



Updated September 15, 2021

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, September 15, 2021

### Agenda Item

#### Item 6. J. – Permits and Project Reviews

#### Prepared By

Linda Loomis, Administrator

#### Summary

i. **Excel Energy Line 0832 (LMRWD Permit No. 2021-041)**

Xcel Energy is proposing to replace a transmission line structure in Black Dog Lake. Staff has reviewed the project and the review and recommendations are attached. Staff is recommending approval of the permit.

#### Attachments

Xcel Energy Line #0832 (LMRWD No. 2021-041) Technical Memorandum dated September 10, 2021

#### Recommended Action

Motion to approve Xcel Energy Line #0832 (LMRWD No. 2021-041)

ii. **Canterbury Senior Living (LMRWD Permit No. 2021-040)**

This project is part of the Canterbury Commons development in Shakopee. Staff has reviewed the application and related documents and is recommending conditional approval, subject to receipt of the NPDES (National Pollution Discharge Elimination System) permit and the name and contact information for those responsible for compliance.

#### Attachments

Canterbury Senior Living (LMRWD Permit No. 2021-040) Technical Memorandum dated September 9, 2021

#### Recommended Action

Motion to approve Canterbury Senior Living (LMRWD Permit No. 2021-040) pending receipt of a copy of the NPDES permit and contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of all erosion and sediment control features.

iii. **Circle K/Holiday Station (LMRWD Permit No. 2021-034)**

(Updated September 15, 2021) The LMRWD received an application to construct a gas station on a vacant parcel in the City of Savage. The parcel is located at 7800 126<sup>th</sup> Street. Staff has reviewed the application and has worked with the proponent for the project to recommend conditional approval of the project.

A summary of the project is included with the Technical Memorandum dated September 13, 2021 – Circle K/Holiday Station Stores (LMRWD No. 2021-034). Young Environmental will continue to work with the applicant to determine the adequacy of the stormwater management approach proposed and will recommend release of the bond if the final analysis demonstrates that the Project meets the District's Rule D— Stormwater Management.

**Attachments**

Circle K/Holiday Station Stores (LMRWD Permit No. 2021-034) Technical Memorandum dated September 13, 2021

**Recommended Action**

Motion to conditionally approve Circle K/Holiday Station Stores (LMRWD Permit No. 2021-034) pending receipt of A commercially issued performance bond for \$24,500; a copy of the NPDES permit and the contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of all erosion and sediment control features; and a copy of the DNR-requested dewatering analysis report.

**iv. Burnsville Park Chrysler Jeep (LMRWD Permit No. 2021-030)**

Burnsville Park Chrysler Jeep, located at 1408 Highway 13 West in Burnsville, is planning an expansion of its auto dealership. LMRWD staff has reviewed the application and supporting documents and is recommending conditional approval, pending receipt of a copy of the NPDES permit and contact information for those responsible for compliance.

**Attachments**

Burnsville Park Chrysler Jeep (LMRWD Permit No. 2021-030) Technical Memorandum dated September 9, 2021

**Recommended Action**

Motion to approve Burnsville Park Chrysler Jeep (LMRWD Permit No. 2021-030) pending receipt of a copy of the NPDES permit and contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of all erosion and sediment control features.

# Technical Memorandum

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

**From:** Kaci Fisher, Environmental Specialist  
Katy Thompson, PE, CFM

**Date:** September 10, 2021

**Re:** Xcel Energy Line #0832 (LMRWD No. 2021-041)

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Xcel Energy (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to remove a failing transmission line structure and install a new structure within Black Dog Lake, as shown in **Figure 1**. The Xcel Energy Line #0832 project (Project) is located within the City of Burnsville in Black Dog Lake.

The Project includes the installation of temporary mats on and near the shore, the construction of temporary rock roads, and the removal and replacement of a piling within Black Dog Lake (**Figure 2**). No new impervious area is proposed. The Project would disturb approximately 0.4 acres and is under the one-acre threshold for Rule B—Erosion and Sediment Control to apply. The Project is not located within the High Value Resource Area or Steep Slopes Overlay District; however, the site is within a floodway, as shown in **Figure 1**. Thus, the Project will need a permit under Rule C—Floodplain and Drainage Alteration.

Because the City does not have its LMRWD municipal Local Government Unit permit, the Project requires an LMRWD individual permit and is subject to an LMRWD permit review.

## Summary

Project Name: Xcel Energy Line #0832

Purpose: Replacing transmission line structure

<u>Project Size:</u>	0.4 acres disturbed; 0.0 acres of new impervious surfaces
<u>Location:</u>	Black Dog Lake
<u>LMRWD Rules:</u>	Rule C—Floodplain and Drainage Alteration
<u>Recommended Board Action:</u>	Approval

## Discussion

The District received the following documents with the application for review:

- LMRWD PDF permit application; received September 7, 2021
- Structure and foundation plan sheets by Xcel Energy; dated June 15, 2021; received September 7, 2021
- Public waters work permit by Xcel Energy; dated July 21, 2021; received September 7, 2021
- Site photographs and aerial maps overlain by hand drawings; received September 7, 2021

The applicant has been invoiced for the \$750 application fee and has until September 15, 2021, for the LMRWD to receive payment. Because Young Environmental staff have previously reviewed the project for the Minnesota Department of Natural Resources public waters permit comment period (see attached permit review memo), we are able to expediate the LMRWD permit review. The documents received provide the minimum information necessary for permit review.

### Rule C—Floodplain and Drainage Alteration

Rule C requires permits for all projects that place fill within the 100-year floodplain. As discussed, the Project is located within a floodway, as shown on the Dakota County Flood Insurance Rate Map Panel 27037C0070E (effective December 2, 2011). The Project proposes 0.8 cubic yards of fill for the new pilings that will be offset by the removal of the old pilings, meeting the compensatory storage requirements under Rule C and confirming that no increase in water surface elevations would occur due to this Project.

## Recommendations

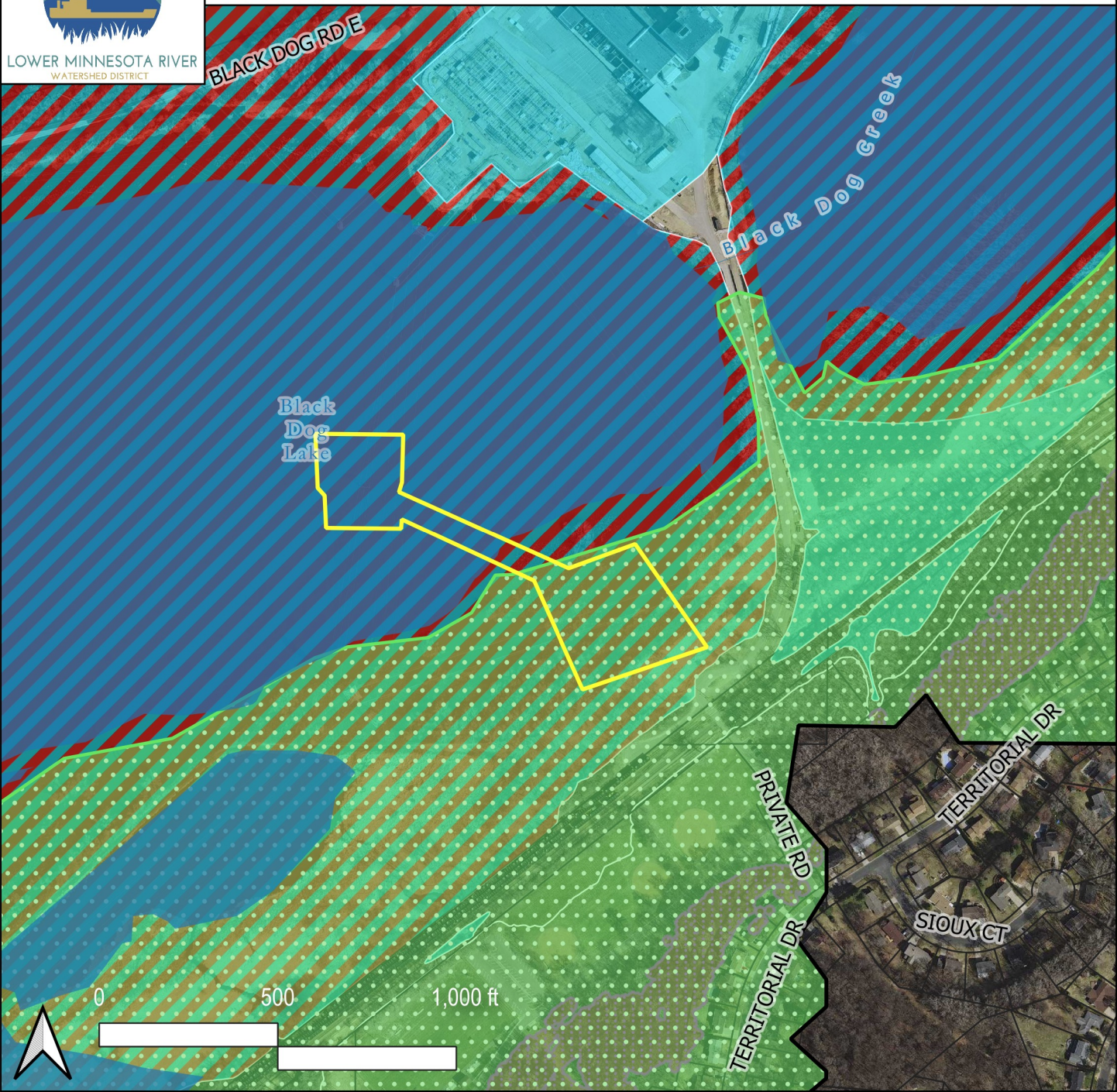
Staff recommends the approval of the Project.

## Attachments

- Figure 1: Line #0832 Project Location Map
- Figure 2: Line #0832 Site Plan Map
- Xcel Energy Line #0832 MPARS Review Memo, dated August 27, 2021



Figure I: Line #0832 Project Location



**LEGEND**

- Project Location
- Line 0832
- Public Waterways
- Public Waters
- Calcareous Fens
- Steep Slopes Overlay District
- High Value Resource Area
- 100-yr Floodplain
- Floodway
- Dakota Co. Parcels
- LMRWD Boundary

**LMRWD Watershed Location Map**

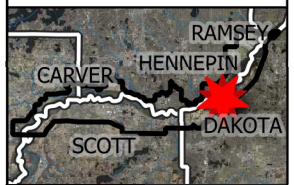
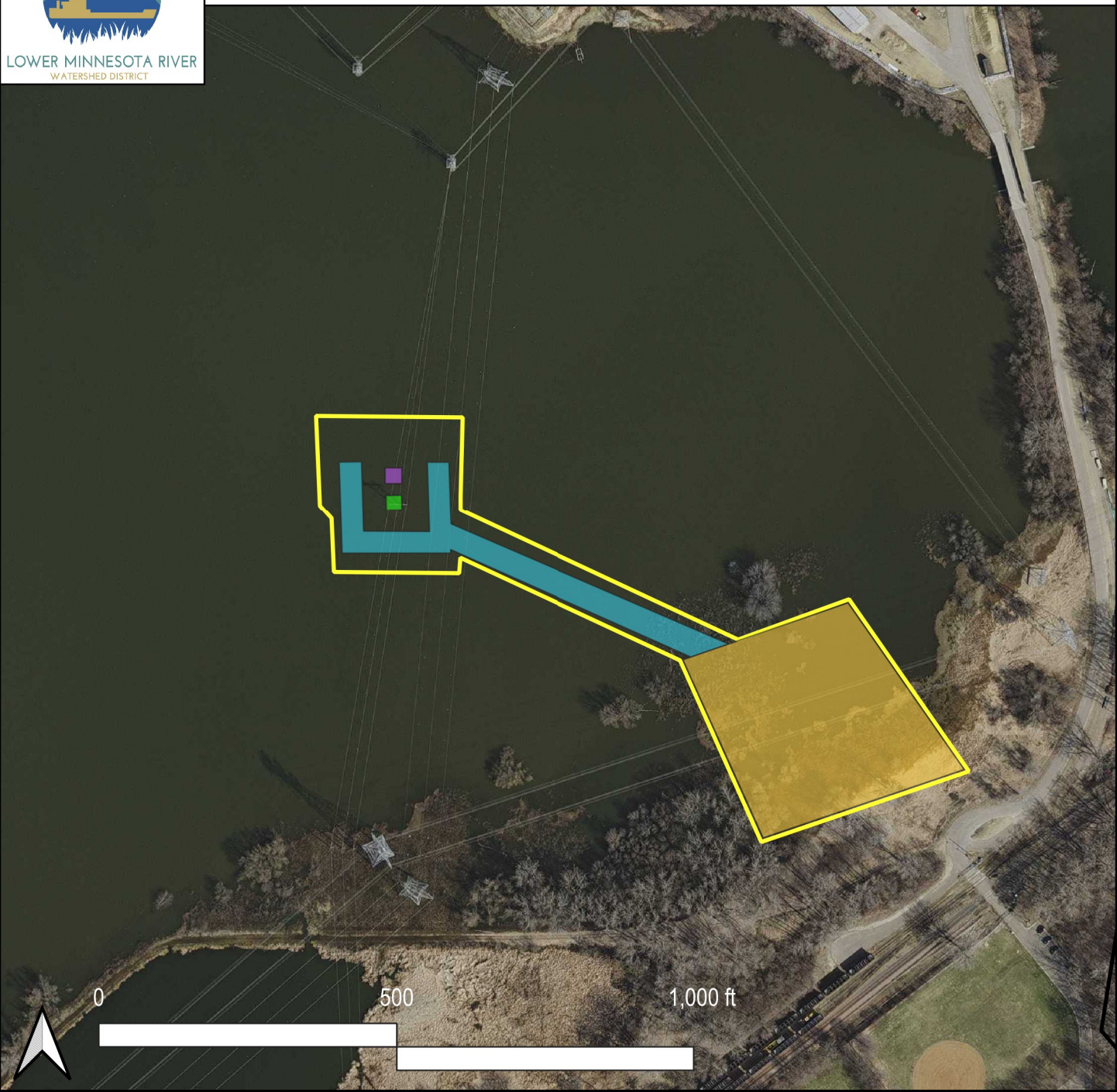




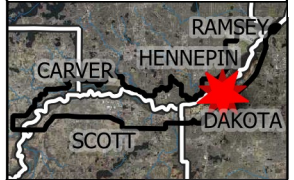
Figure 2: Line #0832 Site Plan



**LEGEND**

-  Project Location
-  Line 0832
-  New Piling
-  Old Piling
-  Temporary Mats
-  Temporary Rock Road

**LMRWD Watershed Location Map**



# Technical Memorandum

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

**From:** Kaci Fisher, Environmental Specialist  
Katy Thompson, PE, CFM

**Date:** August 27, 2021

**Re:** Xcel Energy Line 0832 (LMRWD No. 2021-041)

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Xcel Energy Services (the applicant) has applied for a Public Waters Work Permit from the Minnesota Department of Natural Resources (MnDNR) through the MnDNR Permitting and Reporting System (MPARS) to replace a damaged transmission line structure within Black Dog Lake. The Xcel Energy Line 0832 Project (Project) is located within the Lower Minnesota River Watershed District (LMRWD or District) within the City of Burnsville, and the MnDNR has requested comments on the Project through MPARS.

The Project is located within the District's High Value Resource Area (HVRA) and is within the Minnesota River 100-year floodplain, as shown in [Figure 1](#). The Project proposes to construct a temporary staging area on mats and temporary rock roads within Black Dog Lake ([Figure 2](#)). Xcel Energy is proposing to place 18,928 square feet of temporary fill in the floodplain that will be removed within 60 days of construction, which is anticipated to be complete by November 1, 2021. To prevent the transmission structure collapse, a new foundation piling will be installed, creating a permanent fill of 0.8 cubic yards and covering 9 square feet within the floodway. The existing piling will be cut off at mud level.

The City of Burnsville has not yet received its municipal permit from the District, so the Project is subject to LMRWD permitting review for an LMRWD individual permit. Young Environmental has reviewed the MPARS Public Waters Work Permit application for potential applicable District rules; a project summary and comments on the permit application are provided below.



## Summary

<u>Project Name:</u>	Xcel Energy Line 0832
<u>Purpose:</u>	Replacement transmission line piling
<u>Project Size:</u>	Approximately 4 acres of disturbance, 0.8 cubic yards of floodplain fill
<u>Location:</u>	1400 Black Dog Road East, Burnsville, MN 55337
<u>LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule C—Floodplain and Drainage Alteration
<u>Recommended Board Action:</u>	Informational only

## Discussion

The District received the following documents for review:

- Public Waters Work Permit Application, dated July 21, 2021; received July 29, 2021
- Photographs, received July 29, 2021
- Hand drawing of access road and pad by Xcel Energy, received July 29, 2021
- Structure plan sheets by Xcel Energy, dated June 15, 2021; received July 29, 2021

### Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities of one acre or more or in the HVRA land-disturbing activities of 5,000 square feet or more. The proposed Project appears to disturb approximately 4 acres total, with approximately 2.5 acres within the HVRA, which will trigger the requirements under Rule B.

### Rule C—Floodplain and Drainage Alteration

As discussed, the Project is located within the 100-year floodplain, shown on the Dakota County Flood Insurance Rate Map Panel 27037C0070E (effective December 2, 2011). The Project proposes a temporary fill of 1,752 cubic yards and 0.8 cubic yards of permanent fill within the floodway. Rule C requires the applicant to show that the proposed fill will not cause a rise in the 100-year flood elevation of the waterbody. The District also requests that documentation be provided showing the removal of all temporary fill following Project completion.

## Recommendations

We appreciate the opportunity to comment on the proposed Project. Although no Board action is required at this time, we offer the following summarized comments to the Applicant, which will be uploaded to MPARS as part of the Public Waters Work Permit commend period:

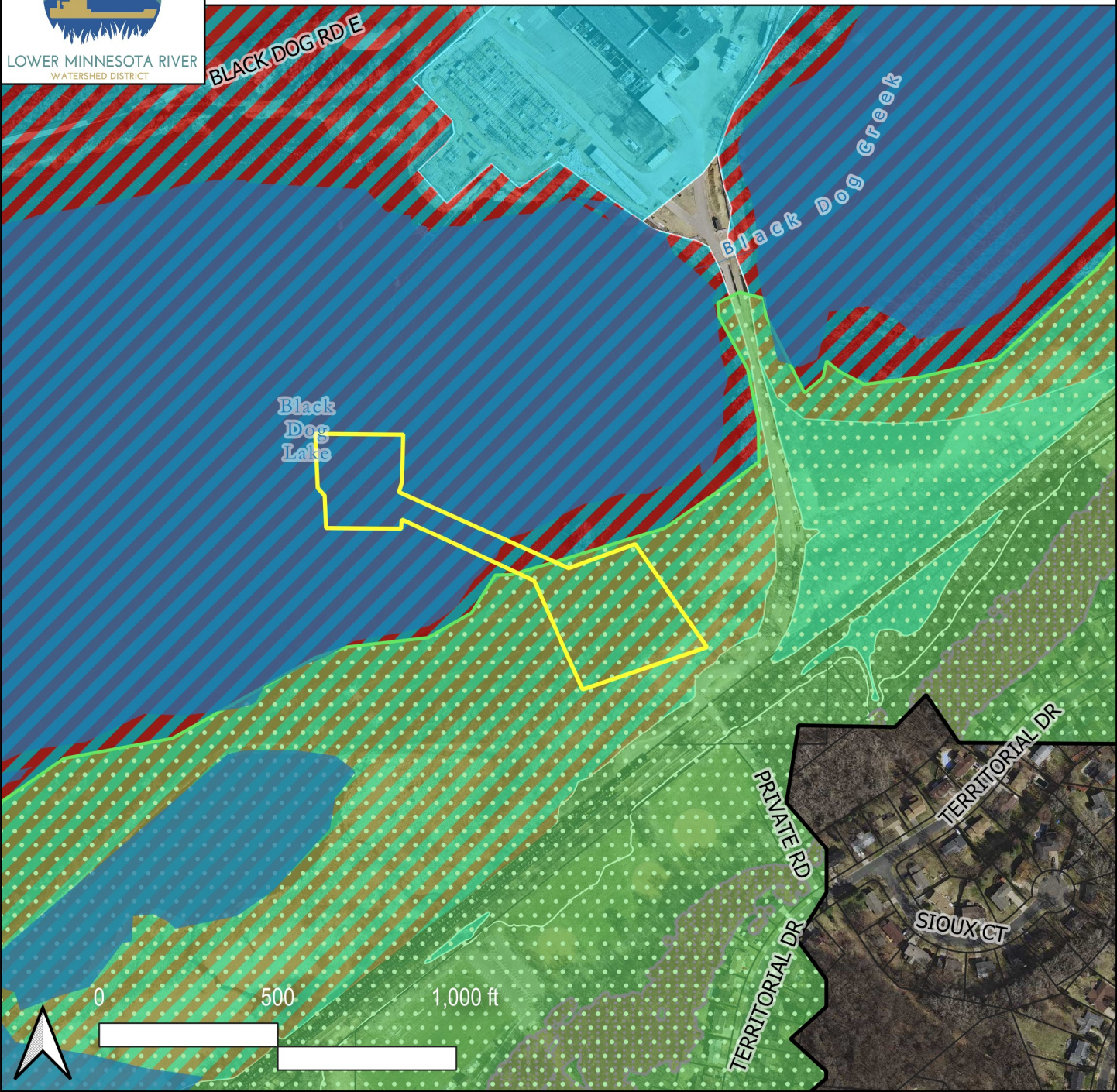
- Xcel Energy should apply for and receive a District Individual Project Permit before construction begins. As presented, the Project appears to trigger Rules B and C.
- The Project is located within the 100-year floodplain; provide documentation that no loss of floodplain storage or increases to water surface elevations would result from the Project.
- Following completion of the Project, provide documentation to the LMRWD that all temporary fill has been removed and that original grades have been re-established.

## Attachments












- Figure 1: Line #0832 Project Location Map
- Figure 2: Line #0832 Site Plan Map



Figure I: Line #0832 Project Location



**LEGEND**

-  Project Location
-  Line 0832
-  Public Waterways
-  Public Waters
-  Calcareous Fens
-  Steep Slopes Overlay District
-  High Value Resource Area
-  100-yr Floodplain
-  Floodway
-  Dakota Co. Parcels
-  LMRWD Boundary

**LMRWD Watershed Location Map**

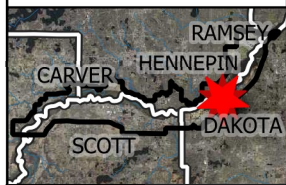
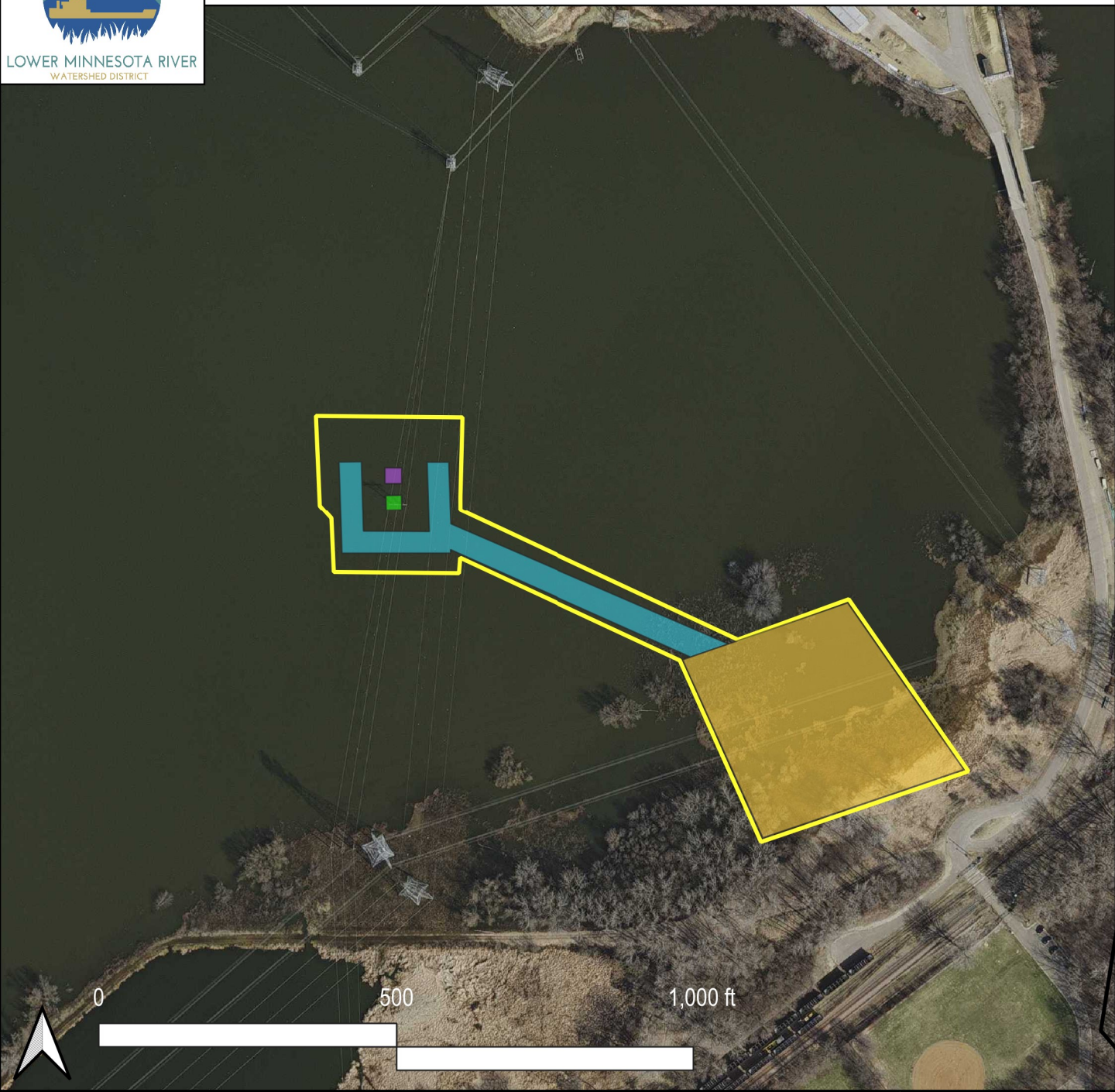




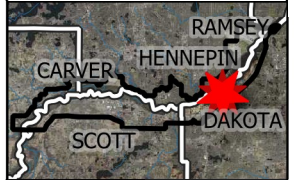
Figure 2: Line #0832 Site Plan



**LEGEND**

-  Project Location
-  Line 0832
-  New Piling
-  Old Piling
-  Temporary Mats
-  Temporary Rock Road

**LMRWD Watershed Location Map**



# Technical Memorandum

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

**From:** Kaci Fisher, Environmental Scientist  
Katy Thompson, PE, CFM

**Date:** September 9, 2021

**Re:** Canterbury Independent Senior Living (LMRWD No. 2021-040)

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TE Miller Development LLC (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop a residential site within Canterbury Park in the City of Shakopee (City), as shown in **Figure 1**. The applicant's engineer, Wenck, has provided site plans for Canterbury Independent Senior Living (Project) along with the permit application.

The proposed Project consists of constructing an independent senior living facility along with its associated parking lot and pickleball court on an undeveloped site. The Project would disturb approximately 3.3 acres and create 2.0 acres of new impervious surfaces. The Project is not located within the High Value Resource Area, Steep Slopes Overlay District, or 100-year floodplain. It is adjacent to two recently approved permits, Greystone Headquarters (LMRWD No. 2020-117) and Canterbury Crossings (LMRWD No. 2020-135), which are all part of the multiphase Canterbury Commons development.

Because the City does not have its LMRWD municipal Local Government Unit permit, this Project requires an LMRWD individual permit and is subject to an LMRWD permit review.

## Summary

Project Name: Canterbury Independent Senior Living

Purpose: Residential facility within Canterbury Park

<u>Project Size:</u>	3.3 acres disturbed; 2.0 acres new impervious
<u>Location:</u>	Near the intersection of Vierling Drive East and Eagle Creek Boulevard, Shakopee (PID 274980020)
<u>LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule D—Stormwater Management
<u>Recommended Board Action:</u>	Conditional approval

## Discussion

The District received the following documents for review:

- LMRWD permit application; received August 11, 2021
- LMRWD \$750 application review fee; received August 13, 2021
- Site Plan by Wenck; dated August 6, 2021; received August 11, 2021
- Preliminary Site Construction Plans by Wenck; dated August 6, 2021; received August 11, 2021
- Final Plat unsigned; dated August 4, 2021; received August 11, 2021
- Preliminary Plat of Canterbury Southwest Second Addition; dated August 4, 2021; received August 11, 2021
- Canterbury Independent Senior Living Stormwater Compliance Memo by Wenck; dated August 4, 2021; received August 16, 2021
- Canterbury Southwest Stormwater Management Plan & Comment Response by Wenck; dated April 28, 2020; received August 16, 2021
- Canterbury Regional Stormwater Management Plan by Wenck; dated December 12, 2019; revised April 28, 2020; received August 16, 2021

The application was deemed complete on August 13, 2021, and the documents received provide the minimum information necessary for permit review.

## Background

The Project is part of a larger 402-acre regional mixed-use and commercial development surrounding Canterbury Park. This area consists of shallow bedrock, a wellhead protection area, and a high vulnerability drinking water supply management area (DWSMA), so a regional stormwater management plan (Plan) for the Canterbury Park area was developed and later approved by the City on May 26, 2020. The Plan includes several stormwater ponds to ensure water quality and rate control standards for the full buildout of the site.

The Canterbury Park development area has been divided into several subwatersheds with an assumed impervious surface area percentage. In general, if developments are

equal to or below the assumed impervious surface area percentage, then the stormwater treatment, as proposed in the Plan, will meet the City's water quality and rate control requirements. Because the City's requirements are equal to or more stringent than the District's Rule D—Stormwater Management requirements, developments below the assumed impervious area percentage threshold will also comply with the District's rule.

#### Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities that affect 1.0 acre or more under Rule B. The proposed Project would disturb approximately 3.3 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention Plan.

The Project generally complies with Rule B; however, a copy of the NPDES permit and contact information for the contractor and person(s) responsible for inspection and maintenance of all erosion and sediment control features will be needed to issue the final LMRWD permit.

#### Rule D—Stormwater Management

The Project proposes a total of 2.0 acres of new impervious surfaces. The Project area is constrained by shallow bedrock, a high vulnerability DWSMA, and a wellhead protection area, so infiltration is not allowed on site. The Project proposes to treat the stormwater by discharging directly into the existing City stormwater infrastructure, which is treated by Pond 03P, the Canterbury Park infield ponds, and Northwest pond, as described in the Plan (**Figure 2**). These ponds have previously been constructed and are part of the City's MS4 program.

The Project is within the Plan's 03.2S subwatershed, which assumes a maximum of 80% impervious surfaces and is proposing 57% impervious surfaces. Since it is below the 80% maximum, the Project is assumed to meet the District's Rule D requirements.

### **Recommendations**

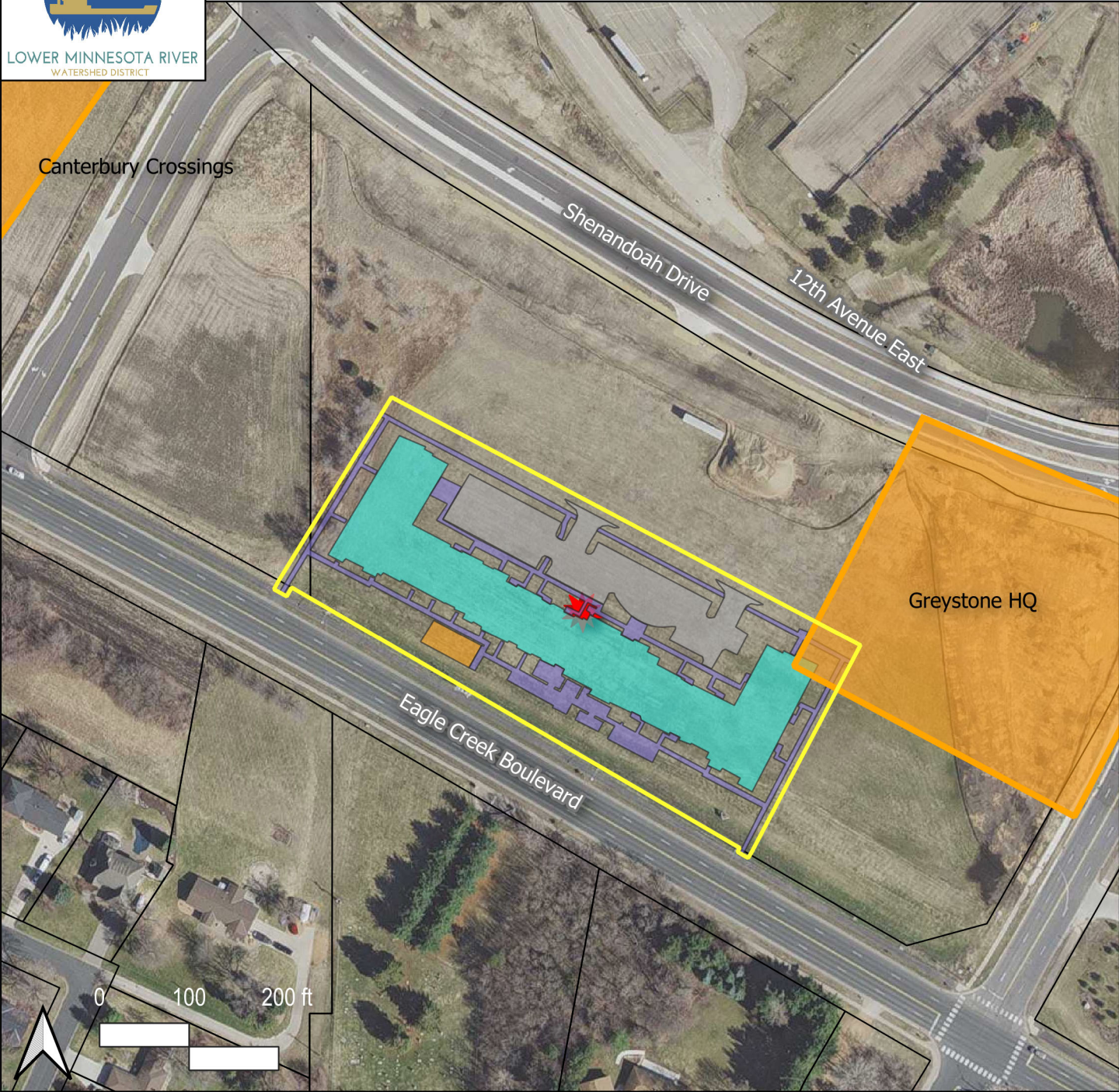
Staff recommends conditional approval of the Project, pending receipt of a copy of the NPDES permit and contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of all erosion and sediment control features.

### **Attachments**














- Figure 1—Canterbury Independent Senior Living Project Location Map
- Figure 2—Canterbury Senior Living Stormwater Treatment



Figure I: Canterbury Independent Senior Living Project Location



**LEGEND**

-  Project Location
-  Canterbury Independent Senior Living
-  Building
-  Parking Lot
-  Pickleball Court
-  Sidewalk
-  Public Waterways
-  Public Waters
-  Steep Slopes Overlay District
-  High Value Resource Area
-  Calcareous Fens
-  100-yr Floodplain
-  Floodway

**LMRWd Watershed Location Map**

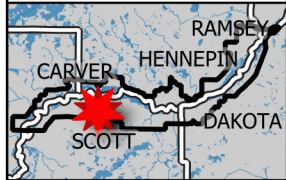






Figure 2: Canterbury Senior Living Stormwater Treatment



**LEGEND**

-  Project Location
-  Stormwater ponds treating Project
-  Canterbury Independent Senior Living
-  Building
-  Parking Lot
-  Pickleball Court
-  Sidewalk

**LMRWD Watershed Location Map**



# Technical Memorandum

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

**From:** Kaci Fisher, Environmental Specialist  
Katy Thompson, PE, CFM

**Date:** September 13, 2021

**Re:** Circle K/Holiday Station Stores (LMRWD No. 2021-034)

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Holiday Stationstores, LLC (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop a gas station on undeveloped parcels within the City of Savage (City), as shown in Figure 1. The applicant's engineer, Bergmann Associates, has provided site plans for the Circle K/Holiday Station Stores (Project), along with the individual permit application.

The proposed Project involves constructing a 5,200-square-foot retail store that will also have fueling islands and a car wash. The Project will disturb 6.04 acres and create 2.96 acres of new impervious surface. The Project is not located within the High Value Resource Area or the Steep Slopes Overlay District, nor does it propose any grading or disturbance within the 100-year floodplain.

Because the City does not have its municipal LGU permit, the Project requires an LMRWD individual permit and is therefore subject to an LMRWD permitting review.

## Summary

<u>Project Name:</u>	Circle K/Holiday Station Stores
<u>Purpose:</u>	Construction of a new gas station with car wash
<u>Project Size:</u>	6.87-acre site; 6.04 acres disturbed; 0.00 acres existing impervious; 2.96 acres proposed new impervious

Location: 7800 126th Street, Savage, MN 55378 (PIDs 260130020 and 260130030)

LMRWD Rules: Rule B—Erosion and Sediment Control  
Rule D—Stormwater Management

Recommended Board Action: Conditional approval

## Discussion

The District received the following documents for review:

- LMRWD online permit application, received July 26, 2021
- LMRWD \$1,000 permit review fee, received August 13, 2021
- Plan Sheets by Bergmann Associates, dated July 17, 2021, received July 26, 2021
- Site location map, received July 26, 2021
- Response to LMRWD's comments letter by Bergmann Associates, dated August 17, 2021, received August 18, 2021
- Maintenance plan by Bergmann Associates, dated July 13, 2021, revised August 13, 2021, received August 18, 2021
- Stormwater Management Plan and Stormwater Pollution Plan for Construction Activities by Bergmann Associates, dated March 31, 2021, revised August 13, 2021, received August 18, 2021
- Authorization of Agent form, dated August 10, 2021, received August 18, 2021
- Stormwater Facilities Maintenance Agreement and Permanent Easement Agreement, received August 18, 2021
- Minnesota Department of Natural Resources Request for Comments for Appropriations Permit No. 2021-3356, received September 9, 2021
- Draft Performance Bond Agreement, dated September 10, 2021, received September 13, 2021

The application was deemed complete on August 23, 2021, and the documents received provide the minimum information necessary for permit review.

### *Rule B—Erosion and Sediment Control*

The District regulates land-disturbing activities that affect 1 acre or more outside of the special overlay districts under Rule B. The proposed Project would disturb approximately 6 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention Plan.

The Project generally complies with Rule B; however, a copy of the NPDES permit and the contact information for the contractor and person(s) responsible for inspection and

maintenance of all erosion and sediment control features will be needed to issue the final LMRWD permit.

**Rule D—Stormwater Management**

The District regulates development and redevelopment activities that create more than 1 acre of new impervious surfaces under Rule D. The Project proposes a total of 2.96 acres of new impervious surfaces. Because Rule D, along with the NPDES and MS4 permits, prohibits construction of infiltration systems for areas that receive runoff from vehicle fueling facilities, the applicant proposes to use a proprietary filter and a wet retention pond for stormwater management. The proposed wet retention pond will treat 4.52 acres of the proposed development, whereas the remaining 2.35 acres will discharge off-site, untreated. Because infiltration is prohibited on-site, volume reduction will not be required to meet Rule D; however, rate control and water quality regulations are still applicable.

Section 4.4.1 of Rule D requires development projects not exceed existing discharge rates from the project site. The existing and proposed runoff rates from the provided HydroCAD calculations are shown in Table 1 below.

*Table 1. HydroCAD Runoff Rate Summary*

	EXISTING (cfs)	PROPOSED* (cfs)	CHANGE (cfs)
2-YR/24-HR	4.55	3.57	-0.98
10-YR/24-HR	10.03	7.09	-2.94
100- YR/24-HR	23.25	15.6	-7.65

\*Includes runoff from untreated drainage areas (DR10 and DR11) and retention pond outflow

Despite not treating more than 30 percent of the proposed development, the post-construction conditions are anticipated to have an overall reduction in runoff rate from existing conditions for the 2-year, 10-year, and 100-year 24-hour storm events. The Project, as proposed, will meet the rate control requirements of Rule D.

Section 4.4.3 of Rule D requires development projects demonstrate that no net increase from existing conditions in total phosphorus (TP) or total suspended solids (TSS) to receiving waterbodies would result from the project. The applicant has provided existing and post-construction MIDS water quality calculations to document the TP and TSS loads under existing and proposed conditions. Table 2 below summarizes the results.

*Table 2. MIDS Water Quality Summary*

	EXISTING OUTPUT (lb/yr)	PROPOSED OUTPUT (lb/yr)	CHANGE (lb/yr)
Total Phosphorus	1.58 lb/yr	2.66 lb/yr	+1.08
Total Suspended Solids	286.7 lb/yr	239.4 lb/yr	-47.3

As presented, because of the increase in TP loading under the proposed conditions, the Project does not meet the water quality requirements established under Rule D. The increase in TP loading is likely caused by the 2.35 acres that discharge off-site, untreated.

Young Environmental discussed the increase in TP loading with the applicant on September 9, 2021; the applicant believes the water quality modeling is not accurately reflecting the treatment train approach proposed with the combination of the proprietary filter device and stormwater detention basin. The applicant believes the Project treats most of the site and will result in no net increase in TP or TSS loading to downstream waterbodies but has not yet provided the modeling that documents this. We have requested this information be provided for review and confirmation at the applicant's earliest convenience.

### Financial Surety

The applicant has requested to use the financial assurance option to allow the development to proceed with construction while the water quality calculations are revised. The District attorney has recommended financial sureties for similar projects, such as Burnsville Industrial IV (LMRWD No. 2021-009); using that precedent, it is recommended that financial surety be required for the Circle K/Holiday Station as a condition for approving the permit. This financial surety would need to cover the potential costs of implementing alternative stormwater rate, volume, and water quality practices and facilities in the case that the modeling demonstrates that the Project does not meet the District requirements.

Based on the Individual Permit Financial Assurances approved by the Board at its February 17, 2021, board meeting, the applicant is responsible for securing a performance bond in the amount of \$24,500 from a company certified by the U.S. Department of the Treasury's Bureau of the Fiscal Service. The applicant has provided the draft performance bond agreement with Fidelity and Deposit Company of Maryland, a certified company (attached).

### Additional Considerations

The LMRWD received a request for comments from the Minnesota Department of Natural Resources (DNR) for a DNR Appropriation Permit No. 2021-3356 for the Circle K/Holiday Station Project on Thursday, September 9, 2021. The DNR provided the dewatering site plan and application. In an email to DNR staff, the District Appropriations Hydrologist stated that the DNR requires the applicant to submit a report to the DNR from a professional geologist that quantifies the impacts that will result from construction dewatering to the nearby calcareous fens. The LMRWD has not received this report and requests it for our records.

Additionally, the applicant is proposing to begin construction dewatering activities on September 16, 2021. However, given our recommendation for conditional approval, the Project may not have received a permit by that date. We request the appropriations permit be conditioned on the LMRWD permit approval.

### **Recommendations**

Based on our review of the project, we recommend conditional approval of the Project, pending receipt of the following:

- A commercially issued performance bond for \$24,500;
- A copy of the NPDES permit and the contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of all erosion and sediment control features; and
- A copy of the DNR-requested dewatering analysis report.

Young Environmental will continue to work with the applicant to determine the adequacy of the stormwater management approach proposed and will recommend release of the bond if the final analysis demonstrates that the Project meets the District's Rule D—Stormwater Management.

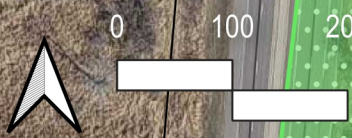
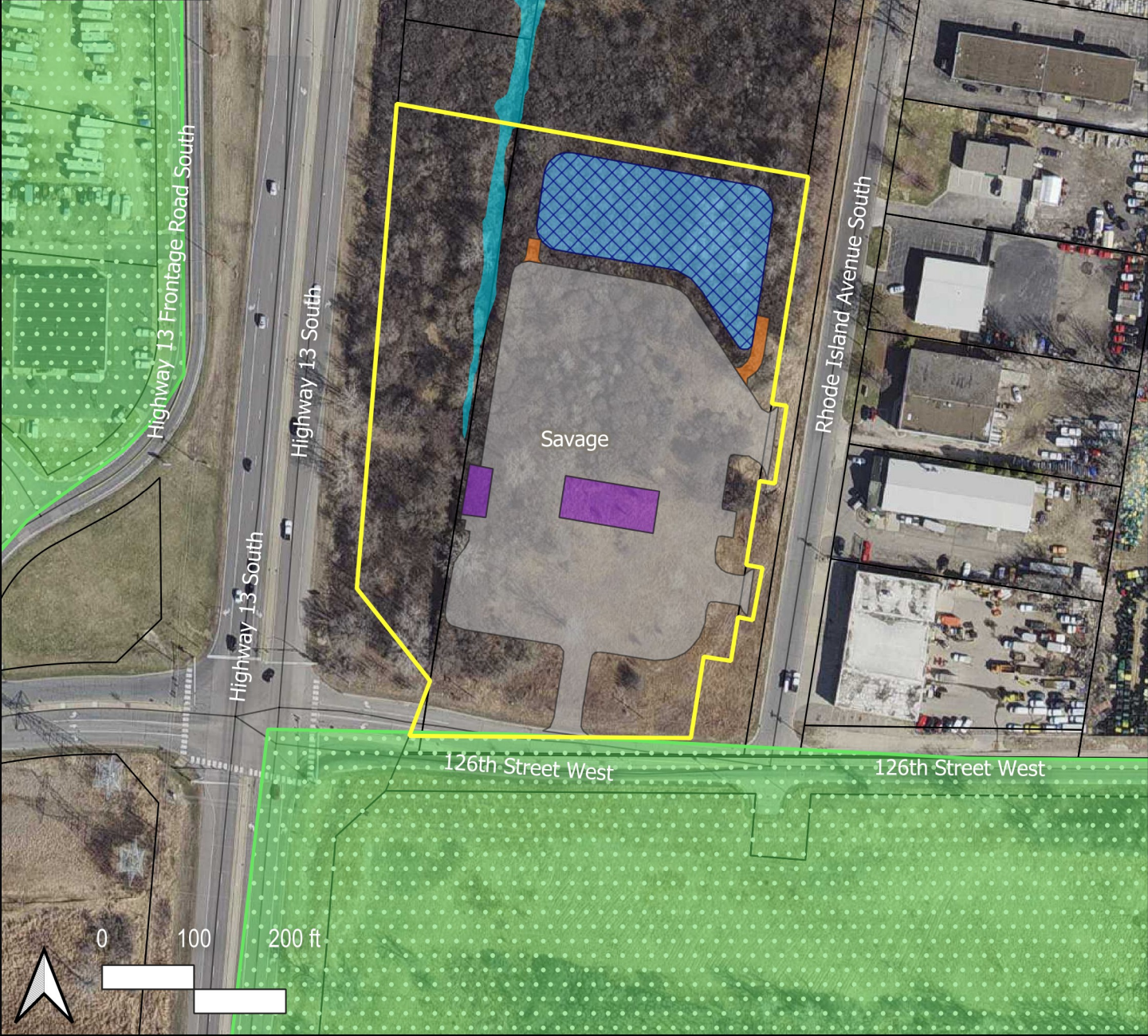
A copy of this memo will also be provided to the DNR as part of its request for comments for Appropriation Permit Application No. 2021-3356.

### **Attachments**














- Figure 1—Circle K/Holiday Station Stores Project Location
- Draft Performance Bond Agreement



Figure I: Circle K/Holiday Station Stores Project Location



**LEGEND**

-  Project Location
-  Circle K/Holiday Station
-  Building
-  Concrete Area
-  Maintenance Access
-  Stormwater Pond
-  Parcel Boundaries
-  Public Waterways
-  Public Waters
-  High Value Resource Area
-  Steep Slopes Overlay District
-  100-yr Floodplain
-  Floodway

**LMRWD Watershed Location Map**



## PERFORMANCE BOND

Bond No. 9383668

KNOW ALL BY THESE PRESENTS:

That we Holiday Stationstores, LLC, 4567 American Blvd. W, Bloomington MN 55437, as Principal, hereinafter called Principal, and Fidelity and Deposit Company of Maryland, 1299 Zurich, Way, 5<sup>th</sup> Floor, Schaumburg, IL 60196-1056, a Illinois corporation, as Surety, hereinafter called Surety, are held and firmly bound unto Lower Minnesota River Watershed District, 112 E. 5<sup>th</sup> Street, #102, Chaska MN 55318, as Obligee, hereinafter called Obligee, in the amount of Twenty Four Thousand Five Hundred and No/100 --- Dollars (\$24,500.00\*\*\*) for the payment of which sum, well and truly to be made, the said Principal and Surety bind themselves, and their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has entered into an Permit for various improvements for store located at 7800 126<sup>th</sup> Street, Savage MN 57702, which Agreement is by reference made a part hereof, and

WHEREAS, as a condition of said Agreement requires Principal to provide a Bond guaranteeing the installation of: Various improvements related to stormwater treatment for store located at 7800 126<sup>th</sup> Street, Savage MN 57702 at said location.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if Principal shall install said work in accordance with said Agreement, then this obligation is void, otherwise to remain in full force and effect.

PROVIDED, HOWEVER, That:

1. It shall be a condition precedent to any right of recovery hereunder, that in event of any default on the part of the Principal, a written statement of the particular facts of such default shall be forwarded to the Surety, within thirty (30) days of the occurrence of such default, delivered by registered mail to Surety at its Home Office in Schuamburg, Illinois.
2. That no action, lawsuit or proceeding shall be had or maintained against the Surety on this Bond unless the same be filed and properly served upon the Surety within one year from the effective date of the cancellation of the Bond.
3. That no right of action shall accrue under this Bond to or for the use of a person or entity other than the Obligee, and its successors and assigns.
4. This Bond shall become effective September 10, 2021.
5. The liability of the Surety shall in no event exceed the aggregate penal sum of the Bond penalty.

IN WITNESS WHEREOF, The said Principal and Surety have signed and sealed this instrument on this 10th day of September, 2021.



**Holiday Stationstores, LLC**

By: \_\_\_\_\_  
Name/Title

**Fidelity and Deposit Company of Maryland**

By: \_\_\_\_\_  
**Krista M. Lee** Attorney-in-Fact

# Technical Memorandum

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

**From:** Kaci Fisher, Environmental Specialist  
Katy Thompson, PE, CFM

**Date:** September 9, 2021

**Re:** Building Renovation for Park Jeep (LMRWD No. 2021-030)

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Park Chrysler Jeep (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to renovate an existing car dealership in the City of Burnsville (City), as shown in Figure 1. The applicant's engineer, Emmons & Olivier Resources, Inc. (EOR), has provided site plans for the Building Renovation for Park Jeep Project (Project) along with the permit application.

The proposed Project consists of expanding an existing building by approximately 50,000 square feet, removing several existing buildings, expanding the existing parking lot, and converting all gravel surfaces to bituminous surface. The Project would disturb approximately 5.59 acres and create 0.09 acres of new impervious surfaces, and it is not located within the High Value Resource Area, Steep Slopes Overlay District, or 100-year floodplain.

Because the City does not have its LMRWD municipal local government unit permit, this Project requires an LMRWD individual permit and, as such, is subject to an LMRWD permitting review.

## Summary

<u>Project Name:</u>	Building Renovation for Park Jeep
<u>Purpose:</u>	Renovation of existing car dealership
<u>Project Size:</u>	5.59 acres disturbed; 4.79 acres existing impervious;

4.88 acres proposed impervious; net increase of 0.09 acres new impervious

Location: 1408 Highway 13 West, Burnsville, MN 55377  
(PIDs 020140010014, 020140001010, 020140009010, and 020140010017)

LMRWD Rules: Rule B—Erosion and Sediment Control

Recommended Board Action: Conditional approval

## Discussion

The District received the following documents for review:

- LMRWD online permit application, received July 9, 2021
- LMRWD \$1,000 permit fee, received August 13, 2021
- Project Narrative by EOR, dated July 9, 2021; received July 9, 2021
- City Certification by Bolton & Menk, dated May 18, 2021; received July 9, 2021
- Civil Plans by EOR, dated April 27, 2021; received July 9, 2021
- SWPPP by EOR, dated July 9, 2021; received July 9, 2021
- HydroCAD model, dated July 9, 2021; received July 9, 2021
- Existing Drainage Areas by EOR, dated April 26, 2021; received July 9, 2021
- Proposed Drainage Areas by EOR, dated April 26, 2021; received July 9, 2021
- Geotechnical Report by American Engineering Testing, dated November 9, 2020; received July 9, 2021
- Public Water Map by EOR, dated October 12, 2020; received July 9, 2021
- Authorization of Agent form, dated July 13, 2021; received July 14, 2021

The documents received provide the minimum information necessary for permit review.

### Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more under Rule B. The proposed Project would disturb approximately 5.59 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention Plan.

The Project generally complies with Rule B; however, a copy of the NPDES permit and contact information for the contractor and person(s) responsible for inspection and maintenance of all erosion and sediment control features will be needed before the final LMRWD permit can be issued.

### Additional Considerations

The permit application suggested that there would be a total of 0.99 acres of new impervious surface area, which includes the conversion of 0.9 acres of existing gravel surface to bituminous. The District considers gravel to be impervious; therefore, for the purposes of determining whether the LMRWD Rule D—Stormwater Management will be triggered, only the new impervious surface of 0.09 acres has been considered, which is well below the one-acre threshold of Rule D.

Although the District is not regulating stormwater management for the Project, it should be noted that the applicant provided documentation that the project is located within the Minnesota River Quadrant (MRQ), and that Yellow Freight regional pond will provide stormwater treatment after connection to the existing storm sewer system. The LMRWD has previously reviewed the Yellow Freight regional pond (also known as Pond 2) for the Burnsville Industrial IV development (LMRWD No. 2021-009). As part of this analysis, the LMRWD determined that Yellow Freight regional pond had a remaining treatment capacity of 35 acres of new or reconstructed surfaces. The Project proposes to increase the impervious surface percentage to 87.3 percent from its existing 85.7 percent. The City should be consulted because the 2021 Yellow Freight Pond analysis assumed the MRQ would have a maximum of 80 percent impervious area. Even with the excess impervious area, by the LMRWD's accounting, Yellow Freight regional pond has adequate capacity to treat the redevelopment at Burnsville Park Jeep with a remaining credit of 30.08 acres for future impervious surfaces.

### **Recommendations**

Staff recommends conditional approval of the Project, pending receipt of a copy of the NPDES permit and contact information for the contractor and person(s) responsible for inspection and maintenance of all erosion and sediment control features.

### **Attachments**












- Figure 1 – Building Renovations Park Jeep Project Location Map



Figure 1: Building Renovation Park Jeep Project Location



**LEGEND**

-  Project Location
-  Building Renovation Park Jeep Project
-  Building
-  Parking Lot
-  Public Waterways
-  Public Waters
-  Parcel Boundary
-  High Value Resource Area
-  Steep Slopes Overlay District
-  100-yr Floodplain
-  Floodway

**LMRWD Watershed Location Map**

