



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, November 15, 2023

Agenda Item

Item 6. I. – Permits & Project Reviews

Prepared By

Linda Loomis, Administrator

Summary

i. ACE Rent a Car (LMRWD No. 2022-022) – After the Fact Permit

This project is within the boundaries of the Minneapolis/ St. Paul Airport on land that is managed by the Metropolitan Airport Commission (MAC). A permit for this project conditionally. The conditions were not met before construction was started. MAC was informed that the LMRWD did not issue a permit for this project. MAC assisted in getting the information necessary to remedy the compliance issue. More details are provided in Technical Memorandum – ACE Rent a Car (LMRWD 2022-022) After-the-Fact Permit dated November 8, 2023.

Attachments

Technical Memorandum – ACE Rent a Car (LMRWD 2022-022) After-the-Fact Permit dated November 8, 2023

Recommended Action

Motion to approve an After-the Fact permit for ACE Rent a Car

ii. Vernon Avenue Improvements and Access Road Culvert Replacement Project (LMRWD 2023-023)

This project is a project of the LMRWD. Since it is a LMRWD project the application for a permit was reviewed by Barr Engineering rather than Young Environmental Consulting Group. Details of the review are provided in Technical memorandum – Vernon Avenue Improvements and Access Road Culvert Replacement Project (LMRWD No. 2023-023) dated November 7, 2023.

Attachments

Technical memorandum – Vernon Avenue Improvements and Access road Culvert Replacement Project (LMRWD No. 2023-023) dated November 7, 2023

Recommended Action

Motion to conditionally approve a permit for Vernon Avenue Improvements and Access Road Culvert Replacement (LMRWD 2023-023) subject to receipt of the contact information for the contractor and the person(s) responsible for inspection and maintenance of erosion and sediment control features, and a copy of all other required permits including the NPDES Construction Stormwater Permit and the City of Savage Right of Way permit.

iii. 535 Lakota Lane, Chanhassen – work without a permit

The LMRWD received a survey of the property which meets the LMRWD's request. However, the survey must be certified by a professional engineer. The after-the-fact permit application will be evaluated once the survey is certified. The LMRWD will inform the City of the recommendations LMRWD will bring to the LMRWD Board.

Attachments

No attachments

Recommended Action

No action recommended



Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Erica Bock, Water Resources Scientist
Della Schall Young, PMP, CPESC, CTF, Principal Scientist

Date: November 8, 2023

Re: ACE Rent a Car (LMRWD No. 2022-022)
After-the-Fact Permit

Don Schilling, Walser Automotive Group, (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to expand an existing building and paved parking lot for rental cars within the Metropolitan Airports Commission Boundary (MAC), as shown in Figure 1. The applicant's engineer, Phillips Architects & Contractors, LTD (the engineer), has provided site plans for the ACE Rent a Car (Project).

The Project consists of redeveloping an existing gravel impervious hard surface area currently being used for parking/maneuvering. The project disturbs approximately 1.26 acres. The project is not located within the High Value Resource Area, Steep Slopes Overlay District, or Minnesota River floodplain. The LMRWD permit review staff had made comments on the incomplete permit application in March 2023. After not receiving any updated materials from the Project staff, permit review staff requested an update on the Project status in October 2023. ACE Rent a car provided an update that the Project is currently under construction without a permit from the LMRWD. Generally, the path forward would be to coordinate with the municipality to issue a stop work order and get the permitting items in order. Because this Project is located on MAC property, it presents some added complexity. LMRWD legal counsel, John Kolb with Rinke Noonan was consulted to outline the permitting path forward for the work without a permit which included reaching out to MAC to notify them of the issue and working with the applicant to collect the outstanding application items.

Permit review staff met with Marisa Trapp, Manager of Environmental Affairs for MAC,

on October 19, 2023, to bring MAC up to speed about the Project and that it is in violation of the LMRWD's Rules since ACE Rent a Car is performing work without a permit. The outstanding application items were discussed, and permit review staff informed MAC that the applicant would be notified of the issue.

The applicant was informed on October 23, 2023, that the Project is working without a permit, which is in violation of the LMRWD Rules and highlighted the following outstanding application items:

- A signed Authorization of Agent form because the property is owned by the MAC.
- Final construction plans signed by a professional engineer.
- Copy of the NPDES Construction Stormwater Permit.
- Name and contact information for all contractors undertaking land disturbing activities.
- Name and contact information for the person responsible for erosion control inspection and maintenance.

The applicant was required to submit the remaining items by the end of the day October 27, 2023, for consideration at the November 2023 LMRWD Board Meeting

Summary

Project Name: ACE Rent a Car

Purpose: Expand building and existing paved parking lot

Project Size:

Area Disturbed	Existing Impervious Area	Proposed Impervious Area	Net Increase Impervious Area
1.26 acres	3.84 acres	3.78 acres	-0.06 acres

Location: 2143 East 77th St., Minneapolis, MN 55435

LMRWD Rules: Rule B – Erosion and Sediment Control

Recommended Board Action: Approval

Discussion

The LMRWD received the following documents for review:

- LMRWD online permit application; received May 10, 2022.
- Topographic Survey and Site Removal Plan by Jacobson Engineers & Surveyors; revised September 13, 2022; received May 10, 2022.
- Site Plan, Landscape Plan, Lighting Plan by Phillips architects & Contractors, LTD; revised September 13, 2022; received May 10, 2022.
- Project Construction scheduled; received October 11, 2023.
- Civil Set by Jacobson Engineers & Surveyors; dated July 5, 2023; received October 26, 2023.
- Authorization of Agent Form; signed March 17, 2023; received October 26, 2023.
- Name and contact information for all contractors undertaking land disturbing activities; received October 26, 2023.
- Name and contact information for the person responsible for erosion control inspection and maintenance; received October 26, 2023.
- NPDES Construction Stormwater Permit; received October 27, 2023.

The application was deemed complete on October 27, 2023, and the documents received provide the minimum information necessary for permit review.

Rule B – Erosion and Sediment Control

The LMRWD regulates land-disturbing activities that affect one acre or more under Rule B. The proposed Project disturbs approximately 1.26 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan and a Stormwater Pollution Prevention Plan. The constructor and individuals responsible and liable for the inspection and maintenance of erosion and sediment control features are:

Contractor:

Sever Construction

Brett Svendsen

Brett.svendsen@severco.com

612-719-1855

Erosion control inspection and maintenance:

Wruck Excavating

Tony Wruck

320-267-1855

The applicant has provided a copy of the Project's NPDES Construction Stormwater Permit. The Project complies with Rule B. The Project aims to be completed by Spring 2024.

Site Inspection

Because the project was already under construction, Erica Bock with Young

Environmental Consulting Group visited the site on October 27, 2023, to verify proper erosion and sediment control. No sediment and erosion control violations were found at the Project site. The bituminous paving has been completed and the landscaping is taking place. The active site has all temporary erosion and sediment control BMPs in place and operational as shown in the photos in Attachment 1.

Recommendations

Based on our review of the project, we recommend approval of the After-the-Fact ACE Rent a Car Project Permit.

Attachments

- Figure 1—ACE Rent a Car Project Location Map
- Attachment 1—ACE Rent a Car Inspection Photos



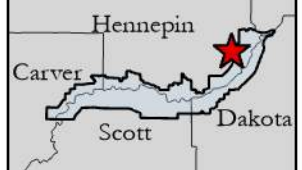
Figure I: Ace Rent A Car Project Location
Permit 2022-022



Legend

-  Ace Rent A Car Project Location
-  Proposed Impervious
-  Proposed Building Extension
-  Parcels

LMRWD Watershed Location Map

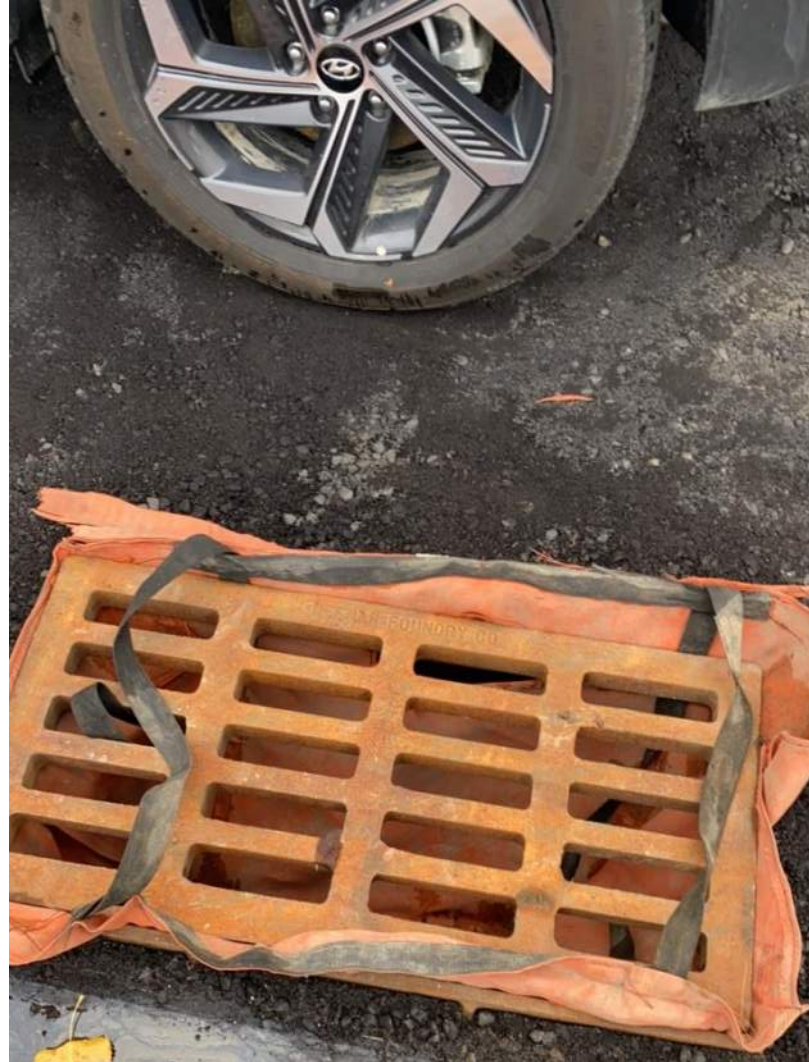


Project: L:\LRWD\Project Reviews\02 In Process\Ace Rent A Car\04 GIS

ACE Rent a Car Inspection Photos

Erica Bock, Water Resources Scientist, Young Environmental Consulting
Group

October 27, 2023



Proper inlet protection on ACE Rent a Car Project Site



Perimeter sediment control BMPs on Project site



Stockpile with temporary BMPs surrounding



Clean disposal site areas



Impervious surfaces completed in the correct locations as shown on plans

Technical Memorandum

To: Young Environmental Consulting Group, LLC
From: Barr Engineering Co. (Gabby Campagnola, Jim Herbert P.E.)
Subject: Vernon Avenue Improvements and Access Road Culvert Replacement Project
(LMRWD No. 2023-023)
Date: November 7, 2023
Project: LMRWD Permitting Support

Summary

Project name: Vernon Avenue Improvements and Access Road Culvert Replacement Project

Purpose: Reconstruct Vernon Avenue, reconstruct the dredge site access road, and replace the access road culvert

LMRWD Rules: Rule B – Erosion Control
Rule C – Floodplain and Drainage Alteration
Rule D – Stormwater Management

Recommended Board Action: Conditional Approval

General Project Information

The project area is located along Vernon Avenue and the adjacent access road in Savage, Minnesota. The existing roadway is deteriorating and has received temporary repairs including filling potholes. The proposed project consists of reconstructing 0.7 miles of Vernon Avenue, reconstructing the access road from Vernon Avenue to the dredge material placement site, and replacing the access road culvert. The project site is located in the Minnesota River floodplain and is adjacent to multiple wetlands.

The table below summarizes the project extent and size.

Area Disturbed	Net Cut	Existing Impervious Area	Proposed Impervious Area	Net Increase Impervious Area
2.5 acres	854 Cubic Yards	1.9 acres	1.9 acres	0.0 acres

The following documents were submitted for review:

1. LMRWD Permit application, received October 6, 2023.
2. Vernon Avenue Improvements and Culvert Replacement Project Narrative prepared by Young Environmental Consulting Group, LLC dated October 6, 2023.

3. Vernon Avenue Improvement plans prepared by Bolton & Menk, dated October 2, 2023, and received October 6, 2023.
4. Wetland Delineation Report prepared by ISG, dated June 5, 2023, and received October 6, 2023.
5. Cargill-LMRWD Access Easement Agreement dated August 8, 2006, and received October 6, 2023.
6. City of Savage Conditional Use Permit Amendment dated July 8, 2014, and received October 6, 2023.
7. Geotechnical Evaluation Report prepared by Braun Intertec, dated May 3, 2023, and received October 6, 2023.
8. Vernon Avenue Improvements and Access Road Culvert Replacement Project No Rise Certification Evaluation, prepared by Young Environmental Consulting Group, LLC dated October 6, 2023.
9. HEC-RAS models submitted October 20, 2023.

Rule B: Erosion Control

The LMRWD regulates land-disturbing activities that affect one acre or more under Rule B. The proposed project would disturb approximately 2.5 acres. The applicant has submitted an erosion and sediment control plan and storm water pollution prevention plan (SWPPP) for the proposed project. Proposed temporary erosion and sediment control features include rock construction entrances, sediment control log, and storm drain inlet protection. Permanent erosion and sediment control features include stabilization with seed and blanket. The project generally complies with Rule B, but the LMRWD will need contact information for the contractor and person(s) responsible for the inspection and maintenance of erosion and sediment control features before it can issue a permit.

Rule C: Floodplain and Drainage Alteration

The LMRWD regulates the placement of fill and alterations to drainageways below the 100-year flood elevation. The project is located in the Minnesota River floodplain, shown on the FEMA Flood Insurance Rate Map (FIRM) for Scott County, Panels 27139C0061E and 27139C0063E (effective February 12, 2021). The effective FIRM shows the project in FEMA Zone AE (or the 100-year floodplain) between cross sections F and G with a 100-year elevation of 717.7 and 718.5 ft. NAVD88 respectively, shown in Figure 1.

The applicant performed a hydraulic analysis using USACE Hydrologic Engineering Center River Analysis System (HEC-RAS) version 6.4.1. Young Environmental Consulting Group, LLC (Young Environmental) received the FEMA effective model for the Lower Minnesota River from Carver to the river's confluence with the Mississippi River from the Minnesota Department of Natural Resources. The FEMA effective model was preserved as a reference and a Duplicate Effective Model. Young Environmental made the following modifications to the Duplicate Effective Model to more accurately model existing conditions along Vernon Avenue:

- Update the model to include model modifications developed by Barr Engineering Co. (Barr) in 2019 to reflect the Dredge Site Project that was completed in 2020.
- Update the model to include a new cross section to accurately model topographic changes from the proposed project.
- Modify two existing cross sections to align with 2023 survey data.

This model is referred to as Corrected Effective Model as seen in Figure 2 and is representative of the existing conditions.

Young Environmental made a proposed condition model by using the Corrected Effective Model and updating the relevant cross sections to represent the proposed road profile of Vernon Avenue and the access road. Table 1 reports the 100-year flood elevation and floodway elevation for the cross sections adjacent to the project area for the existing conditions (Corrected Effective Model) and proposed conditions. Results shown in Table 1 demonstrate the proposed project does not cause a rise for the 100-year flood elevation or floodway elevation for the project area. Therefore, the project meets the criteria for a no-rise certificate and a signed no-rise certificate was provided for the proposed project.

Table 1 HEC-RAS Model Water Surface Elevations Within the Project Area

River Station	100-Year Existing Flood Elevation	100-Year Proposed Flood Elevation	Difference in 100-Year Flood Elevation	100-Year Existing Floodway Elevation	100-Year Proposed Floodway Elevation	Difference in 100-Year Floodway Elevation
37	717.76	717.76	0.00	717.99	717.99	0.00
36.96	717.75	717.75	0.00	717.99	717.99	0.00
36.5	717.67	717.67	0.00	717.91	717.91	0.00
36	717.53	717.53	0.00	717.73	717.73	0.00
35.75	717.45	717.45	0.00	717.66	717.66	0.00
35.5	717.41	717.41	0.00	717.62	717.62	0.00

Another component of the proposed project is replacing a culvert under the access road. The existing culvert is a 48-inch RCP that has an invert elevation of 695.35 ft. on the north side and 695.01 ft. on the south side. The culvert will be replaced in-kind and will have inverts that match the existing conditions, so there will be no adverse effect to drainage through the project area.

Rule D: Stormwater Management

The LMRWD regulates land-disturbing activities that create new or reconstructed impervious areas greater than one acre. The proposed project reconstructs 1.9 acres of impervious surfaces, so stormwater management is required.

As part of Rule D, applicants must demonstrate proposed runoff rates will not exceed existing runoff rates. The proposed impervious surface equals the existing impervious surface; therefore, runoff rates will not increase due to the proposed project.

Rule D requires linear projects to retain one inch of runoff from fully reconstructed impervious surfaces due to the maximum extent practicable on sites without restrictions. The project results in 1.9 acres of reconstructed surfaces, therefore a volume retention of 0.158 acre-feet is required. The applicant explored options to meet volume retention. It was determined volume retention is not feasible at the project site due to the presence of clay soils and high groundwater levels that make infiltration impracticable. In addition, Vernon Avenue is bordered by wetlands that would have to be disturbed to construct stormwater management facilities. Due to the project site being restricted, volume retention will not be provided as part of the proposed project.

The final requirement of Rule D is a no net increase in total phosphorus or total suspended solids compared to existing conditions. The proposed impervious surface equals the existing impervious surface, therefore, no net increase will be achieved.

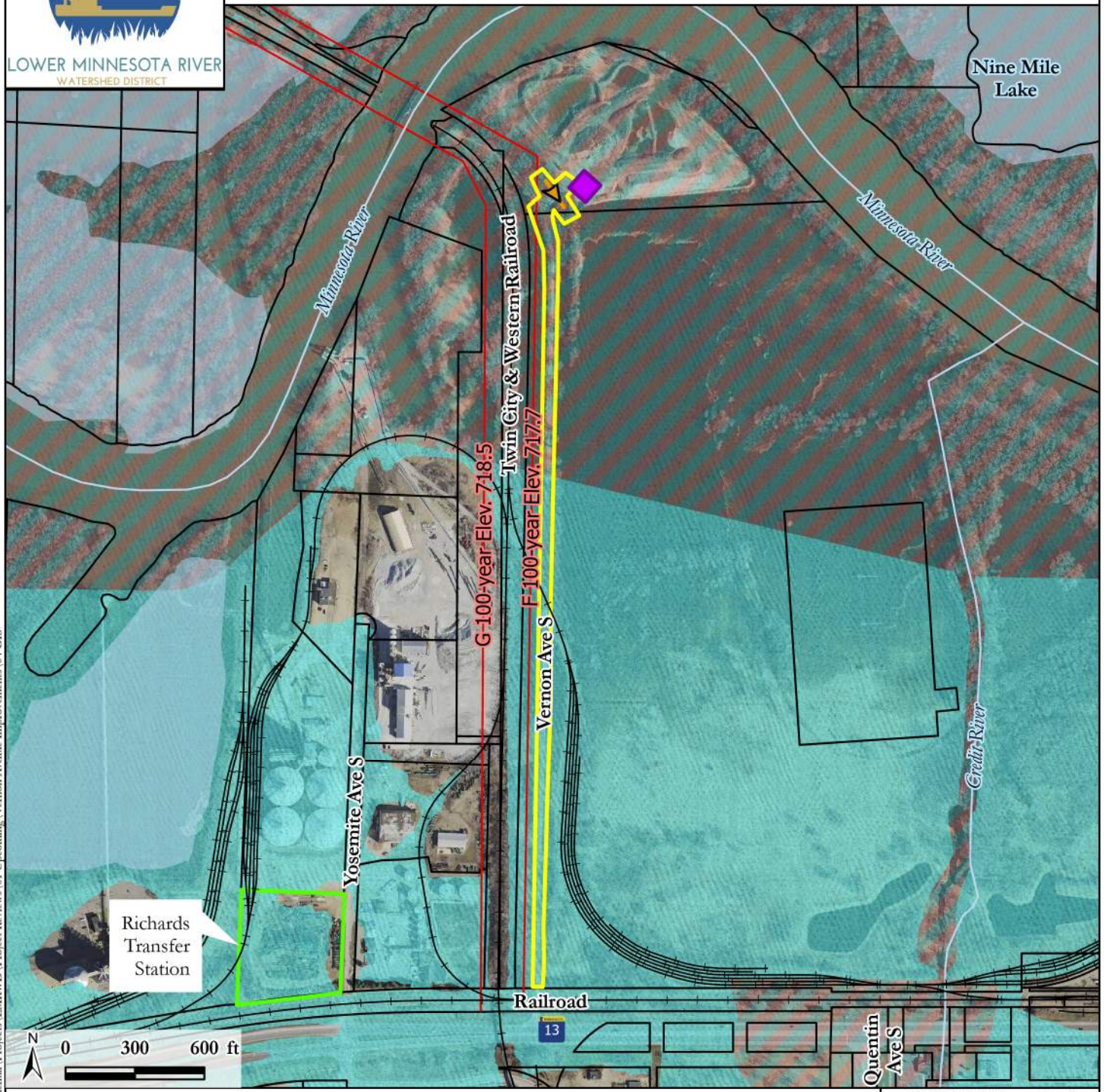
Recommendations

Barr recommends the board conditionally approves the project based on the following comments:

1. The applicant provides the LMRWD with the contact information for the contractor and person(s) responsible for the inspection and maintenance of erosion and sediment control features.
2. The applicant provides the LMRWD a copy of all other required permits including the NPDES Construction Stormwater Permit and City of Savage Right of Way permit.



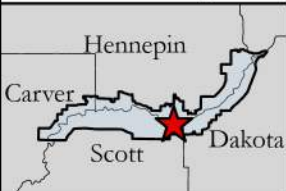
Figure 1: Vernon Ave Improvement and Culvert Replacement Project Location



Legend

- Project Location
- Staging Area
- Richards Transfer Station
- Proposed Culvert Replacement
- FEMA Cross Sections
- ~ Public Waters
- Public Waterbodies
- Parcels
- 100-yr Floodplain
- Floodway
- +— Railroads

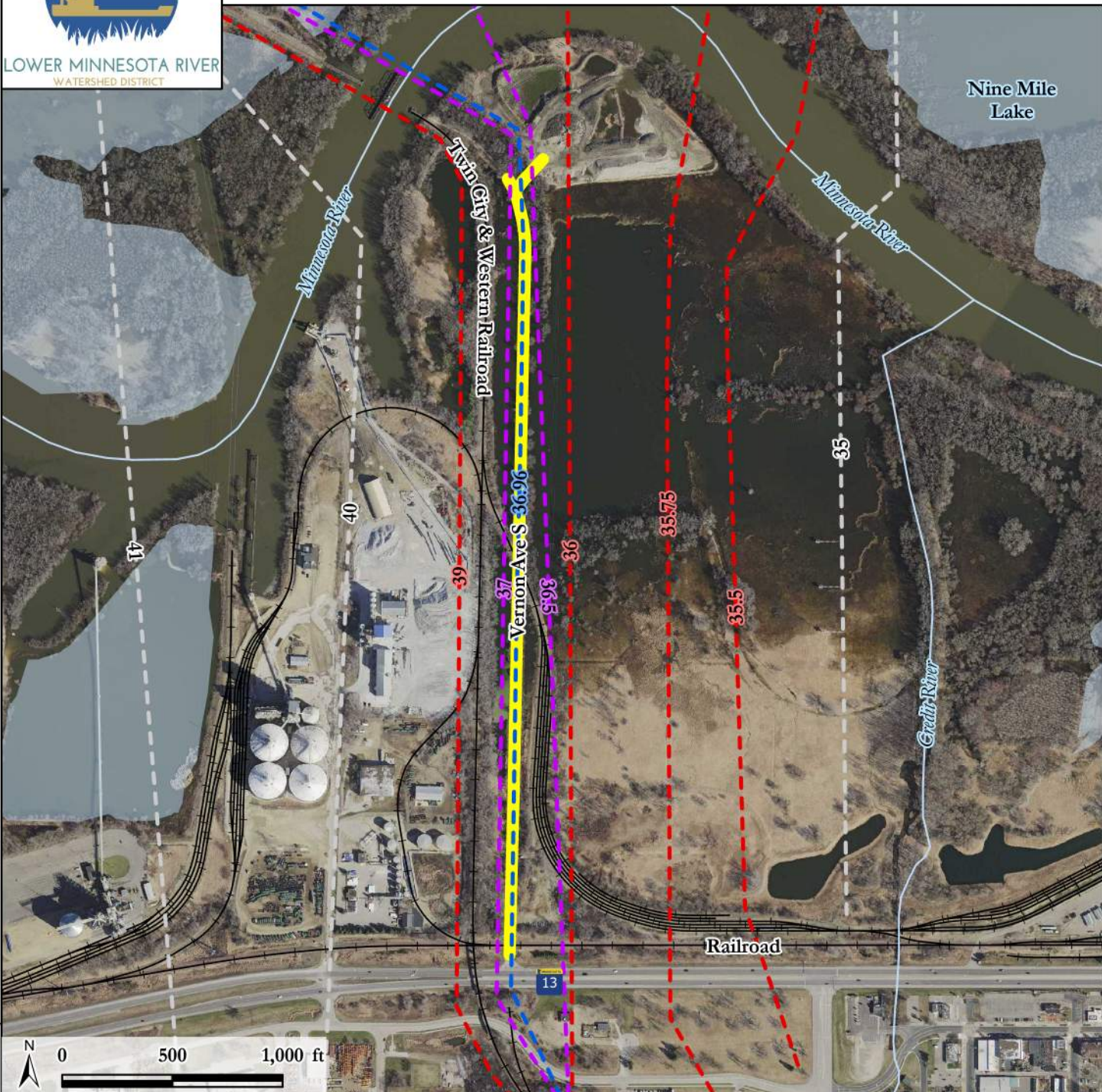
LMRWD Watershed Location Map



Location: C:\Users\ChaitRos\OneDrive - Young Environmental\Projects\LMRWD\Project Reviews\01 Upcoming\Vernon Avenue Improvements\04 GIS



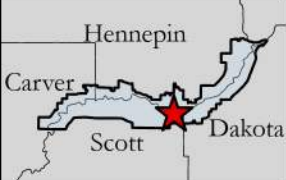
Figure 2: Corrected Effective Model Modifications



Legend

- Project Area
- - - New Cross Section
- - - Modified Cross Section
- - - Barr Cross Section
- - - FEMA Cross Section
- Public Waters
- Public Waterbodies
- Railroads

LMRWD Watershed Location Map



Projects \LMRWD\Cap. Improvement Projects \Dredge Site 04 GE\02 Maps