



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, October 18, 2023

Agenda Item

Item 6. E. – Watershed Management Plan

Prepared By

Linda Loomis, Administrator

Summary

The LMRWD has relied on municipalities to implement the standards of the LMRWD Comprehensive Watershed Management Plan (Plan). Prior to the 2018 update to the (Plan), the LMRWD relied on Memorandum of Understandings between the LMRWD and the municipalities. The Board of Managers desired to have a program that would audit the municipalities implementation of the LMRWD standards. With the implementation of the 2018 Plan rules were developed and adopted by the LMRWD. A permit program was developed as part of the rule development. The LMRWD policy has been that the public would be best served if municipalities were allowed to implement the LMRWD rules as part of the municipal approval process. This would make development simpler for those planning projects within the LMRWD and would reduce redundancies.

As a result of this policy, the LMRWD rules developed a Municipal (LGU) Permit, whereby the LMRWD approves municipalities the authority to issue permits on behalf of the LMRWD. A Municipal (LGU) Permit is authorized once a municipality adopts ordinances that conform to the LMRWD rules and standards. Municipal (LGU) Permits are granted by the Board of Managers.

At the August 16th Board of Managers meeting, Young Environmental Consulting Group presented findings of inspections of projects permitted by the LMRWD. The Board asked about the process to monitor projects permitted by Cities with Municipal (LGU) Permits. On October 2nd, LMRWD staff met with representatives from cities with Municipal (LGU) Permits to discuss the process the LMRWD has established to monitor projects approved under those permits.

An agenda for the meeting is attached. Municipalities were provided with guidance regarding the audit process and asked to complete a survey. All cities have complied with the LMRWD request or asked for an extension to provide the information. The Board of Manager will be presented the finding of the audit process once LMRWD staff has completed its review.

Attachments

- Meeting Agenda – October 2, 2023 LMRWD Municipal (LGU) Permit Audit
- LMRWD Municipal (LGU) Permit Audit – Project List Instructions
- LMRWD Municipal (LGU) Permit Audit Survey Questions

Recommended Action

No action recommended

Meeting Agenda



Project Name: Lower Minnesota River Watershed District
(LMRWD) Municipal (LGU) Permit Audit
Date: October 2, 2023
Time: 11am–12pm [CST]
Location: Virtual via MS Teams

MEETING OBJECTIVES:

- To initiate the LMRWD audit process as expressed in Rule A.
- To provide information about the Municipal (LGU) Permit Audit Process.
- To address initial questions for municipal partners.

INVITEES: Steve Gurney, Bryan Gruidl, Jack Distel – City of Bloomington
Aaron Schmidt – City of Carver
John Gorder, Jenna Olson – City of Eagan
Krista Preiter, Ryan Ruzek – City of Mendota Heights
Kirby Templin – City of Shakopee

HOSTS: Linda Loomis – Naiad Consulting and Lower Minnesota River Watershed District
Della Schall Young, Hannah LeClaire, Karina Weelborg – Young Environmental Consulting Group

AGENDA:

1. **Welcome (Linda Loomis)**
2. **Introductions (All)**
 - a. State your name and title, City, and role administering the City’s permitting program
3. **LGU Permit (Hannah LeClaire)**
 - a. Rule A: Administrative and Procedural Requirements Section 2.1.5 Audit Process
4. **Overview of the LGU Permit Audit Process (Della Schall Young)**
 - a. Projects for review
 - i. City will be asked to provide 1 or 2 projects for independent review.
 - 1 active permitted project that triggers Rule D – Stormwater Management
 - 1 project granted a variance, if any have been granted since approval of LMRWD LGU Permit
 - Specify the City person that will be responsible for providing the information.
 - b. Program survey and interview of permitting personnel
 - i. City will be asked to complete a comprehensive survey on their permitting program.
 - Specify City personnel responsible for completing the survey and addressing potential follow up questions, if different from the individual providing the projects

Meeting Agenda

for review.

- c. Field Inspection
 - i. LMRWD will coordinate with City designated personnel to conduct a field inspection of the 1 active permitted project reviewed
- d. Audit Conclusion/Debrief
 - i. Following completion of the program review, LMRWD will share our findings and recommendations with each city.
 - ii. Depending on the findings, an optional or encouraged debrief meeting will be coordinated.
- e. Action items and tentative schedule

Task	Completion Date	Responsible Party
Send out survey and request projects for review	After kick-off meeting	LMRWD
Return 1–2 projects with materials for review	10/6/2023	City
Field inspections	10/16/2023	LMRWD
Return completed survey	10/17/2023	City
Municipal coordination meetings	11/8/2023 – 11/17/2023	City / LMRWD
Send audit debrief memos	12/11/2023	LMRWD

- i. Are there any concerns with the dates proposed?
- f. LMRWD will send a follow up email with the following attachments:
 - i. LMRWD Municipal (LGU) Permit Audit – Project List
 - ii. LMRWD Municipal (LGU) Permit Audit – Survey Questions
- g. Coordinate audit of Municipal Permits
 - i. Audit contacts:
 - Karina Weelborg – Coordinate the documents and survey review and conduct field inspections.
 - Karina, Della Schall Young and Linda Loomis – Draft and communicate findings and recommendations.

5. LMRWD Internal Audit Findings and Recommendations (Karina Weelborg)

6. Next Steps (Karina Weelborg)

- a. Questions and Clarifications



LMRWD Municipal (LGU) Permit Audit—Project List Instructions

For the project review, the LMRWD will review one or two projects.

Project Review Requirements:

- 1) Must be in the LMRWD
- 2) Permit issued after LGU permit was received
- 2) Provide one project that triggers at a minimum, Rule D
- 3) If you've issued a variance since the beginning of your LGU Permit, provide one project with a variance.

KEY	
Project Description	
Category	Description
Project No.	Provide the project permit number used to identify the permitted project.
Project Name	Provide the project name used to identify the permitted project.
Date Application Received	Provide the date that the initial project application was received
Date Permit Issued	Provide the date that the project permit was issued
Project Inspection Frequency	Provide how often the project is inspected (yearly, monthly, weekly, after rain events, etc..)
Date of Most Recent Project Inspection	Provide the date of the most recent project inspection
Project Closed Date	Provide the date the project permit was closed
Address	Provide the project address.
Area Disturbed	Provide the total area disturbed by the project in acres or square feet.
New/Reconstructed Impervious Area	Provide the total new and reconstructed impervious area created by the project in acres or square feet.
Variance	
Was a variance granted for this project?	If a variance was granted for the project, indicate yes. If not, indicate no.
LMRWD Rule Triggered	
Rule B, Rule C, Rule D, Rule F	Indicate yes, if a rule was triggered and no, if a rule was not triggered
HVRA Information	
Category	Description
In HVRA (Y/N)	If project is located within or drains to an HVRA, indicate yes. If project is not located in and does not drain to an HVRA, indicate no.
If yes, what HVRA?	If project is located within or drains to an HVRA, indicate which HVRA the project is associated with.
Floodplain	
Category	Description
Located in a Floodplain? Y/N	If project is located within the floodplain of a public water, indicate yes. If project is not located within the floodplain of a public water, indicate no.
Steep Slopes Overlay District (SSOD)	
Category	Description
Located in or Drains to a Steep Slopes Overlay District? Y/N	If project is located within or drains to the SSOD, indicate yes. If project is not located in and does not drain to the SSOD, indicate no.



LMRWD Municipal (LGU) Permit Audit Survey Questions

City Name: _____	Contributing Staff Name: _____
Contact Name: _____	Contributing Staff Name: _____
Contact Email: _____	Contributing Staff Name: _____
Date: _____	Contributing Staff Name: _____
	Contributing Staff Name: _____

Instructions: The LMRWD Municipal (LGU) Permit Audit Survey Questions were developed to collect program-specific information from LGU permittees. This information will be used to inform the LGU permit audit process. Please fill out the following survey and answer all questions to the best of your ability. There may be more than one staff member needed to answer the questions sufficiently (please include their name/s above). If you have any questions during completion of the survey, please reach out to LMRWD staff.

Permit Review Process

- Please describe the overall project review process from receipt of an application to issuance of a permit for projects involving erosion control, stormwater, floodplain, and/or steep slope components. In addition to the review process, please include what staff/department(s) conduct reviews and how applications and permits are tracked.
- Approximately how many erosion control/stormwater/floodplain/steep slopes permits were issued in 2022? (Only include permits that trigger LMRWD rules.)
- Does the LGU have a permit review fee? Yes _____ No _____
- What items are commonly missing from permit applications?
- What parts of the permit application process seem to be most confusing to applicants?
- What parts of the permit review process seem to be most confusing for reviewers?
- Upon receipt of a permit application, how are permit reviews delegated to reviewers?
- What actions are taken if an application is incomplete?
- During review of a permit application, how is the review documented (e.g., standard checklist)? Describe the materials used to conduct a permit review.
- Regarding recordkeeping, how long are permit records kept on file? Are they archived at a certain point?

11. Describe the process for approving a variance request.
 - a. What information/exhibits are required as proof for need of a variance?
 - b. Who is notified of a variance request? Are they given the opportunity to provide comment?
 - c. How many variances did the LGU approved in 2022?
12. How are long-term stormwater BMP operation and maintenance agreements recorded and tracked? How often are private post-construction stormwater BMPs inspected by LGU staff?

Permit Amendments

13. When is a permit amendment required for project changes? What information must be submitted?

Field Inspections

14. What LGU staff/department(s) are responsible for conducting project inspections?
15. Are all permitted projects inspected by LGU staff? If not, how does the LGU determine what projects do not require inspections?
16. How do inspectors prepare for their first inspection? Outline the process in detail below, including what materials and information is compiled for the inspection. If a standard inspection checklist or standard operating procedure is used, provide a copy of it. How often is the checklist or procedure reviewed and revised?
17. Schedule/Frequency
 - a. How often are projects inspected?
 - b. Are some projects prioritized for more frequent inspections?
 - c. What conditions may warrant changes to the inspection frequency?
18. Training
 - a. What type of training do inspectors receive if they are responsible for field inspections (e.g., U of M Erosion and Stormwater Management Construction Site Manager)?
 - b. How often is training conducted?
19. Documentation
 - a. What kind of report is generated as a result of the inspection? Does it detail all problems found at the site or does it document only that the inspection occurred?
 - b. Are findings from the inspection tracked in a central location or data management system?

Enforcement

20. Describe the LGU overall approach to noncompliance and enforcement of the official controls, including enforcement mechanisms used to obtain compliance.

21. What are the most common construction and/or post-construction violations requiring enforcement actions?

22. Are verbal warnings documented?

23. Who follows up on enforcement actions?

Permit Close-Out

24. How is the LGU notified a project is complete?

25. What information/exhibits are required to close-out a permit?

26. Are field inspections completed by City staff before a permit is closed? Yes _____ No _____

27. What is the LGU process if required permit close-out information is not provided or if information is incorrect?

After-the-Fact Permits

28. How is the LGU informed of work without a permit?

29. Regarding after-the-fact permits for completed and incomplete work, is process same as regular permit review?

Yes _____ No _____

30. If the process is different, please answer the following questions.

a. What is the LGU process once informed about work completed without a permit?

b. What information/exhibits are required to perform an after-the-fact permit review?

31. What is the LGU process if the work completed does not meet LGU standards?

32. When are after-the-fact permitted projects inspected?

a. If the inspection process differs from normal project inspections, outline the inspection process.

33. Does the LGU utilize enforcement mechanisms for projects that start without a permit, and if so, what enforcement mechanism is used to obtain compliance?

Emergency Work

34. How is the LGU informed of emergency work and what activities qualify as emergency work?

35. What actions are taken once the LGU is informed about emergency work? If the review process differs from a regular permit review, briefly describe the process.

36. What is the LGU process if emergency work does not meet LGU standards?

37. Does the LGU inspect emergency work projects? If the inspection process differs from normal project inspections, outline the inspection process.

Regulations

38. Have any code/ordinances that implement and enforce LMRWD Rules been updated or changed since [application date/last audit date/other]? Yes _____ No _____

a. If yes, please describe what prompted the updates or changes.

b. If yes, please provide a copy of the revised code/ordinances for review.

39. Are any applicable LGU Rules more stringent than the LMRWD rules? If yes, please describe.