



Please note the meeting will be held in person at the Carver County Government Center on the Wednesday, November 17, 2021. The meeting will also be available virtually.

LOWER MINNESOTA RIVER WATERSHED DISTRICT

Lower Minnesota River Watershed District

7:00 PM

Wednesday November 17, 2021

Carver County Government Center

602 East Fourth Street, Chaska, MN 55318

Agenda Item	Discussion
1. Call to order	A. Roll Call
2. Approval of agenda	
3. Citizen Forum	<i>Citizens may address the Board of Managers about any item not contained on the regular agenda. A maximum of 15 minutes is allowed for the Forum. If the full 15 So are not needed for the Forum, the Board will continue with the agenda. The Board will take no official action on items discussed at the Forum, with the exception of referral to staff or a Board Committee for a recommendation to be brought back to the Board for discussion or action at a future meeting.</i>
4. Consent Agenda	<p><i>All items listed under the consent agenda are considered to be routine by the Board of Managers and will be enacted by one motion and an affirmative vote of a majority of the members present. There will be no separate discussion of these items unless a Board Member or citizen request, in which event, the items will be removed from the consent agenda and considered as a separate item in its normal sequence on the agenda.</i></p> <p>A. Approve Minutes October 20, 2021 Regular Meeting</p> <p>B. Receive and file October 2021 Financial reports (monthly reports have not been received)</p> <p>C. Approval of Invoices for payment</p> <p> i. Monthly reports have not been received</p> <p>D. Receive and file September 2021 Citizens Advisory Committee meeting minutes</p> <p>E. Authorize addendum to Recording Secretary Service Agreement with TimeSaver Off Site Secretarial, Inc.</p>
5. New Business/ Presentations	A. Election of Officers
6. Old Business	<p>A. Burnsville Willow Creek Ravine Stabilization</p> <p>B. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail - no new information to report</p> <p>C. City of Carver Levee – no new information to report</p> <p>D. Dredge Management</p> <p> i. Vernon Avenue Dredge Material Management site</p>

	<ul style="list-style-type: none"> ii. Private Dredge Material Placement E. Watershed Management Plan F. 2022 Legislative Action G. Education & Outreach H. LMRWD Projects - See Administrator Report for project updates <i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i> <ul style="list-style-type: none"> i. Area #3 Eden Prairie I. Permits and Project Reviews - See Administrator Report for project updates <i>(only projects that require Board action will appear on the agenda. Informational updates will appear on the Administrator Report)</i> <ul style="list-style-type: none"> i. Triple Crown Residences Phase II (LMRWD No. 2021-045) ii. 2021 Safety and Security Center Phase I (LMRWD No. 2021-022) iii. Stump Road Maintenance (LMRWD No.2021-049) iv. Minnesota River Greenway (LMRWD No. 2021-027) v. City of Shakopee Municipal Local Government Unit Permit vi. Burnsville I 35W Trail J. MPCA Soil Reference Values - No new information since last update
7. Communications	<ul style="list-style-type: none"> A. Administrator Report B. President C. Managers D. Committees E. Legal Counsel F. Engineer
8. Adjourn	Next meeting of the LMRWD Board of Managers is 7:00pm Wednesday, December 15, 2021.

Upcoming meetings/Events

- UMWA monthly meeting – Thursday, November 18, 2021, 12:30pm to 1:30pm Lilydale Pool & Yacht Club and virtual, please contact District Administrator to attend
- [MAWD Annual Conference](#) – December 1-3, 2021
- US Army Corps of Engineers River Resource Forum – Tuesday, December 7, 2021, please contact District Administrator to attend

For Information Only

- **WCA Notices**
 - Notice of Decision – City of Shakopee – Hansen Avenue & Maras Street Utility Extension
 - Notice of Application - City of Chanhassen – RSI Marine (northwest corner of TH 101 & CSAH 61/Flying Cloud Drive
 - City of Chanhassen – CSAH 101 – Permit issued
 - Notice of Application – City of Shakopee – PLOC Segment 5a
 - Notice of Decision – Dakota County – MN River Greenway – Fort Snelling State Park Trail Segment
 - Notice of Application – City of Savage – MN Mash Baseball Complex
- **DNR Public Waters Work permits**
 - City of Shakopee – Quarry Lake Outlet project
 - City of Shakopee – Whispering Waters – Amended permit to change size of culverts
 - City of Shakopee – Shakopee Mdewakanton Sioux Community – Preliminary Well Construction Assessment

- **DNR Water Appropriation permits**

- City of Burnsville – Cemstone, water appropriation for non-metallic processing (to mix concrete) at Kraemer Quarry – Request for Comments
- City of Savage – 126th Street repair of watermain – Request for Comments and Permit issued -temporary water appropriation
- City of Chanhassen – CSAH 101 – Request for Comments and Permit issued – temporary water appropriation for installation of manhole



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes of Regular Meeting

Board of Managers

Wednesday, October 20, 2021

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

Approved _____

1. CALL TO ORDER AND ROLL CALL

On Wednesday, October 20, 2021, at 7:00 PM CDT, in the Board Room of the Carver County Government Center, 602 East 4th Street, Chaska, Minnesota, President Hartmann called to order the meeting of the Board of Managers of the Lower Minnesota River Watershed District (LMRWD).

President Hartmann asked for roll call to be taken. The following Managers were present: President Jesse Hartmann, and Manager Patricia Mraz. Manager David Raby joined the meeting virtually. Manager Laura Amundson joined virtually at 7:30 PM, although Manager Amundson could be seen, she could not be heard. Manager Lauren Salvato was absent. In addition, the following joined the meeting: Linda Loomis, Naiad Consulting, LLC, LMRWD Administrator; and John Kolb, Rinke Noonan, LMRWD Legal Counsel. Della Schall Young, Young Environmental Consulting Group, LLC, LMRWD Technical Consultant; Lindsey Albright, Dakota County Soil & Water Conservation District, Wayne Sicora, Principal Engineer, ERM; and Thomas Haider, Jr., CenterPoint Energy, all joined virtually.

2. APPROVAL OF THE AGENDA

Administrator Loomis stated that she had no revisions or additions to the agenda.

Manager Raby made a motion to approve the agenda as presented. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz and Raby; the following voted against: None.

3. CITIZEN FORUM

Administrator Loomis reported that she had not received communication from anyone that wished to address the Board.

4. CONSENT AGENDA

President Hartmann introduced the item. Administrator Loomis said she had no changes or addition to the consent agenda.

- A. Approve Minutes September 15, 2021, Regular Meeting
- B. Receive and file August and September 2021 Financial reports
- C. Approval of Invoices for payment
 - i. Frenette Legislative Advisors - July 2021 legislative services
 - ii. Manager Hartmann – first half 2021 per diem & expense reimbursement
 - iii. Manager Salvato - first half 2021 per diem & expense reimbursement

- iv. US Bank Equipment Finance – Copier lease payment
- v. Daniel Hron – August 2021 office rent
- vi. Manager Raby – first half 2021 per diem & expense reimbursement
- vii. Rinke Noonan Attorneys at Law - June 2021 legal services
- viii. The Horton Group, Inc. – 2021/2022 Directors & Officers Insurance
- ix. HDR Engineering, Inc. – website maintenance
- x. Young Environmental Consulting Group, LLC - June 2021 technical and Education & Outreach services
- xi. Dakota County Soil & Water Conservation District – Q2 2021 monitoring & education services
- xii. Naiad Consulting, LLC – April 2021 Administrative services & expense reimbursement
- xiii. Young Environmental Consulting Group, LLC – May education & outreach services
- xiv. Metro Sales - payment on copier maintenance agreement
- xv. Rinke Noonan, Attorneys at Law - July general legal services
- xvi. US Bank Equipment Finance - Copier lease payment
- xvii. Frenette Legislative Advisors - August legislative services
- xviii. Daniel Hron - September office rent
- xix. Scott County Soil & Water Conservation District - Q2 2021 monitoring, education & technical service
- xx. Western National Insurance - Annual liability insurance premium
- xxi. Freshwater - Payment for Nonyphenol & Sedimentation History in Riverine Lakes
- xxii. Inter-Fluve, Inc. - second payment for Area #3 evaluation & investigation
- xxiii. Manager Mraz - first half 2021 per diem & expense reimbursement
- xxiv. TimeSaver Off Site Secretarial - Preparation of July 2021 meeting minutes
- xxv. TimeSaver Off Site Secretarial - Preparation of August 2021 meeting minutes
- xxvi. Carver County Finance Department - Q3 2021 financial services expense

Manager Raby noted on the meeting Minutes for September 15, 2021, starts by saying it is the meeting of “August.” He cannot remember if John was present at the September meeting. It was clarified that John Kolb was not present in September but was present in August.

Manager Raby made a motion to approve the Consent Agenda with the change to the meeting Minutes. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.

5. NEW BUSINESS

A. Election of Officers

The Board discussed postponing the election of officers until the November 2021 meeting when all Members are present.

Attorney Kolb suggested that Managers look at the memo and if there is a position that they would individually be willing to fill, that they let Administrator Loomis know.

President Hartmann made a motion to table the Election of Officers until the November 17, 2021, meeting of the Board of Managers. The motion was seconded by Manager Raby. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.

6. OLD BUSINESS

A. Burnsville Willow Creek Ravine Stabilization

No new information to report.

B. Cost Share Application - S. Mueller, 10745 Lyndale Bluffs Trail

No new information to report since last update.

C. City of Carver Levee

No new information to report since last update.

D. Remote meeting participation

No new information to report since last update.

E. Dredge Management

i. Vernon Avenue Dredge Material Management site

No new information to report other than what was reported in the Executive Summary.

ii. Private Dredge Material Placement

Administrator Loomis advised the Board that all payments for 2020 placement of private dredge material has been received.

F. Watershed Management Plan

No new information to report since last update.

G. 2022 Legislative Action

No new information to report since last update.

H. Education and Outreach Plan

i. Signage

Administrator Loomis clarified they put out an RFP for developing signage for the district including design and fabrication. In the memo from Young Environmental the request went out to eight firms and they received two proposals. After review, Staff recommends going with Studio Lola.

Ms. Schall Young clarified when they see a difference in price of that magnitude, they want to make sure the bids and quality of work will be comparable. They went out and talked with others who had worked with Studio Lola and did not find any anomalies in their performance. They received very good feedback from the two Watershed Districts that Studio Lola has previously worked with.

Manager Raby made a motion to accept the bid from Studio Lola. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.

President Hartmann made a side-note that the tour they took on Saturday was awesome.

Administrator Loomis thanked President Hartmann and mentioned the Citizen Advisory Committee went on a boat tour the following Tuesday.

I. LMRWD Projects

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

No projects require action this month – See Administrator Report for project updates.

J. Project/Plan Reviews

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

i. CSAH 61 Drainage Improvements (LMRWD Permit 2021-002)

Administrator Loomis noted this project came from Carver County and the project will change the drainage downstream of the box culvert that goes under Flying Cloud Drive so sediment will not collect there to the same degree as it currently does. The County wants to restore the creek to a more natural and historical meander. Staff reviewed the project and recommends approval of the project. Staff would also like direction from the Board to discuss opportunities to address larger erosion issues upstream with the City of Chanhassen, the City of Eden Prairie, and Carver County.

President Hartmann made a motion to approve a permit for CSAH 61 Drainage Improvements (LMRWD Permit 2021-002) and direct staff to discuss opportunities to address larger erosion issues upstream. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.

ii. **TH 13 & Lone Oak Signal Improvements (LMRWD Permit 2021-042)**

Administrator Loomis noted MnDOT is planning improvements to the intersection, to accommodate increased pedestrian traffic expected because of the trailhead on the north side of TH 13. Staff has reviewed the project and recommends approval.

Ms. Young noted the project is below the threshold that would trigger the need for a permit. It is before the Board because the project is within a High Value Resource Area, hence the absence of a requirement for receipt of an NPDES permit

Manager Raby made a motion approve a permit for TH 13 & Lone Oak Signal Improvements (LMRWD Permit 2021-042) without condition. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.

iii. **Burnsville Cemetery (LMRWD Permit 2021-007)**

Administrator Loomis stated this is for an expansion of a Cemetery located just north of Trunk Highway 101 [sic] (It is TH 13). Staff has worked with the City and recommends approval conditional upon receipt of the NPDES permit, the contact information for the contractor, and the name and contact information for the person responsible for inspection and maintenance of all erosion and sediment control features.

President Hartmann asked where on the property the actual expansion will be located.

Administrator Loomis believes it is somewhat to the north and to the east on the site. Ms. Young stated Administrator Loomis was correct. She noted the area in red was removed from consideration.

Manager Mraz made a motion to conditionally approve a permit for Burnsville Cemetery (LMRWD No. 2021-007) pending receipt of NPDES permit, contact information for contractor and name and contact information of person(s) responsible for inspection and maintenance of all erosion and sediment control features. The motion was seconded by President Hartmann. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.

iv. **Quarry Lake Outlet (LMRWD Permit 2021-014)**

Administrator Loomis noted this is one of three projects the City of Shakopee is doing at the Quarry Lake Park. Quarry lake is naturally landlocked. Because there is no outlet on the lake, in 2019 there was quite a bit of damage to the lakeshore due to erosion; at the time they received DNR permission to pump water out of the lake. The City is now

proposing to put an outlet to Quarry Lake so during periods of high water they can divert excess water to the Prior Lake Outlet Channel. The City has worked with the LMRWD and the DNR to ensure that adding an outlet to the lake will not introduce invasive species to the lake.

President Hartmann noted this is a dedicated trout lake and asked if the DNR handles stocked trout lakes and naturally occurring trout streams differently.

Ms. Schall Young does not know and noted this lake is a bit of an anomaly as it is not dedicated a public water and does not have protections of public waters under the DNR purview. It is classified trout water and Staff is working to understand the occurrence interval for stocking. Staff recommends approval with conditions as the projects triggers Rules B and C. She noted that if the City should find that additional dewatering needs to be done at this lake in the future that the City share its dewatering plan with the LMRWD.

Mr. Kolb noted the DNR does not manage stocked versus naturally occurring trout waters any differently. President Hartmann mentioned the reason he asks is because with an outlet the trout have the ability to leave Quarry lake and could potentially reach upstream water bodies.

President Hartmann made a motion to conditionally approve a permit for Quarry Lake Outlet (LMRWD permit No 2021-014) pending receipt of NPDES Permit and contact information for contractor and name and contact information of person(s) responsible for inspection and maintenance of erosion and sediment control features. The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.

v. Dakota LP (LMRWD Permit 2021-046)

Administrator Loomis stated this is an improvement for a natural gas pipeline with an open cut. Ms. Schall Young and her staff expedited review of the project because of the weather and natural gas is considered an essential service.

Ms. Schall Young noted the primary reason it is being presented to the Managers for approval is because it is entirely within the high-value resources area and intersects some of the steep slope overlay district. It is triggering Rules B (Erosion and Sediment Control) and F (Steep Slopes Rule). Staff recommends approval without conditions.

President Hartmann asked if the route of the pipeline could be located for him on a map. Mr. Thomas Haider of CenterPoint pointed out the extent of the pipeline.

Manager Raby made a motion to approve a permit for Dakota LP (LMRWD Permit 2021-046). The motion was seconded by Manager Mraz. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.

K. MPCA Soil Reference Values - no change since last update

7. COMMUNICATIONS

- A. Administrator Report:** Administrator Loomis sent the report the previous day and does not have anything to add. She noted that she sat in on the Metro MAWD meeting the previous evening. Most discussion was on the Watershed-based funding; Ms. Loomis read the recommendation that the BWSR Board is considering how to allocate the Watershed-based funding money. She reminded the Board that the LMRWD weighed in on this issue earlier this year to ask that certain items in the MAWD recommendation be clarified.

LOWER MINNESOTA RIVER WATERSHED DISTRICT
BOARD OF MANAGERS
WEDNESDAY, October 20, 2021
MEETING MINUTES

- B. President:** No report
- C. Managers:** No report
- D. Committees:** No report
- E. Legal Counsel:** No report
- F. Engineer:** No report

8. ADJOURN

At 7:39 PM, Central Daylight Time, President Hartmann made a motion to adjourn the meeting. Manager Raby seconded the motion. Upon a vote being taken the following voted in favor of the motion: Hartmann, Mraz, and Raby; the following voted against: None.

The next meeting of the LMRWD Board of Managers meeting will be 7:00 PM, Central Standard Time, Wednesday, November 17, 2021, and will be held at the Carver County Government Center, 602 East 4th Street, Chaska, MN. Electronic access will also be available.

Attest:

Lauren Manager Salvato, Secretary

Linda Administrator Loomis, Administrator

EXPENDITURES	2021 Budget	October Actual	YTD 2021	Over (Under) Budget
Administrative expenses	\$ 250,000.00	\$ 18,738.37	\$ 183,288.05	\$ (66,711.95)
Cooperative Projects				
Eden Prairie Bank Stabilization Area #3	\$ 100,000.00	\$ 25,775.84	\$ 112,594.07	\$ 12,594.07
Gully Erosion Contingency Fund	\$ -	\$ -	\$ -	\$ -
USGS Sediment & Flow Monitoring	\$ -	\$ -	\$ -	\$ -
Ravine Stabilization at Seminary Fen in Chaska	\$ -	\$ -	\$ -	\$ -
Riley Creek Cooperative Project with RPBCWD	\$ -	\$ -	\$ 150,000.00	\$ 150,000.00
Seminary Fen Ravine Restoration site A	\$ 75,000.00	\$ -	\$ -	\$ (75,000.00)
Seminary Fen Ravine Restoration site C-2	\$ -	\$ -	\$ -	\$ -
509 Plan Budget				
<i>Resource Plan Implementation</i>				
Gully Inventory	\$ -	\$ 25,387.60	\$ 48,977.93	\$ 48,977.93
MN River Corridor Management Project	\$ 75,000.00	\$ 10,283.00	\$ 36,706.00	\$ (38,294.00)
TH 101 Shakopee Ravine	\$ -	\$ -	\$ -	\$ -
Assumption Creek Hydrology Restoration	\$ -	\$ -	\$ 2,125.50	\$ 2,125.50
Carver Creek Restoration	\$ -	\$ -	\$ -	\$ -
Groundwater Screening Tool Model	\$ -	\$ -	\$ 408.00	\$ 408.00
MN River Floodplain Model Feasibility Study	\$ -	\$ -	\$ -	\$ -
Schroeder Acres Park SW Mgmt Project	\$ -	\$ -	\$ -	\$ -
PLOC Realignment/Wetland Restoration	\$ 70,000.00	\$ -	\$ -	\$ (70,000.00)
Spring Creek Project	\$ 75,000.00	\$ 2,626.25	\$ 4,002.50	\$ (70,997.50)
West Chaska Creek	\$ -	\$ -	\$ -	\$ -
Sustainable Lakes Mgmt. Plan (Trout Lakes)	\$ -	\$ -	\$ -	\$ -
Geomorphic Assessments (Trout Streams)	\$ -	\$ -	\$ -	\$ -
Fen Stewardship Program	\$ 25,000.00	\$ 8,109.29	\$ 23,241.47	\$ (1,758.53)
District Boundary Modification	\$ -	\$ -	\$ -	\$ -
E. Chaska Creek Bank Stabilization Project	\$ -	\$ -	\$ 77,457.31	\$ 77,457.31
E. Chaska Creek Treatment Wetland Project	\$ -	\$ -	\$ -	\$ -
MN River Sediment Reduction Strategy	\$ -	\$ -	\$ -	\$ -
Local Water Management Plan reviews	\$ 15,000.00	\$ -	\$ 1,285.50	\$ (13,714.50)
Project Reviews	\$ 50,000.00	\$ 30,167.11	\$ 100,781.24	\$ 50,781.24
<i>Monitoring</i>	\$ 75,000.00	\$ -	\$ 19,407.00	\$ (55,593.00)
<i>Watershed Management Plan</i>	\$ 10,000.00	\$ 1,319.75	\$ 2,846.29	\$ (7,153.71)
<i>Public Education/CAC/Outreach Program</i>	\$ 30,000.00	\$ 4,543.35	\$ 50,687.14	\$ 20,687.14
<i>Cost Share Program</i>	\$ 50,000.00	\$ -	\$ 6,434.50	\$ (43,565.50)
Nine Foot Channel				
Transfer from General Fund	\$ -	\$ -	\$ -	\$ -
Dredge Site Improvements	\$ 240,000.00	\$ -	\$ 102.00	\$ (239,898.00)
Total:	\$ 1,140,000.00	\$ 126,950.56	\$ 820,344.50	\$ (319,655.50)



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Minutes
Citizen Advisory Committee
Tuesday, September 7, 2021
600 West Black Dog Road, Burnsville, MN 55337

1. Call to Order and Roll Call

The meeting was called to order at 9 a.m. by Secretary Kuplic. The following members were present: Judy Berglund, Theresa Kuplic, and Greg Genz.

2. Approval of the Agenda

Berglund moved to approve the September agenda, and this was seconded by Genz. The motion carried unanimously.

3. Approval of the August Minutes

Berglund moved to approve the August minutes, and this was seconded by Genz. The motion carried unanimously.

4. Citizen Input on Non-Agenda Items

There was no input.

5. New Business

a. New Resident Handouts

Jen Dullum asked for feedback on two new resident handouts, 1) general watershed education and 2) rain gardens and native plants.

Judy Berglund asked for the rain garden graphic to include a berm, water in the rain garden, and different plants in the image. This led to a discussion on resources for landscape plans, planting guides, and qualified contacts for rain and native gardens. Jen will explore resource links that can be placed on the Lower Minnesota River Watershed District website to address the above items.

Greg Genz asked whether the word “lastly” could be removed from the watershed education handout. This led to a discussion regarding the Minnesota River as a “working river.” The information kiosk at Black Dog Trailhead was originally left with space for the LMRWD to provide river education on the navigation channel. Theresa Kuplic asked about dredge material and whether it is hazardous. Linda Loomis noted that it has been listed as Tier 1 dredge material and can be used for residential purposes.

b. Speakers and Presentations/Calendar Planning

Linda Loomis asked the group for a list of topics they would like to learn more about. She hopes to be able to provide speakers and presentations for the remainder of the year and into 2022, depending on what the Citizen Advisory Committee is interested in.

Theresa Kuplic would like to know more about impacts to the river from urban and rural sources. She would also like to know more about native landscape plants and planting design. Judy Berglund is interested in hearing more about the “working river.” Linda Loomis mentioned the Collaborative for Sediment Source Reduction project for the LeSueur River. Through this project, a watershed tool for measuring restoration efforts was created and could be a topic for an upcoming CAC meeting. Greg Genz would like to know more about the Minnesota Pollution Control Agency’s new MS4 (municipal separate storm sewer) permit. Another topic of interest could be the fish and wildlife of the Minnesota River, including carp, non-game fish, and mussels. Last, the CAC expressed interest in indigenous perspectives and history in the Minnesota River Valley.

6. Old Business

Jen Dullum asked whether there was another resident handout that should be created or any other information that should be put on the website. Judy Berglund suggested next focusing on stormwater runoff education for homeowners.

7. Communications

Linda Loomis shared updated plans for the district bus tour. The tour will be held on the morning of October 2, 2021. The CAC is invited to attend and will receive more information as the date approaches.

The CAC discussed in-person and virtual meetings. The CAC plans to hold October’s meeting in person. Depending on the weather, this meeting will include a boat ride on the Minnesota River. The next meeting will be on October 5, 2021. The time and location are to be determined.

8. Adjournment

Berglund moved to adjourn the meeting, and this was seconded by Genz. The motion carried unanimously.



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 4. E. – Authorize addendum to Recording Secretary Service Agreement with TimeSaver Off Site Secretarial, Inc.

Prepared By

Linda Loomis, Administrator

Summary

An addendum to the Recording Secretary Service Agreement extending the termination date of the agreement to December 31, 2022. TimeSaver prepares the minutes of the Board meetings for the District and has provided this service since 2014.

Attachments

Addendum to Recording Secretary Service Agreement with TimeSaver Off Site Secretarial Service dated October 29, 2021

Recommended Action

Motion to authorize addendum to Recording Secretary Service Agreement with TimeSaver Off Site Secretarial, Inc.

TimeSaver Off Site Secretarial, Inc.

October 29, 2021

Ms. Linda Loomis, Administrator
Lower Minnesota River Watershed District
112 East Fifth Street
Chaska, MN 55318

Dear Linda,

Enclosed is an Addendum to the Recording Secretary Service Agreement that extends the expiration date to December 31, 2022. The unit rates reflect an increase of 50 cents per hour and 25 cents per page and a base rate increase of less than 2.5%.

We appreciate the confidence you have placed in TimeSaver to handle your meeting minute needs and look forward to continuing that relationship in 2022.

If you need further information or have questions, please feel free to contact me at 612-251-8999.

Best regards,



Carla Wirth
Owner

Enclosure: Recording Secretary Service Agreement
Return envelope

**ADDENDUM TO
RECORDING SECRETARY SERVICE AGREEMENT**

Dated: December 31, 2021

By and between TimeSaver Off Site Secretarial, Inc. and the Lower Minnesota River Watershed District, 112 East Fifth Street, Chaska, MN 55318.

1. EXTENSION OF RECORDING SECRETARIAL SERVICE AGREEMENT: The term of the existing Recording Secretary Service Agreement dated December 31, 2020, shall be extended under the same terms and conditions to December 31, 2022.

2. TOSS CHARGES: TOSS shall be paid for its services as recording secretary for each meeting with a one (1) hour minimum, the highest rate prevailing, as follows:
 - a. Base Rate: One Hundred Fifty-Four and 00/100 dollars (\$154.00) for any meeting up to one (1) hour (billable time) plus Thirty-Six and 50/100 dollars (\$36.50) for each thirty (30) minutes following the first one (1) hour; or

 - b. Unit Rate: Forty-Eight and 75/100 dollars (\$48.75) for the first hour of meeting time and Thirty-Two and 50/100 dollars (\$32.50) for every hour after the first hour plus Fourteen and 75/100 dollars (\$14.75) for each page of draft minutes for submission to the Lower Minnesota River Watershed District for their preparation of final minutes.

At the end of the term of this Addendum or any extension of it, the parties may make a new Agreement or extend or modify the terms of this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Addendum to the Recording Secretary Service Agreement as of the day and year indicated.

January ____, 2022

LOWER MINNESOTA RIVER WATERSHED DISTRICT

By: _____
Linda Loomis

Its: Administrator

November 1, 2021

TIMESAVER OFF SITE SECRETARIAL, INC.

By: Carla Wirth
Carla Wirth

Its: President & CEO



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 5. A. Election of Officers

Prepared By

Linda Loomis, Administrator

Summary

This item was on the October 20, 2021 agenda and was tabled to the November 17, 2021 meeting.

According to the bylaws for the Lower Minnesota River Watershed District, election of officers is to be held annually in September. It was not on the September 15, 2021 agenda so it has been added to the October 20, 2021 agenda.

Currently, Manager Jesse Hartmann is President (since 2018 election), Manager Dave Raby is Treasurer (Manager Raby has held the position of Treasurer since 2015. In 2017, the offices of Secretary and Treasurer were combined because there were only three Managers on the Board. Manager Raby held the position of Secretary/Treasurer until Manager Salvato's appointment in 2020.) Manager Lauren Salvato is Secretary (since 2020) and Manager Patricia Mraz is Vice President (since her appointment by President Hartmann in April 2021).

Bylaws call for the election of a President, Vice President, Secretary, Treasurer and Assistant Treasurer. The duties for each office are defined in the bylaws.

Bylaws also require that they be reviewed at least every five years. The bylaws were last reviewed in 2016. Since Carver County is referenced in the bylaws the board may wish to wait until a new financial services provider has been retained before updating the bylaws. Bylaws are attached for reference.

Attachments

Bylaws dated 10-19-2026

Recommended Action

Hold Elections of officers in accordance with LMRWD bylaws

**BY-LAWS OF
LOWER MINNESOTA RIVER WATERSHED DISTRICT**

(By-Laws adopted by Lower Minnesota River Watershed District under Minn. Stat. § 103D.315: Subd. 11. "Administration By-Laws: *"The managers shall adopt bylaws for the administration of the business and affairs of the watershed district."*)

ARTICLE I.

NAME

Section 1. **NAME:** Lower Minnesota River Watershed District.

Section 2. **ABBREVIATIONS:** Throughout these By-Laws whenever it is desirable to abbreviate the name of the Lower Minnesota River Watershed District, the initials "LMRWD" or the word "District" shall be used.

ARTICLE II.

PURPOSE

Pursuant to Minn. Stat. § 103D.201, the District's General Purpose is as follows:

1. Protect, preserve, and use natural surface and groundwater storage and retention systems.
2. Minimize public capital expenditures needed to correct flooding and water quality problems.
3. Identify and plan for means to effectively protect and improve surface and groundwater quality.
4. Establish more uniform local policies and official controls for surface and groundwater management.
5. Prevent erosion of soil into surface water systems.
6. Promote groundwater recharge.
7. Protect and enhance fish and wildlife habitat and water recreational facilities.
8. Secure the other benefits associated with the proper management of surface and groundwater.
9. Cooperate with, aid and assist the state and/or federal government to provide for commercial river transportation.

ARTICLE III

LMRWD OFFICE and WATERSHED DISTRICT'S BOUNDARIES

Section 1. DISTRICT OFFICE: LMRWD office is located at 112 East 5th Street, Suite 102, Chaska, MN 55318.

Section 2. BOUNDARIES of LMRWD: The LMRWD covers an area of 64 square miles of Carver, Hennepin, Dakota, Scott and Ramsey counties. It also includes the Minnesota River Valley from Fort Snelling at the confluence of the Minnesota and Mississippi rivers, upstream to Carver Minnesota. The width of the District includes the bluffs on both sides of the Minnesota River within this reach of the river. In addition, included in its boundaries are fourteen (14) cities or townships, partially or in their entirety.

ARTICLE IV

BOARD OF MANAGERS

Section 1. DISTRIBUTION of MANAGERS and APPOINTMENT THEREOF: Pursuant to Minn. Stat. § 103D.301, Distribution of Manager Positions, Subd. 1: More than one affected county. *"If more than one county is affected by a watershed district, the board must provide that managers are distributed by residence among the counties affected by the watershed district."* Minn. Stat. § 103D.301 Subd. 3: *"...The county board of commissioners of a county affected by the watershed district..."* appoints the manager.

Section 2. COMPOSITION OF LMRWD BOARD OF MANAGERS: The LMRWD is composed of five managers appointed by the four counties in the District: Hennepin County, two (2) managers; Dakota County, one (1) manager; Carver County, one (1) manager; and Scott County, one (1) manager. Ramsey County is no longer represented because there is no population from Ramsey County in the District.

Section 3. TERMS OF OFFICE: Appointments made by the respective counties' Board of Commissioners to the LMRWD Board of Managers are for three-year terms. Terms of office begin in March of the year they are appointed unless a county delays in the appointment of a manager. Per Minn. Stat. § 103D.315, Subd. 6., a manager's term continues until a successor is appointed and qualified.

Section 4. BONDING: Before assuming the duties of the Board, each Board member, at District expense, will obtain and file a bond in accordance with Minn. Stat. §103D.315, Subd. 2. The Board, at District expense, will provide for insurance for its members to provide liability protection on such terms and in such amounts as the Board decides.

Section 5. VACANCIES: Any manager who is unable to fulfill his/her three-year term of office on LMRWD Board of Managers shall notify his/her respective county commissioner of the fact he/she will leaving his/her position as manager on the LMRWD so the county he/she

represents can appoint another manager as soon as possible to complete the departing manager's term in office.

Section 6. COMPENSATION: Minn. Stat. § 103D.315 Subd. 8: *“The compensation of managers for meetings and for performance of other necessary duties may not exceed the amount specified by law. Managers are entitled to reimbursement for traveling and other necessary expenses incurred in the performance of official duties.”*

Managers shall be compensated the statutory maximum per diem for meetings and the performance of other necessary duties authorized by the Board. Managers are entitled to reimbursement for mileage, travel expenses, and lodging in accordance with the LMRWD travel policy. Managers cannot be reimbursed for alcoholic beverages.

Section 7. SUBMISSION OF MANAGER'S EXPENSES: A claim form shall be filled out by each Manager and submitted to the LMRWD office to be processed and approved in the same manner as other claims in June and December.

Section 8. DUTIES OF MANAGERS IN STATUTE: Minn. Stat. § 103D.315 “Managers” defines additional duties of the District’s Managers. In addition to statutory duties, Managers shall abide by the following principles:

- (a) The Board of Managers acts as the unified voice of LMRWD and the president serves as the spokesperson for the Board of Managers.
- (b) No individual Manager may provide direction, instructions or authorization to the Administrator or a District consultant unless specifically authorized to do so by the Board of Managers.
- (c) A Manager’s request for information that would require a significant amount of the Administrator’s time must be approved by the Board of Managers.
- (d) A Manager must notify the Administrator when a request for information is made from consultants to the District.
- (e) A Manager may not request or authorize on behalf of the District performance of services by the Administrator or consultant unless authorized by action of the Board of Managers.
- (f) Individual managers cannot bind the District to agreements or expenditures.

ARTICLE V OFFICERS

Section 1. ELECTION OF OFFICERS: The following officers shall be elected each calendar year on or before the first regularly scheduled meeting in September: President, Vice-

President, Secretary and Treasurer and Assistant Treasurer. Terms are for one-year unless re-elected.

Section 2. OFFICER VACANCIES: Minn. Stat. § 103D.315 Subd. 3: *“The managers must fill vacancies occurring in the officers’ positions.”*

Section 3. TEMPORARY APPOINTMENTS OF OFFICERS: The Board may appoint a Board member as officer pro tem if an officer is absent or disabled and action by that officer is required.

Section 4. DUTIES OF OFFICERS:

- (a) President: The President shall preside at all meetings of the Board of Managers. The President shall serve under the supervision and direction of the Board and shall see that all orders and resolutions of the Board are carried into effect. The President shall execute all contracts or instruments requiring an officer’s signature, unless otherwise directed by the Board, and shall have the general powers and duties usually vested in the office of President of the Board and shall have such other powers and perform such other duties as the Board may from time to time prescribe.
- (b) Vice-President: In the absence of the President at a regularly held LMRWD meeting, the Vice-President shall preside at the meeting. The Vice-President shall exercise and perform the authorities and duties of the President in the event of the latter’s absence, death, disqualification, or incapacity until the LMRWD Board of Managers elects a new President. The Vice-President shall exercise and perform such other authorities and duties as may be prescribed or limited from time to time by the Board of Managers.
- (c) Secretary: The Secretary shall cause to be recorded all votes and the minutes of all proceedings of the Board of Managers in a book to be kept for that purpose. The Secretary shall give, or cause to be given, notice of all meetings of the Board, and shall perform such other duties as may from time to time be prescribed by the Board or by the President. These duties may be delegated to the Administrator as directed by the Board of Managers.
- (d) Treasurer: The Treasurer shall have the care and custody of the funds and securities and shall disburse the funds of the LMRWD as may be ordered from time to time by the Board. The Treasurer shall keep or cause to be kept full and accurate accounts of receipts and disbursements in books belonging to the LMRWD, and shall deposit all monies, securities and other valuable effects of the LMRWD in the name and to the credit of the LMRWD in such depositories as may be designated from time to time by the Board. Except to the extent that some other person or persons may be specifically authorized by the Board to do so, the Treasurer shall make, execute, and endorse all checks and other commercial paper on behalf of the LMRWD when requested by the Board and shall perform such other duties as may be prescribed by the Board.

- (e) Assistant Treasurer: In the absence of the Treasurer, the Assistant Treasurer shall perform the duties of the Treasurer. The Assistant Treasurer shall exercise and perform the authorities and duties of the Treasurer in the event of the latter's absence, death, disqualification, or incapacity until the LMRWD Board of Managers elects a new Treasurer. The Assistant Treasurer shall exercise and perform such other authorities and duties as may be prescribed or limited from time to time by the Board of Managers.

Section 5. AUTHORIZED SIGNATORIES BY MANAGERS: LMRWD has a fiscal agency agreement with Carver County. Payments made by Carver County on behalf of LMRWD must comply with the processes and internal controls contained in the fiscal agency agreement. All other checks, drafts, or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the LMRWD shall be signed by two members of the LMRWD Board of Managers. Checks may be endorsed through electronic signature.

Section 6. COMMUNICATIONS: Unless it is a personnel issue, when communicating with the LMRWD consultants Board members should inform the Administrator about the communication to keep her/ him updated about ongoing issues and business of the LMRWD.

Section 7. HARRASSMENT AND DISCRIMINATION: Board members and those with whom they work have the right and responsibility to work in an environment free from harassing or discriminating behavior. It is the responsibility of each Board member to refrain from creating a discriminatory or harassing environment. Each Board member is also responsible for treating others with dignity and respect and to report all incidents of harassment immediately so that they can be quickly and fairly resolved.

Section 7. REMOVAL FROM OFFICE: Any officer may be removed at any time, with or without cause, upon the affirmative vote of two-thirds (2/3) of the Board of Managers.

ARTICLE VI. MEETINGS OF LMRWD BOARD OF MANAGERS

Section 1. REGULAR SET MEETINGS: The Managers shall have regular meetings to conduct the business of the LMRWD on the third Wednesday of each month and if such day shall fall on a holiday, an alternative date shall be set and noticed. The meetings may be cancelled and rescheduled at any time that the Managers deem necessary.

Section 2. SPECIAL MEETINGS: Special meetings to conduct the business of the LMRWD may be held and shall be legally noticed at any other time that the Managers may deem necessary.

Section 3. PUBLIC HEARINGS: Public hearings shall be conducted as required by law or, in addition, as directed by the Board of Managers.

Section 4. MEETING CALLED BY MANAGER: Minn. Stat. § 103D.315 Subd. 10, states: "*A meeting may be called at any time at the request of any manger. When a manager*

requests a meeting, the secretary of the watershed district must mail a notice of the meeting to each member at least eight (8) days before the meeting.” The District’s administrator shall notify the Managers as soon as possible of the time and place of the pending meeting and shall provide other notice as required by law.

Section 5. QUORUM and ADJOURNED MEETING: At all meetings of the Managers, a majority of the Managers appointed shall constitute a quorum to do business but a smaller number may adjourn from time to time. Unless otherwise required by law, all decisions must be approved by the affirmative vote of a majority of the Managers present at a meeting where there is a quorum.

Section 6. CHAIR of MEETINGS: The President shall preside as chairperson at all meetings of the Managers. In the absence of the President, the Vice-President shall preside. In the absence of both, the Secretary shall serve as temporary President. The President and temporary President shall have the same privileges.

Section 7. MEETING FORMAT:

- (a) At the hour appointed for a meeting of the Board of Managers of the LMRWD, upon reaching a quorum, the Managers shall be called to order by the President or in his/her absence, by the acting President. The Managers shall proceed to do business following a set agenda.
- (b) The President shall preserve order. The President may make motions, second motions or speak on any question, provided, however, that in order to do any of these things, upon demand of any Manager, the President shall vacate the chair and designate a temporary President. The President, or acting President, shall be entitled to vote like other Managers.
- (c) Every Manager, prior to his/her speaking, shall address the President and shall not proceed until he/she has been recognized by the Chair.
- (d) If a Manager has a personal interest in a matter that comes before the LMRWD Board of Managers, to the extent that it creates a conflict of interest as a matter of law, the Manager shall not vote on said issue.
- (e) No person other than a Manager shall address the Board except with the consent of the President or by a vote of the majority of the Managers present.
- (f) The President has the authority to set a time limit that a Manager or a person addressing the Board may speak, except upon vote of the majority of the Board of Managers present.
- (g) All committees shall be appointed by the President unless expressly ordered by the Board. It shall be the duty of committees to act promptly and faithfully in all matters referred to them, to comply with the Open Meeting Law, if applicable, and to make reports at a future set time/date established by the Board.

- (h) Minutes of all meetings of the LMRWD Board of Managers shall be recorded, reviewed by the Board, adopted and kept at the District's office. They shall be signed by the Secretary and shall constitute an official record of the procedure.
- (i) Any Manager may request that the yeas and nays be recorded on any motion voted on by the Board and such request will be granted by the President.

Section 8. CONFLICTS OF INTEREST: LMRWD seeks to assure public confidence in the integrity of its proceedings by holding itself to high ethical standards. Ensuring that conflicts of interest do not affect the efforts of LMRWD is an essential element of maintaining high ethical standards. If a Manager has a conflict of interest in a matter, he or she shall state that such an interest exists, which will be noted in the minutes. The Manager must abstain from participating in any discussion, offering any motion, or voting on any matter in which the conflict of interest exists. "Conflict of interest" means a material financial interest of the Board Manager, a family member or a close associate; a relationship that limits the Manager's ability to be objective; or that creates the appearance of impropriety. At the request of the President or by any Board Manager, in a matter in which a Manager has a conflict of interest a roll call vote shall be taken and recorded in the minutes, as well as the abstention of the Manager with the conflict of interest.

Section 9. APPEAL OF A CHAIR RULING: A Board Manager may appeal to the Board from a ruling of the President. If the appeal is seconded, the Board Manager may speak once solely on the question involved and the President may explain his or her ruling, but no other Board Manager will participate in the discussion. The appeal will be sustained if it is approved by a majority of the Board Managers present exclusive of the President.

ARTICLE VII. PARLIMENTARY AUTHORITY

Section 1. PARLIMENTARY AUTHORITY: The most current version of Robert's Rules of Order Newly Revised shall govern the LMRWD's meetings in all cases to which they are applicable and in which they are not inconsistent with state law, these By-Laws and, or any special rules of order the LMRWD may adopt.

Section 2. SUSPENSION: Robert's Rules of Order may be temporally suspended by consent of the majority of the Board Managers present.

ARTICLE VIII. ANNUAL REPORT

Section 1. ANNUAL REPORT: Minn. Stat. § 103D.351: "(a) *The managers must prepare a yearly report of the financial conditions of the watershed district, the status of all projects, the business transacted by the watershed district, other matters affecting the interests of the watershed district, and a discussion of the managers plans for the succeeding year.*"

Section 2. COPIES DISTRIBUTED: Minn. Stat. § 103D.351: “(b) *Copies of the report must be transmitted to the Board of Water and Soil Resources, the commissioner, and the director within a reasonable time.*”

**ARTICLE IX.
ANNUAL AUDIT**

ANNUAL AUDIT: Minn. Stat. § 103D.355, Subd 1. Requirement: “*The managers must have an annual audit completed of the books and accounts of the watershed district. The annual audit may be made by a public accountant or by the state auditor.*”

**ARTICLE X.
WATERSHED MANAGEMENT PLAN**

WATERSHED MANAGEMENT PLAN. Minn. Stat. § 103D.401, Subd. 1. Contents:

- (a) “*The managers must adopt a watershed management plan for any and all of the purposes for which a watershed district may be established. The watershed management plan must give a narrative description of existing water and water-related problems within the watershed district, possible solutions to the problems, and the general objectives of the watershed district. The watershed management plan must also conform closely with watershed management plan guidelines as adopted and amended from time to time by the Board of Water and Soil Resources.*”
- (b) “*The watershed management plan may include a separate section on proposed projects. If the watershed district is within the metropolitan area, the separate section of proposed projects or petitions for projects to be undertaken according to the watershed management plan is a comprehensive plan of the watershed district for purposes of review by the Metropolitan Council under section 473.165.*”

**ARTICLE XI.
AMENDMENT TO BY-LAWS**

Section 1. AMENDMENT TO BY-LAWS. LMRWD BY-LAWS MAY BE AMENDED, repealed, or adopted by a majority of the LMRWD Board of Managers upon thirty (30) days written notice of the proposed change in its entirety during a meeting of the LMRWD Board of Managers unless said notice is waived by all of the Managers. Notice of such alteration or amendment is to be contained in the notice of such meeting. The alteration/s or amendment/s must pass by a majority vote of the LMRWD Board of Managers.

Section 2. INTERPRETATION of the By-Laws and any amendment or additions thereto shall rest with the LMRWD Board of Managers.

Section 3. TEMPORARY SUSPENSION OF BYLAWS: These rules may be temporarily suspended by consent of a majority of the Managers present.

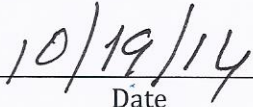
**ARTICLE XII.
REVIEW OF BY-LAWS**

THESE BY-LAWS shall be reviewed at least every five years and revised if needed. These bylaws govern internal LMRWD matters and do not create rights in any third parties.


Duly adopted on the 21st day of October, 2015 by the Lower Minnesota River Watershed District Board of Managers and signed by the President and Secretary of the organization.



By: Yvonne Shirk
President



Date



By: Len Kramer
Secretary



Date

**BY-LAWS OF
LOWER MINNESOTA RIVER WATERSHED DISTRICT**

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Section 2. **ABBREVIATIONS:** Throughout these By-Laws whenever it is desirable to abbreviate the name of the Lower Minnesota River Watershed District, the initials "LMRWD" or the word "District" shall be used.

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ARTICLE IV

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Section 1. DISTRIBUTION of MANAGERS and APPOINTMENT THEREOF: Pursuant to Minn. Stat. § 103D.301, Distribution of Manager Positions, Subd. 1: More than one affected county. *"If more than one county is affected by a watershed district, the board must provide that managers are distributed by residence among the counties affected by the watershed district."* Minn. Stat. § 103D.301 Subd. 3: *"...The county board of commissioners of a county affected by the watershed district..."* appoints the manager.

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Section 2. OFFICER VACANCIES: Minn. Stat. § 103D.315 Subd. 3: *“The managers must fill vacancies occurring in the officers’ positions.”*

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ARTICLE VI. MEETINGS OF LMRWD BOARD OF MANAGERS

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Section 6. CHAIR of MEETINGS: The President shall preside as chairperson at all meetings of the Managers. In the absence of the President, the Vice-President shall preside. In the absence of both, the Secretary shall serve as temporary President. The President and temporary President shall have the same privileges.

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- (f) The President has the authority to set a time limit that a Manager or a person addressing the Board may speak, except upon vote of the majority of the Board of Managers present.
- (g) All committees shall be appointed by the President unless expressly ordered by the Board. It shall be the duty of committees to act promptly and faithfully in all matters referred to them, to comply with the Open Meeting Law, if applicable, and to make reports at a future set time/date established by the Board.

- (h) Minutes of all meetings of the LMRWD Board of Managers shall be recorded, reviewed by the Board, adopted and kept at the District's office. They shall be signed by the Secretary and shall constitute an official record of the procedure.
- (i) Any Manager may request that the yeas and nays be recorded on any motion voted on by the Board and such request will be granted by the President.

Section 8. CONFLICTS OF INTEREST: LMRWD seeks to assure public confidence in the integrity of its proceedings by holding itself to high ethical standards. Ensuring that conflicts of interest do not affect the efforts of LMRWD is an essential element of maintaining high ethical standards. If a Manager has a conflict of interest in a matter, he or she shall state that such an interest exists, which will be noted in the minutes. The Manager must abstain from participating in any discussion, offering any motion, or voting on any matter in which the conflict of interest exists. "Conflict of interest" means a material financial interest of the Board Manager, a family member or a close associate; a relationship that limits the Manager's ability to be objective; or that creates the appearance of impropriety. At the request of the President or by any Board Manager, in a matter in which a Manager has a conflict of interest a roll call vote shall be taken and recorded in the minutes, as well as the abstention of the Manager with the conflict of interest.

Section 9. APPEAL OF A CHAIR RULING: A Board Manager may appeal to the Board from a ruling of the President. If the appeal is seconded, the Board Manager may speak once solely on the question involved and the President may explain his or her ruling, but no other Board Manager will participate in the discussion. The appeal will be sustained if it is approved by a majority of the Board Managers present exclusive of the President.

ARTICLE VII. PARLIMENTARY AUTHORITY

Section 1. PARLIMENTARY AUTHORITY: The most current version of Robert's Rules of Order Newly Revised shall govern the LMRWD's meetings in all cases to which they are applicable and in which they are not inconsistent with state law, these By-Laws and, or any special rules of order the LMRWD may adopt.

Section 2. SUSPENSION: Robert's Rules of Order may be temporally suspended by consent of the majority of the Board Managers present.

ARTICLE VIII. ANNUAL REPORT

Section 1. ANNUAL REPORT: Minn. Stat. § 103D.351: "(a) *The managers must prepare a yearly report of the financial conditions of the watershed district, the status of all projects, the business transacted by the watershed district, other matters affecting the interests of the watershed district, and a discussion of the managers plans for the succeeding year.*"

Section 2. COPIES DISTRIBUTED: Minn. Stat. § 103D.351: “(b) *Copies of the report must be transmitted to the Board of Water and Soil Resources, the commissioner, and the director within a reasonable time.*”

**ARTICLE IX.
ANNUAL AUDIT**

ANNUAL AUDIT: Minn. Stat. § 103D.355, Subd 1. Requirement: “*The managers must have an annual audit completed of the books and accounts of the watershed district. The annual audit may be made by a public accountant or by the state auditor.*”

**ARTICLE X.
WATERSHED MANAGEMENT PLAN**

WATERSHED MANAGEMENT PLAN. Minn. Stat. § 103D.401, Subd. 1. Contents:

- (a) “*The managers must adopt a watershed management plan for any and all of the purposes for which a watershed district may be established. The watershed management plan must give a narrative description of existing water and water-related problems within the watershed district, possible solutions to the problems, and the general objectives of the watershed district. The watershed management plan must also conform closely with watershed management plan guidelines as adopted and amended from time to time by the Board of Water and Soil Resources.*”
- (b) “*The watershed management plan may include a separate section on proposed projects. If the watershed district is within the metropolitan area, the separate section of proposed projects or petitions for projects to be undertaken according to the watershed management plan is a comprehensive plan of the watershed district for purposes of review by the Metropolitan Council under section 473.165.*”

**ARTICLE XI.
AMENDMENT TO BY-LAWS**

Section 1. AMENDMENT TO BY-LAWS. LMRWD BY-LAWS MAY BE AMENDED, repealed, or adopted by a majority of the LMRWD Board of Managers upon thirty (30) days written notice of the proposed change in its entirety during a meeting of the LMRWD Board of Managers unless said notice is waived by all of the Managers. Notice of such alteration or amendment is to be contained in the notice of such meeting. The alteration/s or amendment/s must pass by a majority vote of the LMRWD Board of Managers.

Section 2. INTERPRETATION of the By-Laws and any amendment or additions thereto shall rest with the LMRWD Board of Managers.

Section 3. TEMPORARY SUSPENSION OF BYLAWS: These rules may be temporarily suspended by consent of a majority of the Managers present.

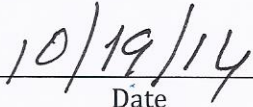
**ARTICLE XII.
REVIEW OF BY-LAWS**

THESE BY-LAWS shall be reviewed at least every five years and revised if needed. These bylaws govern internal LMRWD matters and do not create rights in any third parties.


Duly adopted on the 21st day of October, 2015 by the Lower Minnesota River Watershed District Board of Managers and signed by the President and Secretary of the organization.



By: Yvonne Shirk
President



Date



By: Len Kramer
Secretary



Date



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. D. – Dredge Management

Prepared By

Linda Loomis, Administrator

Summary

i. Vernon Avenue Dredge Material Management site

At the October meeting of the Board of Managers it was reported that a party was interested in buying material. No material has been removed from the site. The LMRWD has not been informed of a time frame for the sale of material.

ii. Private Dredge Material Placement

LS Marine has not yet provided the amounts of private material placed on the LMRWD site. I hope to get this information so that invoices can be sent out before the end of the year.

Attachments

No attachments

Recommended Action

No action recommended for information only



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. E. – Watershed Management Plans

Prepared By

Linda Loomis, Administrator

Summary

A red-lined version of the rules has been drafted and staff has met once to discuss the proposed revisions. The revisions will be updated and staff plans to provide the red-lined version to the Board of Managers at the December 15, 2021 meeting.

Attachments

No attachments

Recommended Action

No action recommended for information only



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. F. – 2022 Legislative Action

Prepared By

Linda Loomis, Administrator

Summary

Lisa Frenette will be joining the meeting virtually. We would like to discuss the invitation to Representative Torkelson to a LMRWD Board meeting – what would the Board like Representative Torkelson to know, how can the LMRWD help him with his goals and provide him feedback on the implementation of previous legislation.

Attachments

2021 water storage legislation (the section of the bill pertaining to water storage legislation have been highlighted)

Recommended Action

Provide direction to staff

SENATE
STATE OF MINNESOTA
SPECIAL SESSION

S.F. No. 20

(SENATE AUTHORS: INGEBRIGTSEN and Tomassoni)

DATE	D-PG	OFFICIAL STATUS
06/14/2021	9	Introduction and first reading Referred to Finance
06/22/2021	276a	Comm report: To pass as amended
	479	Second reading
	479	Laid on table
	481	Taken from table
		Urgency declared rules suspended
06/25/2021	484	Third reading Passed
	614	Returned from House
		Presentment date 06/28/2021
	1248	Governor's action Approval 06/29/2021
	1293	Secretary of State Chapter 6 06/29/2021
		Effective date Various Dates

1.1 A bill for an act

1.2 relating to state government; appropriating money for environment, natural

1.3 resources, and tourism; appropriating money from environment and natural

1.4 resources trust fund; modifying fees and programs; modifying disposition and

1.5 expenditure of certain funds; creating accounts; authorizing sales and conveyances

1.6 of certain state land; adding to and deleting from state parks and recreation areas;

1.7 modifying state land and school trust land provisions; modifying forestry provisions;

1.8 modifying aquaculture provisions; modifying game and fish laws; modifying Water

1.9 Law; modifying natural resource and environment provisions; prohibiting PFAS

1.10 in food packaging; providing for DUI conformity for operating recreational

1.11 vehicles; requiring rulemaking; requiring reports; making technical corrections;

1.12 amending Minnesota Statutes 2020, sections 16B.335, subdivision 2; 17.4982,

1.13 subdivisions 6, 8, 9, 12, by adding subdivisions; 17.4985, subdivisions 2, 3, 5;

1.14 17.4986, subdivisions 2, 4; 17.4991, subdivision 3; 17.4992, subdivision 2; 17.4993,

1.15 subdivision 1; 35.155, subdivision 7, by adding a subdivision; 84.027, subdivisions

1.16 13a, 18; 84.415, by adding a subdivision; 84.63; 84.631; 84.795, subdivision 5;

1.17 84.82, subdivisions 1a, 7a; 84.83, subdivision 5; 84.943, subdivisions 3, 5; 84.944,

1.18 subdivision 1; 84.946, subdivision 4; 84D.11, subdivision 1a; 85.019, by adding

1.19 a subdivision; 85.052, subdivisions 1, 2, 6, by adding a subdivision; 85.053,

1.20 subdivision 2, by adding a subdivision; 85.054, subdivision 1; 85.43; 85.47;

1.21 86B.705, subdivision 2; 89.021, by adding a subdivision; 89.17; 89.37, subdivision

1.22 3; 89A.11; 92.50, by adding a subdivision; 92.502; 94.3495, subdivision 3;

1.23 97A.065, subdivision 2; 97A.075, subdivisions 1, 7; 97A.126, by adding a

1.24 subdivision; 97A.401, subdivision 1, by adding a subdivision; 97A.421, subdivision

1.25 1, by adding a subdivision; 97A.475, subdivisions 2, 3, 3a, 4; 97A.505, subdivisions

1.26 3b, 8; 97B.022, by adding a subdivision; 97B.036; 97B.055, subdivision 2;

1.27 97B.086; 97B.715, subdivision 1; 97B.801; 97B.811, subdivision 4a; 97C.005,

1.28 subdivision 3; 97C.081, subdivisions 3, 3a; 97C.342, subdivision 2; 97C.401, by

1.29 adding a subdivision; 97C.605, subdivision 3; 97C.611; 97C.805, subdivision 2;

1.30 97C.836; 103C.315, subdivision 4; 103G.271, subdivision 4a, by adding a

1.31 subdivision; 103G.401; 115A.1310, subdivision 12b; 115A.1312, subdivision 1;

1.32 115A.1314, subdivision 1; 115A.1316, subdivision 1; 115A.1318, subdivision 2;

1.33 115A.1320, subdivision 1; 115A.5501, subdivision 3; 115A.565, subdivision 1;

1.34 115B.17, subdivision 13; 115B.406, subdivisions 1, 9; 115B.407; 115B.421;

1.35 116.07, subdivision 7, by adding a subdivision; 116G.07, by adding a subdivision;

1.36 116G.15, by adding a subdivision; 127A.353, subdivision 4; 169A.20, subdivision

1.37 1; 169A.52, by adding a subdivision; 169A.54, by adding a subdivision; 171.306,

1.38 by adding a subdivision; 290C.01; 290C.04; Laws 2016, chapter 154, sections 16;

2.1 48; Laws 2016, chapter 189, article 3, section 3, subdivision 5; Laws 2017, chapter
 2.2 96, section 2, subdivision 9, as amended; Laws 2018, chapter 214, article 4, section
 2.3 2, subdivision 6; Laws 2019, First Special Session chapter 4, article 1, sections 2,
 2.4 subdivision 9; 3, subdivisions 4, 5; article 3, section 109, as amended; proposing
 2.5 coding for new law in Minnesota Statutes, chapters 84; 86B; 92; 103F; 103G; 171;
 2.6 325F; repealing Minnesota Statutes 2020, sections 84.91, subdivision 1; 85.0505,
 2.7 subdivision 3; 85.0507; 85.054, subdivision 19; 86B.331, subdivision 1; 169A.20,
 2.8 subdivisions 1a, 1b, 1c; Minnesota Rules, part 7044.0350.

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

2.10 **ARTICLE 1**
 2.11 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

2.12 Section 1. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

2.13 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 2.14 and for the purposes specified in this article. The appropriations are from the general fund,
 2.15 or another named fund, and are available for the fiscal years indicated for each purpose.
 2.16 The figures "2022" and "2023" used in this article mean that the appropriations listed under
 2.17 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.
 2.18 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"
 2.19 is fiscal years 2022 and 2023. Appropriations and cancellations for the fiscal year ending
 2.20 June 30, 2021, are effective the day following final enactment.

2.21 **APPROPRIATIONS**
 2.22 **Available for the Year**
 2.23 **Ending June 30**
 2.24 **2022** **2023**

2.25 Sec. 2. **POLLUTION CONTROL AGENCY**

2.26 **Subdivision 1. Total Appropriation** **\$** **112,420,000** **\$** **111,818,000**

	<u>Appropriations by Fund</u>	
	<u>2022</u>	<u>2023</u>
<u>General</u>	<u>8,339,000</u>	<u>7,285,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
<u>Environmental</u>	<u>89,460,000</u>	<u>89,912,000</u>
<u>Remediation</u>	<u>14,546,000</u>	<u>14,546,000</u>

2.34 The amounts that may be spent for each
 2.35 purpose are specified in the following
 2.36 subdivisions.

90.1 reassessed at the expiration of the current ten-year Fisheries Management Plan for the
 90.2 Minnesota Waters of Lake Superior ~~dated September 2006~~.

90.3 Sec. 79. Minnesota Statutes 2020, section 103C.315, subdivision 4, is amended to read:

90.4 Subd. 4. **Compensation.** A supervisor shall receive compensation for services up to \$75
 90.5 \$125 per day, and may be reimbursed for expenses, including traveling expenses, necessarily
 90.6 incurred in the discharge of duties. A supervisor may be reimbursed for the use of the
 90.7 supervisor's own automobile in the performance of official duties at a rate up to the maximum
 90.8 tax-deductible mileage rate permitted under the federal Internal Revenue Code.

90.9 **Sec. 80. [103F.05] WATER QUALITY AND STORAGE PROGRAM.**

90.10 **Subdivision 1. Definitions.** (a) For purposes of this section, the terms in this subdivision
 90.11 have the meanings given them.

90.12 (b) "Board" means the Board of Water and Soil Resources.

90.13 (c) "Local units of government" has the meaning given under section 103B.305,
 90.14 subdivision 5.

90.15 (d) "Water quality and storage practices" means those practices that sustain or improve
 90.16 water quality via surface water rate and volume and ecological management, including but
 90.17 not limited to:

90.18 (1) retention structures and basins;

90.19 (2) acquisition of flowage rights;

90.20 (3) soil and substrate infiltration;

90.21 (4) wetland restoration, creation, or enhancement;

90.22 (5) channel restoration or enhancement; and

90.23 (6) floodplain restoration or enhancement.

90.24 **Subd. 2. Establishment.** (a) The board must establish a program to provide financial
 90.25 assistance to local units of government to control water volume and rates to protect
 90.26 infrastructure, improve water quality and related public benefits, and mitigate climate change
 90.27 impacts.

90.28 (b) In establishing a water quality and storage program, the board must give priority to
 90.29 the Minnesota River basin and the lower Mississippi River basin in Minnesota.

91.1 **Subd. 3. Financial assistance.** (a) The board may provide financial assistance to local
 91.2 units of government to cover the costs of water storage projects and other water quality and
 91.3 storage practices consistent with a plan approved according to chapter 103B, 103C, or 103D.
 91.4 Eligible costs include costs for property and equipment acquisition, design, engineering,
 91.5 construction, and management. The board may acquire conservation easements under
 91.6 sections 103F.501 to 103F.531 as necessary to implement a project or practice under this
 91.7 section.

91.8 (b) The board must enter into agreements with local units of government receiving
 91.9 financial assistance under this section. The agreements must specify the terms of state and
 91.10 local cooperation, including the financing arrangement for constructing any structures and
 91.11 assuring maintenance of the structures after completion.

91.12 **Subd. 4. Matching contribution.** The board must require a matching contribution when
 91.13 providing financial assistance under this section and may adjust matching requirements if
 91.14 federal funds are available for the project.

91.15 **Subd. 5. Technical assistance.** (a) The board may employ or contract with an engineer
 91.16 or hydrologist to work on the technical implementation of the program established under
 91.17 this section.

91.18 (b) When implementing the program, the board must:

91.19 (1) assist local units of government in achieving the goals of the program;

91.20 (2) review and analyze projects and project sites; and

91.21 (3) evaluate the effectiveness of completed projects constructed under the program.

91.22 (c) The board must cooperate with the commissioner of natural resources, the United
 91.23 States Department of Agriculture Natural Resources Conservation Service, and other agencies
 91.24 as needed to analyze hydrological, climate, and engineering information on proposed sites.

91.25 **Subd. 6. Requirements.** (a) A local unit of government applying for financial assistance
 91.26 under this section must provide a copy of a resolution or other documentation of the local
 91.27 unit of government's support for the project. The documentation must include provisions
 91.28 for local funding and management, the proposed method of obtaining necessary land rights
 91.29 for the proposed project, and an assignment of responsibility for maintaining any structures
 91.30 or practices upon completion.

91.31 (b) A local unit of government, with the assistance of the board, must evaluate the public
 91.32 benefits that are reasonably expected upon completing the proposed project. The evaluation
 91.33 must be submitted to the board before the final design.

92.1 Subd. 7. Interstate cooperation. The board may enter into or approve working
 92.2 agreements with neighboring states or their political subdivisions to accomplish projects
 92.3 consistent with the program established under this section.

92.4 Subd. 8. Federal aid availability. The board must regularly analyze the availability of
 92.5 federal funds and programs to supplement or complement state and local efforts consistent
 92.6 with the purposes of this section.

92.7 Sec. 81. Minnesota Statutes 2020, section 103G.271, subdivision 4a, is amended to read:

92.8 Subd. 4a. **Mt. Simon-Hinckley aquifer.** (a) The commissioner may not issue new
 92.9 water-use permits that will appropriate water from the Mt. Simon-Hinckley aquifer ~~in a~~
 92.10 ~~metropolitan county, as defined in section 473.121, subdivision 4,~~ unless the appropriation
 92.11 is for potable water use, there are no feasible or practical alternatives to this source, and a
 92.12 water conservation plan is incorporated with the permit.

92.13 ~~(b) The commissioner shall terminate all permits authorizing appropriation and use of~~
 92.14 ~~water from the Mt. Simon-Hinckley aquifer for once-through systems in a metropolitan~~
 92.15 ~~county, as defined in section 473.121, subdivision 4, by December 31, 1992.~~

92.16 Sec. 82. Minnesota Statutes 2020, section 103G.271, is amended by adding a subdivision
 92.17 to read:

92.18 Subd. 4b. Bulk transport or sale. (a) To maintain the supply of drinking water for future
 92.19 generations and except as provided under paragraph (b), the commissioner may not issue
 92.20 a new water-use permit to appropriate water in excess of one million gallons per year for
 92.21 bulk transport or sale of water for consumptive use to a location more than 50 miles from
 92.22 the point of the proposed appropriation.

92.23 (b) Paragraph (a) does not apply to a water-use permit for a public water supply, as
 92.24 defined under section 144.382, subdivision 4, issued to a local unit of government, rural
 92.25 water district established under chapter 116A, or Tribal unit of government if:

92.26 (1) the use is solely for the public water supply;

92.27 (2) the local unit of government, rural water district established under chapter 116A, or
 92.28 Tribal unit of government has a property interest at the point of the appropriation;

92.29 (3) the communities that will use the water are located within 100 miles of the point of
 92.30 appropriation; and

92.31 (4) the requirements in sections 103G.265, 103G.285, and 103G.287 are met.



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. G. – Education & Outreach

Prepared By

Linda Loomis, Administrator

Summary

Work has begun on signage project.

The Citizen Advisory Committee (CAC) asked Carrie Jennings to speak at the November meeting and has invited Mark Nemeth from the MN Department of Natural Resources Fisheries Division to speak at the December meeting. Board members are welcome to join the CAC meetings. Contact the District Administrator or Jen Dullum, the Education & Outreach Coordinator for meeting links.

Six more reports on lakes within the District have been completed; Rice Lake (Hennepin County), Fisher Lake, Long Meadow Lake, Chaska Lake, Grass Lake and Shakopee Memorial Pond. The reports have been posted to the LMRWD website and can be found using this link, <http://lowermnriverwd.org/resources/lakes>.

Attachments

No attachments

Recommended Action

No action recommended, information only



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. H. LMRWD Projects

Prepared By

Linda Loomis, Administrator

Summary

i. Area #3 Eden Prairie

LMRWD staff met with staff from the City of Eden Prairie to discuss the findings of the investigation Inter-Fluve conducted. It was decided that this is a much larger project because of all the forces acting upon the steep slope in this area. It was decided that additional partners should be engaged in this project such as the State, the Corps of Engineers and possibly FEMA.

The stormwater pond that is downstream of this area was placed in this area by the City as a result of a lawsuit. The City will provide information about this. Young Environmental will contact Inter-Fluve to offer them the opportunity to pull together a concept level plan for doing a comprehensive solution to the Area 3 (including pond removal, bluff face and toe repair). LMRWD staff has scheduled a meeting with Inter-Fluve on November 23, 2021.

Additionally, the City would like to seek funding from the State of Minnesota to help pay for the solution for several reasons (the location of the pond was required by the MPCA, the contribution of increased flows from upstream sources, etc.) LMRWD staff suggested that we discuss funding opportunities with Frenette Legislative Advisors and would like the Board to authorize staff to move ahead with bringing this project to Ms. Frenette.

LMRWD staff will also discuss this project with the Board of Water & Soil Resources and how the grant the LMRWD received for this area will be impacted by the changes.

Attachments

[Inter-Fluve Area 3 Findings and Alternative Review Memorandum dated May 18, 2021](#)

Recommended Action

Authorize staff to work with Frenette Legislative Advisors to explore funding opportunities



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

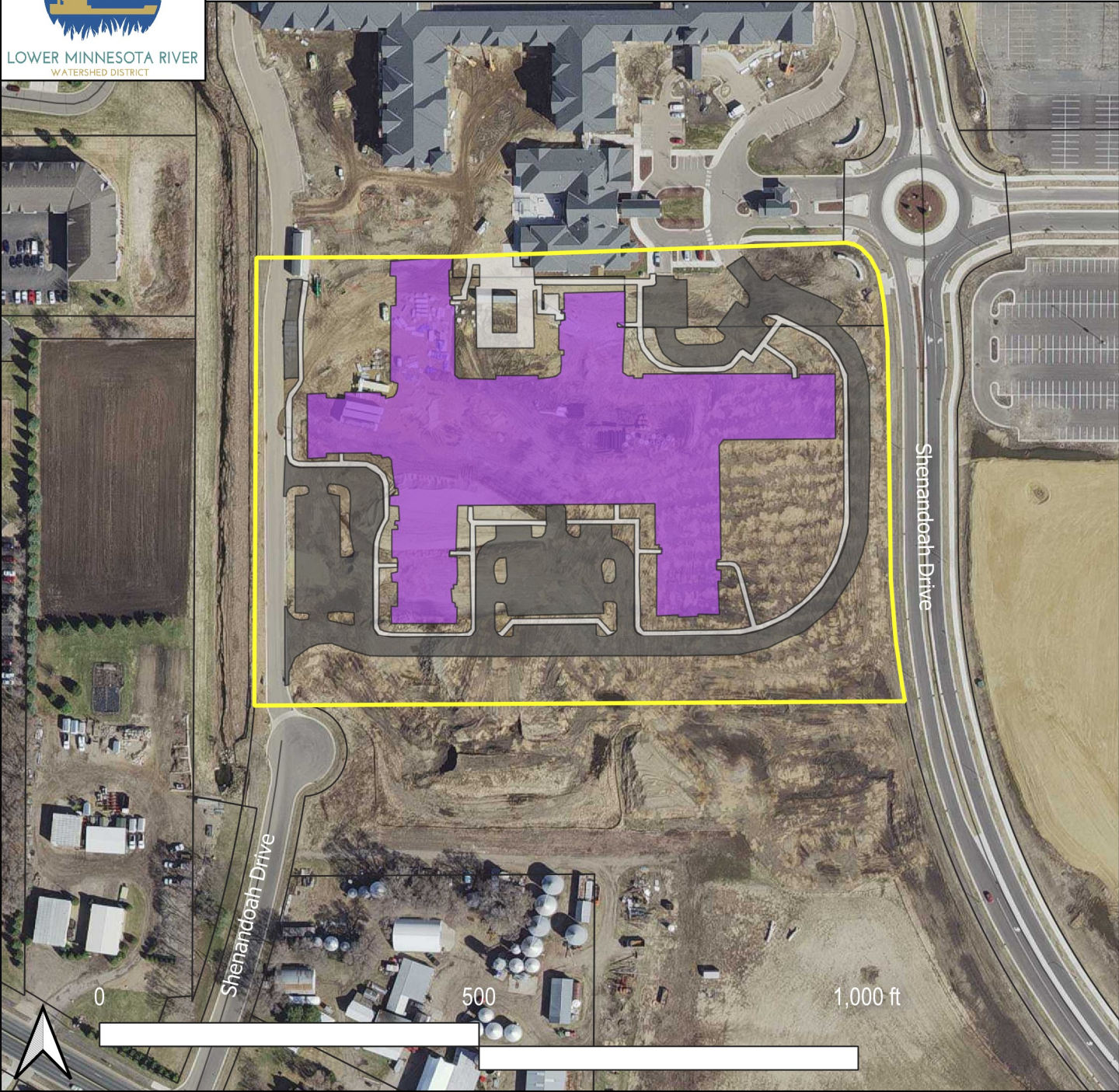
Staff recommends approval of the Project.

Attachments

















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



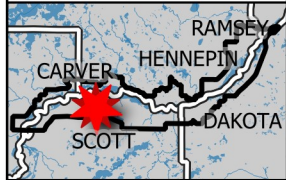
Figure 1: Triple Crown Residences Phase 2 Project Location



LEGEND

-  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:

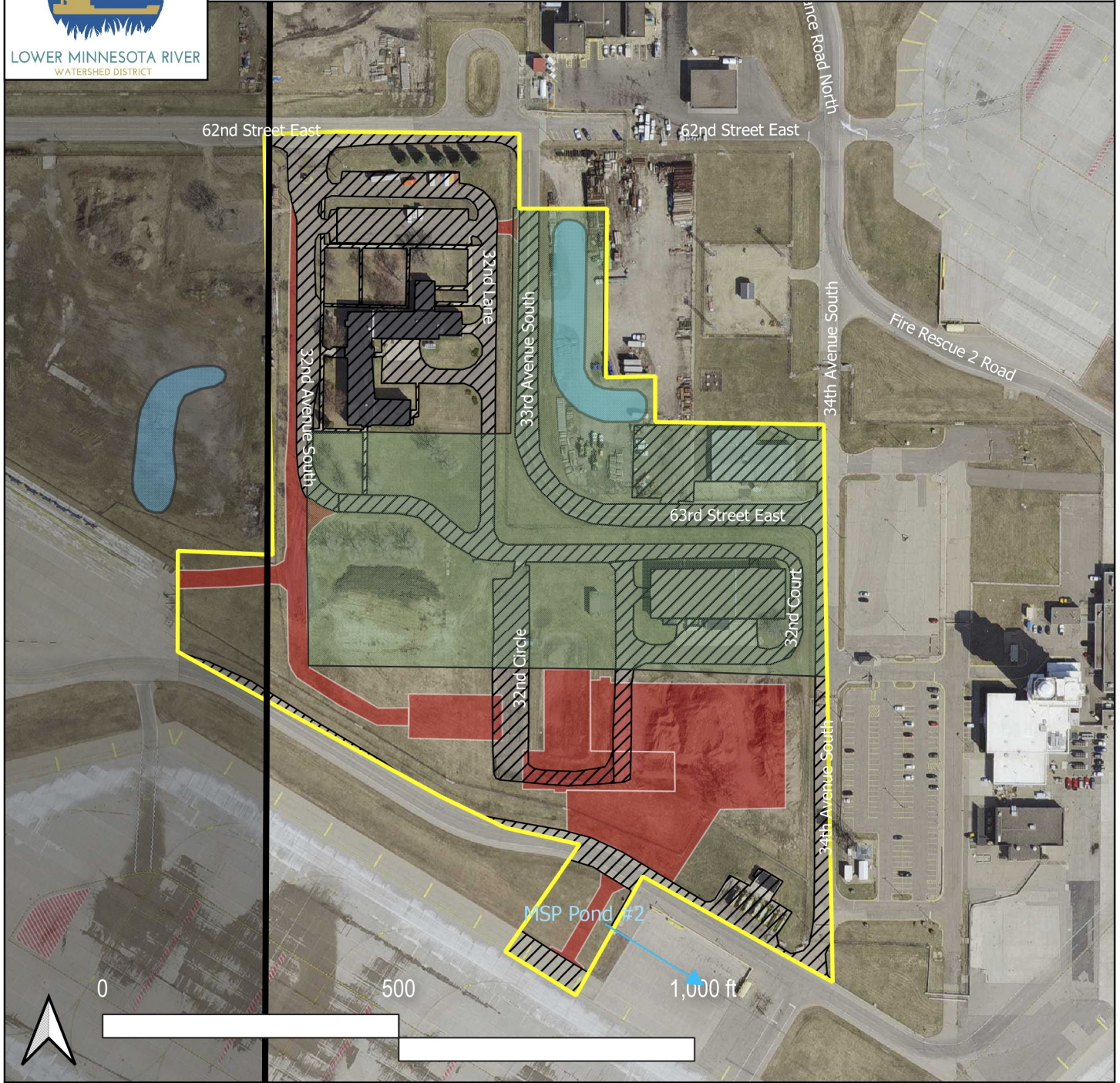
- Copy of NPDES permit, either construction stormwater permit or individual permit if it states a construction stormwater permit is not needed
- Contact information of the contractor
- Contact information for the person(s) responsible for erosion and sediment control

Attachments














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



Figure I: 2021 Safety and Security Center
Project Location



LEGEND

-  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

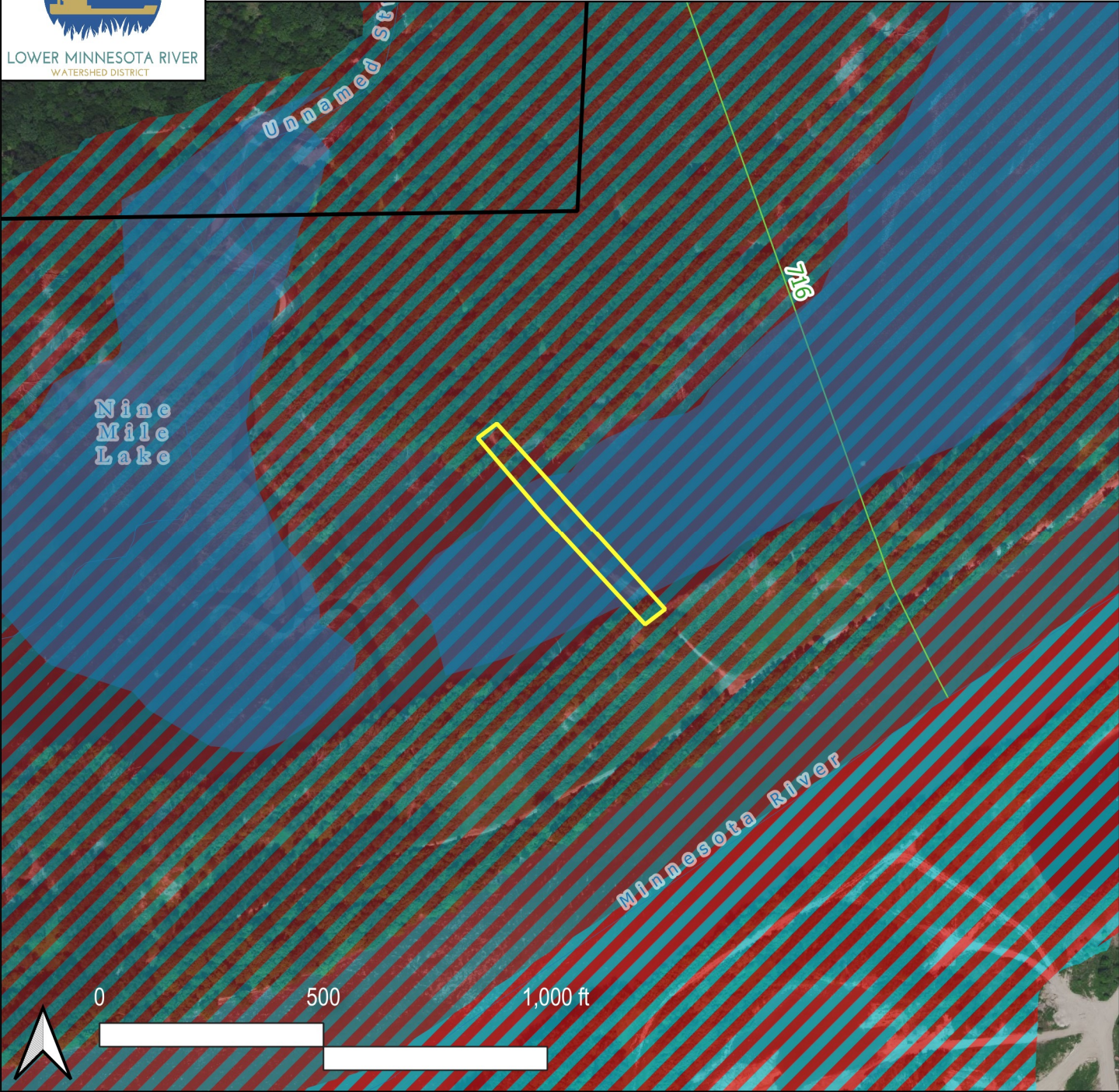
Although the project is located within the 100-year floodplain, because of the maintenance nature of the work, it is not expected to increase flood elevations or reduce flood storage capacity. The staff recommends approval of the Project.

Attachments














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



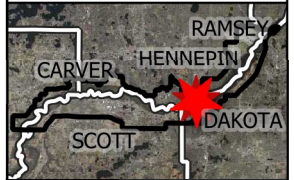
Figure I: Stump Road Maintenance Project Location



LEGEND

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

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

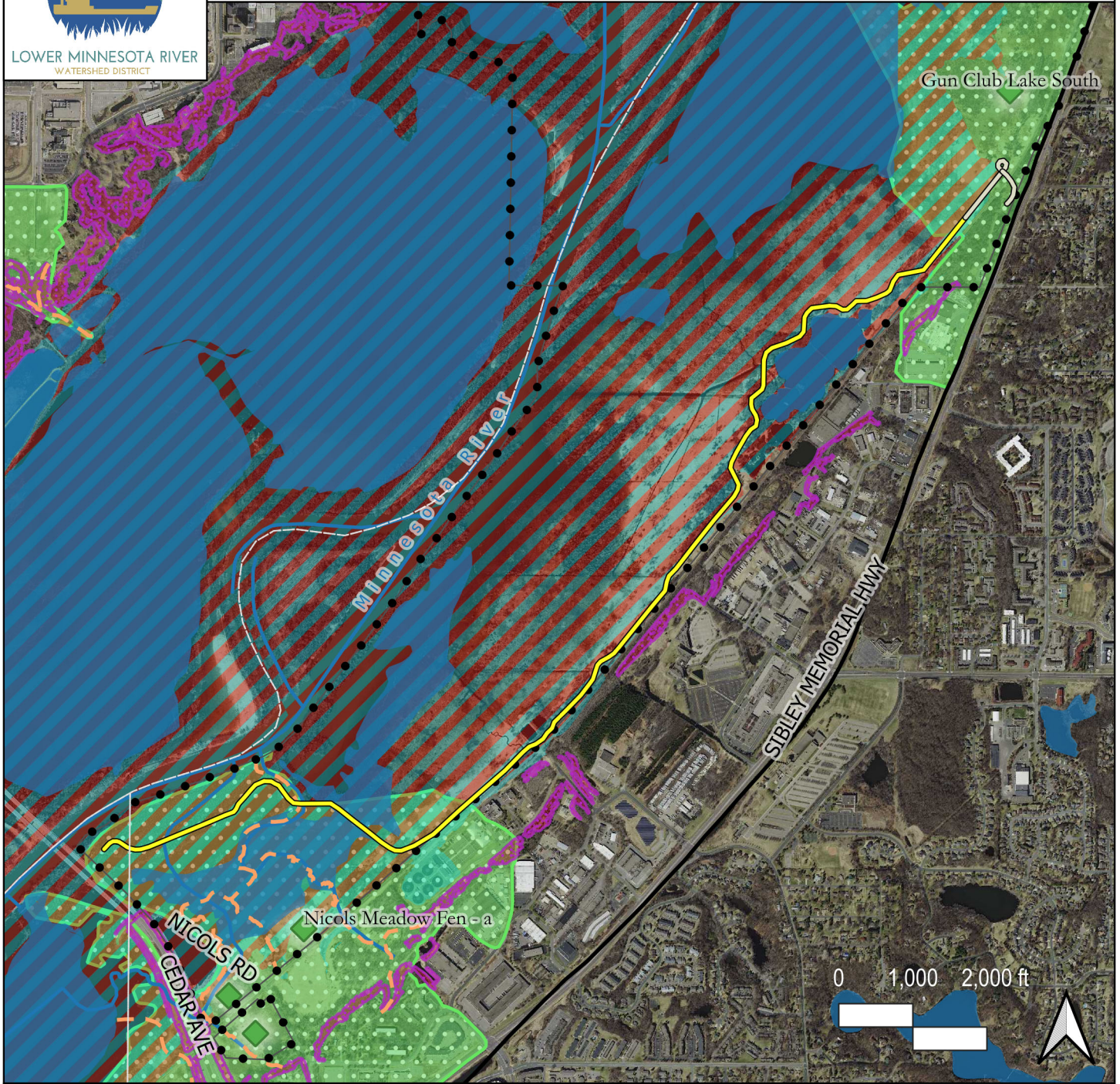
Attachments

- Figure 1—Minnesota River Greenway Trail Project Location Map
















LOWER MINNESOTA RIVER
WATERSHED DISTRICT

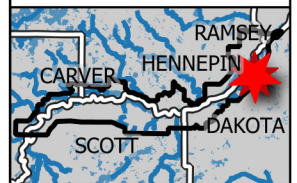
Figure 1: Minnesota River Greenway Trail Project Location



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.

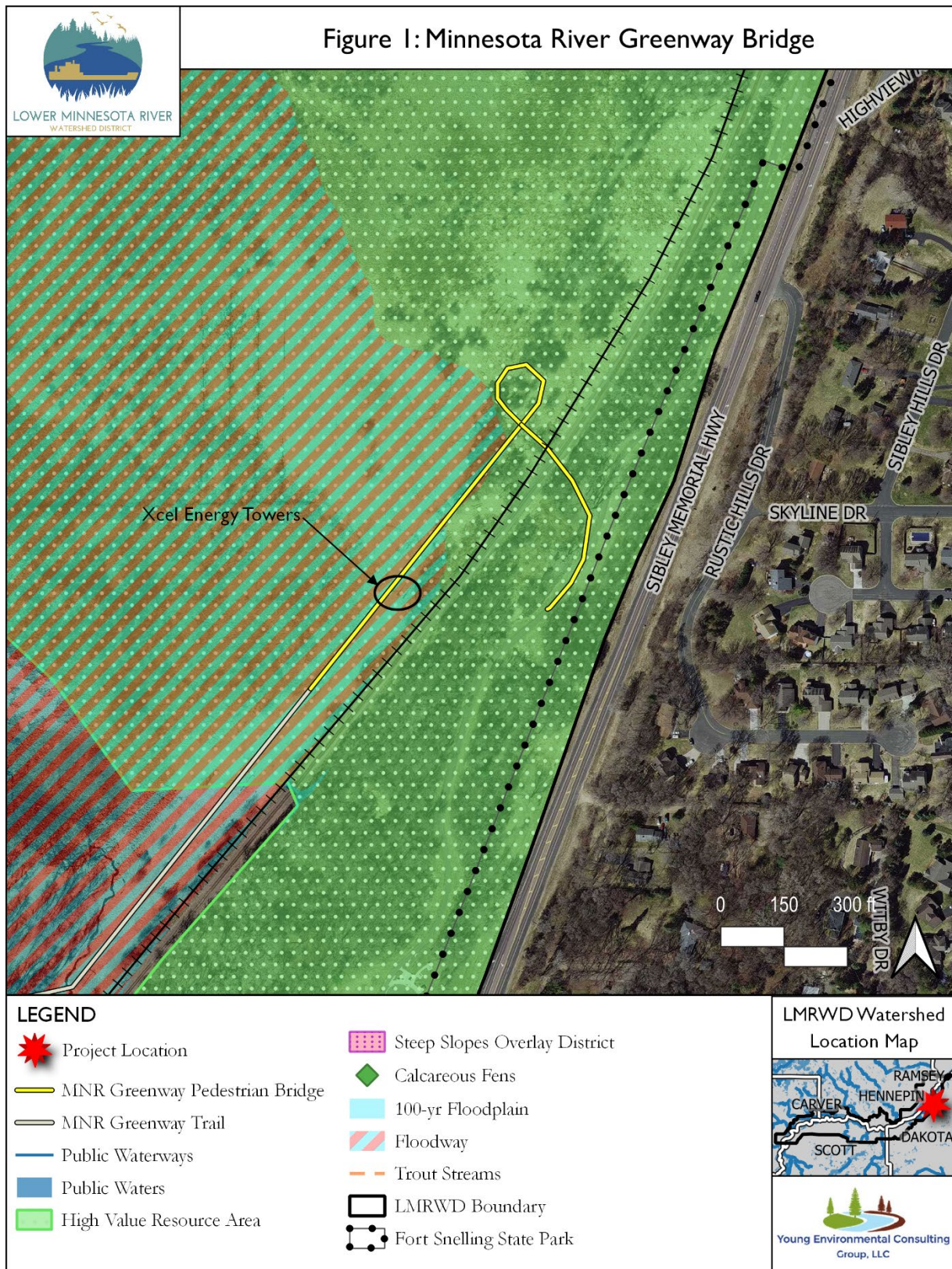


Figure 2. Looking northeast at the Union Pacific railway and wetland from the existing trail approximately where the proposed bridge will cross the railway.



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

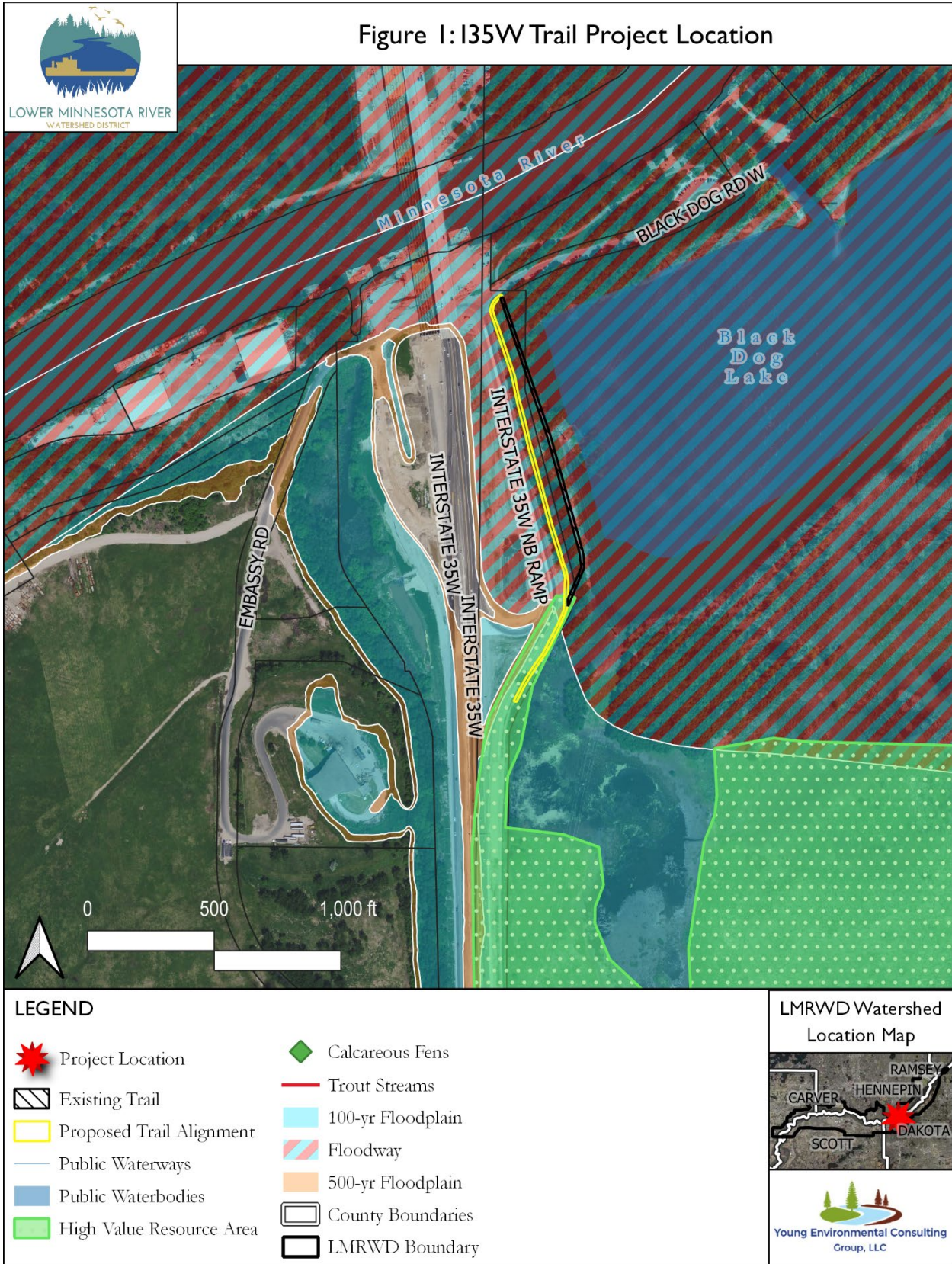
The District regulates land-disturbing activities that affect 5,000 square feet or more within the HVRA and one acre or more in the general district under Rule B. The proposed Project would disturb approximately 2.5 acres within the LMRWD boundary and approximately 7,000 square feet within the HVRA,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

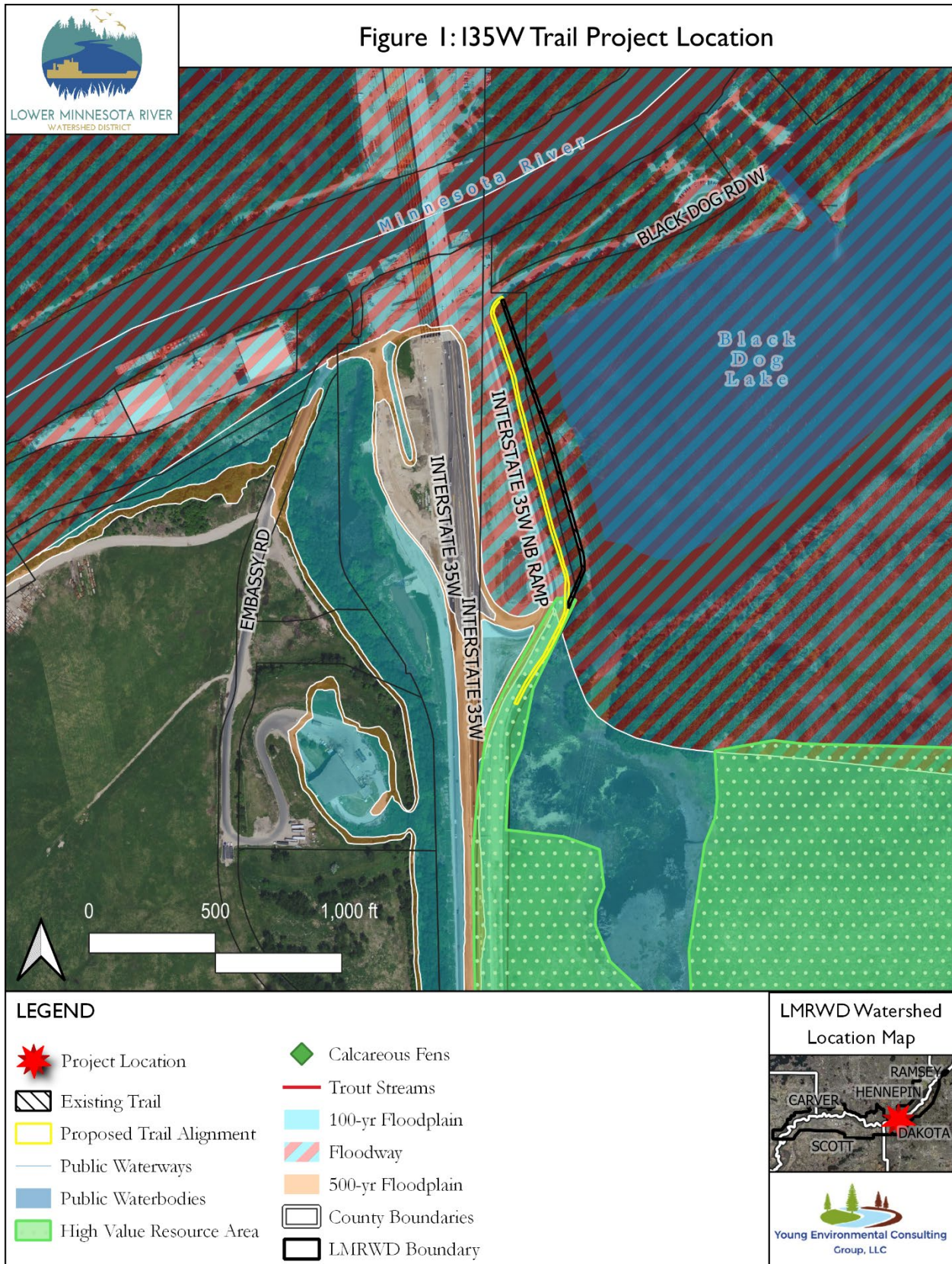


Figure 2. Looking north at the existing trail and I-35W embankment.



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

