



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, November 17, 2021

Agenda Item

Item 6. I. – Permits and Project Reviews

Prepared By

Linda Loomis, Administrator

Summary

i. Triple Crown Residences Phase II (LMRWD No. 2021-045)

This project is the second phase of an apartment housing complex located in the Canterbury Park area of the City of Shakopee. Staff has worked with the City and applicant to review this project and recommends approval. A technical memo from Young Environmental is attached.

Attachments

Triple Crown residences Phase II (LMRWD No. 2021-05) Technical Memorandum dated October 29, 2021

Recommended Actions

Motion to approve a permit for Triple Crown residences Phase II (LMRWD No. 2021-045)

ii. 2021 Safety and Security Center Phase I (LMRWD No. 2021-022)

This project is being proposed by the Metropolitan Airport Commission. It will construct a fire station and other associated buildings at the Minneapolis/St. Paul Airport. Staff has met with representatives for the applicant and staff from Minnehaha Creek Watershed District to discuss the stormwater management for the project.

Staff recommends conditional approval of the project. A technical memo from Young Environmental is attached.

Attachments

2021 Safety and Security Center Phase I (LMRWD No. 2021-022) Technical Memorandum Dated November 10, 2021

Recommended Actions

Motion to conditionally approve a permit for 2021 Safety and Security Center Phase I (LMRWD No. 2021-022) subject to receipt of a copy of the NPDES permit, contact information for the contractor and the contact information for the person(s) responsible for inspection and maintenance of all erosion and sediment control features.

iii. Stump Road Maintenance (LMRWD No, 2021-049)

The applicant for this project is the City of Bloomington. The project is for maintenance of a service road within the floodplain of the Minnesota River. The City of Bloomington has a municipal permit from the LMRWD but did not assume authority for permitting projects within the floodplain.

Staff recommends approval of this project. A technical memo from Young Environmental is attached.

Attachments

Stump Road Maintenance (LMRWD No. 2021-049) Technical Memorandum dated November 10, 2021

Recommended Actions

Motion to approve a permit for Stump Road Maintenance (LMRWD No. 2021-049)

iv. Minnesota River Greenway (LMRWD No. 2021-027)

Dakota County is the applicant for this project, which proposes to construct a trail between the trailhead at TH 13 and Lone Oak Road in Eagan and TH 77/Cedar Avenue in Burnsville. There are two components to this project that will require a permit from the LMRWD: the trail component and the bridge component. A technical memo from Young Environmental reviewing the trail is attached. Staff recommends approval of the trail component.

The second component is the bridge crossing the Union Pacific Railroad tracks. A technical memo from Young Environmental reviewing the wetland delineation for the bridge crossing is attached for the Board's information.

Attachments

Minnesota River Greenway (LMRWD No. 2021-027) Technical memorandum dated November 8, 2021

Minnesota River Greenway Pedestrian Bridge Site Visit Summary Technical Memorandum dated November 10, 2021

Recommended Actions

Motion to conditionally approve a permit for Minnesota River Greenway (LMRWD No. 2021-027) subject to receipt of a copy of the NPDES Permit, contact information for the contractor and contact information for the person(s) responsible for the inspection and maintenance of all erosion control features.

v. City of Shakopee Municipal Local Government Unit Permit

The City of Shakopee has applied for a Municipal Local Government Unit Permit from the LMRWD. The City wishes to administer compliance with LMRWD rules except for Rule C – Floodplain and Drainage Alteration. Staff has reviewed the City's official controls and recommends approval of the permit with limitations.

Attachments

Technical Memorandum – LMRWD City of Shakopee Municipal Local Government Unit Permit dated November 12, 2021

Recommended Actions

Motion to issue a municipal LGU permit to the City of Shakopee to partially administer Rule B—Erosion and Sediment Control and Rule D—Stormwater Management and fully administer Rule F—Steep Slopes. The District will continue to permit activities triggering Rule C—Floodplain and Drainage Alteration.

vi. Burnsville I 35W Trail

The City of Burnsville contacted the LMRWD to review its application for a Conditional Use Permit to allow for grading, filling and utility work that would elevate an existing trail out of the floodplain. This trail is the trail that the City requested the LMRWD consider participating in funding. In response to the City's request Young Environmental completed a review of the proposed project.

In addition, the LMRWD received a Notice of Application under the Wetland Conservation Act for this project. Young Environmental represented the LMRWD for a field evaluation October 7, 2021. A summary of the visit, prepared by Young Environmental is attached. The LMRWD has not received the wetland delineation report.

Attachments

Burnsville I-35W Trail Project—Floodplain Conditional Use Permit Review Technical Memorandum dated November 10, 2021

I-35W Trail Wetland Conservation Act (WCA) Site Visit Summary Technical Memorandum dated November 10, 2021

Recommended Actions

No action recommended, for information only

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Date: October 29, 2021

Re: Triple Crown Residences Phase II (LMRWD No. 2021-045)

Sambatek (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop a residential site within an existing Canterbury Commons development in the City of Shakopee (City), as shown in **Figure 1**. The applicant has provided site plans for the Triple Crown Residences Phase II project (Project) along with the permit application.

The proposed Project consists of constructing a 321-unit apartment building with accompanying parking lots and access roads. The Project would disturb approximately 10 acres and create 6.24 acres of new impervious surfaces. It is not located within the High Value Resource Area, Steep Slopes Overlay District, or Minnesota River 100-year floodplain.

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

Summary

<u>Project Name:</u>	Triple Crown Residences Phase II
<u>Purpose:</u>	Residential development within Canterbury Commons
<u>Project Size:</u>	10.01 acres disturbed; 2.37 acres existing impervious; 6.24 acres proposed new impervious

Location: 850 Shenandoah Drive, Shakopee, MN 55379

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

Recommended Board Action: Approval

Discussion

The District received the following documents for review:

- LMRWD online permit application; received September 22, 2021
- LMRWD permit review fee of \$1,500; received October 27, 2021
- Project plan sheets by Sambatek dated April 21, 2021; revised September 15, 2021; received September 22, 2021
- Site Development Plans by Sambatek dated May 12, 2020; revised September 15, 2021; received September 22, 2021
- Stormwater Management Summary by Sambatek dated March 16, 2020; received September 22, 2021
- City of Shakopee Grading Permit dated September 25, 2021; received September 23, 2021
- City of Shakopee Sewer & Water permit dated September 29, 2020; received September 23, 2021
- Planned Unit Development—Canterbury Park 10th Addition memo by the City of Shakopee; dated November 26, 2019; received September 22, 2021
- Responses to the City of Shakopee's Stormwater Review Comments by Sambatek; received September 22, 2021
- Triple Crown Phase II NPDES letter by MPCA dated August 12, 2021; received September 23, 2021
- Triple Crown Phase II NPDES permit by MPCA dated August 12, 2021; received September 23, 2021

The application was deemed complete on October 27, 2021, and the documents received provided the minimum information necessary for permit review.

Background

The Project proposes to construct, in two phases, a 600-plus-unit gated apartment complex on 24 acres called Triple Crown Residences, west of Canterbury Park. The Triple Crown Residences is part of the larger Canterbury Commons, a 68-acre multiphase development that includes regional stormwater management for the full build-out of the Canterbury Commons development and approved by the City in March 2018. The Triple Crown Residences preliminary plan was approved by the City council on April 17, 2018. The first phase consisted of constructing a 321-unit apartment

complex on the north parcel, completed in 2019. The City issued a grading permit for the earthwork associated with the second phase on September 25, 2020, consisting of a 305-unit apartment building. The City council provided full council approval in December 2020.

Mass grading for the second phase began in September 2020 under the City grading permit and was completed in summer 2021. The applicant is proposing to dig and pour foundations for the apartment building with the mass grading complete. However, the City's Building Department has requested a copy of the approved LMRWD permit to issue its Footing and Foundation Permit. The Project has obtained an NPDES permit from the Minnesota Pollution Control Agency and will use the existing Canterbury Commons regional stormwater management ponds constructed in 2020.

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 10 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan, a Stormwater Pollution Prevention Plan, and a copy of the NPDES permit. The Project complies with Rule B.

Rule D—Stormwater Management

The Project proposes a total of 6.24 acres of new impervious surfaces. The Project area is constrained by limestone bedrock, so infiltration is prohibited on-site. The Canterbury Park Storm Water Management Plan for Shenandoah Drive, dated December 2018, consists of a regional stormwater treatment for development with a maximum impervious surface of 65% for this site. The Project proposes 62% impervious area.

A portion of the runoff is routed to the east to the public storm sewer system installed as part of the Shenandoah Drive Project. The remainder of the runoff is routed to the private storm sewer system constructed as part of the Triple Crown Phase I Project. Both the public and private systems discharge to the regional stormwater basin to the north, which then discharges into the Upper Valley Drainageway. Because the Project is within the maximum impervious area threshold listed in the Plan, the Project is assumed to meet the District's Rule D requirements.

Recommendations

Staff recommends approval of the Project.

Attachments






- Figure 1—Triple Crown Residence Phase II Project Location Map
- Draft Permit No. 2021-045



Figure 1: Triple Crown Residences Phase 2 Project Location



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-  Project Location
-  Triple Crown
-  Building
-  Asphalt Paving
-  Concrete Paving
-  Public Waterways
-  Public Waterbodies
-  High Value Resource Area
-  Calcareous Fens
-  Trout Streams
-  Steep Slopes Overlay District
-  100-yr Floodplain
-  Floodway
-  County Boundaries
-  LMRWD Boundary
-  Parcel Boundaries

**LMRWD Watershed
Location Map**





**Permit Number
2021-045**

Individual Project Permit

Pursuant to Minnesota Statutes, Chapter 103B, 103D, and 103F consistent with the rules of the Lower Minnesota River Watershed District (LMRWD), and on the basis of statements and information contained in the permit application, plans and supporting information provided by the applicant, all of which are made part hereof by reference, **permission is hereby granted** to the applicant to perform actions as authorized below.

By granting this permit, the LMRWD does not direct the activity authorized herein or warrant the soundness of the applicant's design or methods in any respect. The LMRWD waives no immunity or protection applicable to itself, an officer, an agent or an employee pursuant to this approval.

Project Name		Project Location	
Triple Crown Residences Phase II		850 Shenandoah Drive	
Type of Development		City	County
Residential		Shakopee	Scott
Permittee/Property Owner's Name		Permittee Mailing Address	
Evan Doran, Doran Canterbury II, LLC		7803 Glenroy Road, Ste 200, Bloomington, MN 55439	
Authorized Agent Name		Agent Email Address	Agent Phone Number
Erik Miller, Sambatek		emiller@sambatek.com	(763) 259-6687
Purpose of Permit		Authorized Action(s)	
Construction of 321-unit apartment building and appurtenances		Site grading, utility and site improvements	
Affected Rule(s): Rule B—Erosion and Sediment Control; Rule D—Stormwater Management			
Board Approval		Expiration Date	Issued Date
Authorized Issuer Name and Title		Email Address	Phone Number
Linda Loomis, LMRWD Administrator		permit@lowermnriverwd.org	(763) 545-4659

This permit is granted subject to the following **general conditions**:

NPDES Permit: Submit a copy of the NPDES construction stormwater general permit to the LMRWD before construction begins. All erosion and sediment control measures must be effectively installed and maintained according to LMRWD guidelines and MPCA NPDES Permit guidelines as laid out by current District Rules and Policies until all disturbed soils have been permanently stabilized.

Grading and excavating must not begin until the applicant has been noticed that a permit has been issued and required erosion control measures are in place. Working without a permit where required is in violation of LMRWD Rules and is a misdemeanor subject to penalty by law.

Applicable federal, state, or local regulations: The permittee is responsible for the action(s) of their representative, contractor and employees and compliance with all rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

Site access: In accepting this permit, the owner recognizes and agrees that LMRWD representatives may enter the site at reasonable times to inspect the activities authorized hereunder and compliance with the requirements of this permit, the LMRWD Rules and applicable statutes. This includes routine site inspections as well as inspections during or immediately following installation of best management practices, following storms/critical events, prior to seeding deadlines, for the purpose of permit closeout, or on report of issue or complaint. This right of access is in addition to the access authority of the LMRWD under existing law.

Completion date: Construction work authorized under this permit shall be completed on or before the date specified above. No construction is authorized beyond the expiration date. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the LMRWD, no later than two weeks before this permit expiration.

Written consent: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

Not assignable: This permit is not assignable nor transferable by the permittee except with the written consent of the LMRWD.

No changes: The permittee shall make no changes, without written permission or amendment previously obtained from the LMRWD, in the dimensions, capacity or location of any items of work authorized hereunder.

Permission only/no liability: This permit is permissive only. No liability shall be imposed by the LMRWD or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

Contractor responsibility: The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit.

Termination: This permit may be terminated by the LMRWD at any time deemed necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Date: November 10, 2021

Re: 2021 Safety and Security Center Phase I (LMRWD No. 2021-022)

The Metropolitan Airports Commission (MAC, applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to construct additional facilities on the Minneapolis St. Paul (MSP) Airport property, as shown in Figure 1. The applicant's engineer, Kimley-Horn, has provided site plans for the 2021 Safety and Security Center Phase I project (Project) along with the permit application.

The proposed Project involves constructing a fire station, emergency shelter, parking lot, and access drive. The Project would disturb approximately 13.3 acres and create approximately 5.0 acres of new impervious surface. The Project is not located within the High Value Resource Area, Steep Slopes Overlay District, or the Minnesota River floodplain; however, it is located in an unincorporated region.

Because it is located in an unincorporated area, this Project requires an LMRWD individual permit and, as such, is subject to an LMRWD permitting review.

Summary

<u>Project Name:</u>	2021 Safety and Security Center Phase I
<u>Purpose:</u>	Construction of a fire station, emergency shelter, parking lot, and access drive within the MSP airport property
<u>Project Size:</u>	13.3 acres disturbed; 5.0 acres proposed new

impervious

Location: 4300 Glumack Dr., St. Paul, MN 55111 (Parcel 3002823110001)

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 May 18, 2021
- Project Map by Burns & McDonnell Engineering; dated May 8, 2018; received May 18, 2021
- Master drainage plans by MAC; dated June 12, 2003; received May 18, 2021
- Construction plans by Kimley-Horn; dated May 17, 2021; received May 18, 2021
- Revised construction plans by Kimley-Horn; dated October 18, 2021; received October 18, 2021
- Integrated Spill Response & Coordination Plan by MSP International Airport and MAC; dated December 7, 2004; revised April 23, 2014; received May 18, 2021
- SWPPP Inspection and Onsite Amendment Log by Kimley-Horn; dated June 14, 2021; received May 18, 2021
- Concrete Washout Guidance by MPCA; dated February 2009; received May 18, 2021
- Stormwater Best Management Practice Concrete Washout by EPA; dated February 2012; received May 18, 2021
- Construction implementation schedule via email by Kimley-Horn; received May 27, 2021
- Stormwater narrative via email by Kimley-Horn; received May 27, 2021
- Revised stormwater narrative via email by Kimley-Horn; received October 18, 2021

The application was deemed complete on October 29, 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 one acre or more under Rule B. The proposed Project would disturb approximately 13.3 acres. The applicant has provided a Stormwater Pollution Prevention Plan and generally complies with Rule B;

however, a copy of the NPDES permit (either stormwater construction or individual) and contact information for the contractor and person(s) responsible for all erosion and sediment control will still be needed before a final permit can be issued.

Rule D – Stormwater Management

The District regulates land-disturbing activities that create new impervious areas greater than one acre. The Project proposes a total of 5.0 acres of impervious surfaces. The applicant originally submitted plans in May 2021 with the intention of directing the Project’s stormwater to MSP pond #2. Staff met with the applicant on June 7, 2021, to discuss if the pond could handle the additional proposed stormwater. Because there was a lack of data about MSP pond #2, the applicant agreed to revise the stormwater management plan.

The revised application submitted on October 18, 2021, and discussed with the applicant on October 29, 2021, now proposes constructing an infiltration pond with an infiltration swale for Phase I of the Project. A second infiltration pond is proposed for Phase II, but it is not part of this review. The Phase I infiltration pond and a small amount of the new impervious surface is located within the Minnehaha Creek Watershed District (MCWD) and will be permitted by MCWD. The applicant met with both MCWD and the District on October 29, 2021, to discuss the different regulations and permitting processes for the two jurisdictions.

Section 4.4.1 of Rule D requires that applicants demonstrate no increase in proposed runoff rates. The applicant submitted XSPWMM analysis demonstrating the proposed infiltration basins will provide rate control for the new impervious surfaces the Project will create. The existing and proposed rates are provided in Table 1 and meet the District’s rate control requirements.

Table 1. Rate Control Summary

Design Event	Existing Rates (cfs)	Proposed Rates (cfs)	Change (cfs)
2-year/24-hour	918	918	0
10-year/24-hour	1,462	1,462	0
100-year/24-hour	2,329	2,329	0

Section 4.4.2 of Rule D requires stormwater runoff volume retention on-site to be equivalent to one inch of runoff from impervious surfaces. For the MAC project, the required volume reduction is 18,173 cubic feet. The proposed infiltration pond is sized to be 10,759 square feet by 1.8 feet deep with an assumed infiltration rate of 0.45 inches per hour to meet the volume requirement. The soils data indicate the infiltration rate could be closer to 0.8 inches per hour. The applicant has stated that they will conduct infiltration testing during construction and augment the soils at the infiltration basin, if needed, to achieve a minimum infiltration rate of 0.50 inches per hour. Even with the

lower infiltration rate of 0.45 inches per hour, the Project will provide a minimum of 19,366 cubic feet, which meets the volume reduction requirement.

Because the Project meets the volume requirement, it also meets the no net increase in total phosphorus and total suspended solids water quality requirements. As presented, the Project complies with Rule D.

Recommendations

Staff recommends conditional approval of the Project, conditioned on the receipt of the following:

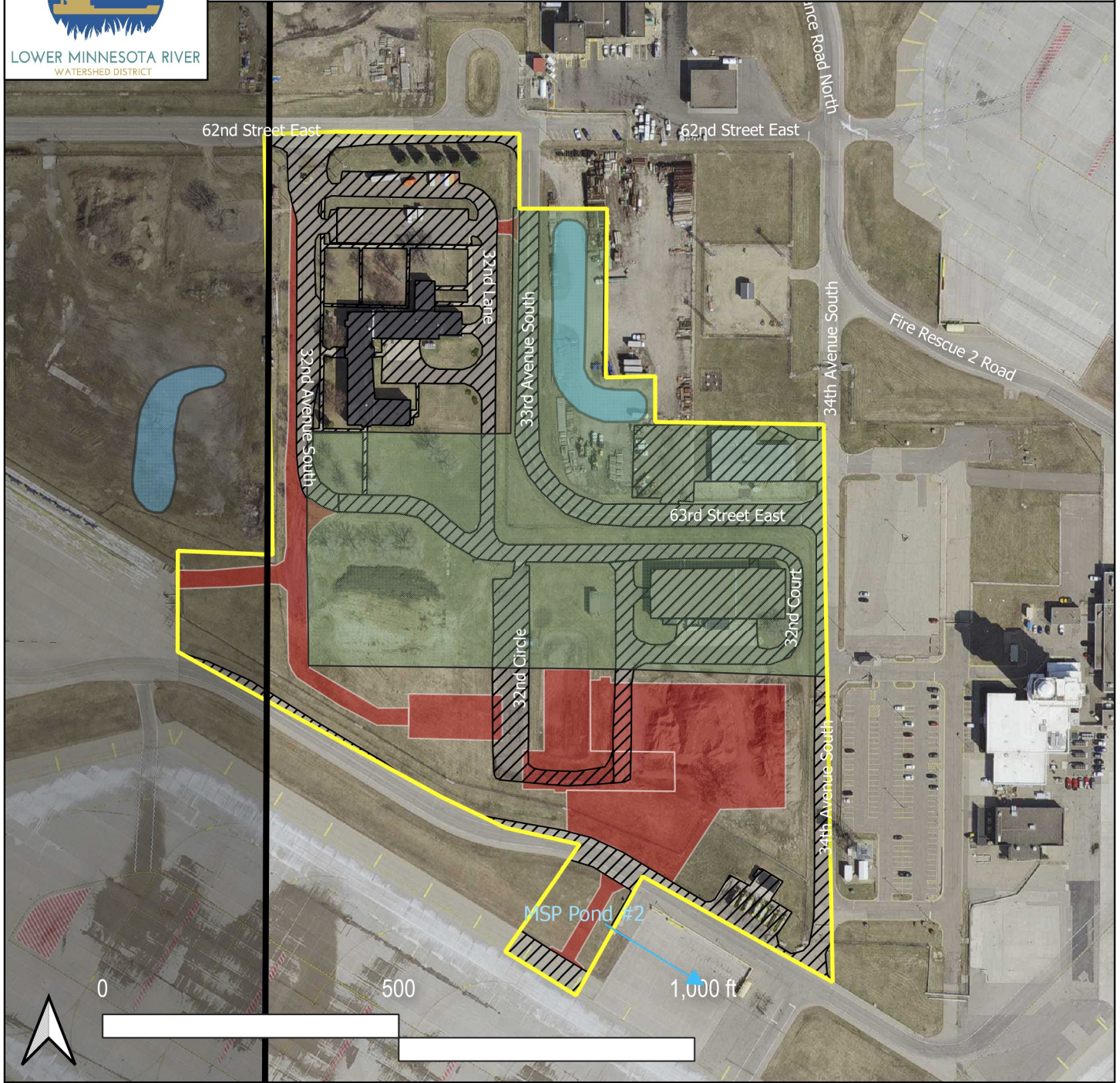
- Copy of NPDES permit, either construction stormwater permit or individual permit if it states a construction stormwater permit is not needed
- Contact information of the contractor
- Contact information for the person(s) responsible for erosion and sediment control

Attachments














- Figure 1—2021 Safety and Security Center Phase I Location Map



Figure I: 2021 Safety and Security Center
Project Location



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-  Project Location
-  2021 Security & Safety Center
-  Existing Impervious
-  New Impervious
-  Infiltration Basin
-  Phase 2
-  Public Waters
-  LMRWD Boundary
-  Steep Slopes Overlay District
-  High Value Resource Area
-  100-yr Floodplain
-  Floodway
-  MCWD

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: November 10, 2021

Re: Stump Road Maintenance (LMRWD No. 2021-049)

The City of Bloomington (City) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to repair an existing maintenance trail across Coleman Lake, as shown in Figure 1, called the Stump Road Maintenance project (Project).

The City uses Stump Road for emergency response vehicles, and it has been damaged by high flows from the Minnesota River over the years. According to the City, a hiking trail club first placed the culverts sometime between 1979 and 1985, likely prior to the development of the first FEMA floodplain maps in 1981. The proposed Project consists of repairing the washout areas, installing equalizing culverts to maintain water levels on either side of the road, and replacing a small footbridge with culverts to allow for emergency vehicle access. The existing culverts in the roadway are embedded and filled with sediment; the City is proposing to leave these structures in place. The project would disturb approximately 0.75 acres and will not create any new impervious surfaces. The Project is not located within the High Value Resource Area or Steep Slopes Overlay District, but it is entirely within the 100-year floodway of the Minnesota River.

The City of Bloomington did not assume permit authority for floodplain or drainage alteration projects under Rule C, and because the project is located within the 100-year floodplain, it is subject to an LMRWD permitting review and requires an LMRWD individual permit.

Summary

<u>Project Name:</u>	Stump Road Maintenance
<u>Purpose:</u>	Maintenance repairs for emergency access road and culverts installation
<u>Project Size:</u>	0.75 acres disturbed; 0.0 acres of new impervious surfaces
<u>Location:</u>	11200 Humboldt Avenue South, Bloomington, MN 55431 (Parcel 2802724240001)
<u>LMRWD Rules:</u>	Rule C—Floodplain and Drainage Alteration
<u>Recommended Board Action:</u>	Approval

Discussion

The District received the following documents for review:

- Project narrative; dated October 21, 2021; received October 25, 2021
- Project map; received October 25, 2021
- Sketch of culvert replacement typical; received October 25, 2021

The application was deemed complete on November 5, 2021, and the documents received provide the minimum information necessary for permit review.

Background

Stump Road was constructed prior to 1985 and has had two washouts that have not been properly repaired. The existing culverts have shifted to higher elevations and have filled with sediment. The proposed Project would replace the existing culverts at the intended elevation while leaving the existing sediment-filled culverts in place. The temporary crossing above the culverts would be replaced to match the existing fill and elevation of the rest of the road.

Rule C—Floodplain and Drainage Alteration

As discussed, the Project is in the Minnesota River floodplain, shown on the Hennepin County Flood Insurance Rate Map (FIRM) Panel 27053C0466F (effective November 4, 2016). Per the FIRM panel, the 100-year flood elevation near the road is 716 feet.

The Project proposes that two 18-inch culverts with invert elevations of 692.5 feet be placed to allow Coleman Lake water elevations to equalize on both sides of the road.

Additionally, the top of the road will match the existing elevation of 695.5 feet. Because the Project is proposing work below the 100-year flood elevation, a permit under Rule C is required. However, because the road likely predated the FEMA maps, the placement of fill is considered maintenance work to restore the existing roadbed to its previous condition and does not include any new fill or other land alterations. Thus the Project is not expected to unduly restrict flood flows or increase flood elevation levels, meeting the requirements of Rule C.

Recommendations

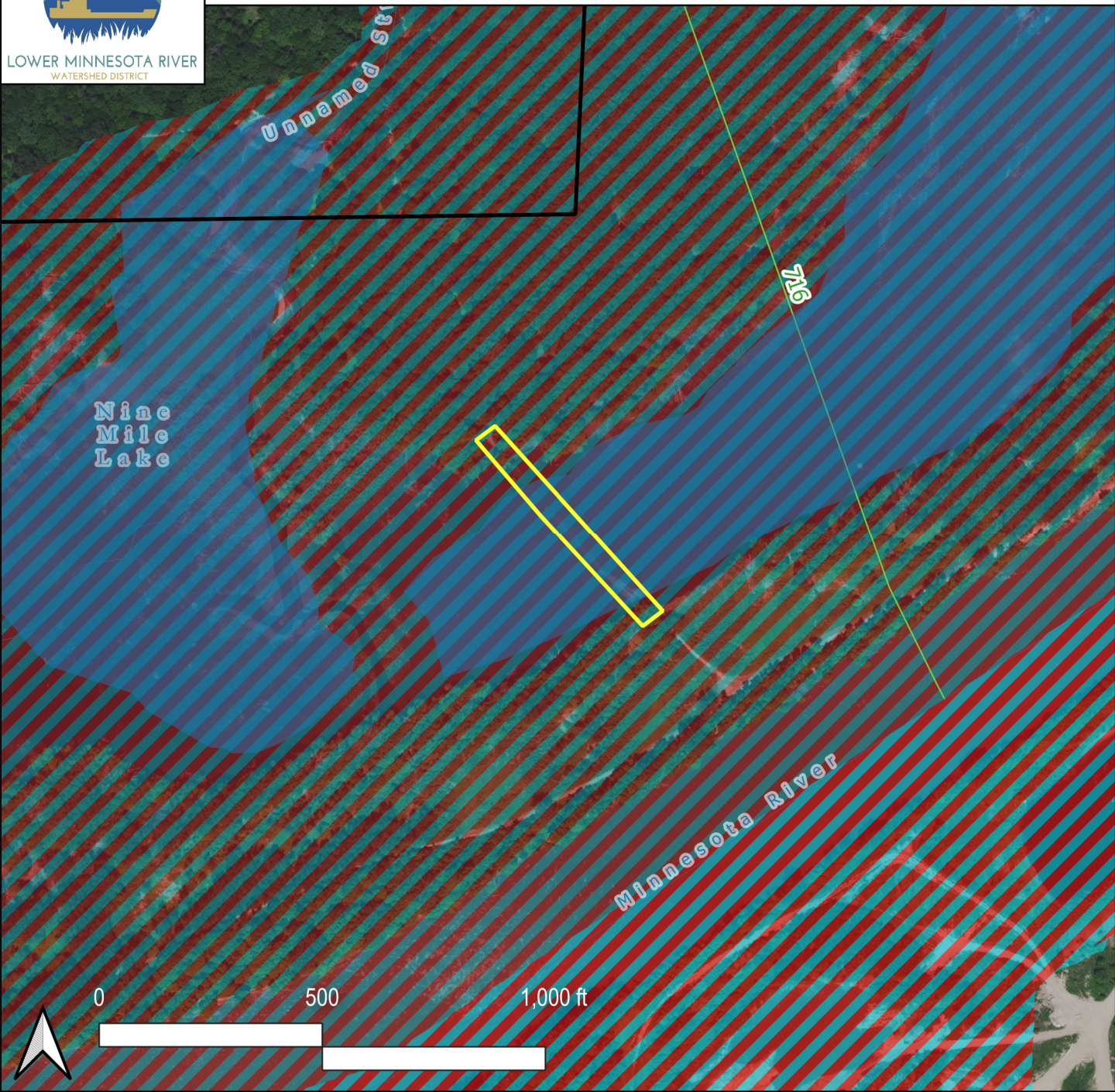
Although the project is located within the 100-year floodplain, because of the maintenance nature of the work, it is not expected to increase flood elevations or reduce flood storage capacity. The staff recommends approval of the Project.

Attachments

- Figure 1—Stump Road Maintenance Location Map
- Draft Permit



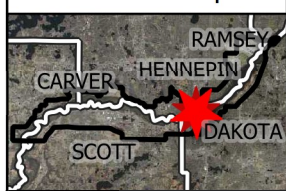
Figure I: Stump Road Maintenance Project Location



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|--|--------------------|--|-------------------------------|--|----------------------|
| | Project Location | | High Value Resource Area | | Floodway |
| | Stump Road | | Calcareous Fens | | Base Flood Elevation |
| | Public Waterways | | Trout Streams | | County Boundaries |
| | Public Waterbodies | | Steep Slopes Overlay District | | LMRWD Boundary |
| | | | 100-yr Floodplain | | |

LMRWD Watershed Location Map





Permit Number
2021-049

Individual Project Permit

Pursuant to Minnesota Statutes, Chapter 103B, 103D, and 103F consistent with the rules of the Lower Minnesota River Watershed District (LMRWD), and on the basis of statements and information contained in the permit application, plans and supporting information provided by the applicant, all of which are made part hereof by reference, **permission is hereby granted** to the applicant to perform actions as authorized below.

By granting this permit, the LMRWD does not direct the activity authorized herein or warrant the soundness of the applicant's design or methods in any respect. The LMRWD waives no immunity or protection applicable to itself, an officer, an agent or an employee pursuant to this approval.

Project Name		Project Location	
Stump Road Maintenance		11200 Humboldt Ave S	
Type of Development		City	County
Public Linear		Bloomington	Hennepin
Permittee/Property Owner's Name		Permittee Mailing Address	
City of Bloomington		1700 West 98 th Street, Bloomington, MN 55431	
Authorized Agent Name		Agent Email Address	Agent Phone Number
Steve Gurney, City of Bloomington		sgurney@bloomingtonmn.gov	952-563-4606
Purpose of Permit		Authorized Action(s)	
Public works street repair for emergency vehicle access.		Grading activities and culvert installation to restore Stump Road within the Minnesota River floodplain	
Affected Rule(s): Rule C—Floodplain and Drainage Alteration			
Board Approval		Expiration Date	Issued Date
November 17, 2021		November 17, 2022	
Authorized Issuer Name and Title		Email Address	Phone Number
Linda Loomis, LMRWD Administrator		permit@lowermnriverwd.org	(763) 545-4659

This permit is granted subject to the following **general conditions**:

NPDES Permit: Submit a copy of the NPDES construction stormwater general permit to the LMRWD before construction begins. All erosion and sediment control measures must be effectively installed and maintained according to LMRWD guidelines and MPCA NPDES Permit guidelines as laid out by current District Rules and Policies until all disturbed soils have been permanently stabilized.

Grading and excavating must not begin until the applicant has been noticed that a permit has been issued and required erosion control measures are in place. Working without a permit where required is in violation of LMRWD Rules and is a misdemeanor subject to penalty by law.

Applicable federal, state, or local regulations: The permittee is responsible for the action(s) of their representative, contractor and employees and compliance with all rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

Site access: In accepting this permit, the owner recognizes and agrees that LMRWD representatives may enter the site at reasonable times to inspect the activities authorized hereunder and compliance with the requirements of this permit, the LMRWD Rules and applicable statutes. This includes routine site inspections as well as inspections during or immediately following installation of best management practices, following storms/critical events, prior to seeding deadlines, for the purpose of permit closeout, or on report of issue or complaint. This right of access is in addition to the access authority of the LMRWD under existing law.

Completion date: Construction work authorized under this permit shall be completed on or before the date specified above. No construction is authorized beyond the expiration date. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the LMRWD, no later than two weeks before this permit expiration.

Written consent: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

Not assignable: This permit is not assignable nor transferable by the permittee except with the written consent of the LMRWD.

No changes: The permittee shall make no changes, without written permission or amendment previously obtained from the LMRWD, in the dimensions, capacity or location of any items of work authorized hereunder.

Permission only/no liability: This permit is permissive only. No liability shall be imposed by the LMRWD or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

Contractor responsibility: The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit.

Termination: This permit may be terminated by the LMRWD at any time deemed necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Date: November 8, 2021

Re: Minnesota River Greenway (LMRWD No. 2021-027)

Dakota County (Applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD or District) for the proposed Minnesota River Greenway Trail Project (Project) within Fort Snelling State Park, as shown in Figure 1. The applicant's engineer, Short Elliott Hendrickson, Inc., (SEH) has provided site plans for the Project along with the permit application.

The proposed Project consists of constructing a 3.3-mile trail that will connect two existing trailheads: Trunk Highway (TH) 77 (Cedar Avenue) Bridge in the City of Burnsville and County Highway 26 (Lone Oak Road) in the City of Eagan. The Greenway project is divided into two separate projects: the trail and boardwalk and the railroad bridge connection to the Lone Oak trailhead in Eagan. These projects will be permitted separately because the bridge project is not scheduled for construction until late 2022.

The trail project will disturb approximately 11.9 acres and create 4.1 acres of new impervious surfaces. The Project is located within the High Value Resource Area and Minnesota River floodplain, and the applicant proposes to commence construction in early Spring 2022.

Although the City of Eagan has its LMRWD municipal LGU permit, the City of Burnsville does not. Additionally, this Project has received federal funding, and the LMRWD is requiring an individual permit and is subject to an LMRWD permitting review because of the sensitive calcareous fens and trout streams in the area.

Summary

<u>Project Name:</u>	Minnesota River Greenway Trail
<u>Purpose:</u>	Recreational trail and boardwalk
<u>Project Size:</u>	11.9 acres disturbed; 0.0 acres existing impervious; 4.1 acres proposed impervious; net increase of 4.1 acres new impervious
<u>Location:</u>	Fort Snelling State Park, Eagan, MN 55111
<u>LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule C—Floodplain and Drainage Alteration
<u>Recommended Board Action:</u>	Conditional approval

Discussion

The District received the following documents for review:

- LMRWD permit application, received August 24, 2021
- Authorization of Agent form, received August 24, 2021
- Stormwater Management Summary by SEH; dated August 17, 2021; revised October 19, 2021; received October 19, 2021
- Project location sheet by MnDOT with no date; received August 17, 2021
- Preliminary plan sheets by SEH; dated August 17, 2021; revised October 18, 2021; received October 19, 2021
- Culvert Analysis Report by SEH; dated August 10, 2021; received August 17, 2021
- No-rise certification by SEH; dated July 12, 2021; received August 17, 2021
- Cedar Nicols Trailhead Restoration Plans by SRF; dated August 10, 2020; received August 17, 2021
- 95 percent plan sheets from SHE; dated October 18, 2021; received November 1, 2021

The application was deemed complete on November 1, 2021, and the documents received provide the minimum information necessary for permit review.

Background

This Project has been previously reviewed by LMRWD staff as part of public comment periods for an Environmental Assessment Worksheet (July 2021), Wetland Conservation Act reviews (August 2021), and Minnesota Department of Natural

Resources Public Waters Work Permit (September 2021).

Since these reviews, the applicant has refined the project design to reduce the amount of impervious surface constructed for the Project. The vast majority of the 4.1 acres of new impervious falls under the LMRWD Rule D trail exemption because the proposed trail width is 9.5 feet with six turnarounds and one plaza to be constructed. The total amount of new impervious outside of the trail exemption is 5,700 square feet—less than the 10,000 square foot trigger for stormwater management with HVRA under Rule D.

Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities that affect 10,000 square feet or more within the HVRA under Rule B. The proposed Project would disturb approximately 11.9 acres within the LMRWD boundary and approximately 18,600 square feet within the HVRA. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention Plan. Although the Project generally complies with Rule B, a copy of the NPDES permit and contact information for the contractor and person(s) responsible for inspection and maintenance of all sediment and erosion control features will be required before the final LMRWD permit can be issued.

Rule C—Floodplain and Drainage Alteration

As discussed, the project is located in the Minnesota River floodplain, shown on the Dakota County Flood Insurance Rate Map Panels 27037C0080E and 27037C0081E (effective December 2, 2011). The 100-year flood elevation ranges between 714.2 and 714.5 feet through the project area. The proposed trail has crown elevations that range between 700 and 718 feet, with most of the trail well below the 100-year flood elevation.

The Project proposes 50,000 cubic yards of fill within the floodplain and to utilize compensatory storage provided by the 2020 Cedar Trail Restoration project, for which the County removed a portion of the boat launch parking lot and created a 2,063 cubic yard wetland restoration site within the Minnesota River floodplain. The applicant has provided a no-rise certification by SEH, meeting the minimum requirements of Rule C.

The proposed trail will also cross Kennaley's Creek (a state-designated trout water) and pass near the Nicols Meadow and Gun Club Lake South calcareous fen complexes. The alignment of the trail has been adjusted to avoid the fen boundaries and to minimize other wetland impacts; it will also use the existing crossing over Kennaley's Creek rather than constructing a new bridge or culvert. To preserve the hydraulic connection on both sides of the proposed trail and the Minnesota River, seven boardwalks and 20 metal culverts will be constructed at low points to maintain the natural drainage patterns of the area. In general, the culverts have been designed to pass up to a 10-year design flow; however, two culverts are unable to pass even the two-year event and will overflow to the nearby crossing. Based on the information

provided, it is likely the trail will overtop following severe rain events, including the 10-year event in some locations.

Recommendations

Staff recommends conditional approval of the Project, pending the receipt of the following:

- Copy of the NPDES permit
- Contact information for the contractor
- Contact information for the person(s) responsible for the inspection and maintenance of all erosion and control features

Attachments

- Figure 1—Minnesota River Greenway Trail Project Location Map
















LOWER MINNESOTA RIVER
WATERSHED DISTRICT

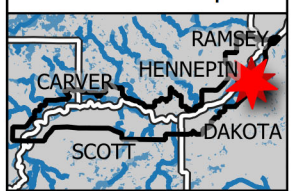
Figure 1: Minnesota River Greenway Trail Project Location



LEGEND

-  Project Location
-  MNR Greenway Trail
-  MNR Greenway Pedestrian Bridge
-  Public Waterways
-  Public Waters
-  High Value Resource Area
-  Steep Slopes Overlay District
-  Calcareous Fens
-  100-yr Floodplain
-  Floodway
-  Trout Streams
-  LMRWD Boundary
-  Fort Snelling State Park

LMRWD Watershed Location Map



Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Kaci Fisher, CMWP

Date: November 10, 2021

Re: Minnesota River Greenway Pedestrian Bridge Site Visit Summary

Dakota County and Bolton & Menk, Inc. previously applied for a Minnesota Wetland Conservation Act wetland delineation approval. The Minnesota Department of Natural Resources (MnDNR) is the local government unit for the Wetland Conservation Act and provided the Lower Minnesota River Watershed District (District or LMRWD) with the Notice of Application and wetland delineation report for review for the proposed Minnesota River Greenway Railroad Pedestrian Bridge project (see attached memo).

Prior to applying for the wetland replacement plan, the MnDNR requested Technical Evaluation Panel (TEP) representatives from the Board of Water and Soil Resources (BWSR); the City of Eagan; LMRWD, represented by Young Environmental Consulting Group (Young Environmental); Xcel Energy; and Dakota County's consultant (Bolton & Menk, Inc.) to meet on-site to review the 2020 wetland delineation and discuss fen and wetland avoidance. The proposed Minnesota River Greenway project is divided into two separate projects: the trail and boardwalk scheduled for spring 2022 construction and the railroad bridge connection to the Lone Oak trailhead in Eagan scheduled for construction in late 2022 or early 2023.

Summary

<u>Project Name:</u>	Minnesota River Greenway Pedestrian Bridge
<u>Purpose:</u>	Recreational trail and pedestrian bridge crossing
<u>Project Size:</u>	1.3 acres disturbed; 0 acres existing impervious;

0.39 acres proposed impervious

Location: West of Sibley Memorial Highway and Skyline Drive, Eagan, MN

LMRWD Rules: Rule B—Erosion and Sediment Control
Rule C—Floodplain and Drainage Alteration

Recommended Board Action: None, information only

Site Visit Summary

The TEP met on-site on October 12, 2021, to discuss the calcareous fen and wetland avoidance plan prior to Dakota County applying for the wetland replacement plan.

The TEP walked along the existing trail to the beginning of the proposed bridge project (see Figures 1 and 2) and walked along the proposed alignment to the end of the pedestrian bridge project, where it will connect with the Minnesota River Greenway trail (LMRWD No. 2021-027).

The proposed bridge will connect the proposed Minnesota River Greenway trail and the existing Minnesota River Greenway Oak Trailhead near Sibley Memorial Highway and Lone Oak Road by crossing over the Union Pacific railway. Dakota County considered other locations for this crossing, such as at 494; however, none were determined to be feasible. The low member of the proposed bridge will be at least 23-feet above the top of the rail (see Figure 2) and will come down to grade by use of an ADA-compliant helix structure (see Figure 3). The proposed bridge will be on pilings, and the MnDNR is concerned that the pilings could puncture the restrictive layer, causing upwelling of the groundwater at the bridge and dewatering of Gun Club Lake South fen. The County has completed soil borings to a depth of 70-feet and did not encounter groundwater, so it is hopeful that the project will avoid groundwater impacts to the fens. To avoid impacts to the existing calcareous fens and wetlands, the design has been kept as close as possible to the railroad and trailhead. The MnDNR has requested a fen management plan be developed because the County will need to demonstrate that no direct or indirect impacts will occur to Gun Club Lake South fen.

Because of changes in the proposed design, Bolton & Menk, Inc. will be updating the original 2013 fen delineation as well as refreshing the 2020 wetland delineation in spring 2022.

Finally, Xcel Energy was present to discuss its upcoming structure replacement projects (see Figure 4) and the impact they will have on trail design and construction.

Other Findings

An additional review that Young Environmental completed determined that the project area is within the 100-year floodway as well as within the District's High Value Resource Area overlay district. An individual project permit from the District will be required before construction.

Recommendations

No Board action is required at this time. The County must obtain an LMRWD Individual Project Permit before the start of construction activities per the applicable District rules.

Attachments

- September 4, 2020, Minnesota River Greenway Pedestrian Bridge Memo

Figure 1. Minnesota River Greenway Pedestrian Bridge project location map.



Figure 2. Looking northeast at the Union Pacific railway and wetland from the existing trail approximately where the proposed bridge will cross the railway.



Figure 3. Proposed location for bridge helix; pink stakes mark the proposed footings.



Figure 4. Looking northeast at the Xcel Energy overhead power lines and towers that will be replaced.





Young Environmental Consulting
Group, LLC

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Madison Jeseritz, QCIS
Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: September 4, 2020

Re: Minnesota River Greenway Pedestrian Bridge—Notice of Application

Dakota County and Bolton & Menk, Inc. have applied for a Minnesota Wetland Conservation Act wetland delineation with the Minnesota Board of Water and Soil Resources (BWSR). The Minnesota Department of Natural Resources (MnDNR) Parks & Trails Division is the local government unit for the Wetland Conservation Act (WCA) and has provided the Lower Minnesota River Watershed District (District or LMRWD) with the Notice of Application and wetland delineation report for review for the proposed Minnesota River Greenway Pedestrian Bridge.

The Technical Evaluation Panel (TEP) representatives from BWSR, the Scott County Soil and Water Conservation District (SWCD), MnDNR, LMRWD (represented by the district administrator and Young Environmental Consulting Group [Young Environmental]), and Bolton & Menk, Inc. met on-site on August 27, 2020, to review the wetland delineation report conclusions completed on July 7, 2020, by Bolton & Menk, Inc. Dakota County and Bolton & Menk, Inc. have been in discussion with the District regarding the upcoming Minnesota River Greenway Pedestrian Bridge project but have not yet applied for an Individual Project Permit from the District. As detailed in the wetland delineation report, Bolton & Menk, Inc. performed a field investigation to identify any boundary changes or new natural resources as well as reassess the 2013 delineations. Bolton & Menk, Inc. reviewed three sample points in the field and found the hydrology of the study area to be similar to 2013.

Summary

<u>Project Name:</u>	Minnesota River Greenway Pedestrian Bridge
<u>Purpose:</u>	WCA Notice of Application
<u>Project Size:</u>	7.72 acres
<u>Location:</u>	North of the MN River Greenway Trailhead, south side of the MN River, between MN Trunk Highway (TH) 77 and Interstate 494
<u>Recommended Board Action:</u>	None, information only

Wetland Delineation Report Summary

The original delineation was performed in 2013; in 2020, Bolton & Menk, Inc. completed a delineation to determine potential wetland locations on the property for any changes to the 2013 delineation boundary as well as any new aquatic resources. Four wetlands and one tributary stream were found to exist.

The District manages stormwater runoff into calcareous fens through the implementation of the high value resource area overlay district, and the proposed project encroaches upon the Gun Club Lake South Fen high value resource area. In 1993, the report by Midwest Natural Resources identified calcareous fens along the study corridor. In the 2013 field investigation, one calcareous fen was found, which is 1,500 feet north of the 2020 proposed Project.

Site Visit Findings

The TEP Committee met on-site with Bolton & Menk, Inc. on August 27, 2020, to verify the conclusions from the report in the field.

- Sample point 1 (Wetland 12) was reviewed in the field (**Figure 1**); however, it was preapproved, and no activity has been proposed here. The MnDNR questioned whether the proposed activity would affect Wetland 12. No answer was provided. However, Bolton & Menk, Inc. will research and incorporate the response in the upcoming environmental assessment worksheet.
- Sample point 2 (Wetland 13) has groundwater seepage, causing pools and floods across the trail (Figure 2).
- Sample point 3 (Wetland 10) reviewed in the field is a Type 7 woody swamp (Figure 3).
- Bolton & Menk, Inc. will complete a hydrologic study to prevent impacts to the project area and surrounding locations, and they will also be working on a fen

avoidance plan.

- The bridge and certain aspects of the project will impact floodplain areas. However, it is unclear how piling would impact the project. A no-rise evaluation for floodplain impacts will be completed by another party.

Figure 1. Sample Point 1 Location (August 27, 2020)



Figure 2. Sample Point 2 Location (August 27, 2020)



Figure 3. Sample Point 3 Location (August 27, 2020)



Recommendations

No Board action is required at this time.

Technical Memorandum

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

From: Rebecca Haug, Senior Water Resources Scientist
Della Schall Young, PMP, CPESC

Date: November 12, 2021

Re: LMRWD—City of Shakopee Municipal Local Government Unit (LGU)
Permit (Surface Water Management Plan and Ordinance Controls Review)

On October 29, 2021, Kirby Templin, the City of Shakopee’s Water Resource—Environmental Engineer, applied for the Lower Minnesota River Watershed District’s (District or LMRWD) general municipal LGU permit (general permit). The documents attached to the permit application were the City of Shakopee (the City) Design Criteria and 151.007 Bluff Ordinance (Section J). Additionally, Steve Lillehaug, the City’s Engineer and Public Works Director, provided a copy of an October 19, 2021, memo to the City Council summarizing changes made to City Codes 151.007(J) and 151.110 and the Design Criteria for Chapter 151. A summary of Young Environmental Consulting Group’s (Young Environmental) review and recommendation are provided below.

Discussion

On September 8, 2020, the City asked LMRWD for help verifying and recommending updates to the official controls to bring them into compliance with its rules. As authorized by the LMRWD’s managers, Young Environmental reviewed applicable City codes and provided the recommendations documented in the attached December 14, 2020, memo titled “City of Shakopee Official Controls Review.” Below is a summary of the comments to the City and the District’s analysis of their response.

Erosion and Sediment Control

Comment to the City from the December 2020 memo:

The City’s Design Criteria, Section 3.3.A–D, sets erosion control measures only for residential, multifamily, commercial, and industrial zones. Although the District provides exemptions for agricultural lands and activities, it does

not exempt all development in rural and agricultural districts. Please clarify how the Design Criteria should apply outside the specified zoning districts.

Analysis of 2021 Submittal:

The City's Design Criteria is consistent with the District's requirements. No additional action is required.

Comment to the City from the December 2020 memo:

The City's official controls do not entirely address the LMRWD high value resource area (HVRA) requirements. The Design Criteria requires erosion control for activities that excavate or fill 50 cubic yards or more, but the surface area disturbance threshold is 10,000 square feet, whereas the District's threshold of 5,000 feet is more stringent.

Analysis of 2021 Submittal:

Because only small portions (adjacent to Eagle Creek and Quarry Lake) of the City are within the LMRWD's HVRA overlay district, it has opted not to revise its official controls. The LMRWD will retain permitting authority within the HVRA overlay district.

Floodplain and Drainage Alteration

Comments to the City from the December 2020 memo:

- Rule C prohibits the placement of fill below the 100-year flood elevation unless a professional engineer provides documentation that the fill would not result in an increase the 100-year flood elevation of the waterbody. This requirement includes flood fringe districts, and Chapter 151.089 of the SCC must be updated to include this provision.
- The District requires that "no person shall install or remove a culvert or artificial means to remove or drain a surface water, create artificial pond areas, or obstruct the natural flows of waters without demonstrating that the activity has no adverse impact on upstream or downstream landowners or water quality, habitat, or fisheries." This requirement for public water bodies is addressed at the federal level by a Federal Emergency Management Agency (FEMA) Flood Insurance Study and at the state level, but it is not addressed at the local level in the City's official controls.

Analysis of 2021 Submittal:

On January 19, 2021, the City adopted an updated floodplain ordinance which is in compliance with the FEMA regulations and the National Flood Insurance Program. LMRWD is more stringent than FEMA, creating an inconsistency with Rule C. The City intends to keep its official controls consistent with FEMA, and, as such, the District will retain permitting

authority for this rule.

Stormwater Management

Comment to the City from the December 2020 memo:

The City's official controls do not include a reference to the District's HVRA overlay district and its different requirements for rate control, volume reduction, water quality, buffer, and temperature control. Although the Design Criteria, Section 4.3.R.6, adopts the District's minimum infiltration requirements, it appears to apply only to infiltration BMPs. This discrepancy must be addressed to issue the City a municipal permit.

Analysis of 2021 Submittal:

As with the Erosion Control Rule, the City has opted not to revise its official controls, and the LMRWD will retain permitting authority within the HVRA overlay district.

Steep Slopes

Comments to the City from the December 2020 memo:

- The District requires the preservation of existing drainage patterns and prohibits land-disturbing activities that create new water discharge points on steep slopes or along the bluff.
- The District prohibits construction of stormwater ponds, swales, and infiltration basins in addition to other projects involving soil saturation, such as sewage treatment systems.

Analysis of 2021 Submittal:

The City modified City Codes 151.110 and 115.007 J., to comply with the LMRWD Rule F—Steep Slopes. No additional action required.

Recommendation

It is recommended that the LMRWD issue a municipal LGU permit to the City of Shakopee to partially administer Rule B—Erosion and Sediment Control and Rule D—Stormwater Management and fully administer Rule F—Steep Slopes. The District will continue to permit activities triggering Rule C—Floodplain and Drainage Alteration.

Technical Memorandum

To: Jen Desrude, City Engineer
City of Burnsville

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

Date: November 10, 2021

Re: Burnsville I-35W Trail Project—Floodplain Conditional Use Permit Review

The City of Burnsville (City) contacted the Lower Minnesota River Watershed District (LMRWD) to review their application for a Conditional Use Permit (CUP) to allow for grading, filling, and utility work that would elevate an existing pedestrian trail out of the Minnesota River floodplain at the I-35W Minnesota River Bridge (see Figure 1).

The proposed project will consist of the construction of approximately 1,700 feet of a new 10-foot-wide trail immediately adjacent to the new I-35W offramp but at a higher elevation than the existing trail. The existing trail will be removed and the area restored with topsoil and native seeding. The project will disturb approximately 2.5 acres and create 0.39 acres of new impervious surfaces. The project is also located within the Black Dog Lake Fen complex High Value Resources Area (HVRA) and 100-year floodplain.

In response to the City's request, Young Environmental Consulting Group completed an initial review of the proposed project with the corresponding recommendation.

Summary

<u>Project Name:</u>	I-35W Pedestrian Trail
<u>Purpose:</u>	Recreational trail
<u>Project Size:</u>	2.5 acres disturbed; 0.39 acres existing impervious; 0.39 acres proposed impervious; assumed no net increase of impervious surfaces
<u>Location:</u>	I-35W and Black Dog Road W, Burnsville, MN
<u>LMRWD Rules:</u>	Rule B—Erosion and Sediment Control

Rule C—Floodplain and Drainage Alteration

Recommended Board Action: None, information only

Discussion

The District received the following documents for review:

- Xcel Energy Blackdog Plant Property Survey, dated November 16, 2009, received October 27, 2021
- City of Burnsville 2021 Development Application, dated October 14, 2021, received October 27, 2021
- Project Narrative, received October 27, 2021
- Routing Memo, dated and received October 27, 2021
- State Project 179-090-006 60 Percent Plans by SEH, dated October 7, 2021, received October 27, 2021
- Xcel Energy Title Insurance Policy, dated June 19, 2009, received October 27, 2021

Rule B—Erosion and Sediment Control

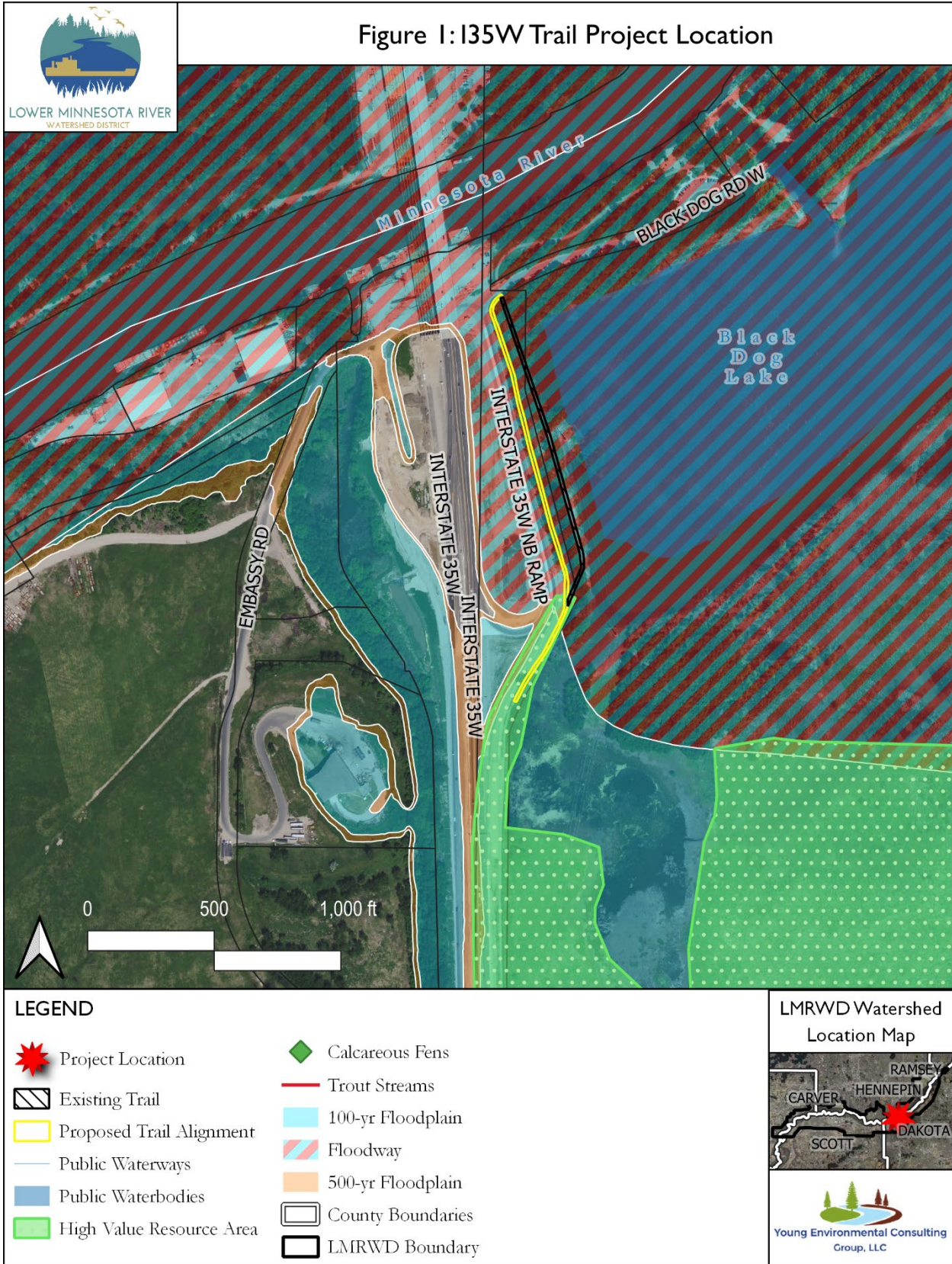
The District regulates land-disturbing activities that affect 5,000 square feet or more within the HVRA and one acre or more in the general district under Rule B. The proposed Project would disturb approximately 2.5 acres within the LMRWD boundary and approximately 7,000 square feet within the HVRA, triggering the requirements under Rule B.

Rule C—Floodplain and Drainage Alteration

The project is located in the Minnesota River floodway and floodplain, shown on the Dakota County Flood Insurance Rate Map Panel 27037C0070E (effective December 2, 2011). The 100-year flood elevation is 715.1 feet through the project area. The proposed trail has crown elevations that range between 702 and 711 feet, all below the 100-year flood elevation. The proposed fill associated with the trail triggers the requirements under Rule C, and the City must submit a no-rise certification that demonstrates that no change in flood surface elevations will result from the project.

Recommendations

No Board action is required at this time. The City must obtain an LMRWD Individual Project Permit before the start of construction activities for the applicable District rules (i.e., Rule B—Erosion and Sediment Control and Rule C—Floodplain and Drainage Alteration) until such time as the City of Burnsville receives its municipal permit from the District.



Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Kaci Fisher, CMWP

Date: November 10, 2021

Re: I-35W Trail Wetland Conservation Act (WCA) Site Visit Summary

The City of Burnsville has applied for a Minnesota Wetland Conservation Act wetland delineation approval. The City of Burnsville (City) is the local government unit for the Wetland Conservation Act (WCA) and provided the Lower Minnesota River Watershed District (District or LMRWD) with the Notice of Application for review for the proposed I-35W Trail project.

The Technical Evaluation Panel (TEP) representatives from the Board of Water and Soil Resources (BWSR); the City of Burnsville; the LMRWD, represented by Young Environmental Consulting Group (Young Environmental); and the applicant's consultant (SEH) met on-site on October 7, 2021, to review the wetland delineation by SEH. The I-35W Trail project was previously discussed with the LMRWD when the City applied for grant funding from the District. It is anticipated that the trail project will go out for bid in spring/summer 2022 and will be constructed in summer/fall 2022.

The wetland delineation report was not provided; the following summarizes the site visit conclusions only.

Summary

<u>Project Name:</u>	I-35W Pedestrian Trail
<u>Purpose:</u>	Recreational trail
<u>Project Size:</u>	2.5 acres disturbed; 0.39 acres existing impervious;

0.39 acres proposed impervious; assumed no net increase of impervious surfaces

Location: I-35W and Black Dog Road W, Burnsville, MN

LMRWD Rules: Rule B—Erosion and Sediment Control
Rule C—Floodplain and Drainage Alteration

Recommended Board Action: None, information only

Site Visit Summary

The TEP met on site with SEH and BWSR on October 7, 2021, to verify the conclusions from the wetland delineation in the field. The wetland delineation report has not been provided to the LMRWD.

The TEP and SEH walked along the existing trail to the beginning of the project (see Figures 1 and 2) and walked north to the end of the trail at Black Dog Road. The TEP did not have any concerns with the delineations as presented, which identified a wetland to the east of the existing trail and Black Dog Lake as well as a depressional wetland between the I-35W offramp and the existing trail (see Figure 2). The TEP accepted the delineations as presented and did not request any modifications to the boundaries or report.

Other Findings

An additional review completed by Young Environmental determined that the project area is within the 100-year floodway and floodplain and within the District's High Value Resource Area overlay district. An individual project permit from the District will be required before construction.

Recommendations

No Board action is required at this time. The City must obtain an LMRWD Individual Project Permit before the start of construction activities for the applicable District rules until such time as the City of Burnsville receives their municipal permit from the District.

Figure 1. I-35W Trail project map

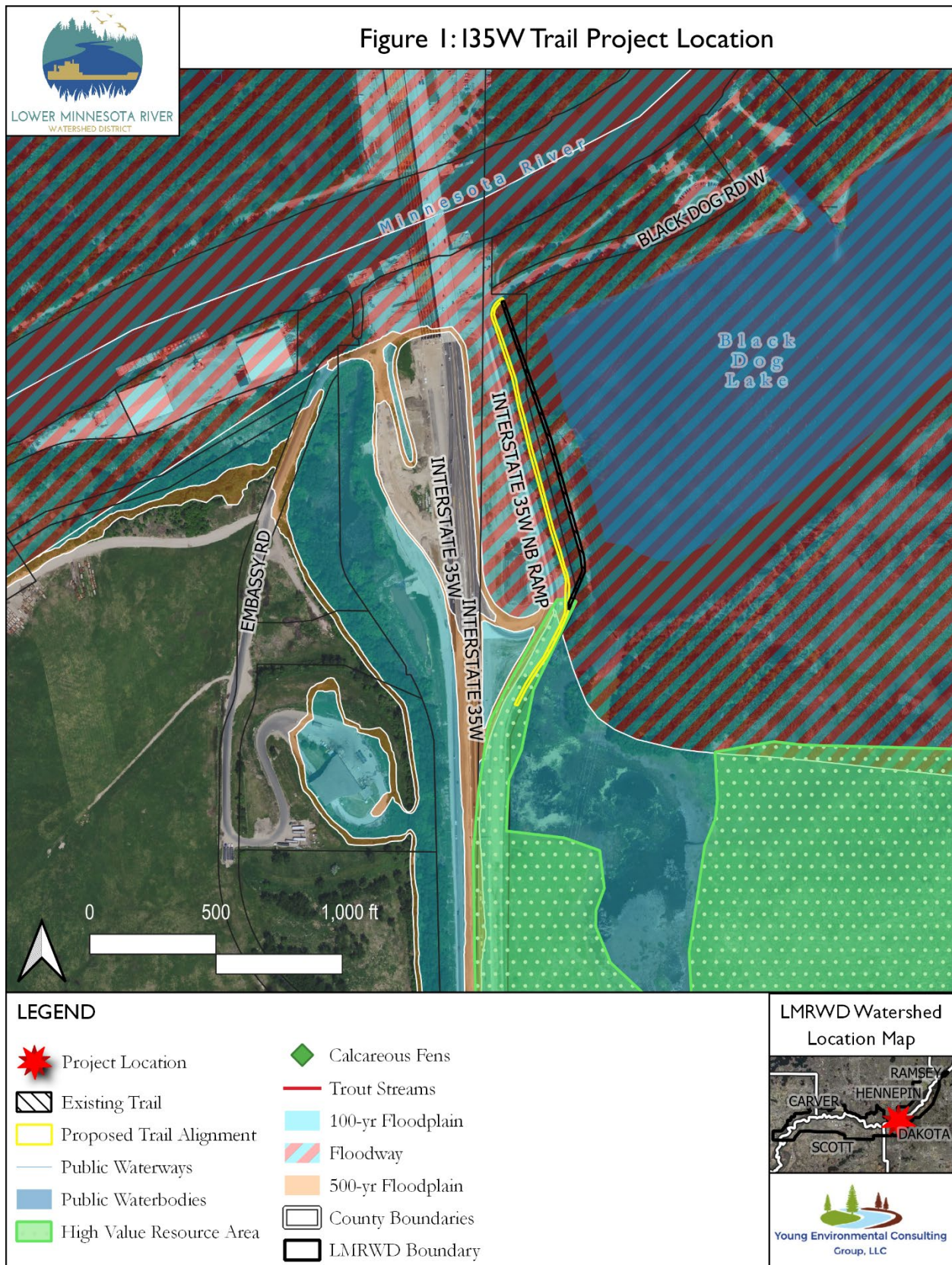


Figure 2. Looking north at the existing trail and I-35W embankment.



Figure 3. Looking south at the wetland between the existing trail and I-35W offramp.

