



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, September 20, 2023

### Agenda Item

#### Item 7. I. – Permits & Project Reviews

#### Prepared By

Linda Loomis, Administrator

#### Summary

- i. **5250 Eagle Creek Boulevard, Shakopee (LMRWD No. 2023-0190) After the Fact Dean Lake Floodplain fill**  
The Board was informed of this project at the August 16, 2023, Board of Managers meeting. The property owner filled in portions of his property, below the 100-year floodplain and wetland.

The City ordered fill within the wetland removed. The City wetland officials determined the limits to the wetland and on August 24, the LMRWD attended the City's inspection of the removal. Fill in the wetland had been removed as directed. Restoration of the disturbed wetland was discussed with the property owners. The LMRWD requested the owner to apply for a LMRWD permit (the LMRWD administers the floodplain rules in the City of Shakopee). Young Environmental Consulting Group, LLC, on behalf of the LMRWD, worked with the City to determine impacts to the floodplain of Dean Lake.

Technical Memorandum – 5250 Eagle Creek Boulevard (LMRWD No. 2023-019) After-the-Fact Dean Lake Floodplain Fill dated September 13, 2023, is attached.

#### Attachments

Technical Memorandum – 5250 Eagle Creek Boulevard (LMRWD No. 2023-019) After-the-Fact Dean Lake Floodplain Fill dated September 13, 2023

#### Recommended Action

Motion to conditionally approve an after-the-fact permit for 5250 Eagle Creek Boulevard, subject to receipt of a \$50 permit review fee and a special stipulation that native wetland seed will be planted in the wetland areas that were delineated and identified by the City of Shakopee

- ii. **535 Lakota Lane, Chanhassen – work without a permit**

No new information to report since the last update. Legal Counsel may have an update at the meeting.

#### Attachments

No attachments

#### Recommended Action

No action recommended

# Technical Memorandum

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

**From:** Erica Bock, Water Resources Scientist  
Hannah LeClaire, PE, Project Manager

**Date:** September 13, 2023

**Re:** 5250 Eagle Creek Boulevard (LMRWD No. 2023-019)  
After-the-Fact Dean Lake Floodplain Fill

---

On July 14, 2023, the LMRWD received an inquiry about floodplain fill activity at the residential property on Dean Lake at 5250 Eagle Creek Boulevard in Shakopee, MN (Figure 1). Upon receiving the inquiry, the LMRWD reached out to the City of Shakopee (City) to inform them of the request and obtain additional information. The City replied that they were also notified of the apparent fill by the Minnesota Department of Natural Resources (MnDNR) on July 14, 2023. The site was inspected by City staff and a Stop-Work Order was issued until further investigation could be completed.

After discussion with the City, it was determined that the homeowner graded and placed fill in low spots of their yard totaling approximately 0.4 acres of disturbance. The City has their municipal permit and serves as the permitting authority for LMRWD Rule B: Erosion and Sediment Control, Rule D: Stormwater Management, and Rule F: Steep Slopes. The project is not located within a LMRWD High Value Resource Area (HVRA). However, Dean Lake is a public water and LMRWD Rule C: Floodplain and Drainage Alteration requires an Individual Project permit for any alteration to or filling of land below the 100-year flood elevation of any public water. Therefore, the grading and filling at 5250 Eagle Creek Boulevard requires a LMRWD permit review for Rule C. The homeowner submitted a permit application on August 27, 2023.

## Summary

**Project Name:** Dean Lake Floodplain Fill

**Purpose:** After-the-fact floodplain fill

**Project Size:**

Area Disturbed	Existing Impervious Area	Proposed Impervious Area	Net Increase Impervious Area
0.4 acres	0 acres	0 acres	0 acres

**Location:** 5250 Eagle Creek Boulevard  
Shakopee, MN 55379

**LMRWD Rules:** Rule C—Floodplain and Drainage Alteration

**Recommended Board Action:** Conditional Approval

## Discussion

The LMRWD received the following documents for review:

- LMRWD permit application; received August 27, 2023.
- Erosion and sediment control plan by the homeowner; received September 10, 2023.
- Final vegetation plan by the homeowner; received September 10, 2023.
- Construction schedule by the homeowner; received September 10, 2023.

### Rule C – Floodplain and Drainage Alteration

The project is not located within a FEMA Floodplain; however, because Dean Lake is a public water, the project requires a LMRWD Rule C Permit. The City has an XP-SWMM model that shows the 100-year High Water Level (HWL) to be 750.59 NAVD88 for Dean Lake. Young Environmental completed conservative floodplain fill calculations by using the maximum area and depth of fill to determine that the fill placed below the 100-year HWL would not cause a rise in the 100-year HWL for Dean Lake. The homeowner (the applicant) submitted an erosion and sediment control plan, a final vegetation plan, and an estimated construction schedule. The homeowner identified themselves as the designated individual who will remain liable to the LMRWD for performance under Rule C from the time permitted activities commence until 70% vegetation cover is established and the LMRWD has inspected and certified satisfaction with the vegetation requirements. The project complies with Rule C.

### Additional Considerations

The City is the Local Government Unit for implementation and coordination of Minnesota Statute 103A.201, Chapter 8420, Wetland Conservation Act (WCA). This means that the City is responsible for implementing WCA and regulates any wetland impacts including loss in quantity, quality, or biological diversity of a wetland caused by draining or filling of wetlands. The City had a consultant from WSB visit the site to complete an estimated wetland delineation of the property. This included staking the property to identify wetland boundaries and sampling test pits to determine the depth of fill. The City required the applicant to remove all fill from the wetland areas. Linda Loomis and Kirby Templin, Water Resources Engineer from the City, visited the site on August 24, 2023, to confirm that fill had been removed from the wetland and discuss next steps for permitting. The City of Shakopee is not requiring a permit application from the homeowner because the wetland fill was voluntarily removed from the property (Attachment 1).

### **Recommendations**

Based on our review of the project, we recommend conditional approval of an after-the-fact permit contingent on receipt of the following:

- Permit fee of \$50.

The permit will have the following special stipulations:

- Native wetland seed will be planted within the estimated wetland areas that were delineated and identified by the City of Shakopee.

### **Attachments**

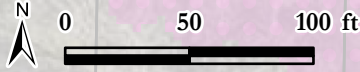
- Figure 1—Dean Lake Wetland Fill Project Location Map
- Attachment 1—City of Shakopee WCA Technical Memorandum








Figure I: Dean Lake Wetland Fill (After-the-fact) Project Location  
LMRWD No. 2023-019



Floodplain fill area shown is an estimate and conservatively delineates the maximum extent of fill.



**Legend**

-  Project Location
-  Dean Lake 100-yr High Water Level (750.59 ft)
-  Floodplain Fill Area
-  Steep Slope Overlay District
-  Public Waterbodies

LMRWD Watershed Location Map

Hennepin  
Carver  
Scott  
Dakota

Young Environmental Consulting Group, LLC



## Memorandum

To: Kirby Templin, City of Shakopee

From: Alison Harwood, WSB

Date: September 6, 2023

Re: 5250 Eagle Creek Blvd Wetland Violation  
WSB Project No. 21118-000  
LGU No. 2023-4

---

Summarized below is information relating to the Wetland Conservation Act (WCA) violation that occurred at 5250 Eagle Creek Blvd in Shakopee. On July 14, 2023, the City of Shakopee as Local Government Unit for the WCA was contacted regarding potential work without a permit at the referenced property. The site was investigated by city staff and a Stop Work Order was issued. During the site visit, potential fill within wetlands adjacent to Deans Lake was noted.

On July 18, city staff and WCA LGU technical advisor from WSB visited the site to review the potential WCA violation with the property owners. Fill within wetlands adjacent to Deans Lake was confirmed (see attached photos). During the meeting, WSB staff estimated the pre-disturbance wetland boundary based on topographic evidence and remnant hydrophytic vegetation (e.g., cattails). Discussion with the property owner resulted in an agreement to remove the fill material from within the estimated wetland boundary.

On August 24, city staff, WSB staff, and a representative from the Lower Minnesota River Watershed District re-visited the site to review the efforts to remove fill from the wetland. The review confirmed that fill had been adequately removed from the wetland area (see attached photos). The property owner was also advised to place silt fence at the downgradient side of the disturbed area.

The property owner requested permission to construct a small retaining wall above the wetland boundary, to which the group agreed.

This memo documents the voluntary compliance with the Wetland Conservation Act, and no further action is required.

If you have any questions related to the information in this memo, please contact me at [aharwood@wsbeng.com](mailto:aharwood@wsbeng.com) or 612.360.1320.



Photo 1: wetland fill area at 5250 Eagle Creek Blvd, Shakopee



Photo 2: wetland fill area at 5250 Eagle Creek Blvd, Shakopee



Photo 3: grading and wetland fill area at 5250 Eagle Creek Blvd, Shakopee



Photo 4: grading and wetland fill area at 5250 Eagle Creek Blvd, Shakopee





Photo 5: fill removal at 5250 Eagle Creek Blvd, Shakopee



Photo 6: fill removal at 5250 Eagle Creek Blvd, Shakopee