



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 16, 2022

### Agenda Item

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

#### Prepared By

Linda Loomis, Administrator

#### Summary.

##### i. 2022 MBL Nicollet River Crossing (LMRWD Permit No. 2022-002)

This project repairs an existing natural gas pipeline that crosses under the river. This project has been on the project review section of the Administrator's Report as "CenterPoint Energy Nicollet River Crossing Segment 1 and CenterPoint Energy Nicollet River Crossing Segment 2". Young Environmental Consulting Group has reviewed the project on behalf of the LMRWD. The summary of the review is attached.

#### Attachments

Technical Memorandum dated March 8, 2022 – 2022 MBL Nicollet River Crossing (LMRWD No. 2022-002)

#### Recommended Action

Motion to conditionally approve 2022 MBL Nicollet River Crossing (LMRWD No. 2022-002), subject to receipt of a copy of the NPDES permit, contact information of the contractor, contact information for the person(s) responsible for inspection and maintenance of erosion and sediment control, and a special stipulation in the final permit that prohibits dewatering discharges within the Steep Slope Overlay District and requires notification if groundwater disturbances occur.

##### ii. Ivy Brook Parking East (LMRWD Permit No. 2022-003)

This project was reviewed by Young Environmental Consulting Group (YECG) on behalf of the LMRWD. The proposal will construct an area for parking and storage of vehicles, equipment, and light material. A summary of YECG's review is attached.

#### Attachments

Technical Memorandum dated March 9, 2022 – Ivy Brook Parking East (LMRWD No. 2022-003)

#### Recommended Action

Motion to conditionally approve Ivy Brook Parking East (LMRWD No. 2022-003), subject to receipt of a copy of the NPDES permit, contact information of the contractor, contact information for the person(s) responsible for inspection and maintenance of erosion and sediment control features, and a copy of the City's Low Impact Development (LID) Management Practices Agreement for the proposed sand filter.

**iii. Ivy Brook Parking West (LMRWD Permit No. 2022-008)**

This project proposes to construct a parking area for storage, the same as Ivy Brook Parking East. The summary provided by YECG on behalf of the LMRWD is less detailed than Ivy Brook East, because it is not located in Drinking Water Supply Management Area (DWSMA) and drainage is not part of a regional system.

**Attachments**

Technical Memorandum dated March 8, 2022 – Ivy Brook Parking West (LMRWD No. 2022-008)

**Recommended Action**

Motion to conditionally approve Ivy Brook Parking West (LMRWD No. 2022-008), subject to receipt of a copy of the NPDES permit, contact information of the contractor, and contact information for the person(s) responsible for inspection.

**iv. MN River Greenway Pedestrian Bridge Temporary Crossing**

A summary of a meeting of the Technical Evaluation Panel for disturbances to wetland caused by temporary access (over the Union Pacific Railroad) necessary to construct the MN Greenway Trail. YECG provided a summary of the discussion for the Board's information. No action is needed at this time.

**Attachments**

Technical Memorandum dated March 9, 2022 – Minnesota River Greenway Railroad Pedestrian Bridge – Temporary Crossing

**Recommended Action**

No action recommended – for information only

**v. Canterbury Park Eastern Development EAW Review**

The City of Shakopee has its Municipal Permit, however, the LMRWD received an Environmental Assessment Worksheet (EAW) for the construction of an amphitheater east of Canterbury Park. The proposal requires significant excavation for the construction of the amphitheater and this area is in a DWSMA, and there is concern of potential karst formations. YECG reviewed the EAW on behalf of the LMRWD, which are attached, and provided comments to the City of Shakopee.

**Attachments**

Technical Memorandum dated March 8, 2022 – Canterbury Park Eastern Development EAW Review

**Recommended Action**

No action recommended – for information only

# Technical Memorandum

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

**From:** Hannah LeClaire, PE  
Katy Thompson, PE, CFM

**Date:** March 8, 2022

**Re:** 2022 MBL Nicollet River Crossing (LMRWD No. 2022-002)

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CenterPoint Energy (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to replace two steel natural gas pipelines, the Nicollet and Lyndale lines, by constructing a 24-inch gas line parallel to the existing pipeline then abandoning the old pipeline in place, as shown in Figure 1. The applicant's engineer, Environmental Resources Management (ERM), has provided site plans for the 2022 MBL Nicollet River Crossing (Project) along with the permit application.

The proposed project consists of replacing approximately 7,539 feet of its existing Nicollet Line steel natural gas pipeline and approximately 1,593 feet of its existing Lyndale Line steel natural gas pipeline at the Minnesota River and Black Dog Lake to maintain the integrity of the existing CenterPoint Energy natural gas transmission pipeline system. The project area (Figure 1) crosses the Minnesota River and Black Dog Lake from Bloomington in Hennepin County to the CenterPoint facility in Burnsville in Dakota County. In addition, the project is located within the Minnesota Valley National Wildlife Refuge. The pipeline will be installed using a combination of the horizontal bore and open trench methods. The total area of disturbance is estimated to be approximately 12.91 acres. The project does not involve the construction or replacement of impervious surfaces, and all project areas will be returned to preconstruction conditions upon completion of the construction activities.

The project is located within the High Value Resource Area, Steep Slopes Overlay District, and Minnesota River floodplain in both Hennepin and Dakota Counties. The applicant proposes to commence construction on April 1, 2022.

Because the city of Burnsville does not have its LMRWD municipal LGU permit and the city of Bloomington has waived authority for floodplain work, this project requires an LMRWD individual permit and, as such, is subject to an LMRWD permitting review.

## Summary

<u>Project Name:</u>	2022 MBL Nicollet River Crossing
<u>Purpose:</u>	Replace steel natural gas pipeline to maintain integrity of existing CenterPoint Energy natural gas transmission pipeline system
<u>Project Size:</u>	12.91 acres disturbed; 0.00 acres existing impervious; 0.00 acres proposed impervious
<u>Location:</u>	Approximately 107th St Circle E Bloomington, MN to 1400 Black Dog Road, Burnsville, MN 55337
<u>LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule C—Floodplain and Drainage Alteration Rule F—Steep Slopes
<u>Recommended Board Action:</u>	Conditional approval

## Discussion

The District received the following documents for review:

- LMRWD online permit application, received January 18, 2022
- Project Letter Narrative, dated January 18, 2022, received January 18, 2022
- Authorization of Agent, dated January 17, 2022, received January 18, 2022
- Project Map, dated January 5, 2022, received January 18, 2022
- Site Plan Figures, dated January 14, 2022, received January 18, 2022, revised February 16, 2022
- Typical BMP figures, various dates, received January 18, 2022
- Permit application fee of \$1,500, received January 18, 2022
- Minnesota “No-Rise” Certification, dated December 8, 2021, received January 18, 2022
- Floodplain maps, dated December 8, 2021, received January 18, 2022
- Construction plans, dated January 7, 2022, received February 16, 2022
- Minnesota River Crossing (Nicollet Line)—HDD Plan and Profile, dated January 7, 2022, received February 16, 2022
- Response letter to LMRWD comments, dated February 16, 2022, received February 16, 2022

- National Flood Hazard Layer FIRMette, dated February 1, 2022, received February 16, 2022
- Slope Restoration Plan—North, dated February 16, 2022, received February 16, 2022
- Slope Restoration Plan—South, dated February 16, 2022, received February 16, 2022
- Easement site map, dated January 19, 2022, received February 16, 2022
- Certificate of titles and easements, various dates, received February 16, 2022
- Application supplement, no date, received February 16, 2022
- Email correspondence with MnDNR, dated January 21, 2021, received February 16, 2022
- Email correspondence with ERM, dated and received March 8, 2022

The application was deemed complete on February 18, 2022, and the documents received provide the minimum information necessary for permit review.

### Background

The new 24-inch diameter steel natural gas pipeline will be installed using a combination of a horizontal directional drill (HDD) and open trench methods. Approximately 3,804 feet of new pipeline will be installed under the Minnesota River, Black Dog Lake, and adjacent wetlands using the HDD method. Approximately 773 feet of new pipeline will be installed in wetlands and uplands north of the Minnesota River, and 4,452 feet of new pipeline will be installed south of Black Dog Lake using the open trench method. In addition, approximately 920 feet of new pipeline will be installed via the HDD method to complete the crossing of the Union Pacific rail line south of Black Dog Lake. Approximately 3,813 feet of existing pipeline located under the Minnesota River, Black Dog Lake, and wetlands adjacent to the banks of the river will be abandoned in place. Where the new and existing pipeline alignments overlap, the existing pipeline will be removed using the open trench method, and the new pipeline will be installed within the same trench.

### Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more under Rule B or involve the displacement or removal of 5,000 square feet or more of surface area or vegetation or the excavation of 50 cubic yards or more of earth within the HVRA Overlay District. The proposed project would disturb approximately 12.91 acres within the LMRWD boundary, of which 4.5 acres are within the HVRA. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention Plan. The project generally complies with Rule B, but a copy of the NPDES permit and contact information for the contractor and person(s) responsible for the inspection and maintenance of erosion and sediment control features is needed before the District can issue a permit.

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 (FIRM) Panel 27037C0070E (effective December 2, 2011). The base flood elevation at the project site is 715.1 (NAVD 1988). The project does not propose any permanent fill or excavation or drainage alterations within the floodplain. All disturbed project areas will be returned to preconstruction conditions upon completion of the construction activities. The project meets the minimum requirements of Rule C.

Rule F—Steep Slopes Rule

The District regulates land-disturbing activities within the SSOD and requires a permit for activities that involve the excavation of 50 cubic yards or more of earth or the displacement or removal of 5,000 square feet or more of surface area or vegetation within the overlay area. The project proposes to excavate approximately 3 feet in depth to lay the new natural gas lines on the slope, then backfill and restore the slope with native vegetation. Drainage patterns within the SSOD will not be affected by construction. A slope restoration plan for the project has been developed and signed by a professional engineer in the state of Minnesota and includes restoration sequence and erosion control BMPs.

The discharge sites for the dewatering activities are not currently located within the SSOD; however, this should be added as a special stipulation for the final permit. The project complies with Rule F.

Additional Considerations

Considering the past issue encountered on the Cedar Avenue Line, the LMRWD is increasingly concerned about the potential negative impacts of deep excavations on groundwater. The applicant has confirmed that the Cedar Avenue Line Project occurred in a different location that had historical evidence of groundwater and springs. The 2022 MBL Project area does not have the same historical indications and the previous disturbances in the Project corridor did not encounter any springs or groundwater flow. The new Lyndale and Nicollet pipelines will be installed at similar depths to the existing lines, approximately three feet below grade, and will not require deep excavations. While the Project is not anticipated to disturb groundwater patterns, if an event does occur, CenterPoint Energy will contact LMRWD, the local city jurisdiction, and any relevant state agencies immediately upon discovery.

Threatened and endangered species were identified in the area. The project implementation plan has taken these species into consideration and has identified methods for minimizing disturbance. Additionally, a significant cultural resources review was completed. In coordination with the Shakopee Mdewakanton Sioux Tribal Historic

Preservation Office, ERM has recommended measures to protect the historical resources that may be encountered on the project site.

### **Recommendations**

Staff recommends conditional approval of the Project, contingent upon the receipt of the following:

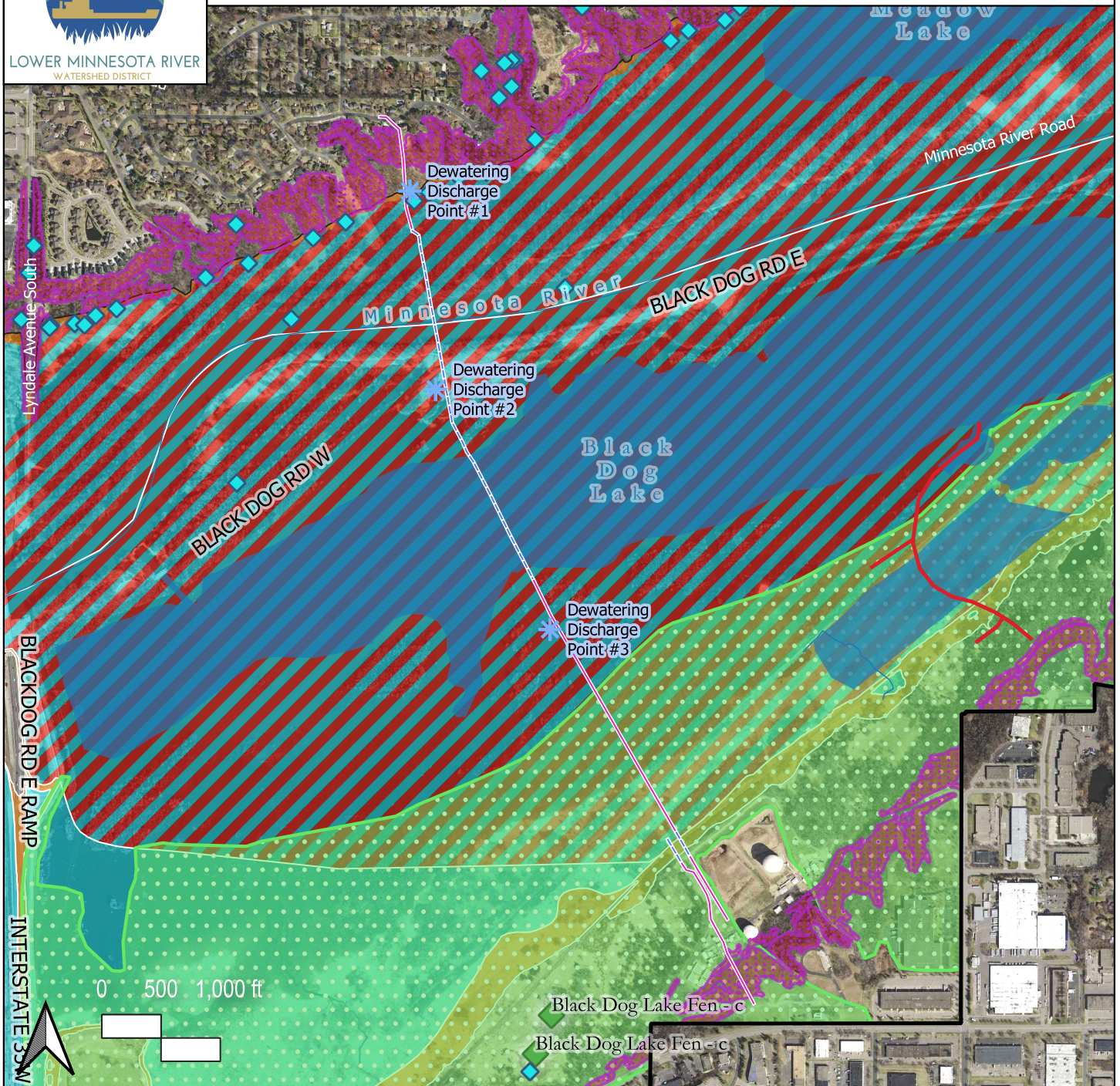
- Copy of NPDES permit
- Contact information of the contractor
- Contact information for the person(s) responsible for erosion and sediment control
- A special stipulation in the final permit that prohibits dewatering discharges within the SSOD

### **Attachments**

- Figure 1—2022 MBL Nicollet River Crossing



Figure 1: 2022 MBL Nicollet River Crossing



- Project Location
- New Gas Pipeline (Boring Method)
- New Gas Pipeline (Trench Method)
- High Value Resource Area
- Steep Slopes Overlay District
- Public Waters
- Public Waters
- Trout Streams
- LMRWD Calcareous Fens
- Springs
- County Boundaries
- LMRWD Boundary
- 100-yr Floodplain
- Floodway
- 500-yr Floodplain

**LMRWd Watershed Location Map**

Young Environmental Consulting Group, LLC



# Technical Memorandum

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

**From:** Hannah LeClaire, PE  
Katy Thompson, PE, CFM

**Date:** March 9, 2022

**Re:** Ivy Brook Parking East (LMRWD No. 2022-003)

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Ivy Brook Parking LLC (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop an outdoor storage lot located at the 2100 Frontage Rd N site in the City of Burnsville (City), as shown in Figure 1. The applicant's engineer, Larson Engineering, Inc., has provided site plans for the Ivy Brook Parking Lot, along with the permit application.

The proposed project consists of constructing an outdoor storage yard approved for the parking/storage of commercial vehicles, recreational vehicles, equipment, and light material. The project would disturb 3.55 acres and create 2.68 acres of new impervious surfaces. The project will also remodel an existing structure on-site to use as a general office building. The project is not located within the High Value Resource Area (HVRA), Steep Slopes Overlay District, or the Minnesota River floodplain. The applicant proposed to commence construction in April 2022.

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

## Summary

<u>Project Name:</u>	Ivy Brook Parking East
<u>Purpose:</u>	Outdoor storage yard
<u>Project Size:</u>	3.55 acres of disturbed surfaces; 0.96 acres of

existing impervious surfaces; 2.70 acres of proposed impervious surfaces; net increase of 1.74 acres of new impervious surfaces

Location: 2100 Frontage Rd N, Burnsville, MN 55377 (Parcels 037-020110001016 and 037-021539002012)

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 January 19, 2022
- Permit application fee of \$750, received January 25, 2022
- 2100 Truck Lot Development Plan Set by Larson Engineering, Inc., dated January 19, 2022, received January 19, 2022, revised February 25, 2022
- 2100 Project Narrative by Ivy Brook Parking, LLC, no date, received January 19, 2022, revised February 11, 2022
- Project Site Map by Larson Engineering, Inc., no date, received January 19, 2022
- Drinking Water Supply New Development Environmental Checklist by Larson Engineering, Inc., dated January 19, 2022, received January 19, 2022, revised February 11, 2022
- Ivy Brook Truck Storage Stormwater Calculations by Larson Engineering Inc., dated January 19, 2022, received January 19, 2022, revised February 25, 2022
- MPCA Stormwater Pollution Prevention Plan by Larson Engineering Inc., no date, received January 19, 2022
- Preliminary Geotechnical Evaluation by Braun Intertec, dated February 8, 2022, received February 11, 2022
- Regional Pond Usage Email by City of Burnsville, provided by Larson Engineering Inc., dated September 24, 2021, received February 11, 2022
- Drinking Water Protection Overlay District by the City of Burnsville, provided by Larson Engineering, Inc., dated October 8, 2012, received February 11, 2022
- Individual Project Permit – Authorization of Agent by Ivy Brook Parking, LLC, dated January 26, 2022, received February 11, 2022
- Yellow Freight Pond – Stormwater Development Review City of Burnsville by AE2S, provided by Larson Engineering, Inc., dated September 20, 2021, received February 11, 2022
- City Pond Maintenance Email from City of Burnsville, dated February 22, 2022,

received February 25, 2022

- Ivy Brook Preliminary Construction Schedule by Larson Engineering, Inc., no date, received February 25, 2022
- Pond Assessment Work Order by City of Burnsville, dated June 20, 2018, received February 25, 2022
- Yellow Freight Pond – Stormwater Development Review City of Burnsville by AE2S, dated February 25, 2022, received February 25, 2022

The application was deemed complete on February 15, 2022, and the documents received provide the minimum information necessary for permit review.

### Background

This development is part of a larger regional development called the Minnesota River Quadrant (MRQ), which is bounded by the Minnesota River to the north, I-35W to the east, and Lynn Avenue to the west. In 2011, the City earmarked the MRQ area for future development and redevelopment and created an overall master plan for stormwater management that would meet its standards for stormwater rate control and water quality. The MRQ area is immediately upstream of the City's drinking water intake, within the City's Drinking Water Protection Overlay District (DWPOD), and partially within the Minnesota Department of Health's Drinking Water Supply Management Area (DWSMA), precluding infiltration on site. Overall, the initial 2011 plan proposed meeting the City's stormwater standards through the use of lined wet ponds that maintain existing discharge rates for 2-, 10-, and 100-year storm events, as well as remove 90 percent of total suspended solids (TSS) and 60 percent of total phosphorus (TP) from the new development and redevelopment areas contributing to these ponds, which is slightly more stringent than City requirements. In an email sent on Friday, September 24, 2021, by Jen Desrude, the City Engineer for Burnsville, she suggested the applicant utilize the Yellow Freight Pond (Regional Pond) to treat stormwater runoff from the proposed site, consistent with the 2011 plan.

The Yellow Freight Pond had been previously reviewed by the LMRWD for two other permit applications in 2021: the Burnsville Industrial IV (2021-009) and Park Jeep (2021-030). Since these projects were permitted, the City has conducted a more detailed review of the pond and its remaining capacity, detailed in the sections below.

### 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 3.55 acres within the LMRWD. The applicant has provided an erosion and sediment control plan and a stormwater pollution prevention plan. The project generally complies with Rule B, but a copy of the NPDES permit and contact information for the contractor and person(s) responsible for

the inspection and maintenance of the erosion and sediment control features are needed before the District can issue a permit.

**Rule D – Stormwater Management**

The Project proposes a total of 2.70 acres of impervious surfaces, including the construction of 1.74 acres of new impervious surfaces and the reconstruction of 0.96 acres. The majority of runoff from the new impervious surfaces will be routed to an existing City-maintained regional wet pond (Yellow Freight Pond in Figure 1). A small portion will be treated on-site, and 0.09 acres will be discharged directly to the existing storm sewer.

A technical memorandum, titled Yellow Freight Pond – Stormwater Development Review City of Burnsville, was prepared on September 20, 2021, by AE2S to evaluate the capacity of the regional pond for this project. The key findings in this memorandum are as follows:

- The Yellow Freight Pond can provide water quality benefits for the 235.6-acre upstream drainage area, which includes 166.3 acres of existing impervious surfaces.
- The Yellow Freight Pond has the capacity for an additional 50.1 acres of new impervious surfaces within the watershed as of September 2021.

However, the 50.1 acres of remaining capacity of Yellow Freight Pond does not include the proposed Park Jeep development (LMRWD Permit No. 2021-030). With the inclusion of this upcoming development, the pond’s remaining capacity is 45.13 acres of impervious surfaces.

Section 4.4.1 of Rule D requires applicants demonstrate no increase in proposed runoff rates compared with existing conditions. Runoff from the site currently discharges directly to the Oliver Avenue storm sewer. Under the proposed conditions, the majority of the site will be rerouted to Yellow Freight Pond. Table 1 shows the existing and proposed peak discharge rates leaving the site.

*Table 1. Peak discharge rates in cubic feet per second from the Ivy Brook East Site*

	Discharge Location	2-Year	10-Year	100-Year
Existing Conditions	Oliver Ave Storm Sewer	4.95	9.28	20.24
	Yellow Freight Pond	0.00	0.00	0.00
Proposed Conditions	Oliver Ave Storm Sewer	2.04	3.05	8.62
	Yellow Freight Pond	7.93	12.38	22.80

The AE2S Yellow Freight Pond Tech Memo was updated on February 25, 2022, to evaluate the proposed Ivy Brook East development and its impact on the discharge rates from the pond. Table 2 summarizes the existing and proposed peak discharge rates leaving Yellow Freight Pond. The existing condition represents the pre-regional pond development, whereas the proposed condition represents the current fully developed conditions, including the Ivy Brook contributing area and assuming 80 percent impervious surfaces across the entire watershed. It should be noted that the Ivy Brook Parking East development is proposing 75 percent impervious surfaces, less than the model assumption.

*Table 2. Peak discharge rates in cubic feet per second for Yellow Freight Pond*

Condition	2-Year	10-Year	100-Year
Existing Condition	757	944	1,098
Proposed Condition	457	674	1,082

The reported runoff rates show a decrease in the existing conditions for the 2- through 100-year events routed to Yellow Freight Pond, meeting the rate control requirements in Rule D.

As mentioned, infiltration is not allowed because the Project is located within the City’s DWPOD, an area that is highly vulnerable to contamination. The project must provide a total of 9,745 cubic feet of volume reduction to meet the volume reduction requirements of Rule D Section 4.4.2. Because infiltration is not allowed, the applicant is proposing to provide an equivalent filtration volume. Approximately 1.99 acres of impervious surface runoff, equivalent to approximately 7,215 cubic feet of runoff, will be routed to the Yellow Freight Pond.

The remaining runoff from the site will either be treated by an oversized sand filter that runs along the west side of the parcel or routed directly to the storm sewer. A grass filter strip will be provided as a pre-treatment to the sand filter. Table 3 summarizes the proposed filtration volumes.

*Table 3. Water Quality Volumes*

Discharge Location	Acres of Impervious Surface (acre)	Proposed Treatment Volume (cubic feet)
Regional Pond	1.99	7,215
Sand Filter	0.60	2,603
Storm Sewer	0.09	0
<b>Total</b>	<b>2.68</b>	<b>9,818</b>

Despite not treating a small portion of the impervious area, the post-construction conditions are anticipated to exceed the required filtration volume. The sand filter BMP is oversized and treats approximately 1.2 inches of runoff from the contributing impervious surface. The site meets the volume requirements for Rule D.

Section 4.4.3 of Rule D requires projects that create more than one acre of impervious surfaces to provide evidence that no net increase in total phosphorus (TP) and total suspended solids (TSS) to receiving waters would result from the project. As previously discussed, Yellow Freight Pond has the capacity to treat the 1.99 acres of impervious surface from the proposed Ivy Brook East development without exceeding pre-pond discharge amounts for TP and TSS. Therefore, the runoff being routed to the regional pond from the Ivy Brook East site is considered compliant with Rule D.

Additionally, the applicant has provided MIDS water quality calculations to document the TP and TSS loads under existing and proposed conditions for the runoff being discharged directly to the Oliver Ave storm sewer. Table 4 summarizes those results.

*Table 4. MIDS water quality summary for discharges to Oliver Ave*

Pollutant	Existing Pollutant Runoff (lb/yr)	Proposed Pollutant Runoff (lb/yr)	Change (lb/yr)
Total Phosphorus	1.18	1.17	-0.01
Total Suspended Solids	213.6	102.2	-111.4

As presented, the pollutant load will be reduced for both TP and TSS. Hence, the project meets the water quality requirements established under Rule D.

Section 4.4.4 of Rule D requires the applicant develop and adhere to a maintenance plan for the permitted stormwater management structures. The Yellow Freight Pond is part of the City of Burnsville’s MS4 program and has been maintained according to their permit requirements. The City also requires a maintenance agreement for stormwater BMPs be recorded with Dakota County; a copy of the maintenance agreement for the proposed sand filter BMP will be a stipulation of the permit.

*Additional Considerations*

Given the potential for future development within the Burnsville MRQ, and to Yellow Freight Pond in particular, it should be noted that with the inclusion of Ivy Brook Parking East, the pond will have a remaining treatment capacity for 42.38 acres of new and redeveloped impervious surfaces.

## **Recommendations**

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

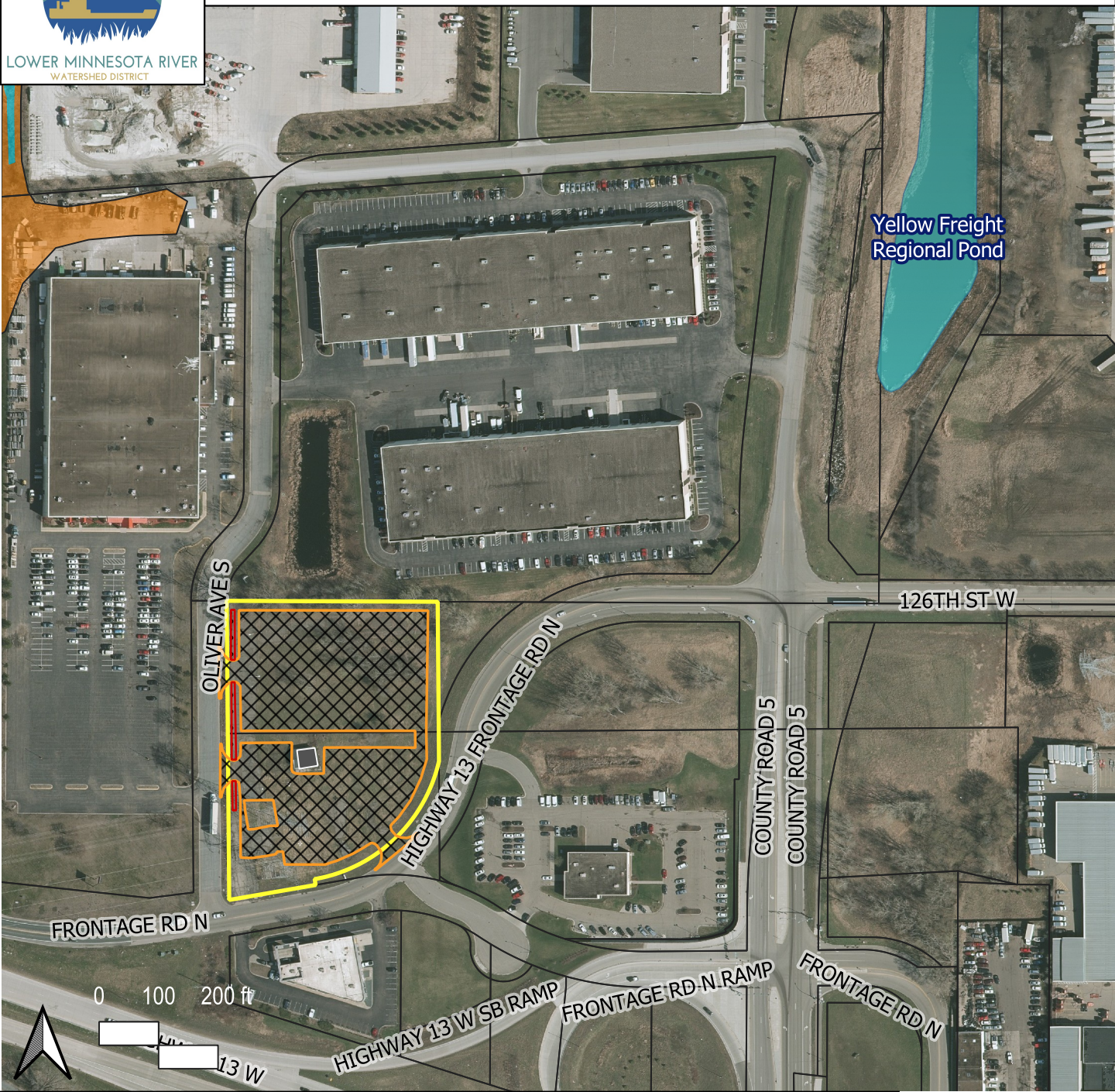
- A copy of the NPDES permit
- Contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of all erosion and sediment control features
- A copy of the City's Low Impact Development (LID) Management Practices Agreement for the proposed sand filter

## **Attachments**

- Figure 1 – Ivy Brook East Project Location Map



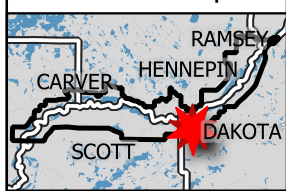
Figure 1: Ivy Brook East Project Location



**LEGEND**

-  Project Location
-  Ivy Brook East Site
-  Proposed Pavement
-  Sand Filter BMP
-  Existing Building
-  Yellow Freight Regional Pond
-  Public Waters
-  Public Waterbodies
-  High Value Resource Area
-  Steep Slopes Overlay District
-  Trout Streams
-  County Boundaries
-  Dakota Co. Parcels
-  LMRWD Boundary
-  100-yr Floodplain
-  Floodway
-  500-yr Floodplain

**LMRWD Watershed Location Map**





# Technical Memorandum

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

**From:** Hannah LeClaire, PE  
Katy Thompson, PE, CFM

**Date:** March 8, 2022

**Re:** Ivy Brook Parking Lot West (LMRWD No. 2022-008)

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Ivy Brook Parking LLC (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop an outdoor storage lot located at 3509 Highway 13 W in the City of Burnsville (City), as shown in Figure 1. The applicant's engineer, Larson Engineering, Inc., has provided site plans for the Ivy Brook Parking Lot West, along with the permit application.

The proposed project consists of redeveloping and expanding an existing paved parking lot to be used as an outdoor storage yard that is approved for the parking/storage of commercial vehicles, recreational vehicles, equipment, and light material. The project would disturb 1.59 acres and create 0.84 acres of new impervious surfaces. The project is not located within the High Value Resource Area (HVRA), Steep Slopes Overlay District, or Minnesota River floodplain. The applicant proposed to commence construction in late April 2022, following City approval on April 19, 2022.

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

## Summary

Project Name: Ivy Brook Parking Lot West

Purpose: Outdoor storage yard for commercial vehicles, recreational vehicles, equipment, and light material

<u>Project Size:</u>	3.63-acre site; 1.59 acres disturbed; 1.98 acres existing impervious; 2.82 acres proposed impervious; net increase of 0.84 acres new impervious
<u>Location:</u>	3509 Highway 13 W Burnsville, MN (Parcel 037-022050001040, 037-020150001017, and 037-020150001016)
<u>LMRWD Rules:</u>	Rule B – Erosion and Sediment Control
<u>Recommended Board Action:</u>	Conditional approval

## Discussion

The District received the following documents for review:

- LMRWD online permit application, received February 16, 2022
- Site Map, dated February 16, 2022, received February 16, 2022
- Project Narrative by Ivy Brook Parking LLC, undated, received February 16, 2022
- Permit application fee of \$750, received February 16, 2022
- Preliminary Geotechnical Evaluation by Braun Intertec, dated January 18, 2022, received February 16, 2022, revised February 8, 2022
- 3509 Truck Lot Development Plan Set by Larson Engineering, Inc., dated February 16, 2022, received February 16, 2022
- Plan Sheet C301 by Larson Engineering, dated February 16, 2022, revised February 25, 2022, received February 25, 2022
- Preliminary Construction Schedule by Larson Engineering Inc., undated, received February 25, 2022

The application was deemed complete on February 22, 2022, 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 1.59 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention Plan. The project generally complies with Rule B, but a copy of the NPDES permit and contact information for the contractor(s) and person(s) responsible for the inspection and maintenance of erosion and sediment control features is needed before the District can issue a permit.

### Additional Considerations

While the project does not trigger Rule D – Stormwater Management because the new and reconstructed impervious surfaces are less than one acre (0.84), the applicant is proposing an infiltration basin to capture and treat stormwater runoff onsite.

### **Recommendations**

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

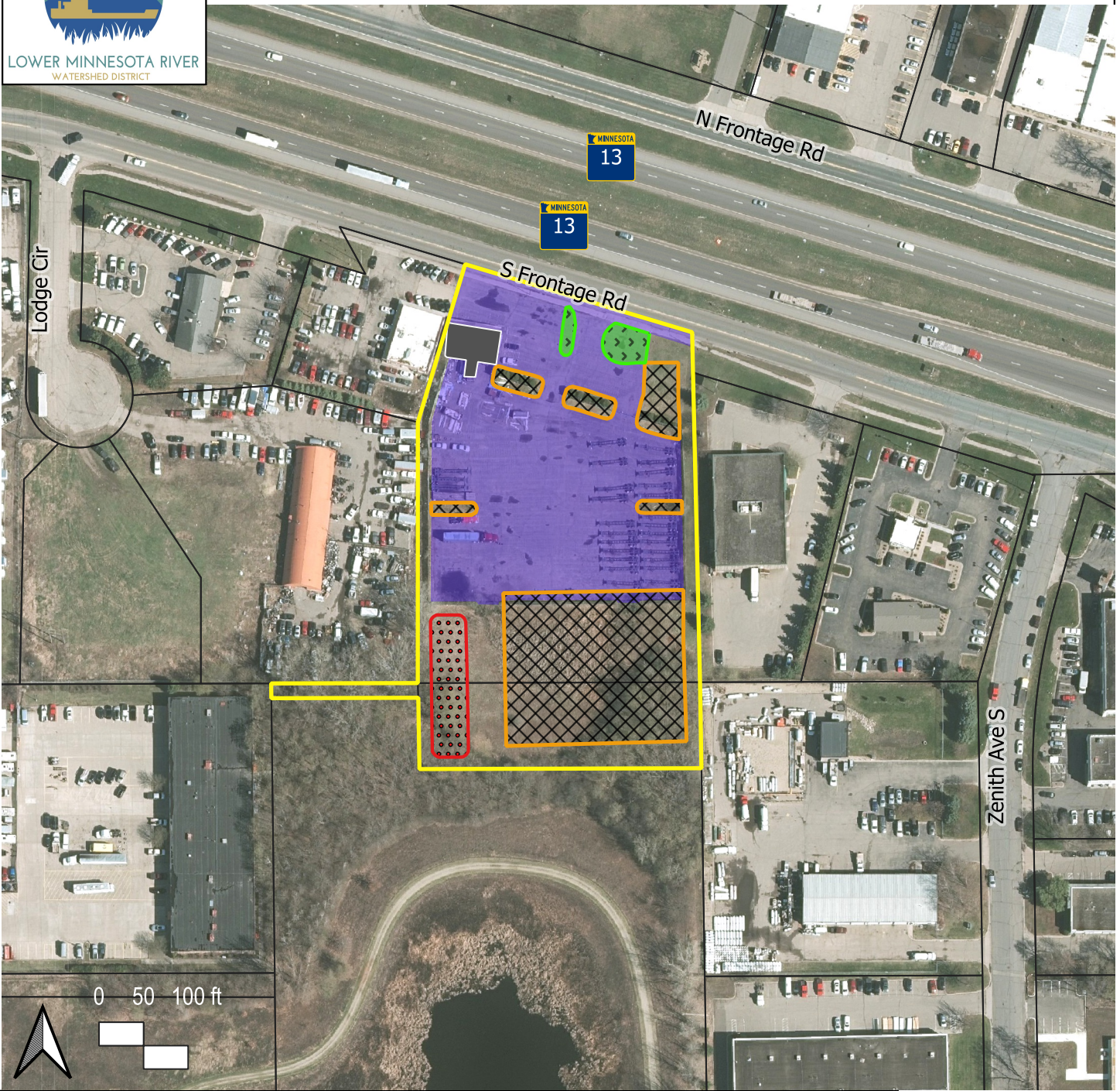
- Copy of the NPDES permit
- Contact information for the contractor(s) and/or the person(s) responsible for the inspection and maintenance of all erosion and sediment control features

### **Attachments**

















- Figure 1 – Ivy Brook West Project Location Map



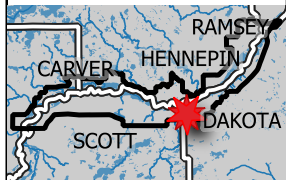
Figure 1: Ivy Brook West Project Location



**LEGEND**

-  Project Location
-  Ivy Brook West Site
-  Existing Building
-  Infiltration Basin
-  Proposed Pavement
-  Existing Pavement
-  New Pervious Area
-  Public Waters
-  Public Waterbodies
-  High Value Resource Area
-  Steep Slopes Overlay District
-  Floodway
-  500-yr Floodplain
-  Dakota Co. Parcels
-  County Boundaries
-  LMRWD Boundary

**LMRWD Watershed Location Map**





Young Environmental Consulting  
Group, LLC

# Technical Memorandum

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

**From:** Katy Thompson, PE, CFM  
Hannah LeClaire, PE

**Date:** March 9, 2022

**Re:** Minnesota River Greenway Railroad Pedestrian Bridge—Temporary Crossing

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The Minnesota Department of Natural Resources (MnDNR) is the local government unit for the Wetland Conservation Act (WCA) for the proposed Minnesota River Greenway Railroad Pedestrian Bridge project. On February 4, 2022, the MnDNR provided the Lower Minnesota River Watershed District (District or LMRWD) with the Notice of Application and wetland delineation report for review for the temporary construction access crossing. Dakota County and Bolton & Menk, Inc., previously applied for a Minnesota Wetland Conservation Act wetland delineation approval for the entire trail project in 2020 and 2021. The proposed Minnesota River Greenway project is divided into two separate projects: the trail and boardwalk scheduled for spring 2022 construction (conditionally approved by the LMRWD managers on November 17, 2021, LMRWD No. 2021-027) and the railroad bridge connection to the Lone Oak trailhead in Eagan scheduled for construction in late 2022 or early 2023.

The MnDNR requested Technical Evaluation Panel (TEP) representatives from the Board of Water and Soil Resources, the City of Eagan, the LMRWD, Xcel Energy, and Dakota County's consultant (Bolton & Menk, Inc.) to meet virtually and review a new 2021 wetland delineation for a proposed temporary crossing over the railroad, needed for pre-construction site preparation work.

## Summary

Project Name: Minnesota River Greenway Railroad Pedestrian Bridge Temporary Crossing

<u>Purpose:</u>	Construction access
<u>Project Size:</u>	1.3 acres disturbed, 0 acres existing impervious, and 0.39 acres proposed impervious
<u>Location:</u>	West of Sibley Memorial Highway and Skyline Drive, Eagan, Minnesota
<u>LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule C—Floodplain and Drainage Alteration
<u>Recommended Board Action:</u>	None, information only

## Summary

The proposed temporary construction access location is north of the proposed pedestrian bridge and outside of the previous delineations. The TEP met virtually on February 23, 2022, to discuss the expanded disturbance, as part of Dakota County's No-Loss/Type and Boundary Application. The proposed crossing is located within the LMRWD High Value Resource Area; however, no permanent changes to drainage or landscape are anticipated as it is expected to remain in place for 90 days. The County will use geotextile fabric and an aggregate base to construct the crossing over the railroad to allow for tree clearing and Xcel Energy pole replacement work that must also be completed before the trail and bridge components. After completion of the tree removal, the access road will be completely removed and the area will be seeded with a native seed mix to restore it to original conditions.

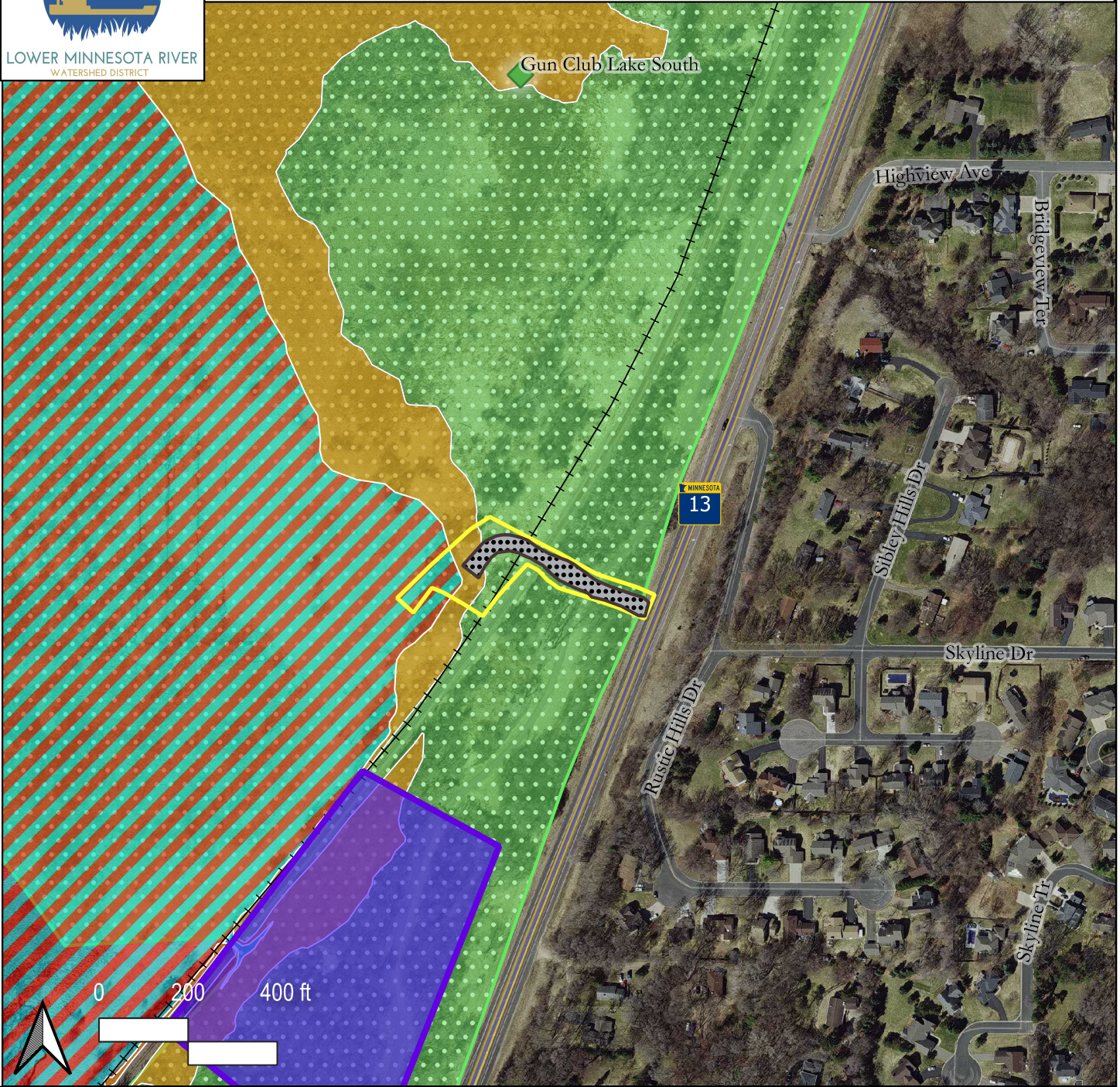
This no-loss application is ahead of the rest of the bridge project as tree clearing must occur during the winter to avoid affecting endangered bat species. The permanent impacts from the pedestrian bridge are not yet known and will be permitted at a later date. In preparation for that work, the County is working with the MnDNR to determine the potential impacts of the pedestrian bridge and are monitoring groundwater near the Gun Club calcareous fen complex to determine if the bridge footings could affect its groundwater source. A calcareous fen management plan will be developed as part of the bridge WCA permit application.

## Recommendations














No Board action is required at this time. During the meeting, the LMRWD mentioned that the County must apply for a LMRWD Individual Project Permit before the start of the temporary access construction activities per the applicable District rules, which, based on the information presented, appear to be Rules B and C.



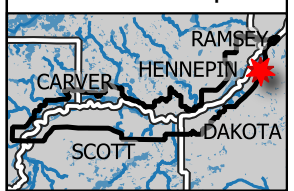
Figure I: MN River Greenway RR Bridge Temporary Crossing



**LEGEND**

-  Project Location
-  Temporary Aggregate Crossing
-  Study Area
-  Public Waterways
-  Public Waters
-  Previous Delineation Area
-  High Value Resource Area
-  County Boundaries
-  LMRWD Boundary
-  100-yr Floodplain
-  Floodway
-  500-yr Floodplain
-  LMRWD Calcareous Fens

**LMRWD Watershed Location Map**



# Technical Memorandum

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

**From:** Hannah LeClaire, PE  
Katy Thompson, PE, CFM

**Date:** March 8, 2022

**Re:** Canterbury Park Eastern Development Environmental Assessment  
Worksheet Review

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Swervo Development Corporation (Swervo) is proposing the construction of an amphitheater (Project) providing occupancy for 19,000 attendees and up to 500 staff at Canterbury Park. Although the amphitheater is within the Canterbury Park Master Plan area, it will be a stand-alone parcel subdivided from Canterbury Park under separate ownership. The Project is located on a 62.75-acre parcel located in the northeast quadrant of Canterbury Park bordered by County Road (CR) 83 to the east and Unbridled Avenue to the north in Shakopee. The Project requires the removal of existing buildings; relocation of 15 horse barns; and construction of the amphitheater, associated parking, and pedestrian walkways. New streets within Canterbury Park and south of the amphitheater are also included in the Project to serve the amphitheater from 12th Avenue (Figure 1). Construction on the Project is planned to start in the summer of 2022.

On February 24, 2022, Scott County provided the Lower Minnesota River Watershed District (LMRWD or District) with an environmental assessment worksheet (EAW) for comment. The Project is not located within the High Value Resource Areas, Steep Slopes Overlay District, or the 100-year FEMA Floodplain. A project summary and comments on the EAW follow.



## Project Summary

<u>Project Name:</u>	Canterbury Park Eastern Development
<u>Purpose:</u>	Private development
<u>Project Size:</u>	62.75 acres
<u>Location:</u>	SW ¼ Section 4 and NW ¼ Section 9, Township 115N, Range 22W, Scott County, MN (Parcel IDs 271320010, 271320020, 279040103, 275010030, 274500020, 275010010)
<u>Applicable LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule D—Stormwater Management
<u>Recommended Board Action:</u>	None, information only

## Comments on the EAW

### Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more outside of the special overlay districts. The EAW references Swervo's intent to obtain a National Pollutant Discharge Elimination System (NPDES) general construction stormwater (CSW) permit and develop a stormwater pollution prevention plan (SWPPP), as required under the City of Shakopee's Municipal (LGU) Permit.

**Comment 1: Provide a copy of the NPDES CSW permits.**

### Rule D—Stormwater Management

The EAW, under item 11.a, notes that the top of bedrock occurs at less than 10 feet to an estimated 50 feet below the ground surface in the Project area and other portions of the Canterbury site. The proposed amphitheater will excavate down to 25 feet below the existing ground surface and is likely to encounter bedrock based on the preliminary information. Additionally, the Project site lies in an area where there is potential for karst formations. However, Braun Intertec Corporation (Braun) completed a preliminary geotechnical investigation for the Project site and noted that karst formations have not been identified in the vicinity of the site in the past. Braun is under contract to complete additional geotechnical soil borings for stormwater management and structural design. These soil borings will be summarized in a new geotechnical report scheduled to be available in March 2022.

**Comment 2: The District does not allow infiltration practices in areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the top of bedrock. The District also regulates infiltration practices within 1,000 feet up gradient or 100 feet down gradient of active karst features. The final Geotechnical Report must verify that bedrock outcrops or karst formations will not be an issue for the proposed infiltration systems.**

On page 19 of the EAW (item 12.a.ii), it is noted that the Project is located in a drinking water supply management area (DWSMA) and the Shakopee Wellhead Protection Area. Most of the Project is within a low to moderate vulnerability DWSMA, but the southern portion of the Project is in a high vulnerability DWSMA. For this reason, the amphitheater portion of the Project (north side) is proposed to be treated through infiltration, whereas the public road improvements (south side) are proposed to be treated using alternative volume reduction best management practices (BMPs) (item 12.b.ii). The Project proposes 42.3 acres of impervious surfaces, which would require a volume reduction of approximately 3.5 acre-feet. Applicable BMPs will be provided on site to meet the volume reduction, rate control, and water quality requirements of the City and the District.

No surface water appropriations will be made by the Project. An existing appropriation permit held by the Shakopee Public Utilities Commission (SPUC) has the capacity to cover the potable water needs of the Project. The project will be serviced by the SPUC's Normal Service District. The projected water use for this Project is less than 2.5% of the unused appropriation. Additionally, historic soil borings indicate that groundwater is well below the depth of excavations for the Project, and dewatering is not anticipated to be required.

**Comment 3: The District does not allow infiltration practices in areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils. The final Geotechnical Report must verify the groundwater levels in the area have adequate separation from the bottom of the infiltration system. Additionally, given that the Project is in a vulnerable DWSMA, ensure that the SWPPP includes a spill prevention plan to prevent hazardous contaminants from entering the groundwater.**

There are three ultimate discharge locations for the Project: the Minnesota River, Upper Valley Drainage Way, and Blue Lake. The proposed stormwater management approach will be determined through design coordination with the City. Additionally, Canterbury must maintain its livestock production and manure waste pond in accordance with the permit conditions. Stormwater management associated with the project is taking into consideration potential impacts to water quality from nearby activities, including Canterbury's operations, to ensure compliance with regulatory requirements.

**Comment 4: It is the District's policy to protect and improve natural resources within the watershed to prevent further degradation. Stormwater management for the proposed site should promote and encourage a reduction in runoff rates to encourage infiltration and promote groundwater recharge where feasible.**

**Comment 5: As the developer moves forward with finalizing the EAW and Project plans, the District respectfully requests updates on any changes to the Project and construction methods that would cause the Project to significantly affect water and natural resources.**

### **Recommendations**

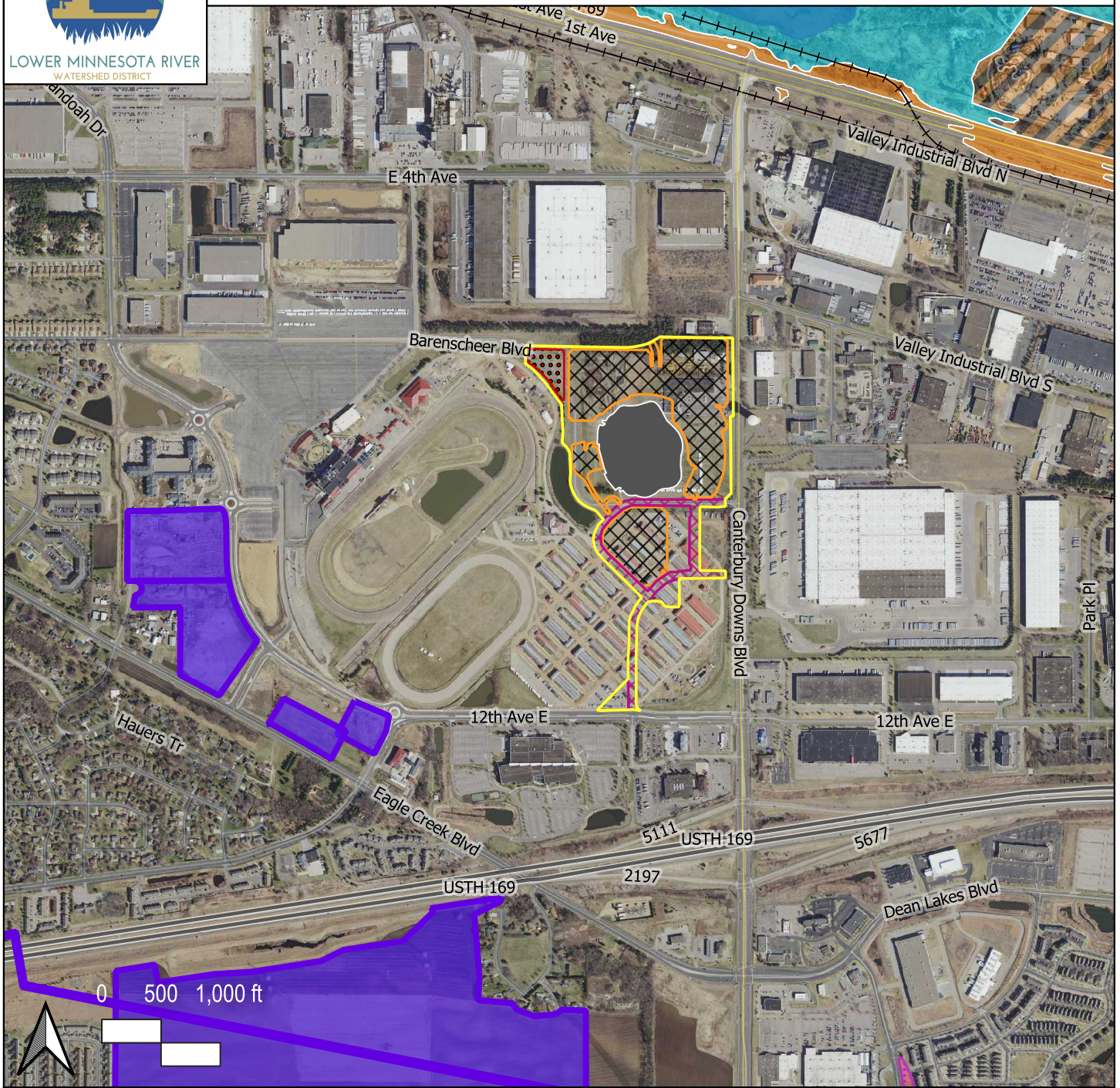
No board action is required at this time. Swervo must obtain a project permits from all applicable entities, including the City of Shakopee before construction commences. This memo will also be submitted to the City as part of the EAW comment period.

#### Attachment:

















- Figure 1. Proposed Features



Figure I: Canterbury Park Eastern Development



Legend

-  Project Location
-  Canterbury Park Site
-  Past LMRWD Permits
-  Amphitheater
-  Infiltration Basin
-  Pavement
-  Street
-  High Value Resource Area
-  Steep Slopes Overlay District
-  Public Waters
-  Public Waterbodies
-  County Boundaries
-  LMRWD Boundary
-  100-yr Floodplain
-  Floodway
-  500-yr Floodplain

LMRWD Watershed Location Map

