



LOWER MINNESOTA RIVER WATERSHED DISTRICT

October 2022 Administrator report
From: Linda Loomis, Administrator
To: LMRWD Board of Managers

In addition to items on the meeting agenda, the following District projects and issues were addressed during the month:

Other Work

Hennepin County Open Appointment

Hennepin County has informed me that they will be opening applications for appointment to the LMRWD Board of Managers. As you know Manager Raby has moved outside the boundaries of the LMRWD and he agreed to remain until the County appointed a replacement. If you know of anyone that you think would be a good addition to the Board of Managers and that lives in the Hennepin County portion of the LMRWD, please advise them that the position will be posted November 12 and applications will be taken until December 31st. This information will be posted to the LMRWD website with a link to the County's application portal.

Additionally, Dakota County has advised me that the Dakota County Board of Commissioners has received an application for the Dakota County seat on the Board and intends to make an appointment at its November 15, 2022, meeting.

Lower Minnesota River East One Watershed One Plan

On Thursday, September 28th, the first meeting of the Technical Advisory Committee (TAC) was held in Jordan, at the offices of the Scott SWCD. The second meeting of the committee was held on Friday, October 14, 2022. I was not able to attend the meeting and no virtual options was provided. A steering committee was scheduled for the same date but was cancelled after the TAC meeting. The October meeting of the Policy Committee has been cancelled. At the conclusion of the October 14, 2022 TAC meeting a link was distributed to a working draft of the "[Land and Water Resources](#)" section of the plan. Edits and comments are due November 1, 2022. Managers are free to use the link to review the document. If Managers have edits, you may be able to make the edits yourself, or if you have edits and cannot make them, let me know.

Project website: [website](#)

Minneapolis/St. Paul Airport

On August 31, 2022, the LMRWD received the annual notice from the Metropolitan Airport Commission (MAC) Preliminary Capital Improvement Program. Young Environmental Consulting Group will be reviewing the report on behalf of the LMRWD and working with the MAC for permitting any projects that require LMRWD permits.

Appletree Condominiums 2021 Cost Share Project (This item is on the October agenda)

On September 27, 2022, I visited the completed cost share project. Since the project was reviewed by Young Environmental Consulting Group on behalf of the LMRWD, Karina Weelborg and Anthony Crosby will be inspecting the project to assure it was completed according to the plans presented to the LMRWD. The project required a grading, drainage and erosion control permit from the City of

Bloomington. The City was consulted to assure the project was completed within the conditions of the permit. The City confirmed that project was completed according to the permit, however, they will not close out the permit until all the erosion control measures (silt fences) have been removed.

Representatives from the Condo Association informed me the contractor advised keeping the silt fence in place until the vegetation is reliably established.

Friends of the Mississippi River Lock & Dam Tour

In the September 2022 Administrator Report, the Board of Managers was advised that the US Army Corps of Engineers would be asking for public input regarding the [disposition study](#) of lock & dams on the Mississippi River upstream of the confluence with the Minnesota River. The USACE will be sharing more information with a series of public forums/open houses that can be accessed in person or remotely. It is also now accepting submitted comments. Below are the dates and times of the scheduled public forums/open houses:

- PUBLIC FORUM: Tuesday, Oct. 11. from 6-8 p.m.
 - Highland Middle School, 975 Snelling Avenue S, St. Paul
- OPEN HOUSE: Friday, Oct. 14. from 2-6 p.m.
 - Lock and Dam 1, 5000 West River Parkway, Minneapolis
- OPEN HOUSE: Saturday, Oct. 15. from 10 a.m.-2 p.m.
 - Lock and Dam 1, 5000 West River Parkway, Minneapolis
- PUBLIC FORUM: Tuesday, Oct. 25. from 6-8 p.m.
 - Dowling Elementary School, 3900 West River Parkway, Minneapolis

[Friends of the Mississippi](#) has more information on its website and a link to [submit comments](#) to the USACE regarding the future of the Mississippi River.

Limbo Creek

The Board may remember that Renville County and MN DNR disagreed regarding the status of Limbo Creek in Renville County. The DNR asked that the County conduct an Environmental Assessment Worksheet (EAW) for a drainage project the County planned. Renville County claimed that an EAW was not necessary because the Creek was not listed as a public waters on the public waters inventory. Lawsuits were filed and the MN Court of Appeals recently ruled that Renville County must conduct an EAW. The court basically stated that MN Statute determines whether a waterway is considered a public waterway, not the public waters inventory. Here is a link to the Court's decision. <https://www.documentcloud.org/documents/21076467-limbo-mncourtofappealsdecision-2021>.

On October 12th, the Renville County Board of Commissioners voted unanimously to appeal the decision to the MN State Supreme Court.

Peterson Wetland Bank

On October 11, 2022, the City of Eden Prairie facilitated a meeting to discuss the Sever Peterson property located along the MN River at the intersection of the MN River and TH 101. Eden Prairie is the Local Governmental Unit (LGU) for this request which is in Scott, Hennepin, and Carver Counties. The Peterson family is seeking wetland credits by banking the land they own in this area. The Board of Soil and Water Resources (BWSR) and the US Army Corps of Engineers provided updates at the meeting. Meeting notes are attached for the Board's information. More information about the State's Wetland Bank Credits can be found on the [BWSR website](#).

Watershed Plan Projects

Gully Inventory and condition assessment: This project is complete and can be found on the LMRWD website. Project website: <http://lowermnriverwd.org/projects/mn-river-corridor-management-project>

Eden Prairie Area #3 Stabilization: Work is beginning to collect data needed to develop slope stabilization design plans. Residents have been notified that soil borings will be collected, requiring LMRWD consultants to enter private property. Young Environmental has been working with legal counsel to make sure residents have been properly informed. Residents will be asked to provide the LMRWD with signed rights of entry documents.

Project website: <http://lowermnriverwd.org/projects/mn-river-corridor-management-project>

East Chaska Creek: (Carver County Watershed Based Funding): This project is complete. The LMRWD still holds retainage on the project.

Project website: <http://lowermnriverwd.org/projects/east-chaska-creek-bank-stabilization>

Schroeder Acres Park (Scott County Watershed Based Funding): The LMRWD has requested that the City of Savage provide all documents necessary for reimbursement so that the grant can be closed out. This is the last project under the 2019 Watershed Based Implementation Funding grant to be completed.

Project website: <http://lowermnriverwd.org/projects/schroeder-acres-parkeagle-creek-sub-watershed-stormwater-study>

Shakopee Downtown BMP Retrofit (Scott County Watershed Based Funding): This project is complete, and the grant funds have been released. The final report has been posted to the LMRWD website.

Project website: <http://lowermnriverwd.org/projects/targeted-bmps-downtown-shakopee>

PLOC (Prior Lake Outlet Channel) Restoration (Scott County Watershed Based Funding): This project is complete, and the grant funding has been released. The only project for which reporting has not been completed is the Schroeder's Acres Park Project done by the City of Savage. Project website:

<http://lowermnriverwd.org/projects/prior-lake-outlet-channel-realignmentwetland-restorationhis>

Hennepin County Chloride Project (HHCl) (Hennepin County Watershed Based Funding): Two videos have been developed that can be used by Watershed Districts to help educate the public about the use of salt for winter ice control. They are pretty much the same video only different in the length of the video. Here are links to the videos so Managers can watch.

Low Salt, No Salt Minnesota - Clearing a path to Safety, Savings and Sustainability

Social Media length video: <https://youtu.be/MW7F2i4VldA>

Full length video: <https://youtu.be/IN28xSzYv94>

The Minnesota River grant decided that the landscape redesign project at Sutton Place Townhome Association did not fit the guidelines of this grant. An application was received from the City of Eden Prairie to purchase a weather station for the road maintenance department. This grant has a balance of **\$119,340 unawarded funds** and no further pending applications at this time. Due to end date of watershed-based funding grant, an application closing date on the [chloride reduction grant webpage](#) is listed for Oct. 31, with project completion date deadline of Nov. 30. This group consists of Riley Purgatory Bluff Creek WD, Nine Mie Creek WD, the LMRWD and the Richfield Bloomington WMO.

Vegetation Management Plan: No new information to report since the last update.

Sustainable Lake Management Plan: Trout Lakes: There is no new information to report since the last update.

Spring Creek Cost Share: The LMRWD is waiting for a response from the property owner that has indicated willingness to address the erosion issues caused by Spring Creek. On October 9th, the LMRWD

received communication from the owner of the property at 404 Broadway Avenue North (site #2). A meeting will be set up with this to share the LMRWD concerns and explain options.

Project website: <http://lowermnriverwd.org/projects/spring-creek>

West Chaska Creek Re-meander: No new information to report since the update.

Project website: <https://storymaps.arcgis.com/stories/1695a2cf90b44ddb730aad399196405>

Seminary Fen Ravine Restoration Area C2: There is no new information on this project since the last update. The LMRWD is waiting for the City to take the next step. Here is a link to the [feasibility report](#).

MN River Corridor Plan: Young Environmental is developing a plan based on the input received.

Upcoming meetings/events

Managers are invited to attend any of these meetings. Most are free of charge and if not the LMRWD will reimburse registration fees.

- Metro MAWD – Tuesday October 18, 2022, 7:00 pm, [virtual](#), Meeting ID: 867 2258 4796
Passcode: 006271
- UMWA monthly meeting – Annual meeting, Thursday, October 27, 2022, 5:30 pm, Southview Country Club
- [Water Resource Conference](#) – Tuesday, October 18 & Wednesday October 19 St. Paul River Centre
- LMRWD Citizen Advisory Committee meeting – Tuesday, November 1, 2022, 9:00 am, [virtual](#)

Peterson Wetland Bank Application

TEP Meeting

Tuesday, October 11, 2022

2:00 pm – 3:30 pm

Microsoft Teams

Attendees:

- Mike Graham, Stantec on behalf of the applicant
- Aaron Peterson, applicant
- Nicola Peterson, applicant
- Sean Kelly, Army COE
- Jed Chesnut, Mn BWSR
- Mike Wanous, Carver SWCD
- Joe Seidl, City of Chanhassen
- Hannah LeClaire, LMRWD
- Linda Loomis, LMRWD
- Stacey Lijewski, Hennepin County
- Lori Haak, City of Eden Prairie

Invited: Troy Kuphal, Scott County; Wes Saunders-Pearce, DNR; Kirby Templin, Shakopee

Agenda:

1. Introductions and Purpose (Haak)
2. Recap/History (Graham)
3. Summary of Current Application (Graham)
4. Questions (Graham)
5. Next Steps/Action Items (Haak)

Meeting Notes:

Haak facilitated introductions and reviewed the agenda. She reminded everyone that the Notice of Application and supporting materials were provided on October 3 and that comments were due October 28, 2022.

Graham provided a brief history of the proposed wetland bank site and previous applications. Then he outlined the three main changes that were reflected in the current application: 1. The proposed containment berm was removed; 2. The site had been allowed to revegetate naturally for 3 years to see what the existing vegetative conditions would be without intervention. This was done in good faith by the applicant at the request of TEP members during an on-site meeting; and 3. The worksheet for requesting cultivated field credits (CFCs) was utilized for areas that had formerly been cropped.

Graham added that the current application addressed changes requested by the COE and that the MBI was submitted September 20, 2022. He added that the wetland boundary of 707' had been previously established and decided on by the City of Eden Prairie. Graham then walked through Figure 10 of the application ("Credit Area and Proposed Vegetation Map"), noting that the purple Indian Road Easement was not part of the proposed credits.

Points of Discussion:

1. **Corps of Engineers update:** Kelly indicated he had no additional questions and that the applicant submitted the DMBI and that it was complete. He indicated that he was

coordinating with the IRT (including BWSR, EPA and COE) and was looking to schedule a meeting with any concerns they had. He said that formal comments would follow. He asked that anyone with questions about the COE process or perspective contact him at sean.r.kelly@usace.army.mil or 651.290.5769.

2. **The area around Sample Point 9:** Chesnut stated that the area where Sample Point 9 is did not appear to have a drainage mechanism, so perhaps that would be better suited for credit under Area 1, Existing Floodplain Forest Buffer. Graham indicated he would review that area to see if there was drainage impact from drainage swales or other mechanisms. Lijewski questioned whether buffer credit was appropriate since it was not providing a buffer from an adjacent land use and it was a historic floodplain forest. Haak noted that aerial photos show the area was cropped from at least 1937 through 1971.
3. **12" equalizing culvert:** Chesnut inquired about the long-term maintenance plan for the 12" equalizing culvert that was proposed between the area with Sample Point 2 and the area with Sample Point 12. He wondered if it was necessary or if there was another way to provide hydrology to the area southeast portion of the site in a way that would not require long-term maintenance. Graham indicated that the highest portion of the site is next to the river, so water gradually moves into the site from the east and then accumulates from north and pushes south after Rice Lake is flooded. He indicated that the water would be low-energy and that the debris and most of the sediment would already be deposited by the time it reached the culvert, reducing the need for maintenance. Graham added that if the pipe was removed, it would still be wet because it was one of the wettest parts of the site. He had seen arrowhead in there in some years. He suggested making a notch or a swale instead. There was support for the idea of a broader swale to ensure hydrology.
4. **Status of field roads:** LeClaire asked if the north/south field roads along the west and east sides of the bank were existing or would need to be constructed. She indicated that the LMRWD regulated floodplain and flood fringe and that no rise in flood fringe or floodplain would be allowed. Aaron Peterson indicated that those roads were existing.
5. **Eligibility for CFC in areas not effectively drained:** Wanous and Chesnut asked about whether areas not effectively drained by the swales would be eligible for CFC. Chesnut indicated that the hydrological analysis was helpful because CFC requires hydrologic restoration of the site. He noted that this site was unusual because most sites are ditched, drained and tiled; the hydrology is not flood-driven. He indicated that BWSR saw an opportunity to use CFCs in areas affected by swales and proposed 50% credit for the restoration of farmed wetlands in un-swaled areas. Graham called attention to the existing and proposed subwatershed conditions in Appendix F (pages 211-212 of the current application, below). He indicated that IE, 4E, 9E and 10E were not directly affected by swales. Graham also noted that they performed an analysis of the runoff coefficients and demonstrated hydraulic lift in all areas proposed for CFC. He suggested that future

revisions of CFC should include areas that have hydraulic lift due to changes in runoff coefficients, even if the cause was related to a change in vegetation and the areas had not been drained by tiles, swales or ditches.

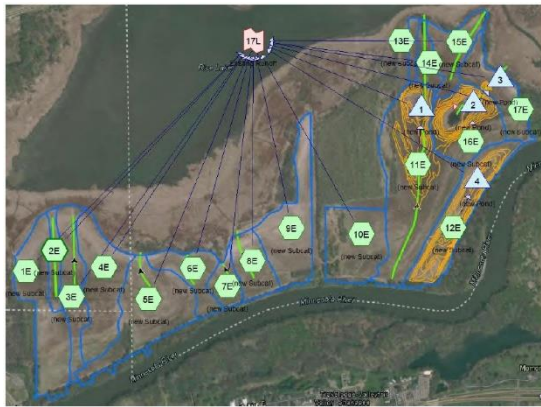


Figure 2. Existing conditions HydroCAD.



Figure 3. Proposed conditions HydroCAD.

6. **WCA provision regarding "six of the last ten years:"** Chesnut raised concerns about the timing of the application, noting that to be eligible for CFC, the area would need to be in agriculture for six of the last ten years. With the fields being left for the past three years, the timeline was getting closer. Graham stated that the decision to leave the fields fallow was made on-site by the Petersons, Greg Larson, Ben Carlson, the Corps of Engineers, BWSR and Graham. There was a desire to see what happened with the vegetation if it was let go. Although none of the current TEP were part of that conversation, Lijewski confirmed that *the Petersons' agreement to let the area revegetate naturally before the bank application was formally approved (in order to determine the need for invasive species management and supplemental seeding/planting) was made in good faith at the urging of regulators.*
7. **Existing vegetation:** Graham indicated that the DMBI proposes adaptive management because the floodplain forest vegetation is establishing well after 3 growing seasons. He noted that there were not a lot of invasive species and that it looks really good. The invasives of note (in isolated pockets) include reed canary grass and box elder. Haak asked if there was volunteer corn or soybeans in the reestablished vegetation. Aaron Peterson indicated there was not.
8. **Actions started before approval:** Chesnut indicated that any actions started before the bank approval would not be eligible for credit. He clarified that the leaving vegetation would not be considered such an action since footnote #2 of the CFC procedure addresses other things that cause no cultivation. The recommendation on-site by the TEP to let the vegetation reestablish prior to an approved application would be an anomaly, which would exclude those years.