)	3	5	6	8	11	19	21	
Suspended Solids (mg/L)	4	9	13	17	17	<b>73</b>	21	Standard = 30 mg/L Ecoregion mean = 4.8-16 mg/L
Volatile Suspended Solids (mg/L)	1	3	3	4	5	9	21	

**Table 7.** 2019 *In situ* water quality measurements taken by a YSI EXO1 multi-probe mini sonde for Dean Lake Inlet.

Parameter	Min	25th %	Median	Avg	75th%	Max	N	Notes
Temp (deg C)	4.24	11.02	16.59	16.09	11.02	25.51	20	
DO (mg/L)	6.04	7.27	8.59	8.77	10.00	12.48	20	
pH (Units)	7.56	7.81	7.90	7.90	8.02	8.24	20	
Conductivity (umho/cm)	391.5	437.0	455.4	454.2	471.7	575.7	20	



**Figure 15.** Dean Lake Inlet discharge, precipitation, flow measurements, and water quality samples collected (2019).

**Discussion:**

Most of the water quality parameters at the Dean Lake Inlet are within the recommended standards and ecoregion averages. With all of the exceeding parameters, most exceedance is occurring after precipitation events, droughts, or seasonally influence. Monitoring these levels should continue to track any potential increases or decreases in these levels. Although Dean Lake Inlet is no longer on the 303 (d) list because of its reclassification, it is important to track the amount of nutrients at the site to maintain historical data and track nutrient loading downstream.

**IV. Well Monitoring**

In 2005 the LMRWD contracted with Scott Soil and Water Conservation District to collect groundwater measurements from 13 wells in the Savage Fen, 4 wells in the Eagle Creek area and 2 Bluff wells. The data from these recordings is used to assess groundwater resources, determine long-term trends and interpret the impacts of pumping and climate. The wells in the Savage Fen were installed by the DNR to monitor development effects and water usage from the City of Savage on the water level in the Fen. All well data is entered into the DNR’s groundwater level database and can be accessed at

<http://www.dnr.state.mn.us/waters/cgm/index.html>.

## **Savage Fen Area Wells**

The Savage Fen is a rare wetland complex at the base of the north-facing bluffs in the Minnesota River Valley, the largest calcareous fen of its kind in Minnesota. A plant community of wet, seepage sites with an internal flow of groundwater rich in calcium, magnesium bicarbonates and sulfates result in a thick peat base that is able to support a unique diversity of plants. More than 200 various plant species have been found in the Savage Fen, some of which are rare.

## **Methods**

Scott SWCD monitors 13 wells in the Savage Fen monthly between April and December (Figure 16). The water level fluctuates throughout the year and the artesian wells record water levels above ground level. In addition, four wells are monitored in the Eagle Creek portion of Savage Fen on the other side of highway 13 (Figure 21).

The SWCD monitors two additional wells in the Savage Bluff area. In 2010 the Savage Post Office and Fire Department was constructed near the bluff wellheads and as a result, the wellheads were reconstructed and placed below the street, accessible beneath a manhole cover. The SWCD did not read these two wells in 2011 or 2012 as a result of the construction. In 2013, the SWCD resumed monitoring these wells with the City of Savage staff providing access. The Bluff wells were sealed during the 2019 season and are not longer accessible.

In total, the SWCD recorded 141 water level measurements in 2019 from 19 wells for LMRWD.

## **Results**

The Savage Fen water levels remained relatively constant throughout the monitoring season with individual well fluctuations throughout the year (Figure 16). Overall, the average Savage Fen water levels for 2019 decreased 0.42 feet throughout the year, with some wells dropping more than others (Figure 18, 19 & 20). Historically, the Fens have shown signs of fluctuation, and besides a dip in 2012 the water levels have shown a general sign of increase. This year the wells continue to rise with an average 0.14 foot gain in water levels over the last 10 years (Figure 17). The 2019 Eagle Creek well levels generally showed a decrease throughout the year with all the wells averaging a 0.42ft drop throughout the year (Figure 21). Even with the drop in levels this year, the past 10 years show a 0.57ft average rise in water elevations with EC3, EC4, EC5 and EC6 gaining 0.19, 0.71, 0.27 and 1.11ft respectively (Figure 22).

The bluff wells both showed signs of water levels increasing before they became inaccessible (Figure 23). The water level in the deep bluff gained 0.67ft through the abbreviated 2019 monitoring, and the shallow well also gained 0.35ft. The historic monitoring at the bluff well sites is discontinuous due to construction. However, since the construction water levels have generally increased and are the highest levels recorded since the initial observation in 1994 (Figure 24). This year the wells were showing a rebound to the decreasing levels observed in 2018.

All figures in this section are reported in depth to water (DTW) which is a product of the wells measuring point elevation minus the elevation of the recorded observed elevation.



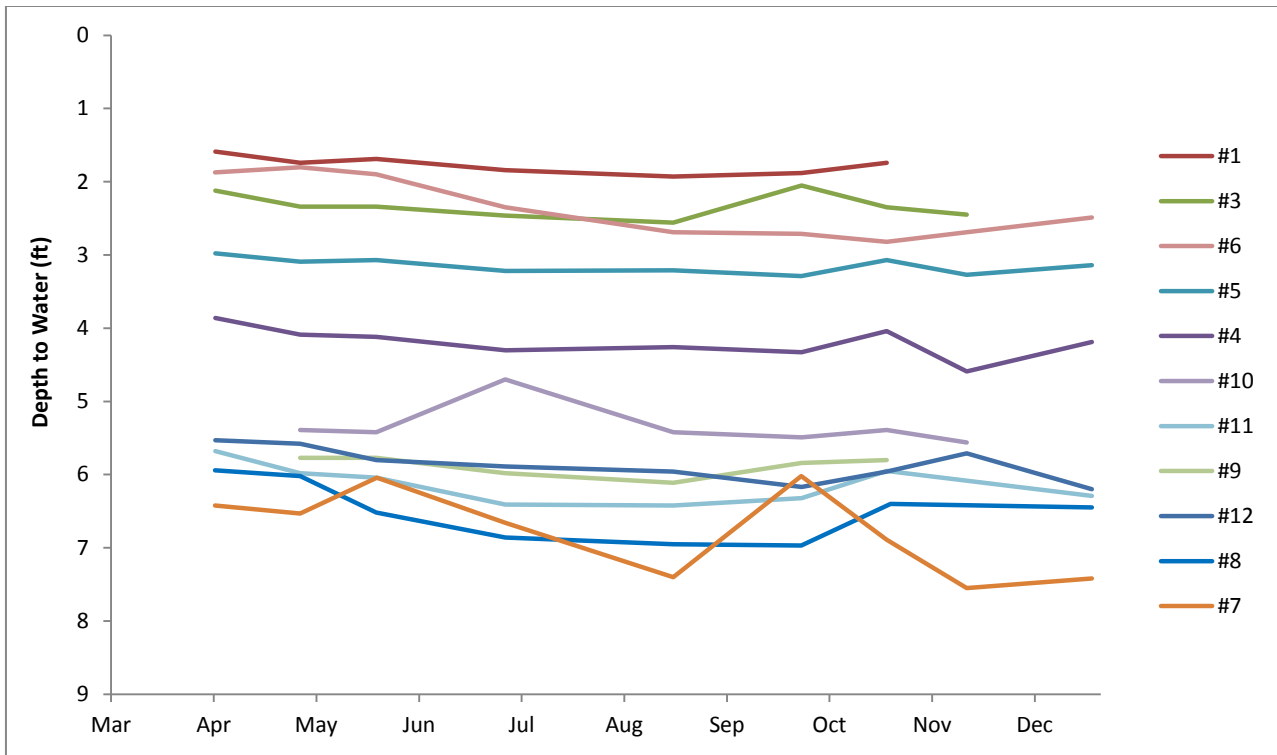


Figure 16. Savage Fen Wells (2019).

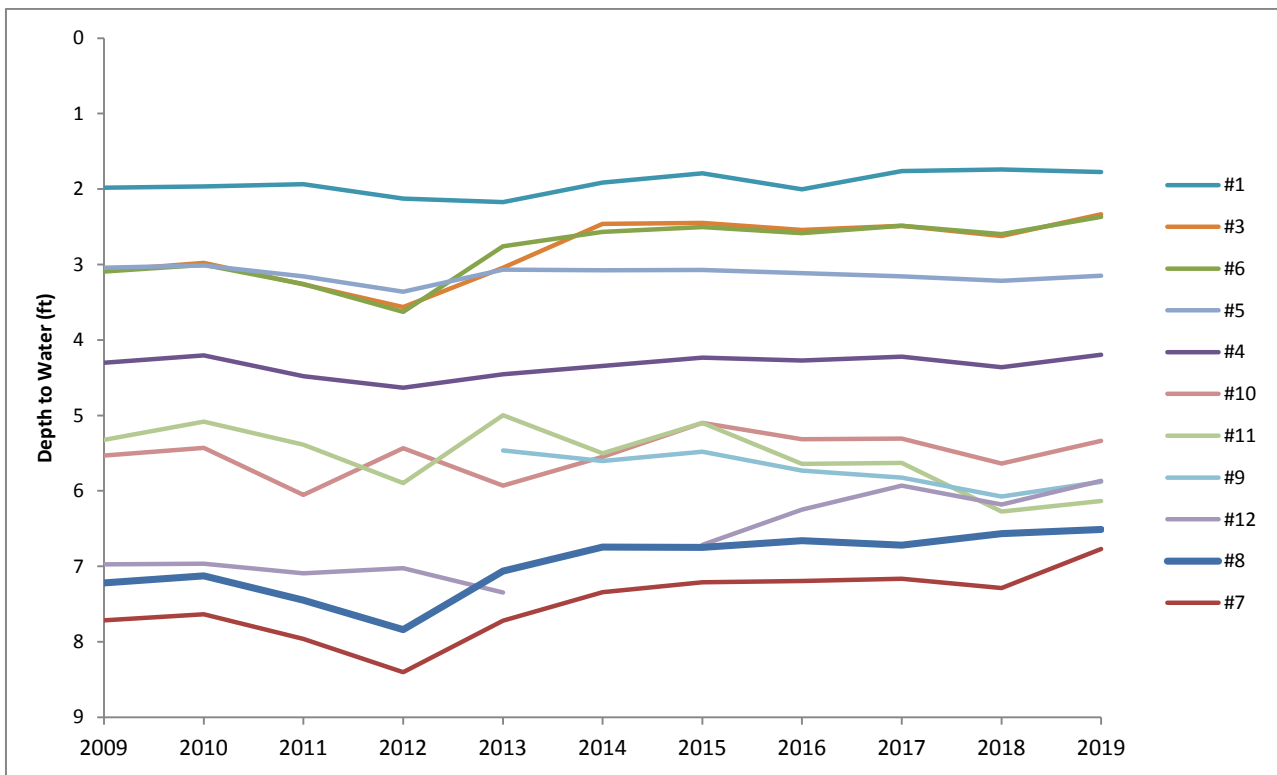


Figure 17. Average annual water level in Savage Fen wells (2009-2019). Averages include all observations in a calendar year.

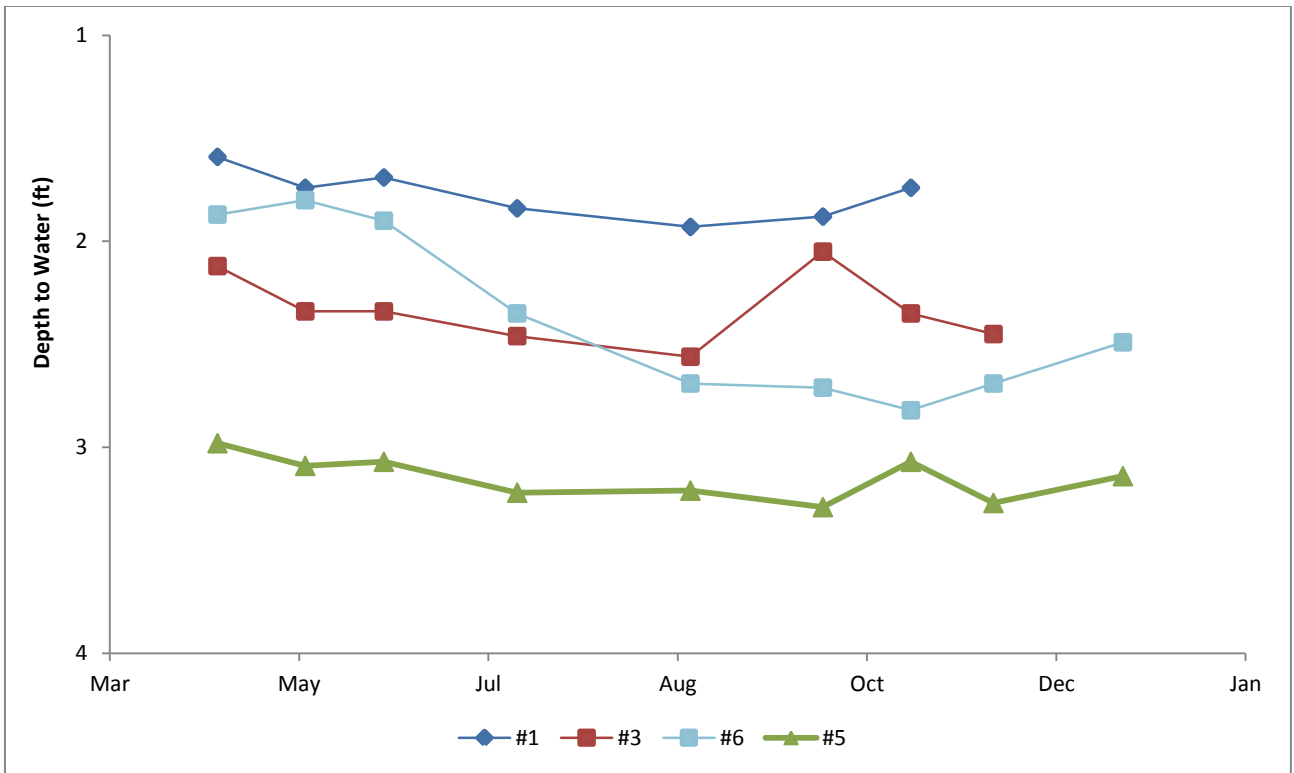


Figure 18. The four Savage Fen wells with the lowest depth-to-water (DTW) values (2019).

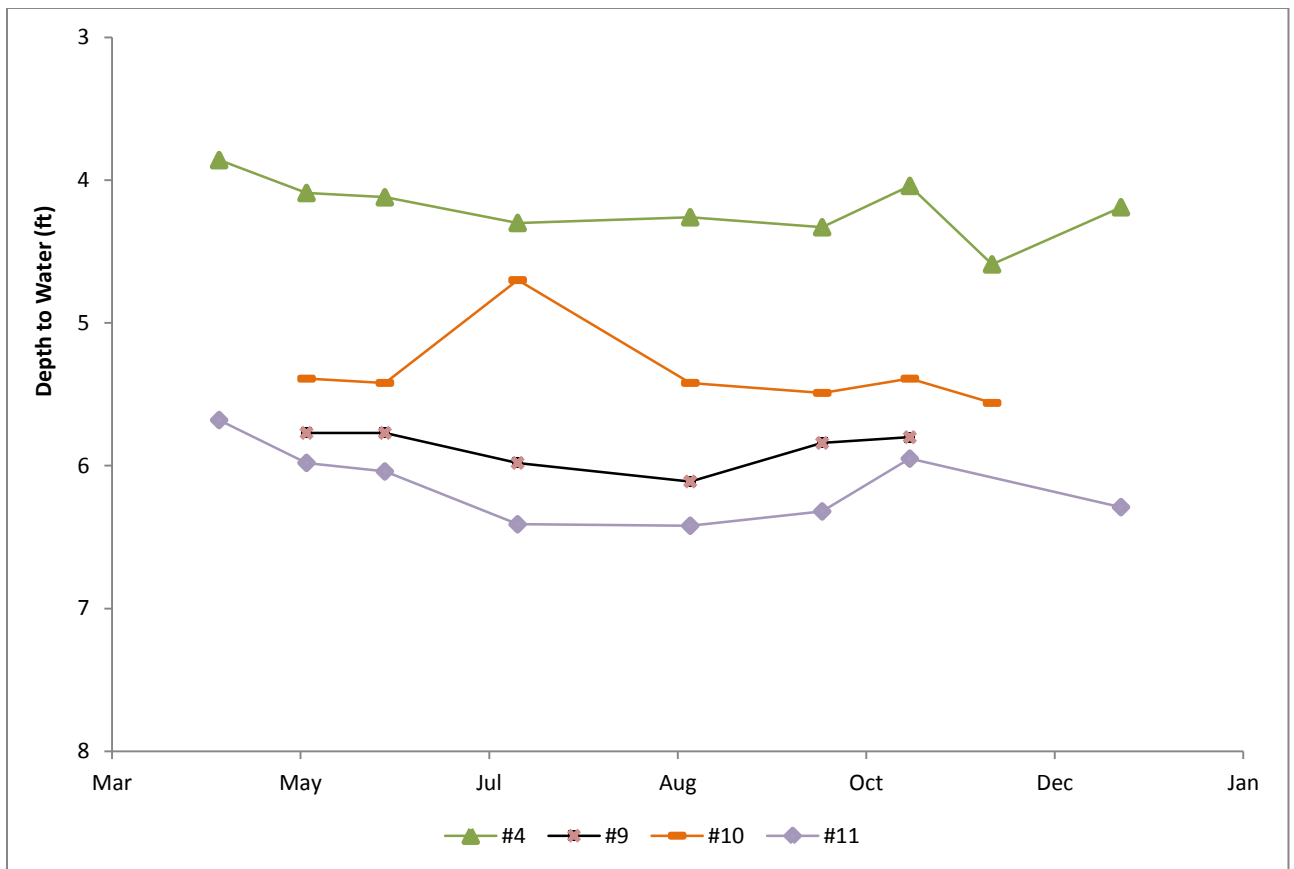


Figure 19. The four Savage Fen wells with the mid-level depth-to-water (DTW) values (2019).

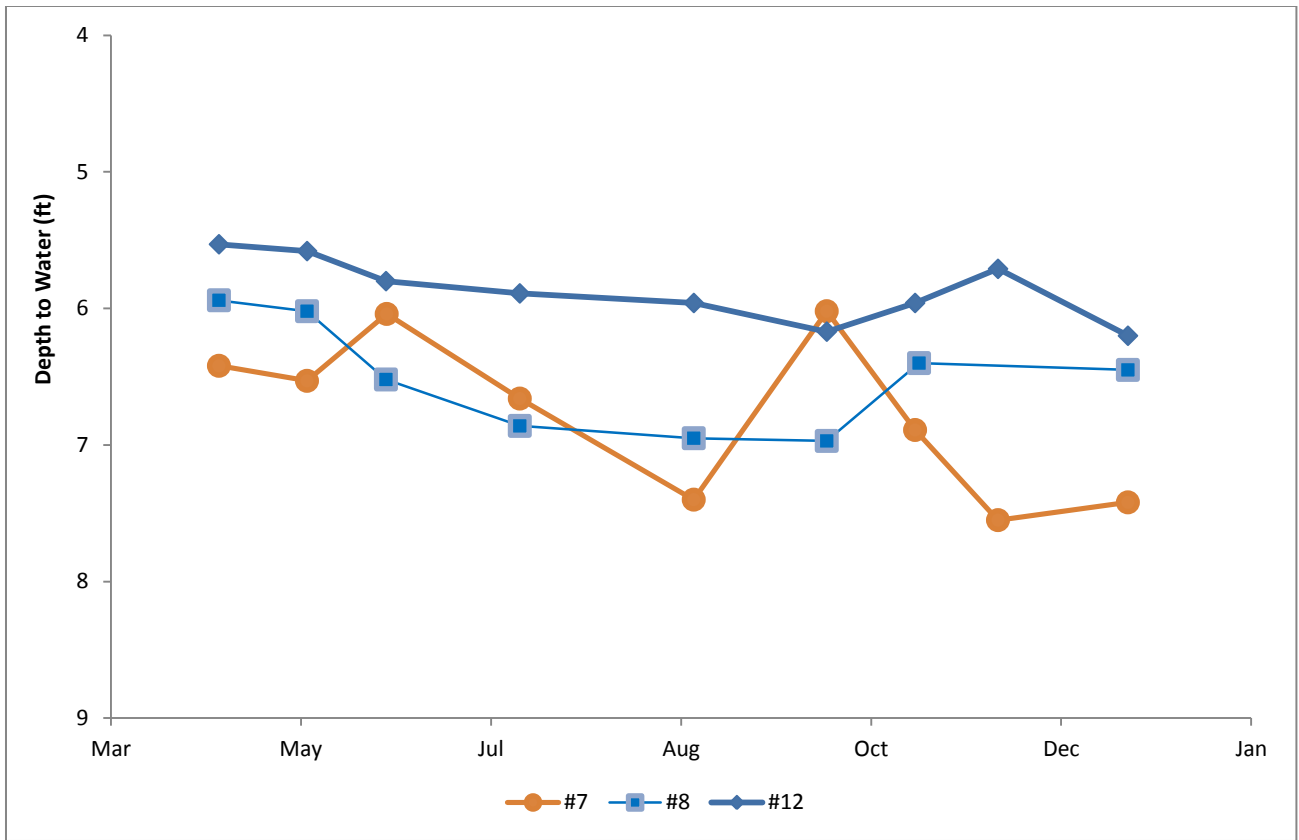


Figure 20. The three Savage Fen wells with the highest depth-to-water (DTW) values (2019).

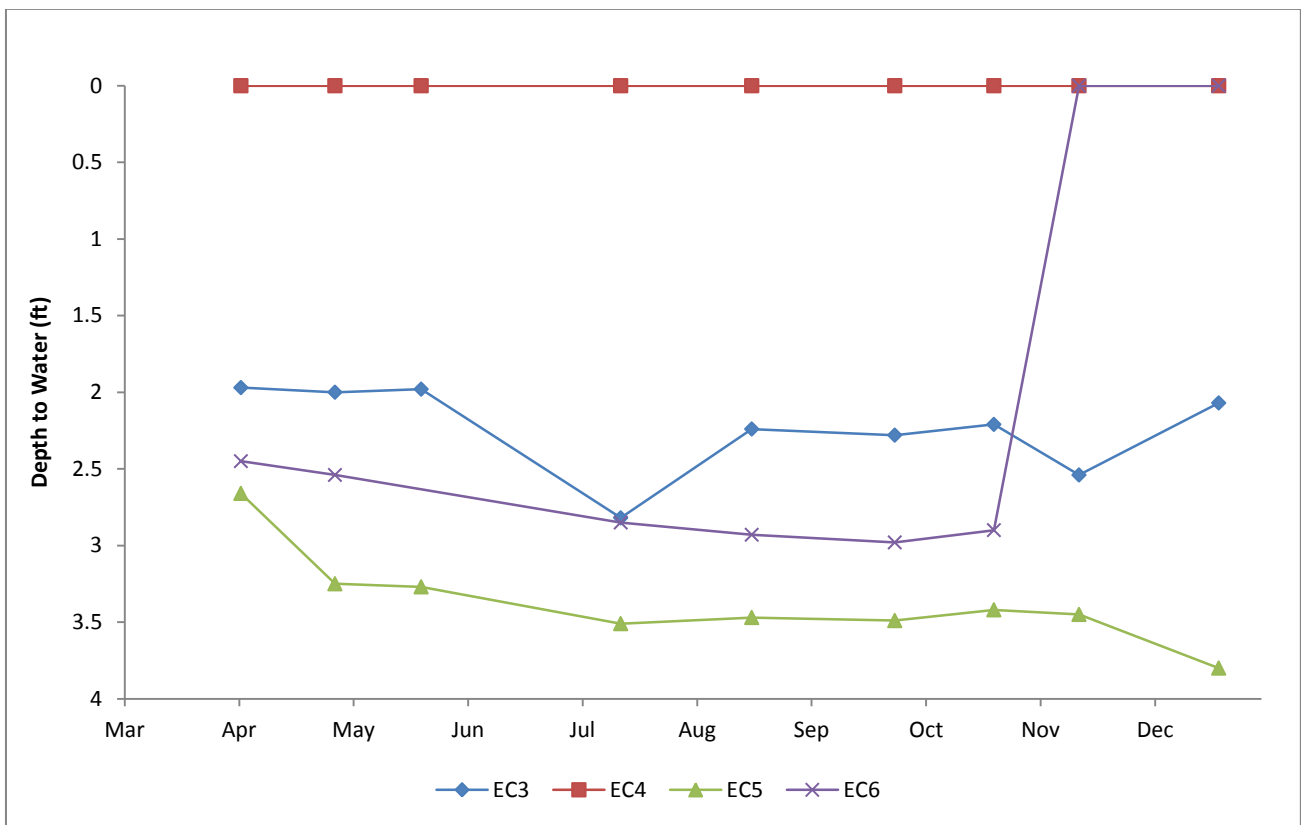


Figure 21. Eagle Creek wells (2019). Measurements recorded as “zero” are over-topped wells from April-October, and frozen wells from October-End of year.

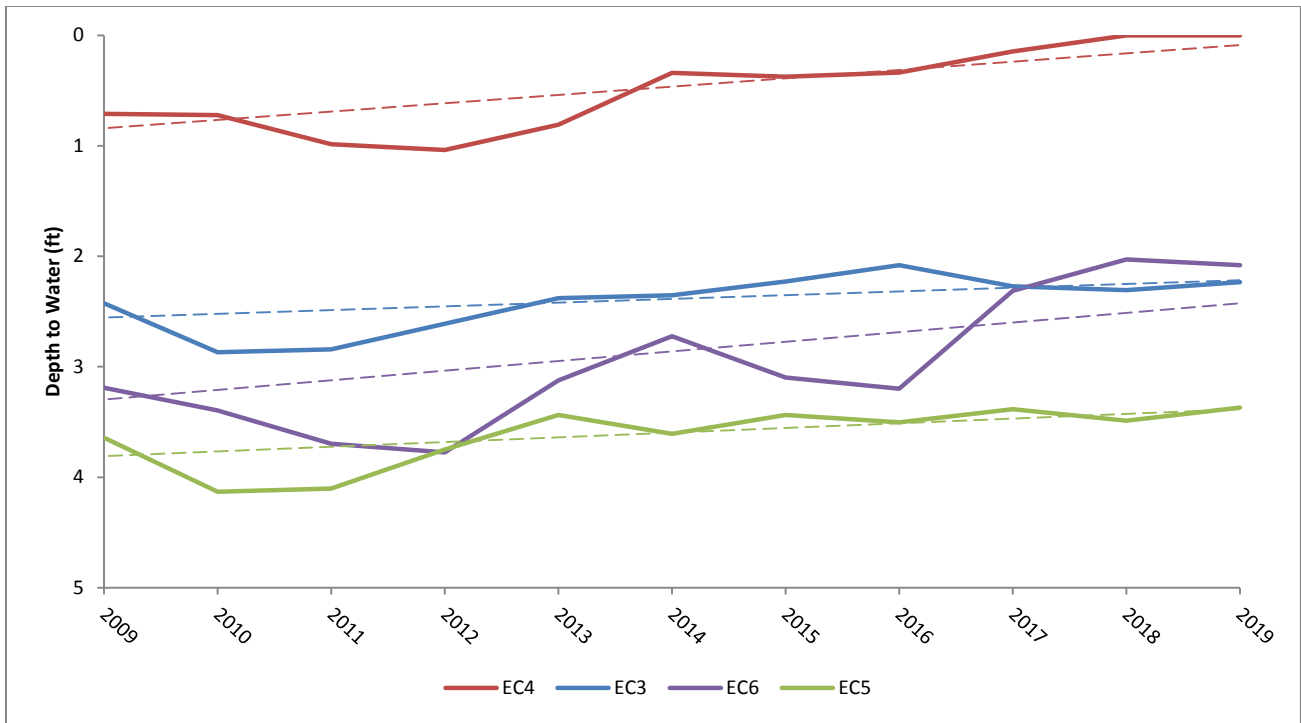


Figure 22. Eagle Creek historical 10 year trend. Values are yearly averages and include all values taken within the year.

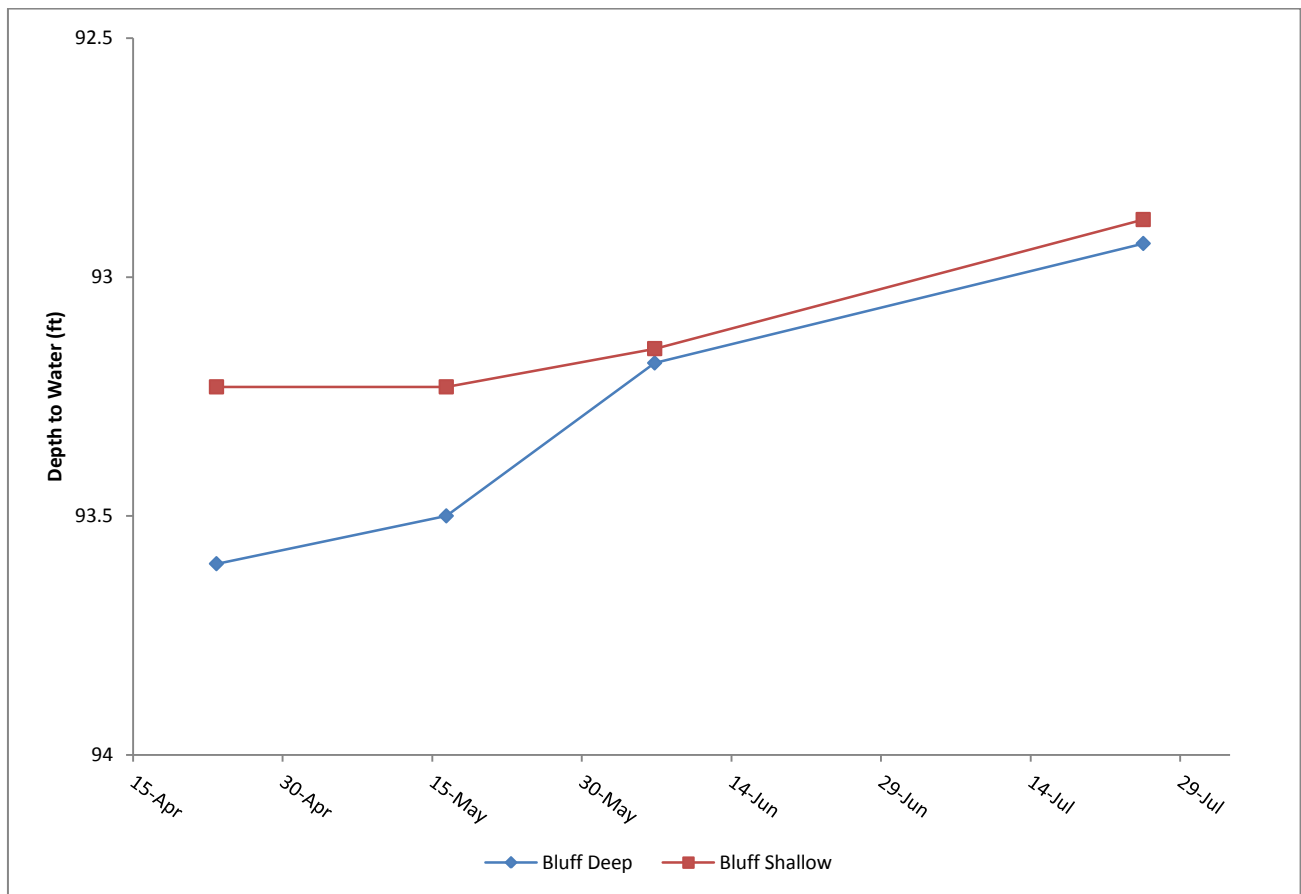
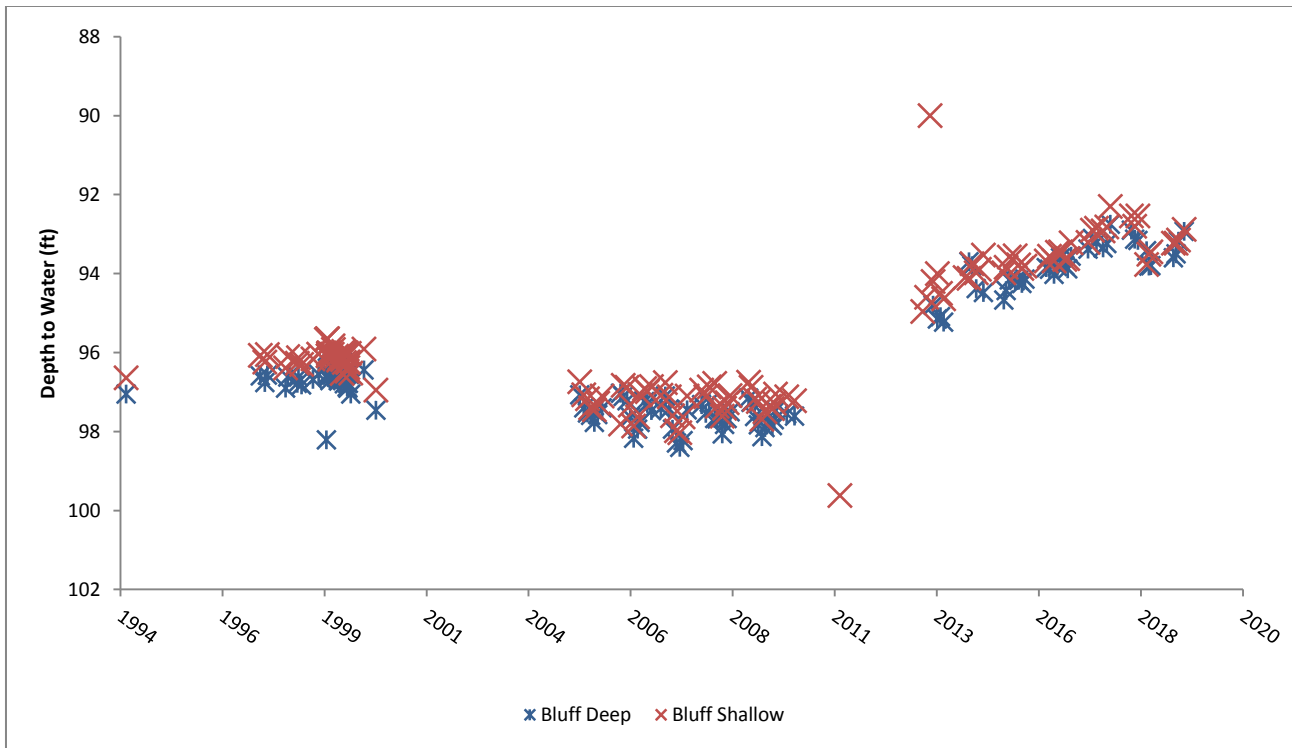


Figure 23: Shallow and deep bluff well data (2019). \*\*Both wells were sealed during the 2019 season. Going forward, no further measurements will be available.\*\*



**Figure 24.** Shallow and deep bluff well historic water levels. Scott SWCD began monitoring in 2005. Monitoring was suspended between 2010 and 2013 due to construction in the area. All available data for these two wells are reported.

**Discussion:**

Even with a very wet 2019 season, all the wells (except the bluff wells) showed a seasonal decrease in water levels. Unlike previous year’s most wells did not see significant spikes throughout the season, the slight decreases were gradual throughout the year. Historically, the water levels in all the wells are higher than they have been in the past ten years. A combination of a wet 2018 Fall and a wet 2019 season will likely help the slight decreases seen in the wells this season. Although the Bluff wells are no longer accessible, the increase seen throughout the year is a good sign that the wells will continue to increase their water levels as long as the human influences in the area remain minimal. Continual monitoring of all the wells in the LMRWD area will provide information on groundwater levels that can provide information on the impacts of water usage and recharge capabilities.

## V. References

- Bell, John M. 2006. The Assessment of Thermal Impact on Habitat Selection, Growth, Reproduction, and Mortality in Brown Trout (*Salmo trutta*): A Review of the Literature.
- Hintz, W. D. & R. A. Relyea. 2017. Impacts of Road Deicing Salts on the Early-life Growth and Development of a Stream Salmonid: Salt type matters. Environmental Pollution. 223: 409-415.
- SEWRPC Community Assistance Planning Report No. 316. 2013. Acute Toxicity of Sodium Chloride to Freshwater Aquatic Organisms. Appendix E: 1-14.
- Minnesota Pollution Control Agency (MPCA). EDA: Guide to Typical Minnesota Water Quality Conditions. <https://www.pca.state.mn.us/quick-links/eda-guide-typical-minnesota-water-quality-conditions>
- Minnesota Pollution Control Agency (MPCA). Minnesota's Impaired Waters List. <https://www.pca.state.mn.us/water/minnesotas-impaired-waters-list>
- Minnesota Pollution Control Agency (MPCA). Salt and Water Quality. <https://www.pca.state.mn.us/water/salt-and-water-quality> . Visited 6/29/2018.

**AGREEMENT BETWEEN THE LOWER MINNESOTA RIVER WATERSHED DISTRICT  
AND THE SCOTT SOIL AND WATER CONSERVATION DISTRICT FOR MONITORING, TECHNICAL,  
EDUCATION, AND OTHER CONSERVATION SERVICES**

This Contract for Services (Contract) is made and entered into between the Lower Minnesota River Watershed District ("LMRWD"), a body corporate and politic, and the Scott Soil and Water Conservation District, an independent contractor ("Contractor" or "SSWCD").

**WHEREAS**, the LMRWD is in need of services from SSWCD as set forth in the Statement of Work, attached hereto as Attachment 1, and the SSWCD desires and is capable of providing such services.

**NOW, THEREFORE**, in consideration of the mutual promises and agreements contained herein the parties agree as follows:

1. TERM

This Contract shall be in effect as of January 1, 2020, notwithstanding the dates of the signatures of the parties, and shall continue through December 31, 2020, unless earlier terminated by law or according to the provisions herein.

2. CONTRACTOR'S OBLIGATIONS

The LMRWD hereby contracts with the SSWCD to provide services related to monitoring (water quality, thermal and well), technical assistance and cost share, education, and other engineering, technical and administrative services, as set forth in Attachment 1 - 2020 Statement of Work.

The Services shall commence immediately upon receipt of notice to proceed from the LMRWD Administrator, who will serve as the LMRWD's agent for such services and will administer this Contract.

3. PAYMENT

3.1 Invoicing. The SSWCD will invoice the LMWRD on a time and materials basis. The maximum amount for which the SSWCD may invoice the LMRWD under this Agreement shall be \$40,450, unless otherwise authorized in advance by the LMRWD Administrator. As set forth in Attachment 1, monitoring services shall not exceed \$29,400; landowner technical assistance and cost share shall not exceed \$6,200, education services shall not exceed \$4,100; and other technical and administrative services shall not exceed \$750. The SSWCD shall not invoice the LMRWD for any additional or other time or materials without prior authorization by the LMRWD Administrator.

3.2 Compensation. The SSWCD will invoice for services according to the following hourly rates:

Administrative Assistant	\$57
Resource Conservation Technician	\$62
Natural Resources Specialist; Water Resources Specialist; Outreach and Education Specialist	\$67
Resource Conservationist I; Engineering Technician; Finance and Accounting Specialist	\$72
Resource Conservationist II	\$77
District Manager	\$85

3.3 Time of Payment. The LMRWD shall make payment to SSWCD within sixty (60) days of the date on which an itemized invoice is received. If the invoice is incorrect, defective, or otherwise improper, the LMRWD will notify The SSWCD within ten (10) days of receiving the incorrect invoice. Upon receiving the corrected invoice from the SSWCD, the LMRWD will make payment within thirty-five (35) days.

3.4 Payment for Unauthorized Claims. The LMRWD may refuse to pay any claim that is not specifically authorized by this Contract. Payment of a claim shall not preclude the LMRWD from questioning the propriety of the claim. The LMRWD reserves the right to offset any overpayment or disallowance of claim by reducing future payments.

3.5 Payment Upon Early Termination. In the event this Contract is terminated before the completion of services, the LMRWD shall pay to the SSWCD, for services provided in a satisfactory manner, a sum based upon the actual time spent at the rates stated in paragraph 3.2. In no case shall such payment exceed the total contract price.

4. COMPLIANCE WITH LAWS/STANDARDS

4.1 General. Contractor shall abide by all Federal, State or local laws, statutes, ordinances, rules and regulations now in effect or hereinafter adopted pertaining to this Contract or to the facilities, programs and staff for which Contractor is responsible.

4.2 Minnesota Law to Govern. This Contract shall be governed by and construed in accordance with the substantive and procedural laws of the State of Minnesota, without giving effect to the principles of conflict of laws. All proceedings related to this Contract shall be venued in the State of Minnesota, County of Scott.

5. INDEPENDENT CONTRACTOR STATUS

The SSWCD is an independent contractor and nothing herein contained shall be construed to create the relationship of employer and employee between LMRWD and the SSWCD. The SSWCD shall at all times be free to exercise initiative, judgment and discretion as to how to best perform or provide services. The SSWCD shall have discretion as to working methods, hours and means of operation. The SSWCD acknowledges and agrees that the SSWCD is not entitled to receive any of the benefits received by LMRWD employees and is not eligible for workers' or unemployment compensation benefits. The SSWCD also acknowledges and agrees that no withholding or deduction for state or federal income taxes, FICA, FUTA, or otherwise, will be made from the payments due the SSWCD and that it is the SSWCD's sole obligation to comply with the applicable provisions of all federal and state tax laws.

6. SUBCONTRACTING

6.1 The parties shall not enter into any subcontract for the performance of the services contemplated under this Contract nor assign any interest in the Contract without prior written consent of all parties and subject to such conditions and provisions as are deemed necessary. The subcontracting or assigning party shall be responsible for the performance of its subcontractors or assignees unless otherwise agreed.

6.2 Any subcontractor approved by the LMRWD will be required to provide proof of insurance to the LMRWD in coverage and amount the same as the SSWCD. Prior to or concurrent with execution of this Contract, the SSWCD shall file certificates or certified copies of its subcontractor(s)' policies of insurance with the LMRWD. All fees for services and all job supervision will remain the obligation of the SSWCD.

6.3 The SSWCD agrees to pay any subcontractor within ten (10) days of the SSWCD's receipt of payment from the LMRWD for undisputed services provided by the subcontractor. The SSWCD agrees to pay interest of 1½ percent per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10.

7. INDEMNIFICATION

Each party to this Contract shall be liable for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party, its officers, employees or agents. Each party hereby agrees to indemnify, hold harmless and defend the other, its officers, employees or agents, against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the other party, its officers, employees or agents, may sustain, incur or be required to pay, arising out of or by reason of any act or omission of the party, its officers, employees or agents, in the execution, performance, or failure to adequately perform its obligations pursuant to this Contract. Minn. Stat. Ch. 466 and other applicable laws shall govern the liability of the LMRWD.

8. INSURANCE



8.1 General Terms. At its own expense and in order to protect the SSWCD and to protect the LMRWD under the indemnity provisions set forth above, The SSWCD shall procure and maintain policies of insurance covering the term of this Contract, as set forth in the Insurance Terms, unless waived or amended by the LMRWD in writing.

8.2 Certificates. Prior to or concurrent with execution of this Contract, the SSWCD shall file certificates or certified copies of such policies of insurance with the LMRWD.

8.3 Failure to Provide Proof of Insurance. The LMRWD may withhold payments or immediately terminate this Contract for failure of the SSWCD to furnish proof of insurance coverage or to comply with the insurance requirements as stated above.

## 9. FORCE MAJEURE

Neither party shall be held responsible for delay or failure to perform when such delay or failure is due to any of the following unless the act or occurrence could have been foreseen and reasonable action could have been taken to prevent the delay or failure: fire, flood, epidemic, strikes, wars, acts of God, unusually severe weather, acts of public authorities, or delays or defaults caused by public carriers; provided the defaulting party gives notice as soon as possible to the other party of the inability to perform.

## 10. OWNERSHIP, COPYRIGHTS AND FUTURE USE OF WORK PRODUCT

Upon the completion of this Contract, all work product, data compilations, and materials of any kind, regardless of the format in which they exist will become the sole and exclusive property of the LMRWD. The SSWCD, at the request of the LMRWD, shall execute any necessary documents to transfer ownership rights to the LMRWD. Whenever any invention, improvement, or discovery (whether or not patentable) is made or conceived for the first time, actually or constructively reduced to practice by the SSWCD or its employees or agents in the course of or in connection with this Contract, the SSWCD shall immediately give the LMRWD's authorized representative written notice and complete information thereof.

In all publications or press releases or presentations to the public where data collected or compiled in the performance of this contract is disseminated. The SSWCD shall acknowledge funding by the LMRWD for all or part of the costs of making such information available to the public.

## 11. TERMINATION

Either party may terminate this Contract for cause by giving seven (7) days' written notice or without cause by giving thirty (30) days' written notice, of its intent to terminate, to the other party. Such notice to terminate for cause shall specify the circumstances warranting termination of the Contract. Cause shall mean a material breach of this Contract and any supplemental agreements or amendments thereto. This Contract may also be terminated by the LMRWD in the event of a default by the SSWCD. In the event this Contract is terminated for cause, the SSWCD shall be entitled to payment determined on a pro rata basis for work or services satisfactorily performed. Notice of Termination shall be made by certified mail or personal delivery to the authorized representative of the other party. Termination of this Contract shall not discharge any liability, responsibility or right of any party, which arises from the performance of or failure to adequately perform the terms of this Contract prior to the effective date of termination.

## 12. CONTRACT RIGHTS/REMEDIES

12.1 Rights Cumulative. All remedies available to either party under the terms of this Contract or by law are cumulative and may be exercised concurrently or separately, and the exercise of any one remedy shall not be deemed an election of such remedy to the exclusion of other remedies.

12.2 Waiver. Waiver for any default shall not be deemed to be a waiver of any subsequent default. Waiver of breach of any provision of this Contract shall not be construed to be modification for the terms of this Contract unless stated to be such in writing and signed by authorized representatives of the LMRWD and the SSWCD.

13. AUTHORIZED REPRESENTATIVES

The following named persons are designated the authorized representatives of parties for purposes of this Contract. These persons have authority to bind the party they represent and to consent to modifications and subcontracts, except that, as to the LMRWD, the authorized representative shall have only the authority specifically or generally granted by the Board. Notification required to be provided pursuant to this Contract shall be provided to the following named persons and addresses unless otherwise stated in this Contract, or in a modification of this Contract.

**To the SSWCD:**

Robert Casey, Chair  
Scott Soil and Water Conservation District  
7151 W. 190<sup>th</sup> Street, Suite 125  
Jordan, MN 55352  
Telephone: (952) 492-5425

**To the LMRWD:**

Yvonne Shirk, Chair  
Lower Minnesota River Watershed District  
112 E 5<sup>th</sup> Street  
Chaska, MN. 55318  
(952) 856-5880

14. LIAISON

To assist the parties in the day-to-day performance of this Contract and to define services, ensure compliance and provide ongoing consultation, a liaison shall be designated by the SSWCD and the LMRWD. The parties shall keep each other continually informed, in writing, of any change in the designated liaison. At the time of execution of this Contract, the following persons are the designated liaisons:

**SSWCD Liaison:**

Troy Kuphal, District Manager  
Scott Soil and Water Conservation District  
7151 W. 190<sup>th</sup> Street, Suite 125  
Jordan, MN 55352  
Telephone: (952) 492-5425

**LMRWD Liaison:**

Linda Loomis, Administrator,  
Lower MN River Watershed District  
6677 Olson Memorial Highway  
Golden Valley, MN 55427  
763-545-4659

15. MODIFICATIONS

Any alterations, variations, modifications, or waivers of the provisions of this Contract shall only be valid when they have been reduced to writing, signed by authorized representatives of the LMRWD and SSWCD.

16. SEVERABILITY

The provisions of this Contract shall be deemed severable. If any part of this Contract is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Contract unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire Contract with respect to either party.

17. MERGER

17.1 Final Agreement. This Contract is the final expression of the agreement of the parties and the complete and exclusive statement of the terms agreed upon, and shall supersede all prior negotiations, understandings or agreements. There are no representations, warranties, or stipulations, either oral or written, not herein contained.

17.2 Attachments. Attachment 1 attached and incorporated herein by reference.

- Attachment 1 – 2020 STATEMENT OF WORK

**IN WITNESS WHEREOF**, the parties hereto have executed this Contract on the date(s) indicated below.

**FOR LOWER MINNESOTA RIVER WATESHED DISTRICT**

By: \_\_\_\_\_  
Board Chair

Date: \_\_\_\_\_

**FOR SCOTT SOIL AND WATER CONSERVATION DISTRICT**

By: \_\_\_\_\_  
Doug Schoenecker, Board Chair

Date: \_\_\_\_\_

## **ATTACHMENT 1: 2020 STATEMENT OF WORK**

This Statement of Work (SOW) is made pursuant to and governed by the approved 2020 Contract for Services between Lower Minnesota Watershed District (“LMRWD”) and Scott Soil & Water Conservation District (SSWCD), and defines the specific monitoring, conservation education and technical assistance, and other technical and field support services the SWCD will perform for the LMRWD in connection with said Contract for Services.

### **Task I. Monitoring (\$29,400)**

#### **Scope of Work**

The SSWCD will assist the LMRWD with planning and implementing its water quality, thermal and well monitoring programs.

#### **A. Eagle Creek Water Quality and Flow Monitoring (\$7,600)**

- Collect monthly base-flow samples and storm event composite samples
- Deliver samples to the MCES lab
- Maintain and calibrate sonde
- Collect flow measurements
- Log, process and complete QA/QC of data

#### **B. Eagle Creek Thermal Monitoring (\$2,900)**

- Collect data from loggers
- Data management and analysis
- Maintain sites and equipment
- Includes continuing monitoring per approved 2018 project proposal

#### **C. Eagle Creek –Chlorides Monitoring (\$7,400)**

- Bi-weekly and event grab samples
- Lab analysis costs
- Data management and analysis
- Includes continuing monitoring per approved 2018 project proposal

#### **D. Water Quality and Flow – Dean Lake (\$6,900)**

- Collect monthly base-flow samples and storm event composite samples
- Deliver samples to the MCES lab
- Maintain and calibrate sonde
- Collect flow measurements
- Log, process and complete QA/QC of data

#### **E. Well Monitoring (\$2,300)**

- Collect depth-to-water readings monthly
- Enter data into DNR database
- Maintain sites and well monitoring equipment

#### **F. Reporting (\$2,300)**

- Prepare written annual data and analysis report for all monitoring
- Prepare and deliver summary presentation
- Prepare and present proposed work plan and budget

## **Task II. Technical Assistance and Cost Share (\$6,200)**

### **Scope of Work**

The SWCD will provide technical and cost share assistance to landowners within the DISTRICT in support of implementation of conservation behaviors and best management practices that reduce soil erosion, decrease runoff volume, and improve water quality. The SWCD will assist landowners who contact the SWCD directly or who are referred by the DISTRICT for conservation program information and/or technical assistance. Cost share may be provided for projects that meet eligibility and other relevant criteria in accordance with the SSWCD's cost share program policy docket, subject to available funding.

### **A. Technical Assistance (\$4,000)**

- a) Project Scoping and Pre-Approval
  - Meet with landowners to clarify goals and interests
  - Conduct preliminary off- and/or on-site research
  - Determine project feasibility and eligibility
- b) Project Development
  - Complete technical assessment
  - Collect and submit soil samples for nutrient analysis, when applicable
  - Conduct topographic surveys if necessary
  - Meet with landowner to finalize decisions and secure commitments
  - Prepare technical and environmental assessments
  - Prepare concept plans and cost estimates
- c) Administrative Activities
  - Prepare and process contract applications, fact sheets, and payment vouchers
  - Prepare and send letters of decision (approval or denial)
  - Prepare and issue cost share checks, upon certified completion
  - Track and report budget activity
  - Project/file close out
- d) Design Activities
  - Conduct surveys
  - Prepare and review designs, specifications, and final cost estimates (or coordinate same if engineering services are outsourced)
  - Apply for/secure applicable permits
  - Prepare Operation and Maintenance agreements
  - If requested submit design packet to the DISTRICT for review prior to construction
- e) Construction Activities
  - Coordinate and lead pre-construction meetings
  - Stake projects
  - Inspect/supervise construction
  - Prepare as-built drawings
  - Provide construction certification
- f) Cost share
  - This is pass-through for landowners that install practices (\$2200)
  - Stake projects
  - Inspect/supervise construction
  - Prepare as-built drawings
  - Provide construction certification

**B. Cost Share (\$2,200)**

- a) This is pass-through to cooperators that install conservation practices
- b) Advance cost share application approval and final construction certification is required in accordance with SWCD cost share policies

**Task III. Education and Outreach (\$4,100)**

**Scope of Work**

The SWCD will provide various educational programming services, as described below.

**A. Raingarden Workshop**

The SWCD will plan, coordinate and host one Blue Thumb workshop

- Plan and prepare workshop details in coordination with the WMO, PLSLWD and Cities of Prior Lake and Savage
- Develop promotional and informational materials and resources
- Plan and implement media marketing/promotion plan
- Coordinate and manage registrations and venue set-up and take-down
- Prepare and present information
- Post-workshop review and follow up with landowners

**B. SCWEP Activities**

The SWCD will plan, coordinate and execute events and activities as identified in the 2017 Scott Clean Water Education Program (SCWEP) work plan. These services have multi-jurisdictional benefit and are supported by funding contributions by all SCWEP partners.

**C. Other Education Activities**

The SWCD will help provide support and assistance with other education efforts as may be requested by the District, including but not limited to developing education and promotion materials and assisting with special event planning and coordination.

**Task IV. Other Services (\$750)**

**Scope of Work**

The SWCD will provide the following and technical services on an as-needed basis:

- Provide consultation on activities related to soil and water resources within the LMRWD
- Conduct or assist with LMRWD compliance reviews
- Review development plans for compliance with LMRWD standards
- Conduct construction inspections and oversight to ensure compliance with LMRWD standards
- Assist with surveys, construction supervision, and/or project management for capital improvement projects
- Conduct or assist with inventory and/or mapping projects
- Assist with monitoring plan development
- Attend LMRWD-sponsored meetings, including but not limited to Board and TAC meetings
- Assist with development of plans, including but not limited to Comprehensive Water Resources Management Plan and TMDL Implementation Plans
- Assist with planning and development of LMRWD cost share program
- Other services as may be requested

# Scott Clean Water Education Program 2019 Annual Report



Prepared By:

Shelby Roberts, SCWEP Coordinator  
Scott Soil and Water Conservation District

## Background

The Scott Clean Water Education Program (SCWEP) started in 2010, and has been updated continually during the last eight years so the program can affectively educate and inform Scott County residents. The program's goal is to make clean water choices second nature for all who live and work in Scott County. SCWEP has incorporated the goal into the marketing materials using the theme of "Clean Water Starts with Me!"

## 2019 Highlights

### Workshops

In 2019, SCWEP offered raingarden, native prairie, shoreline, and cover crop workshops. The workshops were promoted through social media, utility bill mailers, and submissions to local papers and community calendars. Outreach also included distributing promotional flyers to local offices and businesses. Registration for the workshops is simple using the on-line registration tool, Eventbrite.com. 2019 Workshop attendance:

- 44 participants at the Raingarden workshop
- 57 participants at the Native Prairie Workshop
- 44 participants at the Shoreline Workshop
- 69 participants at the multi-county Cover Crop workshop.



### Conservation Leaders Program



Every year conservation leaders are recognized in Scott County to illustrate local ways of changing behavior in conservation. Scott County residents can see real examples of how their neighbors are creating a new normal.

Joe Hentges was chosen as the 2019 Conservation Leader of the Year. He was also nominated for the MASWCD Outstanding Conservationists of the Year award, and was recognized at the MASWCD Annual Convention in December.



## Outdoor Education Days



2019 hosted the 34<sup>th</sup> annual Outdoor Education Days. This year 1,127 third through sixth graders from 14 schools—including schools from Belle Plaine, New Prague, Shakopee, Savage, and Jordan—were part of the fall outing. The weather cooperated extremely well with the event, and no rain days were needed this year.

The six OED stations focused on forestry, wildlife, soil health, the water cycle, pond macro-invertebrates, and conservation. The stations were taught by staff from the Scott SWCD, Prior Lake-Spring Lake Watershed District, and Three Rivers Park District. At the end of each day, CLIMB Theatre put on a production about recycling and composting. Outdoor Education Day remains the main activity that SCWEP utilizes to directly reach Scott County youth.

## Scott WMO/SWCD Conservation Tour



This year the Scott WMO/SWCD tour focused on soil health, with an emphasis on nutrient management. Nutrient management BMPs help protect water quality in Scott County by reducing excess nutrient runoff.

23 people attended the tour including Scott County Commissioners, members of the Scott County Watershed Planning Commission, SWCD Supervisors, Prior Lake-Spring Lake Watershed District Managers, the Conservation Leader of the year, and WMO and SWCD staff.

Stops included the WMO CIP site on Sand Creek, Mark Klehr's Dairy Farm and his animal waste storage facility, and the SWCD cover crop test plot. Each stop had relevant presentations and speeches from landowners. Mark Klehr spoke with Scott Schneider on his nutrient management plan and other conservation practices on his farm. Chris Schultz spoke with Diann Korbel at the SWCD cover crop test plot discussing soil health and the benefits of cover crops.

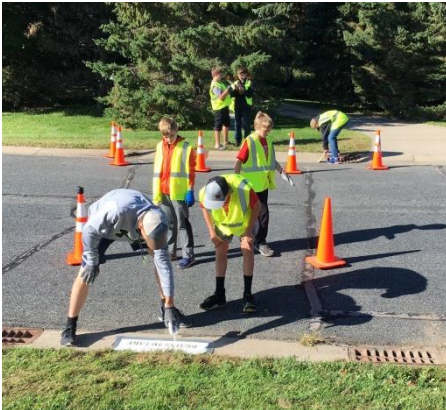
This annual event allows county officials to view conservation projects throughout Scott County first-hand and see how dollars are being spent. It is also a chance to give them a better understanding of the importance of conservation, showing them that, over time, real changes are being made in the county.

### **Chlorides**

Chloride outreach for Scott County started in full swing this year. The county partnered with Fortin Consulting to host six SMART Salting workshops for property managers and parking lots and sidewalks. The workshops gathered a total of 112 participants.

Informational postcards on proper winter salting techniques were sent out to 73 targeted places of worship around the county. Targeted mailing was also done on residents around the Credit River, Prior Lake, Cedar Lake, Spring Lake, Lake Thole and O’Dowd areas, and a half page postcard is scheduled to be sent to recipients in early 2020 to give awareness and information to lakeshore residents about proper winter salting techniques. In addition, the Scott SWCD attended the Prior Lake Fall Fest to promote a SMART salting demonstration. The Scott County SCENE published three articles on proper winter salting, and relevant articles and information were posted on the Scott SWCD website blog and social media platforms.

### **Storm Drain Stenciling**



This fall, Boy Scout Troop 323 used the SCWEP’s storm drain stenciling kit to spray paint 18 storm drains around Cedar Lake. The effort served as both a youth educational tool for water quality and storm water runoff outreach, as well as outreach and awareness for residents around the lake.

The project involved the nine members of the troop, and their two chaperones. It took place over two weekends in October. The messages are expected to reach residents of Cedar Lake as well as those who frequent the lake for recreation.

### **News Releases**

SCWEP continues to promote information, activities, and relevant news through various print publications available to Scott County citizens. This year SCWEP published 38 water-related articles to the county-wide Scott County SCENE newspaper. In addition, events, informational articles, and workshops continued to be promoted on partner’s social media platforms, websites, and other local papers including the Prior Lake American.

## Partners

Members of the SCWEP partnership believe more can be accomplished by working together toward our common goal. By collaborating, we eliminate overlapping programs, prevent inconsistent and duplicative messaging and achieve similar outcomes at lower costs. In 2019, SCWEP partners included:

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

Whenever practical, SCWEP collaborated with other agencies, organizations and clubs in implementing outreach programs with similar goals and objectives in Scott County. This collaboration achieves an even greater level of consistency, reach and cost effectiveness. In 2019, these agencies included:

- Scott County Library System
  - Libraries throughout the county posted workshop flyers
- Scott-Carver Extension Master Gardeners
  - Available to answer questions about trees and plants at the Scott SWCD tree sale
- Prior Lake Association
  - Helped spread the word about Shoreline workshop
- Cedar Lake Improvement District
  - Helped spread the word about Shoreline workshop
- O'Dowd Lake Association
  - Helped spread the word about Shoreline workshop
- Spring Lake Association
  - Helped spread the word about Shoreline workshop
- KCHK Radio
  - Provided publicity for the Cover Crop workshop.
- Prior Lake-Spring Lake Watershed District
  - Helped spread the word about Shoreline workshop
  - Provided publicity for the Cover Crop workshop
  - Provided one staff for two days of Outdoor Education Days
- Three Rivers Park District
  - Allowed Outdoor Education Days to be held free-of-charge at Cedar Lake Farm Regional Park
  - Set up tables and garbage and recycling bins, and offered use of their golf carts for Outdoor Education Days
  - Provided two staff for all five days of Outdoor Education Days

## Accomplishments

The 2019 SCWEP Work Plan targeted and customized its “Clean Water Starts With Me!” campaign to three general audiences: Agriculture/Rural Landowners, Urban and Lakeshore Residents, and Community Groups, Schools and Government. SCWEP utilized both passive and active marketing and outreach techniques to connect with these audiences in Scott County.

Active techniques generally consisted of activities that were targeted, hands-on and engaged with very specific audiences. They were point-in-time events that were scheduled according to seasonal relevance. They took significant time and budgeted expense to plan and implement, but were more likely to have a higher impact in terms of educational outcomes (i.e., changed attitudes and behaviors). Examples included workshops, field demonstrations, tours, and one-on-one landowner meetings.

Passive activities, by contrast, were intended to reach large audiences and deliver consistent “base” messaging. They had a relatively low impact compared to active activities, but were also relatively easy and inexpensive to implement. Examples included news articles, social media postings and event displays that focused on the effects of how our decisions impact water quality and the positive or negative impacts we are responsible for on Scott County water bodies.

Listed below is a comprehensive table of participation numbers for workshops and outreach events featured in 2019.

Activity	2019	2018	2017
Raingarden Workshop	44	21	14
Native Prairie Workshop	59	21	14
Shoreline Workshop	44	6	24
Cover Crop Workshop	70	130	NA
SMART Salting Workshops	112	NA	NA
Outdoor Education Days	1,127	1,070	1,500
Nitrate Water Testing Clinic	150	90	NA

Listed below is the suite of activities and targeted audiences SCWEP focused on in 2019:

Audience & Events	Took Place in 2019	MS4 Activity	Accomplishments
<b>Agriculture/Rural Landowners</b>			
Promote Cover Crop/Soil Health BMPs (news releases, fact sheets, workshops, cover crop informational books, community events/displays, demonstration plots, success stories, cost-share incentives for cover crops)	X	X	<ul style="list-style-type: none"> <li>• Staff continued to receive training on soil health and cover crops</li> <li>• Sent out monthly “Cover Crop Updates” emails</li> <li>• 69 people attended a cover crop and soil health workshop on March 14 in Le Center. The event was a collaboration between the Scott WMO, Scott SWCD, and Rice and Le Sueur SWCDs.</li> <li>• Sponsors for the cover crop workshop this year included Werner seed, Cannon River Watershed partnership, Saddle Butte Ag, Midwest Ag Air, MN Department of Ag, Stangler Seed, and corn/soybean growers.</li> <li>• Featured the SWCD cover crop test plot during the WMO and SWCD fall tour</li> <li>• Featured landowner success story on creating their own interseeder</li> </ul>

			<p>submitted to the SCENE</p> <ul style="list-style-type: none"> <li>• Joe Hentges was named this year's Conservation Leader for his stewardship in promoting soil health in the community</li> <li>• Created cover crop videos to distribute through social media and "Cover Crop Update" emails</li> <li>• Shared relevant stories on partner social media pages, as well as promote our own projects through social media</li> <li>• Partnered with the Prior Lake-Spring Lake Watershed District to promote the Lake-friendly farm program's efforts</li> </ul>
Promote nutrient and manure management	X	X	<ul style="list-style-type: none"> <li>• Provided individual producers with one-on-one assistance</li> <li>• Highlighted Mark Klehr's farm and nutrient management pit at WMO tour</li> <li>• Nutrient management article submitted to SCENE and promoted on social media and blog postings</li> </ul>
Promote no-till drill rental program, reduced tillage	X	X	<ul style="list-style-type: none"> <li>• Scott Conservation Center Hallway display theme: Equipment rental program and benefits of no-till</li> <li>• No-till equipment rental article submitted to the SCENE</li> <li>• Added new equipment to rental program and alerted residents through social media and blog postings</li> </ul>
Promote native grass planting	X	X	<ul style="list-style-type: none"> <li>• 59 residents attended Planting Native Prairie workshop on March 13</li> <li>• Sent 158 flyers and letters to targeted landowners in the Lower MN River and Vermillion River Watershed to attend the Native Prairie Workshop</li> <li>• Serviced 64 new requests for prairie restoration assistance</li> <li>• Certified 2 native prairie projects totaling approximately 8.7 acres of new native prairie</li> <li>• Native Prairie Success Story published in the SCENE</li> <li>• Workshop publicity in county newspapers, on local websites and in the SCENE</li> <li>• Displayed "Plant Native Prairie" banner and rack card at seasonally appropriate events.</li> <li>• Shared relevant stories on partner social media pages, as well as promoted our own projects through social media</li> </ul>
Promote riparian buffers and filter strips	X	X	<ul style="list-style-type: none"> <li>• Serviced 15 new requests for buffer technical assistance</li> <li>• Contacted landowners directly for targeted riparian buffer improvement projects</li> <li>• Shared relevant stories on partner social media pages</li> </ul>
Promote tree and native seed program (buffers, windbreaks, soil savings, erosion reduction, screenings, living snow fences, wildlife habitat improvement)	X	X	<ul style="list-style-type: none"> <li>• Sold 28,200 tree seedlings</li> <li>• Sold 102 Native Seed Mixes</li> <li>• Submitted news articles on tree and native seed mix annual sale</li> <li>• Sent an email blast on tree program to customer/interest list</li> <li>• Scott Conservation Center Hallway display theme: Tree program</li> <li>• Shared relevant stories on partner social media pages, as well as promoted our own projects through social media</li> </ul>
Promote rural residential/hobby farm conservation practices (news releases, community events, direct mailings, one-on-one meetings, success stories, community events/displays)	X	X	<ul style="list-style-type: none"> <li>• Set up display booth with banners and information rack cards on pastures, manure management, cover crops, erosion, and soil loss at appropriate events including the Scott County Fair</li> <li>• Had "Contact Me" cards available at the Scott County Fair</li> <li>• Shared relevant stories on partner social media pages</li> <li>• Sent out 157 postcards to residents who recently purchased 2(+) acres about services: technical assistance, designing, cost-share, etc.</li> </ul>
Promote cost-share and conservation assistance	X		<ul style="list-style-type: none"> <li>• Included information on cost-share and technical assistance in appropriate SCENE articles</li> <li>• Featured notable landowners who participate in conservation practices in SCENE articles, website blog, and social media</li> <li>• Created a conservation practice gallery for stock images and videos of in-progress and completed conservation projects</li> </ul>
Scott WMO/SWCD Fall Conservation Tour	X		<ul style="list-style-type: none"> <li>• Held the annual Fall WMO/SWCD Conservation tour on September 23 with 23 attendees including a Scott County Commissioner; members of</li> </ul>

			<p>the Scott Co. Watershed Planning Commission; SWCD Supervisors; Prior Lake-Spring Lake Watershed District Managers; and WMO and SWCD staff.</p> <ul style="list-style-type: none"> <li>• Stops included the WMO Sand Creek CIP site, Mark Klehr’s dairy farm, and the SWCD cover crop test plot</li> <li>• Speakers at each stop included Ryan Holzer, Scott Schneider, Diann Korbel, Mark Klehr, and Chris Schultz</li> </ul>
<b>Urban and Lakeshore Residents</b>			
Promote raingardens	X	X	<ul style="list-style-type: none"> <li>• Raingarden workshop information published in the SCENE</li> <li>• Assisted landowners with installation of 8 new raingardens, including one raingarden installed by the Minnesota Conservation Corps Crew</li> <li>• Shared relevant stories on partner social media pages, as well as promoted our own projects through social media</li> </ul>
Hold a Shoreline Restoration Workshop	X	X	<ul style="list-style-type: none"> <li>• Sent 650 flyers to shoreline residents marketing the Stabilize your Shoreline workshop</li> <li>• 22 residents attended the Restore Your Shoreline workshop on June 22</li> <li>• Serviced 31 new requests for shoreline and streambank protection assistance</li> <li>• Certified 2 projects totaling 436 lineal feet of new lakeshore stabilization and protection.</li> <li>• Promoted the workshop in SCENE and local media outlets</li> </ul>
Promote natural landscaping practices	X	X	<ul style="list-style-type: none"> <li>• Displayed “Plant Native Prairie: Put Down Roots” and “Landscape Naturally” rack cards and banners at community events</li> <li>• Provided SWCD staff with native prairie door hangers for distribution during ESC inspections</li> <li>• Shared relevant stories on partner social media pages, as well as promoted our own projects through social media</li> </ul>
Promote environmentally-friendly snow/ice management	X	X	<ul style="list-style-type: none"> <li>• Prepared environmentally friendly snow/ice removal news release for the SCENE and other local news media</li> <li>• WMO held 6 smart salting workshops</li> <li>• Attended Prior Lake Fall Fest to show SMART salting demonstration</li> <li>• Sent smart salting post-cards to 73 places of worship and nursing homes</li> <li>• Sent targeted mailings to residents around Prior Lake, Spring Lake, Cedar Lake, and Credit River about proper ice management</li> <li>• Shared relevant stories on partner social media pages, as well as promoted our own projects through social media</li> </ul>
Promote environmentally-friendly lawn care	X	X	<ul style="list-style-type: none"> <li>• Prepared news releases on spring and fall environmentally-friendly lawn care BMPs for The SCENE and local news media</li> <li>• Five information rack cards and display banners focus on this topic</li> <li>• Shared relevant stories on partner social media pages</li> <li>• Hosted storm drain stenciling project with local boy scouts and spray painted 18 drains around Cedar Lake</li> </ul>
Promote personal storm water management/responsibility	X	X	<ul style="list-style-type: none"> <li>• Displayed “The Unfiltered Truth” and “Rain Barrel” rack cards and banners at community events and outdoor education days</li> <li>• During Scott County Fair, on-site raingarden was featured with interpretative signage as part of a Scott County fair</li> <li>• Shared relevant stories on partner social media pages, as well as promoted our own projects through social media</li> <li>• PLSLWD hosted 2019 Spring Clean Water Clean-Up at Fish Point Lake. Event saw 50 volunteers who removed 1.8 tons of buckthorn, 1.6 tons of leaves, and picked up trash around the lake</li> <li>• PLSLWD hosted Clean Water Clean-Up in Prior Lake, removing an estimated 12 tons of buckthorn and raking up half a dump truck of leaves.</li> </ul>
Interpretive signage installed	X		<ul style="list-style-type: none"> <li>• Installed 5 raingarden signs, 7 native prairie signs, 2 cover crop test plot signs, 3 shoreline signs at project sights</li> </ul>
Promote proper disposal of hazardous waste via county HHW facility	X	X	<ul style="list-style-type: none"> <li>• HHW Facility articles were promoted in every edition of this year’s SCENE</li> <li>• “Don’t Throw it Out, Take it to the County” rack cards and banner</li> </ul>

			<ul style="list-style-type: none"> <li>displayed at community events</li> <li>Shared relevant stories on partner social media pages, as well as promoted our own projects through social media</li> </ul>
Promote “unintentional” pollution prevention	X	X	<ul style="list-style-type: none"> <li>Displayed “The Unfiltered Truth,” “Salt Pollutes” and “Don’t Throw it Out: Take it to the County” rack cards and banners at community events</li> <li>News releases on Salt Pollutes</li> <li>Shared relevant stories on partner social media pages, as well as promoted our own projects through social media</li> </ul>
Educate citizens about groundwater nitrate	X	X	<ul style="list-style-type: none"> <li>235 water samples analyzed at SWCD tree-pickups days: April 26</li> <li>12 wells decommissioned</li> </ul>
<b>Community Groups, Schools, Government</b>			
Organize and host Outdoor Education Days	X		<ul style="list-style-type: none"> <li>Hosted 34 annual event, attended by 1,127 students from 14 schools (Belle Plaine, New Prague, Shakopee, Jordan, and Savage) on September 23, 24, 25, and 26</li> <li>Six student stations focused on forestry, wildlife, conservation, soil health, the water cycle, and pond macro-invertebrates. There was also a CLIMB Theatre production about recycling and composting.</li> <li>Received \$1,000 from MVEC Operation Roundup Grant for waters for students and lunches for presenters</li> <li>The Scott SWCD provided bussing grants to classrooms at Marion W Savage, Eagle View, and Oak Crest</li> </ul>
Share and promote information Watershed Stewards Mini-Grants	X		<ul style="list-style-type: none"> <li>Promoted the grants availability on SWCD website, blog, and social media outlets</li> <li>Emailed grant application to schools, churches, and townships</li> <li>Grant applications available at Government Center</li> </ul>
Continue to develop Fish Lake, New Prague, Prior Lake Sportsmen’s Club and Pheasants Forever Partnerships	X		<ul style="list-style-type: none"> <li>This relationship development is ongoing with SWMO taking the lead</li> <li>Made SCWEP Program displays and staff available for events put on by organizations to initiate person-to-person contact.</li> </ul>
Continue to educate community leaders and officials about Illicit Discharge Detection and Elimination	X	X	<ul style="list-style-type: none"> <li>Displayed IDDE rack cards and banners at community events</li> <li>Continued to distribute IDDE vehicle visor clips upon request to county and city public works vehicles/employees</li> </ul>
<b>General</b>			
Education presentations to WPC	X		<ul style="list-style-type: none"> <li>Regular updates and reporting is shared with WPC Board on a monthly basis</li> </ul>
Submit MASWCD Conservation Cooperator of the Year Award and Scott SWCD’s Conservation Leaders Program	X		<ul style="list-style-type: none"> <li>Submitted an award application for Joe Hentges for MASWCD’s Outstanding Conservationists of the Year. He was recognized at the MASWCD Annual Convention on December 10. He also received Conservation Leaders Program signage.</li> </ul>
Write/edit news articles (educational, events, success stories, testimonials, etc.) in cooperation with other partners via Cooperative Media Plan.	X	X	<ul style="list-style-type: none"> <li>SCWEP followed a comprehensive media plan with SCWEP Partners to reduce redundancy and streamline conservation topic focus/impact.</li> <li>70 relevant articles were drafted and published</li> </ul>
Rotate Scott Conservation Center Hallway Displays	X		<ul style="list-style-type: none"> <li>Designed and utilized seasonal themes including tree program, no-till equipment rental, planting cover crops, and winter sidewalk management.</li> </ul>

## Media

SCWEP continues to work with partners and county agencies on a timely, cost-effective manner to market programs and activities. This involves the utilization of a Cooperative Media Plan in which news releases and other promotions are strategically outlined in advance of deadlines. The Cooperative Media Plan allows for more effective communications through timely news releases and less overlap of stormwater runoff, workshops, lawn care, landowner success stories and other topics. Media outlets include county newspapers, The Scott County SCENE, and the county, PLSLWD and SWCD websites. As an added benefit, the plan also allows for more effective cross-marketing of partner programs.

In 2019, 38 relevant news releases were written and distributed. Topics for news releases follow SCWEP goals and objectives. Whether residents owned a business or home, lived on a lake, walked their dog, hunted in our woods or wetland areas, maintained their lawn, landscaped with native plants or raised crops in Scott County, the clean water message was tailored to them.

### 2019 News Releases

2019 SCENE Articles		
Issue	Article	Partner
Feb	Compass Learning Center Success Story	WMO
	River City Centre Success Story	WMO
	Water softener Salt Article	WMO
	Reluctant Regulator Env SCENE column.	WMO
	Food Plot Seed Update	SWCD
	March Cover Crop Workshop	SWCD
	Planting Native Prairie Workshop	SWCD
	Scott Co Parks Success Story	SWCD
	Apr	Free Nitrate Testing for Well Water
Henderson Apartment Success		WMO
Live Native Garden Kits Available for Spring		SWCD
Raingarden Workshop Coming up!		SWCD
Spring Lawn Care for Clean Water		SWCD
Bring your Community Together for Clean Water		SWCD
Jun	Scott SWCD Staff hosts one-on-one Meeting with Farmers	SWCD
	Cover Crops Help Local Farmer care for his Soil	SWCD
	Stabilize your Shoreline Workshop Coming up!	SWCD
	Drinking water series, part II, arsenic	WMO
	AIS what to look for	WMO
	New watercraft inspections this summer	WMO
Aug	Cover Crop test plot moves onto year two	SWCD
	Local couple restores prairie to improve diversity	SWCD



	Conserving water does make a difference	SWCD
	Blue green algae	SCES
	Don't flush medicines	SCES
	Wipes in septic systems	SCES
	Bluff stabilization	WMO
Oct	Nutrient management techniques benefiting the environment	SWCD
	Father-son duo creates homemade inter seeder	SWCD
	Waste Wise - Canterbury park	WMO
	Buckthorn bust at the Prior Lake Spring Lake Watershed District	PLSLWD
	Test well water for arsenic	SCES
	Scott County drinking water, part III, manganese	SCES
	Septic system winter update	SCES
	Nonpoint source pollution	SCES
Dec	Local farmers participate in cover crop aerial seeding	SWCD
	Scott SWCD and WMO host annual fall conservation tour	SWCD
	Students learn environmental lessons at OED	SWCD
	Five ways to use less salt this winter	SWCD
	ENV SCENE column - Ryan on improving water quality	WMO
	Microplastics found everywhere; be aware, choose to reduce use	WMO

## MS4 Activity

The 2019 Work Plan was designed to ensure member compliance with the educational requirements of their respective Stormwater Pollution Prevention Plans. There are six minimum control measures (MCMs) defined in the MS4 Permit, including:

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

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

## Budget

The 2019 SCWEP budget was \$ 100,073. This includes \$96,073 for staff time to plan and implement activities and \$4,000 for materials, supplies and related expenses. Of this total, Scott WMO contributed \$85,273, Prior Lake-Spring Lake Watershed District contributed \$3,500, Lower Minnesota River Watershed District contributed \$4,100, Vermillion River Watershed contributed \$1,200, Spring Lake Township contributed \$2,000.

## Outcomes, Evaluation and Reporting

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

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

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

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

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

## Appendix: 2019 MS4 Reporting Information

### Workshops

Date	Workshop	Location	# of Attendees	Breakdown of Attendees							
				WMO	PLSLWD	LMRWD	VRWJPO	Credit River TS	Jackson TS	Louisville TS	Spring Lake TS
3/13/19	Plant Native Prairie	Spring Lake Town Hall	59	27	21	1	7	3	1	0	7
3/14/18	Cover Crop and Soil Health	Le Center American Legion	70 (19 from Scott Co.)	16	2	1	0	1	0	0	0
4/18/19	Create a Raingarden	Spring Lake Town Hall	44	19	20	2	0	6	0	0	4
6/11/19	Restore Your Shoreline	Spring Lake Town Hall	44	17	23	0	0	1	0	0	5

### Other Events

Date	Event
4/6/2019	U of M Extension Master Gardeners: Garden Fever
4/7/2019	Celebrate Jordan: Expo
4/22/19 & 10/28/19	PLSLWD Clean Water Clean-Ups
4/29/2019	Tree Seedling / Native Seed pickup
4/29/2019	Ground Water Nitrate testing clinic (235 water samples tested)
7/24/19 - 7/28/19	Scott County Fair
9/16/2019	Prior Lake Community Fest
9/23/19 – 9/27/19	Outdoor Education Days
10/6/2019	Miles for Monarchs
10/19/19	Storm Drain Stenciling

## Appendix: 2019 MS4 Reporting Information

### 2019 Materials Distributed

2019 MS4 Activity	Date	Materials Distributed	Amount distributed
Plant Native Prairie workshop	3/13/2019	Rack Cards	Distributed 10 rack cards
Finding Profit in Cover Crops workshop	3/14/2019	Rack Cards	Distributed 20 rack cards
Booth at Celebrate Jordan Expo	4/7/2019	Rack Cards	Distributed 25 rack cards
Create a Raingarden workshop	4/18/2019	Rack Cards	Distributed 20 rack cards
Booth at U of M Extension Garden Fever Conference	4/6/2019	Rack Cards	Distributed 30 rack cards
Tree seedling and native seed distribution day	4/26/2019	Rack Cards	Distributed 50 rack cards
Stabilize your shoreline workshop	6/11/2019	Rack Cards	Distributed 45 rack cards
Booth and information at Scott County Fair	7/24/2019 - 7/28/2019	Rack Cards	Distributed 100 rack cards
Booth at Prior Lake Fall Fest	9/16/2019	Rack Cards	Distributed 25 rack cards
Miles for Monarchs	10/19/2019	Rack Cards	Distributed 10 rack cards
Scott SCENE Erosion Reduction article	Dec, 2018/Jan, 2019	News Article	Distributed to 57,000 people
Scott SCENE Cover Crop workshop article	Dec, 2018/Jan, 2019	News Article	Distributed to 57,000 people
Scott SCENE Lawn Care Tips article	April, 2019	News Article	Distributed to 57,000 people
Scott SCENE Nitrate Testing article	April, 2019	News Article	Distributed to 57,000 people
Scott SCENE funds for clean water projects article	April, 2019	News Article	Distributed to 57,000 people
Scott SCENE local farmers for clean water article	April, 2019	News Article	Distributed to 57,000 people
Scott SCENE native garden kits for sale article	April, 2019	News Article	Distributed to 57,000 people
Scott SCENE Water Conservation article	August, 2019	News Article	Distributed to 57,000 people
Scott SCENE Native Prairie article	August, 2019	News Article	Distributed to 57,000 people
Scott SCENE Manure Management article	October, 2019	News Article	Distributed to 57,000 people
Scott SCENE cover crop article	October, 2019	News Article	Distributed to 57,000 people
Scott SCENE Prevent Salt Pollution article	December, 2019	News Article	Distributed to 57,000 people
Scott SCENE students learn conservation article	December, 2019	News Article	Distributed to 57,000 people
Scott SCENE cover crop seeding article	December, 2019	News Article	Distributed to 57,000 people
Scott SWCD website and blog	On-going	General online outreach	Viewed by ~6,200 people
Social Media	On-going	General online outreach	Viewed by ~3000 people

Listed below are the planned SCWEP activities for 2020. New activities proposed last year are highlighted.

Events and Activities	Dates	Objective	MS4 Activity
<b>Agriculture/Rural Landowners</b>			
Native Prairie Workshop	TBD	1	X
Cover Crop Workshop	March 19	1	X
Nitrate Water Testing Clinic	April 24	1	X
Tree/Native Seed Mix Order Pickup	April 24	1	
Conservation Leaders/Awards	Fall/Winter	1	
Cover Crop field days	Spring and Fall	1	X
Promote native grass planting	Ongoing	1	X
Promote buffer BMPs	Ongoing	1	X
Promote Cover Crop/Soil Health BMPs	Ongoing	1, 2	X
Promote nutrient and manure management	Ongoing	1, 2	X
Provide technical assistance and cost share for agricultural BMPs	Ongoing	2	
Cover Crop videos	Ongoing	1	
Targeted outreach to producers in areas with high bacteria levels	August	1	X
Conservation Practice Videos & Photo Gallery	Ongoing	1	X
Native Prairie Door Hangers	Ongoing	2	X
<b>Community Groups, Schools, Government</b>			
Scott WMO/SWCD Conservation Tour	TBD	1	
Education presentations to community leaders (WPC, Citizen Advisory Committee, etc.)	Ongoing	1	
Outdoor Education Days	Sept 21-25	2	
Clean-Water Clean-Up, rake the lake event	Spring and Fall	3	X
Sportsmen's Club Relationship Building	Ongoing	3	X
Lake Association Relationship Building	Ongoing	3	X
Share and promote Watershed Stewards Mini-Grants	Ongoing	3	
Send out Smart Salting postcards to faith based organizations and nursing homes	Winter	1	X
Promote chloride reduction (winter salt and softener salt)	Ongoing	3	X
<b>Urban and Lakeshore Residents</b>			
Raingarden workshop	April 8	2	X
University of MN Extension Garden Fever	TBD	1	X
Jordan Showcase	TBD	1	X
Scott County Fair	TBD	1	X
Prior Lake Community Fest	TBD	1	X
SCWEP Banner Display	Ongoing	1	X

Landowner Success Stories	Bi-monthly	1	X
Conservation Themes/Hallway	Rotated seasonally	1	
Cooperative Media Plan	Ongoing	1	
Storm Drain Stencil Kit	As requested	1	X
Project signage: Raingarden, Native Prairie, Native Shoreline	Ongoing	1	X
Promote “unintentional” pollution and illicit discharge prevention	Ongoing	1	X
Promote proper disposal of hazardous waste via HHW facility	Ongoing	1	X
Mail postcard to residents who recently purchased 2+ acres about services: technical assistance, designing, cost-share, etc.	Send out annually	1	X
Shoreline Workshop	June 10	2	X
Mailing to new lakeshore residents about technical assistance, cost-share, and workshops	Summer	2	
Raingarden Tour	Summer	2	X
Native Shoreline video	Summer	1	
Autumn Fare Demonstration: Smart Salting	October	2	X
Distribute smart salting cups	Winter	1	X

## Goals Beyond 2020

The activities outlined in this report are geared toward achieving positive behavior change for the long term. This is an ongoing process and changes in perceptions and lasting behaviors are difficult to measure. Many of these activities will be repeated in future years as a constant reminder to the public that “Clean Water Starts with Me.” As new ideas and opportunities emerge, new activities will be added to keep SCWEP relevant and reaching as many people as possible. SCWEP goals beyond 2020 include:

- Changing residents’ way of thinking about stormwater runoff and their roles in making a difference to water quality
- Providing support and programming to partner agencies and others
- Showing the public that their everyday decisions do matter by including personal success stories in press releases and outreach
- Increasing workshop participation numbers to create greater impact and personal behavior change
- Building and enhancing partnerships between SCWEP and local citizen groups (i.e., lake associations, lake residents, sportsmen’s clubs, existing social networks, community service clubs, etc.)



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 18, 2020

### Agenda Item

#### Item 5. B - Lower Minnesota River One Watershed One Plan

#### Prepared By

Linda Loomis, Administrator

#### Summary

One Watershed One Plan (1W1P) is a program of the MN Board of Soil and Water Resources adopted in 2016. The goal of this program is to align local water planning on major watershed boundaries with state strategies for prioritized, targeted and measurable implementation plans. In 2017, the LMRWD lobbied the State legislature to develop and implement Comprehensive Watershed Plans under this program in each of the 12 major watersheds of the Minnesota River Basin by the year 2022.

As part of the 1W1P planning process, all organizations with responsibility for regulating water resources within a given planning area are invited to be a part process. Once a plan is developed and adopted, organizations that participated in the planning process can then choose to adopt the 1W1P in place of their own plan. Participating in the process does not mean that you automatically give up your own plan.

The Lower Minnesota River Watershed (HUC-8), which is different than the LMRWD, has been divided into two planning areas; 55 and 56. Planning Area 55 has applied for and been approved to receive a grant from BWSR to begin the process in 2019. The boundaries of this planning area do not include the LMRWD, however I have indicated that the LMRWD would be interested in being a part of this planning process as High Island Creek and Bevens Creek watershed are part of this planning area and both contribute significant amounts of sediment to the MN River.

On March 28, LeSueur County Soil & Water Conservation District convened a meeting of all Counties, Watershed Districts and Water Management Organizations within Planning Area 56 (map attached). Planning Area 56 includes portions of the seven County Metropolitan Area; including the LMRWD. LeSueur and Rice County are planning to adopt the 1W1P as its official County Water Plan once it has been developed. There is a question as to how much of the planning area should be included to participate in the plan development process, since portions that are in the Metro area are required to have Plans and those plans have all been recently updated.

BWSR has asked that the LMRWD Board decide whether or not it wants to be a part of the planning process for either of these or both planning areas. If the Board chooses to participate, BWSR has asked that the Board designate an official representative for the LMRWD. If the Board chooses to participate a motion should be approved and an official representative appointed.

#### Attachments

Map of Major Watersheds

Map of One Watershed One Plan with Plan status

Map of planning area 56

**Recommended Action**

Motion to participate and appoint official representative

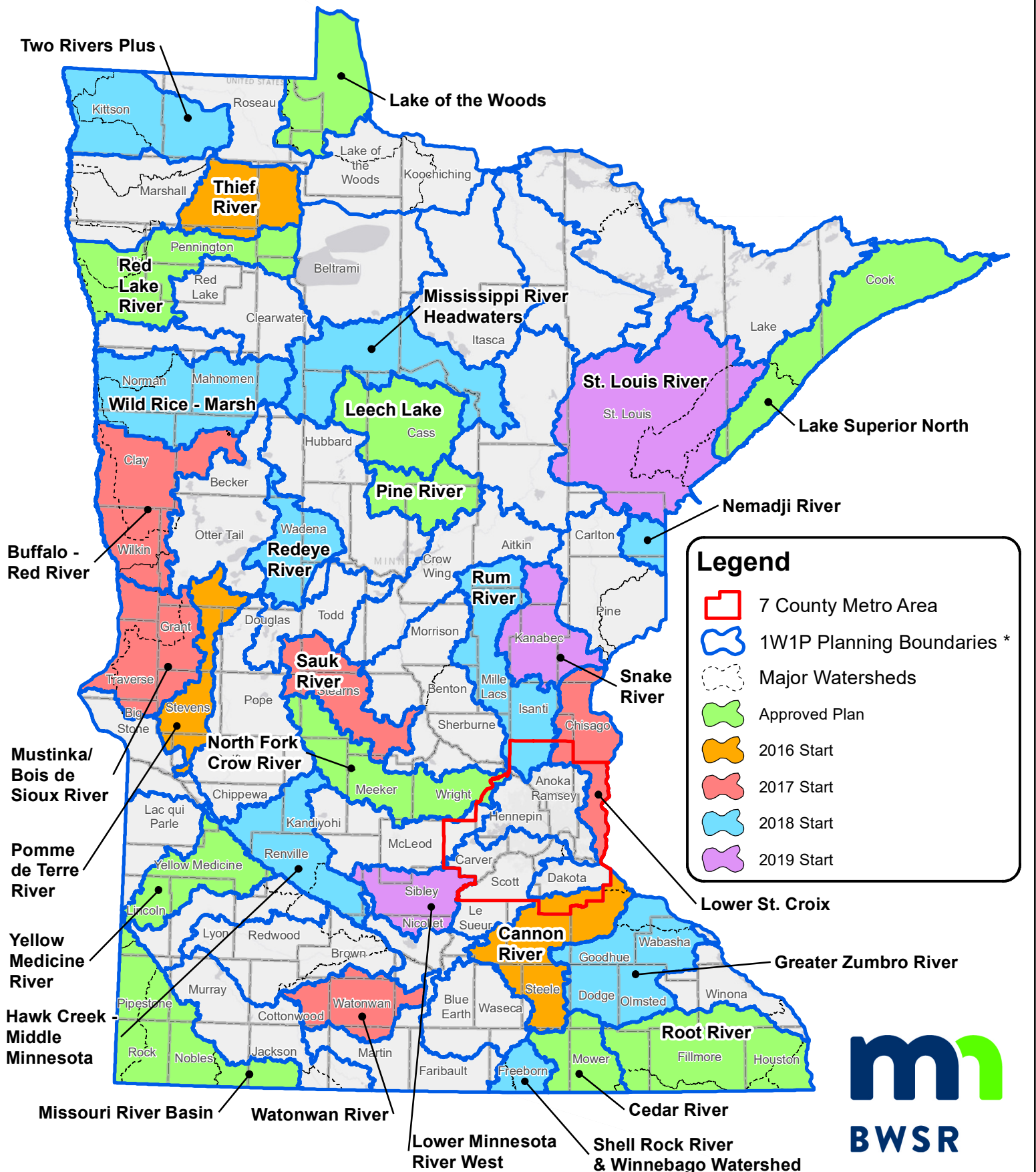


# Basins and Major Watersheds in Minnesota



# One Watershed, One Plan

## Participating Watersheds



\*Not legal boundaries; intended for planning purposes through One Watershed, One Plan only.



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 18, 2020

### Agenda Item

#### Item 5. C. - Metropolitan Area Watershed Based Funding

#### Prepared By

Linda Loomis, Administrator

#### Summary

Two years ago BWSR established a Watershed Based Funding Program (WBF) for water management organizations within the seven county Metropolitan Area. The goal for WBF is to distribute money to pay for projects and studies that work to improve water quality. The Pilot Program distributed money to organizations based on counties. Since the Pilot Program, BWSR convened a work group to determine a more equitable way to distribute funds.

In the last round of funding, in Carver, Dakota and Scott County money was allocated using a formula based on area of the watershed and the value of taxable property or population within a given county. Within Hennepin County funds were similarly allocated, however the organizations in the Minnesota River Watershed pooled funds to pay for a chloride project.

Scott County and Hennepin County reserved a portion of the total funds available to those counties to address chlorides.

LMRWD projects funded in part by WBF money are:

- Carver County: East Chaska Creek
- Dakota County: Fen Gaps analysis and management strategy
- Hennepin County: MN River Chloride project
- Scott County: Prior Lake Outlet Channel Realignment, Downtown Shakopee stormwater BMP feasibility study; and Schroeder's Acres Park stormwater analysis.

The distribution of funds will now be based on watersheds. For the LMRWD this means that rather than being part of 4 distribution groups (Carver, Dakota, Hennepin and Scott Counties), it will now be part of 2 groups (Lower Minnesota River North and Lower Minnesota River South).

What this means for the LMRWD is that it will participate meetings with eligible organizations within the two areas to determine how the funds will be spent. BWSR has asked that the Board appoint a representative to each group.

#### Attachments

No attachments

#### Recommended Action

Motion to appoint LMRWD representative to WBF Lower Minnesota River North and South planning groups



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 18, 2020

### **Agenda Item**

**Item 5. D. - 2020 Cost Share Application - Sullivan - 4419 West Old Shakopee Road**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The LMRWD received an application for the 2020 Cost Share Program. The homeowner is planning to install several rain gardens and other native plant gardens on the site to reduce run off. The applicant is asking for cost share of \$1,240.50. The application is attached and staff recommends approval.

### **Attachments**

Sullivan Cost Share Application  
Location map

### **Recommended Action**

Motion to approve Cost Share for 4419 West Old Shakopee Road



LOWER MINNESOTA RIVER  
WATERSHED DISTRICT

### Cost share grant application 2020

Application type (check one)  Homeowner \_\_\_ Non-profit - 501(c)(3) \_\_\_ School  
\_\_\_ Business or corporation \_\_\_ Public agency or local government unit

Project type (check all that apply)  Rain garden \_\_\_ Vegetated Swale \_\_\_ Infiltration Basin  
\_\_\_ Wetland restoration \_\_\_ Lake/creek/wetland buffer  Conservation practice  
\_\_\_ Shoreline/bank stabilization \_\_\_ Pervious hard surface  
\_\_\_ Other \_\_\_\_\_

#### Applicant Information

Name of Organization or Individual Applying for Grant (to be named as Grantee):

Aaron Sullivan

Address (street, city and ZIP code):

- site: 4419 West Old Shakopee Rd, Bloomington, MN, 55437

Phone: 612-443-9102

Email address: malahan@gmail.com

#### Primary Contact (if different from above)

Name of Organization or Individual Applying for Grant (to be named as Grantee):

- mail to: Aaron Sullivan

Address (street, city and ZIP code):

8212 Quinn Rd Bloomington, MN, 55437

Phone: \_\_\_\_\_

Email address: \_\_\_\_\_

#### Project location

Address (street, city and ZIP code):

4419 West Old Shakopee Rd., Bloomington, MN, 55437

Property Identification Number (PID)

19-027-24-42-0026

Property Owners:

Aaron Sullivan

#### Project Summary

Title Rainwater sequestration native planting on high traffic intersection

Total Project Cost \$2,481

Grant amount requested \$1,240.50

Estimated start date May 15, 2020

Estimated completion date Oct 15, 2020

Is project tributary to a water body? \_\_\_ No, water remains on site  Yes, indirectly \_\_\_ Yes, directly adjacent

The neighborhood water drains to South Glen Playground, I believe.  
It is visible on the location map

Project description:

Fifteen wildflower + two tree species, chosen for their outsized importance to wildlife, will be planted along a high-traffic street. The plantings will demonstrate a landscaping option which sequesters rain water, hosts wildlife, is carbon-positive, and is beautiful.

Is this work required as part of a permit?  No  Yes  
(If yes; describe how the project provides water quality treatment beyond permit requirement on a separate page.)

Project Details

Checklist To be considered complete the following must be included with the application.

- location map
- project timeline
- site plan & design schematic
- proof of property ownership
- itemized budget or contractor bid
- plant list & planting plan (if project includes plants)

Description

Describe the current site conditions, as well as site history, and past management

The site contains a mixture of soils: in some areas poor, red soil, in other areas, good brown or black soil. Sun exposure varies between the different garden beds planned for, from shade to nearly full sun.

All of the planned beds were previously mown to 2" in height, retained very little rainwater, hosted very little wildlife, and were polluted by fertilizers, pesticides, herbicides, and possible gas spills.

What are the project objectives and expected outcomes? Give any additional project details.

- Educate the public
- Filter rainwater
- Eliminate runoff/sequester rainwater
- Benefit wildlife
- Demonstrate low-carbon/carbon-positive landscaping
- Reproduce itself by sending seeds + plant offsets to other places in the watershed
- Cool the hot urban environment via shade from 2'-60' plants and via evaporative cooling from the same.

List other key participants and their roles (provide contact information for each partner and his/her expected contribution to the project)

Craigstad is an inexpensive + reliable source for native plants + labor.  
Prairie Moon Nursery: stocks ca. 2,000 species of native plants, locally sourced in So. MN.  
Reed; Elizabeth: suppliers of local native plants.  
Caleb; Devlin: suppliers of labor. -> Phone numbers available upon request.

Which cost share goals does the project support? (check all that apply)

- 1.  improve watershed resources
- 2.  increase awareness of the vulnerability of watershed resources
- 3.  increase familiarity with and acceptance of solutions to improve waters
- 4.  Foster water resource stewardship

How does the project support the goals you checked?

1. The native plantings will sequester + filter rainwater; the larger plants can absorb large amounts of water during rainfall events.  
2, 3, 4. The site is on a very busy street; on the opposite corner is a huge ornamental garden - these facts will draw the public's attention to a landscape which absorbs rainwater, benefits wildlife, and yet appears civilized with its single-species beds. Tours of the site will allow detailed elaboration on methods + benefits.

### Project Details (continued)

**Benefits** Estimate the project benefits in terms of restoration and/or **annual** pollution reduction. If you are working with a designer or contractor, they can provide these numbers. If you need help contact the district Administrator.

Benefit	Amount
Water captures	7,045.5 gal/year
Water infiltrated	uncertain gal/year
Phosphorus removed	uncertain lbs/year
Sediment removed	uncertain lbs/year
Land restored	366 sq. ft.

Based on  
 $366 / 1,000 \times 550 \times 35 = 7045.5$   
 366 = sq footage  
 31" avg annual rainfall } 35" annual rain  
 4" rain from 5d snow }  
 This is the first time I've calculated water capture.  
 I can't be certain how accurate the # is.

How will you share the project results with your community?

I will host garden tours for Wild Ones and other groups which promote native plantings and water-retaining landscaping. As flowers bloom in bright yellow, white, purple, and crimson, hopefully people will see the large yet orderly patches, each of just one species, and

Are there other projects that could be initiated as a result of this one?

Other projects would definitely result from this one. Each of the wildflowers in question reproduces easily, as does the pagoda dogwood, and it's already a part of the overall plan that their offspring should establish themselves in places

### Evaluation

How will the project be monitored and evaluated?

The homeowner will monitor and maintain the plantings. It is anticipated that each species is being employed at a fitting location, but should any fail to thrive there, other species can replace them in their assigned bed.

which are today being mown, fertilized, pesticided, etc.

### Maintenance agreement

I acknowledge that receipt of a grant is contingent upon agreeing to maintain the project for the number of years outlined in the cost share guidelines.  Yes

### Authorization

Name of landowner or responsible party Aaron Sullivan

Signature  Date 3-5-2020

Type or handwrite your answers on this form. Attached additional pages as needed  
(For questions, contact Linda Loomis at Naiad Consulting@gmail.com or call 763-545-4659.)

Mail the completed application to: **Lower Minnesota River Watershed District**  
 c/o Linda Loomis, Administrator  
 112 E. Fifth St., Suite 102  
 Chaska, MN 55318

or Email to: **Linda Loomis, Administrator**  
 naiadconsulting@gmail.com

# Location Map

Google Maps



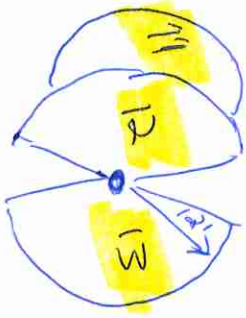
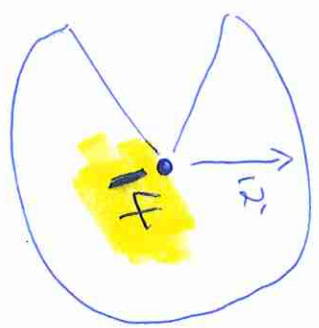
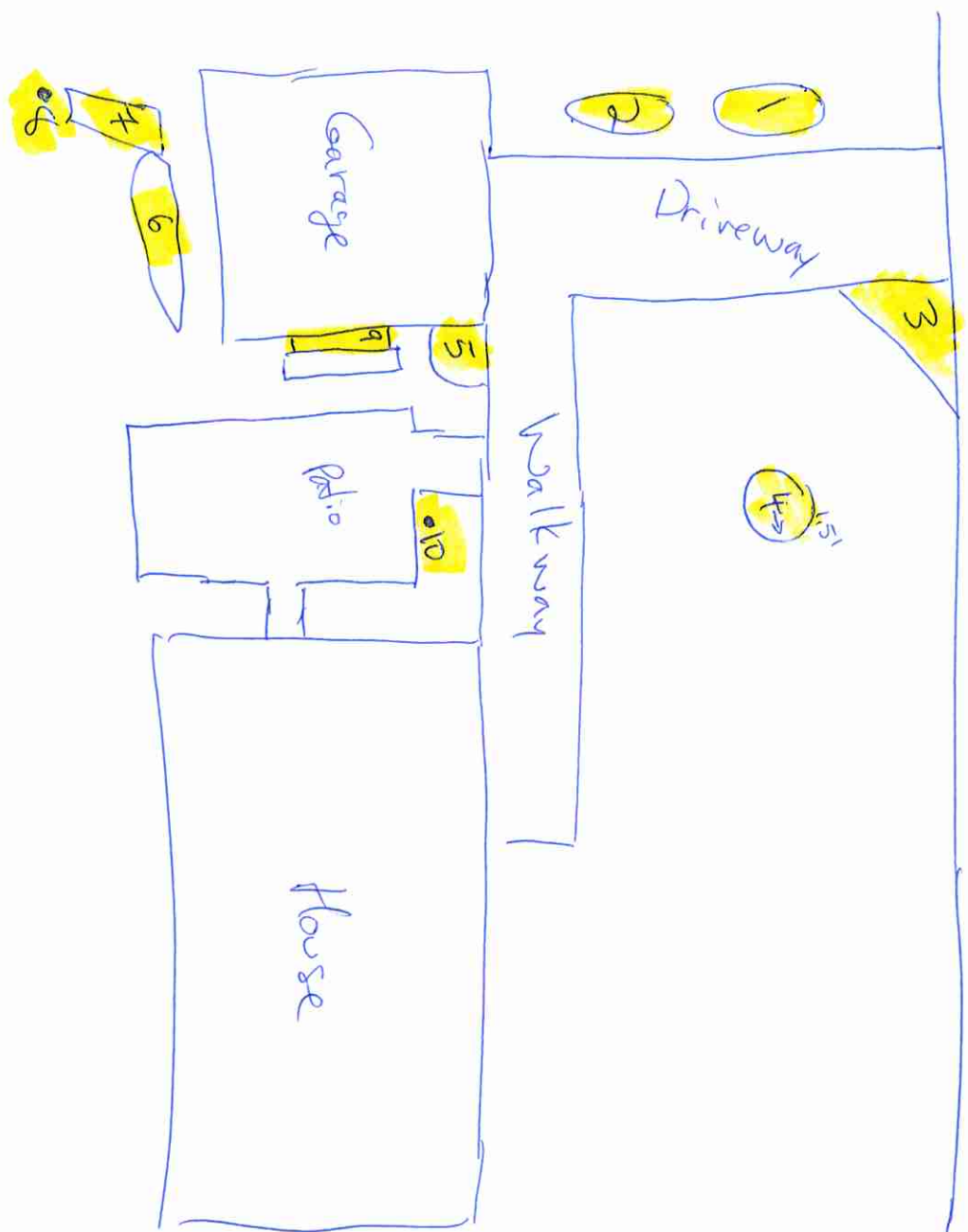
Map data ©2020 200 ft

4419 West Old Shakopee Rd.  
 At the corner of West Old Shakopee Rd and Little Ave



# Site Plan + Design Schematic

← Little Ave S →



Old Skatpee Rd →  
Sidewalk

**Plant List; Planting Locations for 4419 W. Old Shakopee Rd.**

Species		Quantity	Location on Site Plan
Solomon's Seal	<i>polygonatum biflorum</i>	15	1
False Solomon's Seal	<i>smilacina racemosa</i>	15	2
or Starry False Solomon's Seal	<i>smilacina stellata</i>		
Bee Balm	<i>monarda didyma</i>	30	3
Anise-Hyssop	<i>agastache foeniculum</i>	10	4
Bergamot	<i>monarda fistulosa</i>	20	5
Cow Parsnip	<i>heracleum maximum</i>	30	6,9
Sweet Joe Pye Weed	<i>eupatorium purpureum</i>	15	7
Pagoda Dogwood	<i>cornus alternifolia</i>	1	8
Bur Oak	<i>quercus macrocarpa</i>	1	10
Cup Plant	<i>silphium perfoliatum</i>	15	11
Fiddlehead Fern	<i>matteuccia struthiopteris</i>	40	12,13
Cranesbill Geranium	<i>geranium maculatum</i>	96	14
Bigleaf Aster	<i>aster macrophyllum</i>	40	15
Sweet Black Eyed Susan	<i>rudbeckia subtomentosa</i>	10	16
Wild Senna	<i>senna hebecarpa</i>	10	17
Butterfly Weed	<i>asclepias tuberosa</i>	10	18
Narrow Leaved Mountain Mint	<i>pycnanthemum tenuifolium</i>	20	19

Notes on species:

Seventeen different species are to be planted, offering nectar in all seasons, as well as hosting caterpillars and providing shelter to insects.

The monarda species will draw hummingbirds to the yard, and the superlative charisma of those birds will encourage passers-by (of whom there will be many) to plant their own flowers.

Many species of butterfly are only able to reach maturity if there are specific species of plants available for them to munch on, as their larval stages are adapted to eat only that type of plant. We will host a variety of species.

Host species: Cow Parsnip -- Black swallowtail butterflies require plants in the wild carrot family as hosts.

Host species: Butterfly Weed -- Monarch butterflies require plants in the milkweed family as hosts.

Asters, Joe Pye weeds, cranesbill geraniums, black eyed Susans, milkweeds, and monardas are listed by Professor Douglas Tallamy as being among the most valuable forbs for butterflies. They are able to host 112, 42, 23, 17, 12, and 7 different species of lepidopterans respectively. The oak genus hosts a staggering 534 species.

[https://enst.umd.edu/sites/enst.umd.edu/files/\\_docs/Table%201%20from%20Doug%20Tallamy%20Sheet1.pdf](https://enst.umd.edu/sites/enst.umd.edu/files/_docs/Table%201%20from%20Doug%20Tallamy%20Sheet1.pdf)

Because the chicks of 96% of songbird species require insects as food to fledge, and because caterpillars represent the lion's share of of the meat they consume, the fact that these 17 species of plants can host a great range of lepidopteran species (moths and butterflies) is a great boon to the songbirds, whose numbers have fallen by roughly 50% in the last 50 years. (source: Douglas Tallamy's books and videos; also Carl Zimmer's 2019 article in the NY Times). A single chickadee chick requires over 9,000 caterpillars in order to reach maturity, for example.

Some Latin species names are being changed as genetic testing reveals more accurately the relations among species within a family or genus of plants. The names used above have been in common use for decades, and may not reflect the very latest newly assigned genus and species names.

**Project Timeline; Itemized Budget for 4419 W. Old Shakopee Rd.**

**Project Timeline**

Estimated Start Date: May 15, 2020

Estimated Completion Date: October 15, 2020

-If the ground thaws earlier, work can begin earlier.

-If all work can be completed in the spring, it will be; some plantings can be conducted in fall if need be.

-Turf grass will need to be eliminated and roots removed; soil will need to be amended in certain locations so as to create a water-retaining loam; plants must be planted and mulched.

**Itemized Budget**

48 hours' labor	\$576.00
378 plants from plant list:	\$1905.00
Total:	\$2481.00

Homeowner contribution: \$1240.50

Watershed District contribution: \$1240.50

**Budget Notes**

Plants and labor from Craigslist to be used in order to maximize 'the bang for the buck'.

Craigslist often offers native plants with more root and at lower prices than do nurseries.

See Plant list for quantity and location of specific species; \$5 per plant is budgeted.

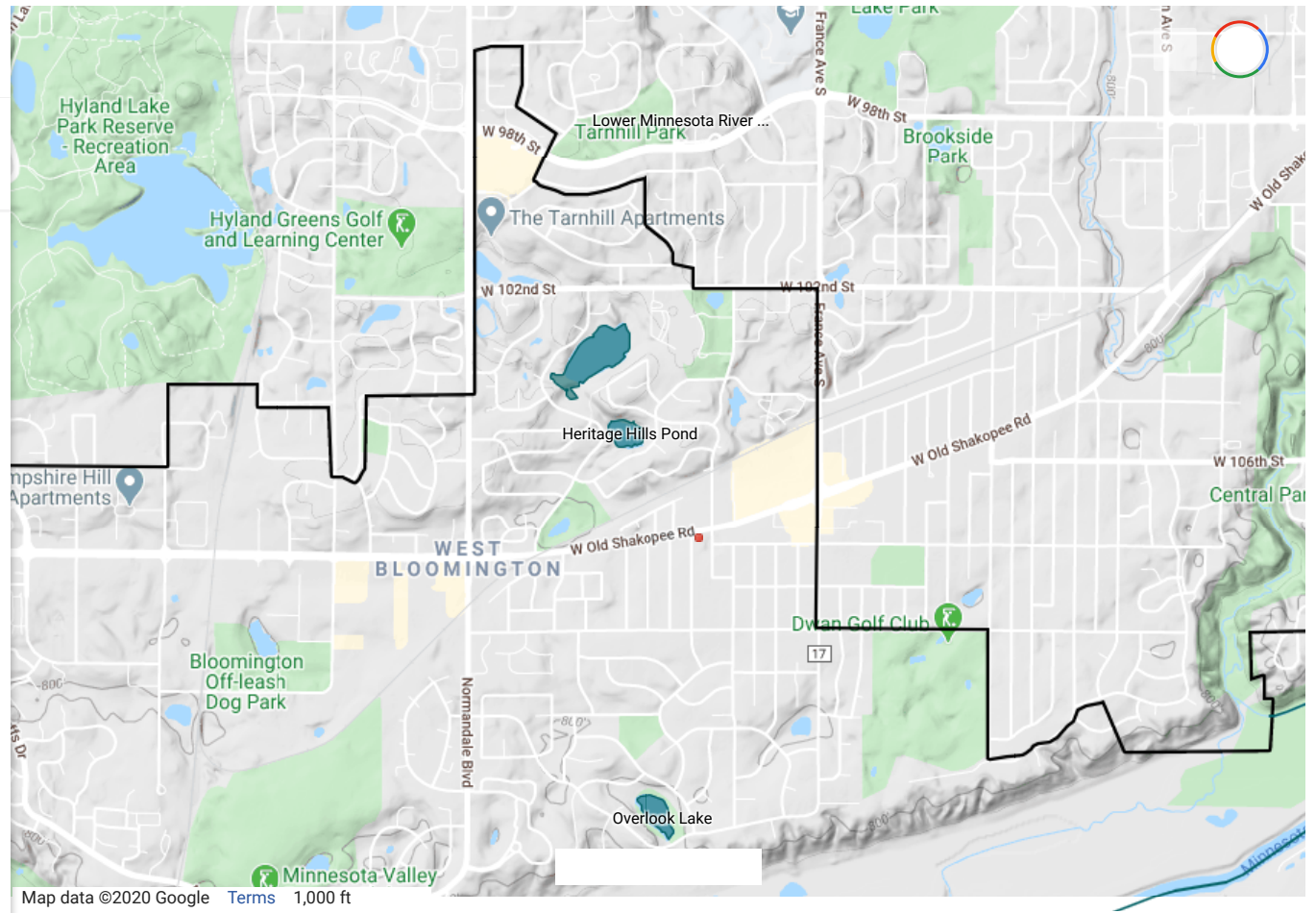
17 species of plants are to be used.

4419 west old shakop

Move map to  
4419 W Old Shakopee Rd, Minneapolis, MN  
55437, USA

From Google [show all on map](#)

4419 W Old Shakopee Rd





# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 18, 2020

### Agenda Item

#### Item 5. E. - Freshwater Society Ice Out Loon In

#### Prepared By

Linda Loomis, Administrator

#### Summary

The LMRWD has supported this annual event for several years by purchasing a table. This year's event will be held at the Allianz Field, Stadium Club, 400 Snelling Avenue North on Sunday, April 26, 2020. Doors open and 1:30pm with stadium tours. The silent auction, hors d'oeuvres and cash bar begin at 2:00. A program follows at 4:00. At this time Freshwater is planning to proceed with the event, but have posted this notice on the web page for this event:

*"We are carefully monitoring the Coronavirus outbreak and the recommendations of state and federal health officials. At this point we still expect to hold our annual Ice Out, Loon In fundraising event on April 26. However, we will continue to monitor the situation and will follow the guidance from health officials about holding public events. If necessary, we will postpone the fundraiser until later this year in order to protect the health of our members, staff, and guests. This page will be regularly updated with any schedule changes and contingency plans, including a cancellation policy for sponsors and ticket holders. These are difficult times for everyone. Thank you for your patience and your support of Freshwater."*

Tables of 10 for this year's event are \$1,000. This item is included in the 2020 budget under the education budget.

#### Attachments

<https://freshwater.org/ice-out-loon-in/>

#### Recommended Action

Motion to support Freshwater Ice Out Loon In with the purchase of a table



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 18, 2020

### **Agenda Item**

**Item 6. A. - City of Carver Levee**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

Staff has reviewed the information the LMRWD received from the City of Carver regarding its request for LMRWD funding for improvements to the Carver Levee. The analysis prepared by LMRWD staff is attached. This analysis has been shared with the City. LMRWD and the City are planning to meet to discuss this project further.

### **Attachments**

LMRWD staff analysis of Carver Levee proposal

### **Recommended Action**

No action recommended

# Technical Memorandum

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

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

**Date:** March 12, 2020

**Re:** City of Carver Levee Improvement Funding Request Review

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In 2019, the City of Carver (City) informed the Lower Minnesota River Watershed District (LMRWD or “the District”) of its plans to request state funding to help bring the City’s levee up to FEMA and U.S. Army Corps of Engineers (USACE) standards. On February 19, 2020, City of Carver Mayor Courtney Johnson presented to the LMRWD Board regarding the City’s plans and requested \$50,000 to help fund the improvements.

## Background

The City has experienced repeated flooding (22 flood events in the past 10 years) and has developed several studies identifying alternatives to protect the historic downtown structures. The City of Carver downtown is protected by an earthen levee constructed following the 1965 flood of record. The levee was removed from the USACE Levee Safety Program in 2016 because of the current state of disrepair and is currently non-accredited on the current FEMA flood insurance maps.

The levee system consists of two levees, Carver–East Levee and Carver–West Levee, divided by high ground at Spring Creek, which runs between the two levees. The details of the levee system from the National Levee Database are provided in Table 1 below. The City of Carver has been part of the National Flood Insurance Program since 1972 and there are currently 30 flood insurance policies in the City, with total claims paid to date of approximately \$69,203.

Table 1. Levee Information from the National Levee Database

	<b>Carver – East</b>	<b>Carver – West</b>
Length	0.4 miles	0.36 miles
Number of Closure Structures	2 (Main Street and 3rd Street)	3 (Main Street, 3rd Street, and low point near 4th Street)
FEMA NFIP/FIRM Status	Non-Accredited	Non-Accredited
USACE Rehabilitation Status	Active	Active
Latest Inspection	07/07/2015	07/07/2015
People at Risk	111	59
Structures at Risk	51	25
Property Value	\$49.3M	\$13.7M

## Funding Request Review

To establish impartial and fair evaluations of funding requests, we have developed a scoring methodology based on the LMRWD's 2018–2027 Watershed Management Plan and the prioritization process used by the Riley–Purgatory–Bluff Creek Watershed District. The scoring methodology is explained below.

### 1. Project Type

The Project Type Score considers whether a proposed project is tributary to an impaired waterway, if it solves an issue previously identified by the community or the LMRWD plans, and whether the project is explicitly included in the community or LMRWD plans. Points are awarded based on how well the project aligns with the community and LMRWD plans.

### 2. Plan Goals

The Plan Goals Score considers how well aligned a proposed project is with the goals of the LMRWD's Watershed Plan. Projects are assigned a score of 0 through 9 based on how many of the District's goals are addressed.

### 3. Water Capture

The Water Capture Score gives credit to projects meeting or exceeding the standards for stormwater runoff volume management. Projects are assigned a score of 0 to 7 based on the amount of volume reduction the proposed project provides.

### 4. Pollutant Management

The Pollutant Management Score gives credit to projects that meet or exceed the amount of water quality treatment provided beyond what is required for regulatory purposes. Projects without a pollutant reduction component will receive a score of 0, whereas those that reduce pollutant loading to downstream resources can receive a score up to 7.



## **5. Habitat Restoration**

The Habitat Restoration Score gives credit to projects that provide habitat benefits. Projects with no habitat benefit receive a score of 0. Projects likely to achieve habitat benefits as a secondary project benefit receive a score of 3. Projects that include a replacement of the existing habitat with an improved habitat receive a score of 5. Projects that include habitat creation or enhancement as the primary purpose of the project receive a score of 7.

## **6. Bank Stabilization**

The Bank Stabilization Score gives credit to projects that restore or stabilize degraded streambanks or shorelines. A project is assigned a bank stabilization score based on the length of the streambank or shoreline restored or stabilized and the level of existing degradation. This metric is only applied to projects with a designed restoration component (versus indirect benefits). Projects without a designed shoreline or streambank restoration component are assigned a score of 0.

## **7. Watershed Benefits**

The Watershed Benefits Score gives credit to projects that provide benefits beyond the immediate site location. Scores are based on where the proposed project is located within the watershed, giving greater weight to those near headwaters.

## **8. Partnership Opportunities**

The Partnership Opportunity Score gives credit to projects that allow the District to partner with other organizations. The District is interested in being a project partner with its member communities. A project receives the maximum score of 7 if one or more of the partners is a financial contributor to the project.

## **9. Public Education**

The Public Education Score gives credit to projects that spread awareness of the District's projects and their benefits to the public. The score is based on the accessibility of the final project, giving the greatest weight to those on public lands with public access.

## **Carver Levee Improvement Summary**

Based on the limited information received on the project and using the scoring criteria above, the project currently receives 24 out of a maximum 82 points, placing it in the low-to-moderate priority category. The details are provided in Table 2 below.

Table 2. City of Carver Levee Improvements Funding Request Scoring

	Scoring Metric	Project Score	Max Points	Comments
1	Project Type	10	24	The project is not included in the 2040 Comprehensive Plan, nor the Surface Water Management Plan, but flooding in Downtown Carver is mentioned in the LMRWD Watershed Plan. Numerous issues involving water quality and Spring Creek were included in the plans and may provide an opportunity to expand the project to address LMRWD goals and funding.
2	Number of Plan Water Resources Goals Addressed	1	9	Meets Goal #6—Floodplain and Flood Management; however, opportunities exist to meet additional goals, especially with Public Education and Outreach.
3	Volume Management/Water Captured	0	7	Based on the limited information provided thus far, the project includes no volume reduction goals.
4	Pollutant Management	0	7	Based on the limited information provided thus far, the project includes no pollutant reduction or protection goals; opportunities exist to incorporate pollutant reduction as part of the overall flood control project.
5	Habitat Restoration	0	7	Based on the limited information provided thus far, there are no identified plans for habitat restoration; however, the opportunity exists to create or improve the habitat on the river side of the levee.
6	Bank Stabilization	0	7	Based on the limited information provided thus far, there are no identified plans for bank stabilization.
7	Watershed Benefits	1	7	Based on the limited information provided thus far, the project has limited watershed benefits.
8	Partnership Opportunities	5	7	The City is requesting that the LMRWD fund a portion of the levee; although information on funding partners has not been provided, a project of this caliber would require multiple partnerships; opportunities exist to increase partnership with the LMRWD through meeting additional goals.
9	Public Education	7	7	The project is on public land that is highly visible and accessible by the public; opportunities exist to incorporate public education and signage to increase awareness of the Minnesota River and its unique natural resources
<b>Total Score</b>		<b>24</b>	<b>82</b>	

## Recommendations

We believe the project has merit and could be funded with further collaboration with the City to achieve multiple benefits from the project, specifically around Spring Creek. Given the information we have received to date, we do not recommend funding until the project has been more clearly defined to demonstrate how it will address the LMRWD's specific goals and issues and additional funding partners have been identified.



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 18, 2020

### Agenda Item

#### Item 6. B. - Proposal from Friends of the Minnesota Valley

#### Prepared By

Linda Loomis, Administrator

#### Summary

##### i. River Watch

At the February Board meeting the Managers authorized staff to meet with Ted Suss, the executive director of Friends of the MN Valley (FMV). FMV is asking for \$10,000 to fund its River Watch. A budget for the program has been provided and two schools within the LMRWD have signed on the the program - Bloomington Kennedy and Shakopee. They are hoping to have Bloomington Jefferson and Prior Lake/Savage High School sign up. A progress report is also attached. FMV is looking for \$10,000 from the LMRWD. The LMRWD has \$30,000 in its 2020 budget for Education and can fund this project through that budget.

I suggested that FMV develop a curriculum for this project, so that teachers in all the school are following the same protocols. Mr. Suss thought that was a good idea.

##### ii. County Fair Project

This project will be similar to the project FMV and the LMRWD did in 2017. The final report was made to the Board in May of 2018. An excerpt from the LMRWD May 2018 meeting minutes is attached. A proposal is also attached with an estimate of the cost of the project. A copy of the invoice from the 2017 project is also attached for the Board's information.

FMV is looking for the LMRWD to commit \$10,000 for this project. There is money in the 2020 budget, however the cost could be split and some paid in 2020 and some in 2021. The total amount could also be placed in the 2021 budget.

#### Attachments

River Watch proposed budget  
FMV River Watch Progress report  
FMV 2020 County Fair proposal  
May 2018 LMRWD meeting minutes excerpt  
Invoice from FMV for 2017 County Fair project

#### Recommended Action

Motion to approve contribution to River Watch  
Motion to authorize partnership with FMV to conduct 2020 County Fair project

## Proposed 2020-2021 School Year River Watch Budget

Full program of 20 teams

Expense Title	Category	Amount	Description
Program Coordinator,	Salary, Benefits	\$ 5,000.00	Program Coordinator, Planning, Oversight of Teams, MN PCA
Monitoring teacher/Leader	Salary, Benefits	\$ 35,000.00	Direct service to teams, classroom teaching, leading on site team
Consumable Testing Supplies	Supplies	\$ 5,000.00	Chemicals consumed in testing and maintenance of test equipment
Mileage	Expenses	\$ 5,000.00	Travel reimbursement for on site teaching and testing
Student Transportation	In Kind Schools Transportation	\$ 10,000.00	Busing of students to and from school to monitoring sites
Printing/mailing	Expenses	\$ 3,000.00	Brochures, handouts, mailing
Office expense	In Kind FMV	\$ 6,000.00	River Watch share of phone, internet copy machine and office supply provided by FMV @\$500 per month
Annual Student Forum	Misc	\$ 5,000.00	All students are brought together to report on finding and experiences local officials invited , Food and hall rental
Program Oversight	IN Kind FMV Salary, Benefits	\$ 10,000.00	In Kind provided by FMV
Program total		\$ 84,000.00	
In Kind Total		\$ 23,000.00	
Fundraising need		\$ 61,000.00	
Raised to date		\$ 20,000.00	
remaining need		\$ 41,000.00	

## River Watch Summary and Progress Report

The River Watch Program consists of high school based teams of students who are trained by our staff to conduct water quality monitoring on the Minnesota River and other rivers in southern Minnesota. Our River Watch Coordinator recruits teams, typically a class or group of classes, works in the classroom with the team leader to educate students on water quality monitoring and its uses, and accompanies the team to the monitoring site for regular and periodic monitoring at specific sites.

Students learn, in an experiential manner, what constitutes pollutants in water and why each is harmful, how to use the electronic monitoring equipment, how to record and report data to the Minnesota Pollution Control Agency, and the role of water quality monitoring as a part of environmental protection.

Our overall goal is three fold; 1) to teach students about water quality monitoring, 2) to collect and report data, 3) to build a greater environmental awareness within the students.

River Watch began during the 2017-2018 school year on a pilot basis with four schools funded by the Friends of the Minnesota Valley using its own very limited cash reserves. The success of this pilot program and a growing list of high schools wanting to participate led to a one-time grant from the state of Minnesota to continue to expand and operate the program in 2018-2019 and 2019-2020. 14 high schools were participating by the fall of 2019, with another four and possibly five teams joining in spring of 2020.

River Watch Teams are operating in the following high schools:

Waseca

Lac Qui Parle Valley

Shakopee

Belle Plaine

New Ulm High School

Sleepy Eye High School

Redwood Valley

Cedar Mountain

Yellow Medicine East

Mankato East

Mankato West

Bloomington Kennedy - Committed to begin Spring 2020

Faribault Alternative High School - Committed to start spring 2020

Marshall

The following schools are in discussion and expected to begin monitoring in spring 2020 or fall 2020

Bloomington Jefferson

Owatonna

Austin

Friends of the Minnesota Valley (FMV)  
Lower Minnesota River Watershed District (LMRWD)  
Public Education Partnership

Based on notes from March 13, 2020

Friends of the Minnesota Valley will contract with the LMRWD to provide a public education program during the summer of 2020.

The program will consist primarily of establishing a presence through an information booth/table that is placed and staffed at Community Celebrations, County Fairs, and similar public gatherings in the Minnesota River Basin. Special efforts will be made to place the booth at locations upriver as far as Big Stone Lake. The booth will be co-labeled as Friends of the Minnesota Valley and Lower Minnesota River Watershed District.

The initial planning objective is to have the booth in place each weekend from Memorial Day through Labor Day. Some placements, especially at county fairs, will be three or four day placements, others might only be one day. For planning purposes, it is estimated that the booth will be on display and staffed for approximately 30 days during the summer season.

The main purpose of the booth will be to educate the viewing public on the Minnesota River. Topics will include improving soil health, pollinator habitat and chloride pollution. We plan to reach out to the MN Soil Health Coalition, County SWCDs and the University of MN Forever Green Initiative. All of this; improving soil health, using cover crops and improving water storage can help to improve water quality in the MN River and reduce sediment.

We are gathering information to be handed out and displays that can be distributed.

FMV will pay for all expenses and request reimbursement from the LMRWD at the end of the project, once a final report has been received.

FMV will hire or contract an individual, likely an intern to travel to county fairs throughout the MN River Basin to set up and staff the booth. FMV will attempt to secure volunteers from SWCDs, the MN Soil Health Coalition and the MN River Congress to assist in staffing. Estimated staff cost \$3,500-\$4,500 (based on \$12.50 to \$15.00 per hour).

Mileage will be reimbursed as will lodging when necessary. Estimated travel and lodging costs- \$3000

LMRWD will pay directly for any costs incurred in preparing the booth and handout materials. There may be additional costs to design handouts, but we believe there is plenty of information already developed that can be used.

Estimated costs for booth rental \$1,000-1,500 There will be a staff time expense to make contact and secure spaces at festivals.

Friends of the Minnesota Valley will provide oversight including engaging and supervision of the booth staff, will assist in development of display and handout materials, and will provide ongoing and a final report.

All of the above expenses would be reimbursed based on the actual expense with an estimated cap of \$10,000. This amount may change as planning proceeds and the program expectations become more detailed.

Fairs are already booking space for the summer of 2020.

Booth/Space rental	\$2,000
Staffing of booth	\$4,500
Mileage & Lodging	\$3,000
Display Development and reproduction expense	\$500
<b>TOTAL</b>	<b>\$10,000</b>



### **Presentation by Ted Suss from Friends of the Minnesota Valley**

Ted Suss began by asking that the LMRWD support the work of the Water Resource Center and the Minnesota River Data Center. He said that is no other repository of information about the Minnesota River like the Data Center.

Mr. Suss explained that he serves as the Director of the Friends of the Minnesota Valley on a volunteer basis. He told the Board about the project the LMRWD and Friends did in 2017, where a booth was staffed at County Fairs throughout the MN River Basin to present to the public information about a variety of issues. Mr. Suss detailed the project and identified the County Fairs that were attended. He noted the difficulty in getting to Fairs because many of them fell on the same weekend. He said a booth was staffed at 9 County Fairs; Hennepin, Redwood, Watonwan, Scott, Blue Earth, Sibley, Carver, Brown and LeSueur. He said that former Congressman David Minge and Tim Lies a former Mayor of Belle Plaine were handing out information at the LMRWD booth in Scott County.

He reported on his experiences working with the intern that was hired for this project, Karl Schmidtke and told of some personal experiences he had over the course of the summer.

He spoke about the hand out Field to Stream by Dr. Les Everett of the U of M. and how he felt, that if we could get every farmer in the Basin to read that hand out, a lot of progress could be made in managing the flow of water. He noted that he is sensing a change in the attitudes of farmers and the public. President Shirk asked if Friends was planning to replicate the project again this summer and Mr. Suss said no, he thinks there are other activities he thought would be more effective.

**Friends of the Minnesota Valley**

PO Box 20697  
 Bloomington, MN 55420

**Invoice****Invoice #:** 2017-001**Invoice Date:** 1/16/2018**Due Date:** 1/16/2018**Project:****P.O. Number:****Bill To:** *LINDA Loomis*

Lower Minnesota River Watershed District  
 112 E. 5th Street, #102  
 Chaska, Minnesota 55318

Description	Hours/Qty	Rate	Amount
Booth Setup/Checks	15.5	12.15	188.33
Event Planning/Scheduling	13	12.15	157.95
Booth Coverage	350	12.15	4,252.50
Mileage	3,720	0.535	1,990.20
Booth Rental Blue Earth County Fair	1	65.00	65.00
Booth Rental Brown County Fair	1	105.00	105.00
Booth Rental Carver County Fair	1	325.00	325.00
Booth Rental Chippewa County Fair	1	40.00	40.00
Booth Rental Hennepin County Fair	1	225.00	225.00
Booth Rental LeSeuer County Fair	1	95.00	95.00
Booth Rental Nicollet County Fair	1	90.00	90.00
Booth Rental Redwood County Fair	1	100.00	100.00
Booth Rental Scott County Fair	1	250.00	250.00
Booth Rental Sibley County Fair	1	135.00	135.00
Booth Rental Watonwan County Fair	1	75.00	75.00
Administrative Overhead	1	1,000.00	1,000.00
<b>Total</b>			<b>\$9,093.98</b>
<b>Payments/Credits</b>			<b>\$0.00</b>
<b>Balance Due</b>			<b>\$9,093.98</b>



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 18, 2020

### **Agenda Item**

#### **Item 6. C. Remote meeting participation**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

Carver County has provided a list of their concerns to LMRWD legal Counsel John Kolb. John is working on an agreement between the LMRWD and the county to address those concerns.

### **Attachments**

No attachments

### **Recommended Action**

No action recommended



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 18, 2020

### Agenda Item

#### Item 6. D. - Dredge Management

#### Prepared By

Linda Loomis, Administrator

#### Summary

i. **Vernon Avenue Dredge Material Management site**

Everything is set to go for this project. We have been in touch with the Contractor about scheduling to project. Staff will work with LS Marine to manage scheduling the project.

ii. **Private Dredge Material Placement**

Staff will work with the terminal managers to manage private dredge material this year to make sure the site is ready for construction of the project this fall.

#### Attachments

No attachments

#### Recommended Action

No action recommended



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 18, 2020

### Agenda Item

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

#### Prepared By

Linda Loomis, Administrator

#### Summary

Staff has been working through the official notification process. Notification of the adoption of rules was published in the Star Tribune on Sunday, March 8th and will appear again on Sunday, March 15th. Regulating Governmental Units (RGUs), counties and state agencies, were notified by email March 6th and given a link to the rules posted on the website. A hard copy will be sent to all municipalities by certified mail and to the County Recorders in Carver, Dakota, Hennepin and Scott Counties.

Staff is working with HDR to update the LMRWD website with information about permit application and the rules process. We hope to have the permit pages live by Monday, March 23rd.

At the February 19, 2020 Board meeting the City of Burnsville requested more time to bring official controls into conformance with the LMRWD Watershed Management Plan. The Board should consider how the District will address this request and others.

According to MN Statute §103B.235 local government units having land use planning and regulatory responsibility for territory within the watershed are required to prepare or cause to be prepared official controls as necessary to bring local water management into conformance with the watershed plan within the time period prescribed in the implementation program of the watershed plan. The LMRWD watershed management plan, which was adopted on October 24, 2018, required local government to adopt official controls (Compliant with Appendix K) within 18 months of plan adoption. That date, May 1, 2020, was noted to local government in their notice of plan adoption. (Notification attached)

The District's rules give the Board authority to enforce the standards in the absence of compliant municipal, official controls. It was actually the plan and not the current rules that set the timeline for municipal compliance. We have heard many arguments that municipalities need more time because the rules are so new. In fact, the performance standards in the rules are the same (with a few non-material exceptions) as the performance standards adopted in the plan (Appendix K). Local government has had the last 17 months to prepare compliant official controls.

If a municipality does not adopt compliant standards and implement a system of official controls, then pursuant to statutes section 103D.335, subd. 23, the LMRWD may apply its rules to regulate the use and development of land under the conditions specified in section 103B.211, subd. 1. Section 103B.211, subd. 1(a)(3)(i), states that a metropolitan watershed district can regulate land use in the watershed when the local government unit exercising planning and zoning authority over the land does not have a local water management plan approved and adopted in accordance with the requirements of

section 103B.235 or has not adopted the implementation program described in the plan. The adoption of compliant official controls is an essential component of the local water management plan pursuant to 103B.235. The LMRWD's rules (and specifically the municipal permit) are the mechanism by which local government can demonstrate compliance and move forward within their existing framework to serve the interests of their residents without regulatory duplication.

It was always the hope and expectation of the LMRDW that it would not have to implement an individual permitting program for residents of the District. Rather, it was its hope and expectation that local government would see both wisdom and economy of scale in applying the standards through the existing land use permitting systems.

The only city that staff is aware of that will meet this deadline is the city of Bloomington. There may be others that have official controls that conform to the standards in the LMRWD Plan, that staff is not aware of. The City of Bloomington will be holding a City Council meeting Monday, March 16, 2020 to change zoning of properties in its bluff protection zone. They have inquired as to how the District will deal with cities that have not changed official controls. Staff has discussed this and legal counsel will be at the meeting to advise the Board and answer any questions the Board may have.

**Attachments**

November 13, 2018 letter to Local Governments

**Recommended Action**

Provide direction to staff



LOWER MINNESOTA RIVER  
WATERSHED DISTRICT

Carver

Vacant

Dakota

Vacant

Hennepin

David Raby  
Secretary/Treasurer

Adam Frey  
Vice President

Scott

Jesse Hartmann  
President

Linda Loomis, Administrator  
Home/Office: (763) 545-4659  
Cell: (763) 568-9522

112 East 5th Street  
Suite 102  
Chaska, MN 55318

E-mail: [lowermnriverwd.org](http://lowermnriverwd.org)

November 13, 2018

To all concerned:

By order dated September 26, 2018 (attached), the Board of Water and Soil Resources approved the Lower Minnesota River Watershed District's (LMRWD) Watershed Management Plan. At its regular meeting on October 24, 2018, the LMRWD Board of Managers adopted resolution 18-14 (attached) by which the Board adopted the Watershed Management Plan for implementation in accordance with MN Statutes §103B.231, subd. 10; and authorized implementation of the Capital Improvement Program contained in the plan and the development of rules, as necessary, to accomplish the purposes of the Watershed Management Plan, Statutes Chapters 103B and 103D and to implement the powers of the managers.

Pursuant to statutes section 103B.235, subd. 1, the local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the watershed plan. As the Board has outlined, local government official controls must be in place to meet the standards contained in the plan within 18 months of the plan adoption. This requirement will be reiterated to local government along with the statutorily required transmittal of the approved and adopted plan.

As of today, the officially approved and adopted plan is not posted on the LMRWD website. However, the final draft, as reviewed by BWSR, is located at <http://www.lowermnriverwd.org/news/90-day-draft-plan-review-20180701>, along with supporting materials from the plan development and hearing process. The Steep Slope Standard is found in appendix K.

If you have any questions, please contact district administrator, Linda Loomis at 763-545-4659, or by email at [naiadconsulting@gmail.com](mailto:naiadconsulting@gmail.com).

Sincerely,

Linda Loomis  
Administrator  
Lower Minnesota River Watershed District

att

cc: LMRWD Board of Managers  
Steve Christopher, MN Board of Water & Soil Resource  
Della Young, Young Environmental Consulting Group, LLC  
John Kolb, Rinke Noonan, Attorneys at Law

**Minnesota Board of Water and Soil Resources**

520 Lafayette Road North  
Saint Paul, Minnesota 55155

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**In the Matter** of the review of the Watershed Management Plan for the Lower Minnesota River Watershed District, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

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**ORDER  
APPROVING  
A WATERSHED  
MANAGEMENT PLAN**

**Whereas**, the Board of Managers of the Lower Minnesota River Watershed District (LMRWD) submitted a Watershed Management Plan (Plan) dated June 2018 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

**Whereas**, the Board has completed its review of the Plan;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions and Order:

**FINDINGS OF FACT**

1. **LMRWD Establishment.** The Lower Minnesota River Watershed District (District) was originally petitioned for establishment in 1957 but was challenged and defeated in the courts. The District was later re-petitioned by the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott and was established on March 23, 1960, by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The District's original charter specified that it serve as the local sponsor to the U.S. Army Corps of Engineers for assisting in the maintenance of the Minnesota River nine-foot navigation channel. The first water resources management plan for the District was prepared and adopted in 1961. The second plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982 (Minnesota Statutes, Chapter 103B), and approved by the Board of Water and Soil Resources in September 1999. The most recent plan was approved in 2011 and amended in 2015.
2. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.
3. **Nature of the Watershed.** The District is approximately 80 square miles in size and located in the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott, which includes the bluffs on either side of the Minnesota River from Ft. Snelling at the confluence of the Minnesota and Mississippi Rivers, 32 miles upstream to the city of Carver. The land use in the watershed consists of a mix of single family residential, commercial, industrial, and agriculture. A large component in the central portion of this linear watershed is within the 100-year floodplain and the Minnesota Valley National Wildlife Refuge. Much of the MSP airport property is also located in the District. Development pressure within the watershed is projected to slightly increase in the municipalities south of the river through the life of this Plan. Water resources in the District include floodplain lakes, quarry lakes, creeks and streams including trout streams, springs, calcareous fens, and other wetlands. However, the headwaters to most of those resources originate outside of the District boundary. The following municipalities lie partially within the District: Bloomington, Burnsville, Carver, Chanhassen, Chaska, Chaska Township, Eagan, Eden Prairie, Lilydale, Jackson Township, Louisville



Township, Mendota, Mendota Heights, Savage, and Shakopee. The District is bound by four watersheds to the south: Prior Lake Spring Lake WD, Scott WMO, Black Dog WMO, and Gun Club WMO, and six watersheds to the north: Carver County WMO, Riley Purgatory Bluff Creek WD, Nine Mile Creek WD, Minnehaha Creek WD, Richfield Bloomington WMO, and Capitol Region WD.

4. **Plan Development and Review.** The District initiated the planning process for the 2018-2027 Plan in January of 2017. As required by MR 8410, a specific process was followed to identify and assess priority issues. Stakeholders were identified, notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan. The District held four workshops in early 2017 covering the areas of major revision for the new Plan. Following the workshops, District staff met with each municipality for additional specific input on the proposed standards and to identify projects that they could co-sponsor.

The Plan was submitted for formal 60-day review on July 10, 2017. The District received comments on the draft Plan and responded to Plan reviewers' comments in writing. A public hearing was held on October 25, 2017. Due to the volume and content of the comments, the District decided to delay moving forward with the 90-day draft and provide additional time to meet with stakeholders. The District held four additional stakeholders meetings jointly with member cities and concluded the public hearing on April 18, 2018. Modifications to the draft Plan were made and the final draft Plan with all required materials were submitted and officially received by the Board on July 2, 2018.

5. **Local Review.** The District distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B132, Subd. 7. Local written comments and edits were received from City of Bloomington, Bloomington Sustainability Commission, City of Burnsville, City of Carver, City of Chaska, City of Eden Prairie, City of Savage, City of Shakopee, Scott County, Upper Mississippi Waterway Association, Lotus Lake Conservation Alliance, Mitchell Lake Association, the United States Fish and Wildlife Service, and several citizens. The District responded to all comments.
6. **Metropolitan Council Review.** During the 60-day review, the Council noted concerns about the proposed standards, specifically on the Bluff and Steep Slope standards and suggested consistency of language with DNR. The District thanked the Council for its comments and made changes to the final draft.
7. **Department of Agriculture (MDA) Review.** MDA stated that they had no comments during the 60-day or 90-day final review periods.
8. **Department of Health (MDH) Review.** No comments were received during the 60-day or 90-day final review period.
9. **Department of Natural Resources (DNR) Review.** The DNR had numerous comments regarding the proposed standards including groundwater regulation and the new Bluff and Steep Slopes standard. The DNR also offered assistance on a number of initiatives included in the Plan. The District adequately responded to the comments and thanked the DNR for its cooperation.
10. **Pollution Control Agency (PCA) Review.** PCA participated in TAC meetings and provided feedback throughout the plan development process. During the 60-day review, PCA stated it had no additional comments.
11. **Department of Transportation (DOT) Review.** The DOT commented regarding the proposed standards. The District adequately addressed the comments.
12. **Board Review.** Board staff commended the District on a Plan and its increased role in water management since the most recent Plan adoption. Board staff also requested clarification/improved reporting for outcomes. District staff adequately responded to all comments.

13. **Plan Summary.** The Plan update focuses on several sections of the 2011 Plan rather than a full re-write. The sections amended are as follows:

- Section 3, Goals, Policies and Management Strategies
- Section 4, Implementation Program, which includes the District's Capital Improvement Program
- Adding a new Appendix K, LMRWD Draft Standards
- Other Sections of the plan have been revised to bring the Plan up to date

The new Draft standards is the most significant revision to the Plan specifically the Steep Slopes Standard and Water Appropriations Standard. Both of these will address the High Value Resource Areas (HRVA). The HRVA has been identified by the District as portions of land or a watershed that contribute runoff to a trout water and/or fen.

The Plan maintains the following nine goals:

1. Organizational Management – To manage the different and changing roles of the District
2. Surface Water Management – To protect, preserve, and restore surface water quality
3. Groundwater Management – To protect and promote groundwater quantity and quality
4. Unique Natural Resources Management – To protect and manage unique resources
5. Wetland Management – To protect and preserve wetlands
6. Floodplain and Flood Management - To manage floodplains and mitigate flooding
7. Erosion and Sediment Control – To manage erosion and control sediment discharge
8. Commercial and Recreational Navigation – To maintain and improve the Lower Minnesota River’s navigation and recreational use
9. Public Education and Outreach - To increase public participation and awareness of the Minnesota River and its unique natural resources

14. **Central Region Committee Meeting.** On September 6, 2018, the Board’s Central Region Committee and staff met in St. Paul to review and discuss the final Plan. Those in attendance from the Board’s committee were Jill Crafton, Jack Ditmore, Terry McDill, Duane Willenbring, Joel Larson and Joe Collins, chair. Board staff in attendance was Central Region Manager Kevin Bigalke. Lower Minnesota River Watershed District Administrator Linda Loomis and District Consultant Della Young provided highlights of the Plan and process. Board staff recommended approval of the Plan. After presentation and discussion, the committee unanimously voted to recommend the approval of the Plan to the full board.

## CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the Lower Minnesota River Watershed District (District) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The District's Watershed Management Plan, attached to this Order, defines the water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program through 2027.
4. The District's Watershed Management Plan will be effective September 26, 2018 through September 30, 2027.
5. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

## ORDER

The Board hereby approves the attached Lower Minnesota River Watershed District Watershed Management Plan dated June 2018.

Dated at Waite Park, Minnesota this 26<sup>th</sup> day of September 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Gerald Van Amburg, Chair

Manager \_\_\_\_\_ introduced the following resolution and moved its adoption:

LOWER MINNESOTA RIVER WATERSHED DISTRICT

RESOLUTION 18-14

RESOLUTION ADOPTING UPDATED WATERSHED MANAGEMENT PLAN

WHEREAS, pursuant to Minnesota Statutes Chapters 103B and 103D, and Minnesota Rules §8410, the Lower Minnesota River Watershed District (LMRWD) has approved and adopted a comprehensive Watershed Management Plan ("Plan") dated 2011, amended 2015 and 2016; and

WHEREAS, Minnesota Statutes §103B.231 requires the Plan to be updated every 10 years; and

WHEREAS, the LMRWD identified a need to update its Plan ahead of the 10-year statutory requirement in order to align timing of the plan update with the timing of local plan updates by municipalities within the LMRWD and the timing of watershed management plan updates by adjacent watershed management organizations; and

WHEREAS, the LMRWD designed and facilitated a robust stakeholder engagement process to solicit and incorporate comments from the public, the LMRWD's technical advisory committee (TAC), and state agencies, to ensure the District met the engagement requirement for its plan update; and

WHEREAS, the LMRWD prepared a draft Plan update and submitted the draft Plan for 60-day review and comment according to Minnesota Statutes §103B.231, subd. 7; and

WHEREAS, the LMRWD responded to all received comments, and;

WHEREAS, the LMRWD held a public hearing on the Plan to discuss the Plan and receive additional comment, pursuant to Minnesota Statutes §103B.231, subd. 7(c); and

WHEREAS, the LMRWD has completed the Plan update and prepared a 90-day review and approval copy, dated June 2018, according to Minnesota Statutes §103B.231, subd. 9; and

WHEREAS, the Minnesota Board of Water and Soil Resources completed its review of the Lower Minnesota River Watershed District's Comprehensive Watershed Management Plan and all relevant substantive and procedural requirements of law and rule have been fulfilled; and

WHEREAS, the Minnesota Board of Water and Soil Resources approved the Lower Minnesota River Watershed District's Watershed Management Plan on September 26, 2018 pursuant to Minnesota Statutes §§103B.201 to 103B.251; and

WHEREAS, the LMRWD finds that the adoption of the Plan is in accordance with the requirement of law and in the best interests of the public.

NOW, THEREFORE, BE IT RESOLVED that the Lower Minnesota River Watershed District Board of Managers adopts the Watershed Management Plan in accordance with MN Statutes §103B.231, subd. 10, and directs the Secretary to transmit a copy of the Plan to the county board of each county affected by the watershed district, the commissioner of natural resources, the director of the division of ecological services and waters (DNR), the Metropolitan Council, the governing body of each municipality affected by the watershed district, and soil and water conservation districts affected by the watershed district; and

FURTHER, the Lower Minnesota River Watershed District Board of Managers authorizes implementation of the Capital Improvement Program contained in the plan and the development of rules, as necessary, to accomplish the purposes of the Watershed Management Plan, Statutes Chapters 103B and 103D and to implement the powers of the managers.

Adopted by the Board of Managers of the Lower Minnesota River Watershed District this 24th day of October, 2018

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Jesse Hartmann, President

ATTEST:

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David Raby, Secretary/Treasurer



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 18, 2020

### Agenda Item

#### Item 6. F. - 2020 Legislative Action

#### Prepared By

Linda Loomis, Administrator

#### Summary

The Board should be receiving legislative updates from MAWD, please let me know if you are not.

HF 3543, authored by Representative Cantrell, modifying 2019 appropriation related to sites for dredge on the Minnesota River. It was introduced in the House on February 19, 2020. On March 5th it received a hearing in the House Environment and Natural Resources Finance Committee. Kevin Bigalke and I testified before the Committee. The Committee moved that the bill be laid over for inclusion in a future bill.

A companion bill, SF 3545, authored by Senators Hall and Pratt, was introduced in the Senate on February 24, 2020 and referred to the Environment and Natural Resources Finance committee. It is scheduled for a hearing on Tuesday, March 17th. I am planning to attend that hearing.

Bills that establish water storage in the Minnesota River Basin have been introduced in both the House and the Senate. HF 3595 - Minnesota River basin water quality and storage program, was introduced February 20, 2020 and was referred to the Water Division. It received a hearing on March 2, 2020 and was laid over for future consideration. I was notified late Friday, March 13th, that the bill may be amended to become a statewide program. I will have more information to report at the Board on the amended language. The companion to HF 3595, SF 3864, was introduced March 2, 2020 and referred to the Environment and Natural Resources Policy and Legacy Finance committee. A hearing on this bill is scheduled for Monday, March 16th.

Limiting liability for salt applicators has been moving through both houses (HF 1502/SF 1667). Lisa Frenette has informed me that the Minnesota Landscapers Association is not supporting this version of legislation as they feel it has been watered down too much in order to get the insurance companies' and the trial attorney's support.

There are a number of other bills that affect watershed districts. MAWD is following those and Lisa is keeping an eye on them. Legal Counsel has provided a brief summary of some of those bills, which I have attached for the Board's information.

#### Attachments

HF 3543

Email from J. Kolb

#### Recommended Action

No action recommended

This Document can be made available  
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **3543**

02/19/2020 Authored by Cantrell

The bill was read for the first time and referred to the Environment and Natural Resources Finance Division

1.1 A bill for an act  
1.2 relating to natural resources; modifying 2019 appropriation related to sites for  
1.3 dredge spoil on the Minnesota River.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **2019 APPROPRIATION MODIFICATION.**

1.6 The Lower Minnesota River Watershed District may use up to \$111,000 from money  
1.7 appropriated in either fiscal year under Laws 2019, First Special Session chapter 4, article  
1.8 1, section 4, paragraph (j), to reimburse the district for money the district owed the city of  
1.9 Chaska to stabilize the Seminary Fen.

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**25226-0001: Legislation**

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**John Kolb** <JKolb@rinkenoonan.com>  
To: "Linda Loomis (naiadconsulting@gmail.com)" <naiadconsulting@gmail.com>  
Cc: Frenette Lisa <frenettela@gmail.com>

Thu, Mar 12, 2020 at 10:15 AM

Linda,

A few items from the legislature that I am sure Lisa is also tracking:

MAWD provided a legislative update on February 14, 2020. The update included MAWD's 2020 Legislative Platform. MAWD will oppose legislation that negatively impacts the ability of watershed organizations to protect and preserve Minnesota's water resources.

MAWD supports legislation that provides limited liability protection to certified commercial salt applicators. HF 1502 / SF 1667 were introduced during the 2019 session to establish a salt applicator certification program and offer limited liability. Representative Fischer introduced the legislation in the House. Four of the twelve authors in the House are within RCWD (Fischer, Moller, Hausman, and Bernardy).

Senator Ruud introduced the legislation in the Senate. (There are currently no authors from RCWD on Senate bill.) Senate bills are limited to five authors; three of the five authors of the bills are also the chairs of the Environment & Natural Resources Finance Committee (Ruud, Ingebrigtsen, & Tomassoni). On February 24<sup>th</sup>, the legislation was re-referred to the Judiciary and Public Safety Finance and Policy Committee. On March 9<sup>th</sup>, the legislation was withdrawn from that committee and re-referred to the Environment and Natural Resources Finance Committee (Ruud, Ingebrigtsen, & Tomassoni).

Emily Javens with MAWD believes the move may have been because of deadlines and to ensure the legislation gets its financing; regardless, she believes it is because the bill has the support of the authors, and the move is to strengthen the bill (and not weaken it).

SF 2931/HF 2995 was introduced on February 11, 2020, with authors Representatives Green, Poston, and Runbeck. The companion bill SF 2931 was introduced the same day by Senator Utke. The bills would modify the watershed district manager appointment method. The county boards of commissioners would only be able to appoint county commissioners to serve as watershed district managers. The legislation would also remove the residency requirement.

Emily Javens met with Carrie Ruud. Carrie Ruud indicated that she had spoken to someone from the county commissioners association, and they oppose the bill. She also said that the bill wasn't going anywhere.

SF 3026/HF 3200 introduced and propose to amend section 13D.01 (Open Meeting Law) to require audio or audio-visual recording of all meetings of the public body and to require the recording to be preserved for at least three years. Referred to committees in mid-February, but no new action.

SF 1766/HF 1887 introduced and propose to modify certain authorities of WDs related to rules, appeals and rule enforcement; requires accounting and reporting of consultant costs/fees; acknowledges/strengthens private property rights and preexisting water rights in relation to WD rule-making. This is similar to language found in SF 3542/HF 3549.

I suppose that Lisa is tracking all items specific to LMRWD (like the Hall bills in the senate related to Seminary Fen reimbursement).

JCK

**John C. Kolb**  
Attorney

**RINKE NOONAN**

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