



Please note the meeting date has changed from Wednesday to Monday and the meeting will be held at the Scott County Law Enforcement Center, 301 Fuller Street South, Shakopee

LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Monday, September 17, 2018

Agenda Item

Item 7. C. _ Watershed Management Plan

Prepared By

Linda Loomis, Administrator

Summary

BWSR staff recommended approval of the LMRWD Watershed Management Plan. LMRWD staff attended the September 6th meeting of BWSR's Central Region Committee to present the highlights of the LMRWD Watershed Management Plan and explain the public participation process used to get input into the development of the Plan. The Committee voted to recommend approval of the LMRWD Plan to the entire Board, which will meet September 26th.

Attachments

BWSR Staff recommendation

Recommended Action

No action recommended

Date: August 27, 2018

To: BWSR Central Region Committee

From: Steve Christopher, Board Conservationist

RE: Lower Minnesota River Watershed District Watershed Management Plan 2018-2027

Background:

The Lower Minnesota River Watershed District (District) was originally petitioned for establishment in 1957 but was challenged and defeated in the courts. The District was later re-petitioned by the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott and was established on March 23, 1960, by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act. The District's original charter specified that it serve as the local sponsor to the U.S. Army Corps of Engineers for assisting in the maintenance of the Minnesota River nine-foot navigation channel. The first water resources management plan for the District was prepared and adopted in 1961. The second plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982, and approved by the Board of Water and Soil Resources in September 1999. The most recent plan was approved in 2011 and amended in 2015.

The District is approximately 80 square miles in size and located in the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott, which includes the bluffs on either side of the Minnesota River from Ft. Snelling at the confluence of the Minnesota and Mississippi Rivers, 32 miles upstream to the city of Carver. The land use in the watershed consists of a mix of single family residential, commercial, industrial, and agriculture. A large component in the central portion of this linear watershed is within the 100-year floodplain and the Minnesota Valley National Wildlife Refuge. Much of the MSP airport property is also located in the District. Development pressure within the watershed is projected to slightly increase in the municipalities south of the river through the life of this Plan. Water resources in the District include floodplain lakes, quarry lakes, creeks and streams including trout streams, springs, calcareous fens, and other wetlands. However, the headwaters to most of those resources originate outside of the District boundary. The following municipalities lie partially within the District: Bloomington, Burnsville, Carver, Chanhassen, Chaska, Chaska Township, Eagan, Eden Prairie, Lilydale, Jackson Township, Louisville Township, Mendota, Mendota Heights, Savage, and Shakopee. The District is bound by four watersheds to the south: Prior Lake Spring Lake WD, Scott WMO, Black Dog WMO, and Gun Club WMO, and six watersheds to the north: Carver County WMO, Riley Purgatory Bluff Creek WD, Nine Mile Creek WD, Minnehaha Creek WD, Richfield Bloomington WMO, and Capitol Region WD.

Plan Process and Highlights:

The District initiated the planning process for the 2018-2027 Plan in January of 2017. As required by MR 8410, a specific process was followed to identify and assess priority issues. Stakeholders were identified, notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan. The District held four workshops in early 2017 covering the areas of major revision for the new Plan. Following the workshops, District staff met with each municipality for additional specific input on the proposed standards and to identify projects that they could co-sponsor.

The Plan was submitted for formal 60-day review on July 10, 2017. The District received comments on the draft Plan and responded to Plan reviewers' comments in writing. A public hearing was held on October 25, 2017. Due to the volume and content of the comments, the District decided to delay moving forward with the 90-day draft and provide additional time to meet with stakeholders. The District held four additional stakeholders meetings jointly with member cities and concluded the public hearing on April 18, 2018. Modifications to the draft Plan

were made and the final draft Plan with all required materials were submitted and officially received by the Board on July 2, 2018.

The Plan update focuses on several sections of the 2011 Plan rather than a full re-write. The sections amended are as follows:

- Section 3, Goals, Policies and Management Strategies
- Section 4, Implementation Program, which includes the District's Capital Improvement Program
- Adding a new Appendix K, LMRWD Draft Standards
- Other Sections of the plan have been revised to bring the Plan up to date

The new Draft standards is the most significant revision to the Plan specifically the Steep Slopes Standard and Water Appropriations Standard. Both of these will address the High Value Resource Areas (HRVA). The HRVA has been identified by the District as portions of land or a watershed that contribute runoff to a trout water and/or fen.

The Plan maintains the following nine goals:

1. Organizational Management – To manage the different and changing roles of the District
2. Surface Water Management – To protect, preserve, and restore surface water quality
3. Groundwater Management – To protect and promote groundwater quantity and quality
4. Unique Natural Resources Management – To protect and manage unique resources
5. Wetland Management – To protect and preserve wetlands
6. Floodplain and Flood Management - To manage floodplains and mitigate flooding
7. Erosion and Sediment Control – To manage erosion and control sediment discharge
8. Commercial and Recreational Navigation – To maintain and improve the Lower Minnesota River's navigation and recreational use
9. Public Education and Outreach - To increase public participation and awareness of the Minnesota River and its unique natural resources

Attachments:

1. Draft order for approval of the Lower Minnesota River Watershed (LMRWD) District Watershed Management Plan.
2. LMRWD Plan Executive Summary.
3. LMRWD CIP 2018-2027

Recommendation:

LMRWD Board and staff should be commended for utilizing a strong public process for gaining input and support for their programs included in this Plan update. Staff recommends approval of the Lower Minnesota River Watershed District Watershed Management Plan – 2018-2027.

Minnesota Board of Water and Soil Resources

520 Lafayette Road North
Saint Paul, Minnesota 55155

**ORDER
APPROVING
A WATERSHED
MANAGEMENT PLAN**

In the Matter of the review of the Watershed Management Plan for the Lower Minnesota River Watershed District, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

Whereas, the Board of Managers of the Lower Minnesota River Watershed District (LMRWD) submitted a Watershed Management Plan (Plan) dated June 2018 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **LMRWD Establishment.** The Lower Minnesota River Watershed District (District) was originally petitioned for establishment in 1957 but was challenged and defeated in the courts. The District was later re-petitioned by the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott and was established on March 23, 1960, by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The District's original charter specified that it serve as the local sponsor to the U.S. Army Corps of Engineers for assisting in the maintenance of the Minnesota River nine-foot navigation channel. The first water resources management plan for the District was prepared and adopted in 1961. The second plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982 (Minnesota Statutes, Chapter 103B), and approved by the Board of Water and Soil Resources in September 1999. The most recent plan was approved in 2011 and amended in 2015.
2. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.
3. **Nature of the Watershed.** The District is approximately 80 square miles in size and located in the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott, which includes the bluffs on either side of the Minnesota River from Ft. Snelling at the confluence of the Minnesota and Mississippi Rivers, 32 miles upstream to the city of Carver. The land use in the watershed consists of a mix of single family residential, commercial, industrial, and agriculture. A large component in the central portion of this linear watershed is within the 100-year floodplain and the Minnesota Valley National Wildlife Refuge. Much of the MSP airport property is also located in the District. Development pressure within the watershed is projected to slightly increase in the municipalities south of the river through the life of this Plan. Water resources in the District include floodplain lakes, quarry lakes, creeks and streams including trout streams, springs, calcareous fens, and other wetlands. However, the headwaters to most of those resources originate outside of the District boundary. The following municipalities lie partially within the District: Bloomington, Burnsville, Carver, Chanhassen, Chaska, Chaska Township, Eagan, Eden Prairie, Lilydale, Jackson Township, Louisville Township, Mendota, Mendota Heights, Savage, and Shakopee. The District is bound

by four watersheds to the south: Prior Lake Spring Lake WD, Scott WMO, Black Dog WMO, and Gun Club WMO, and six watersheds to the north: Carver County WMO, Riley Purgatory Bluff Creek WD, Nine Mile Creek WD, Minnehaha Creek WD, Richfield Bloomington WMO, and Capitol Region WD.

4. **Plan Development and Review.** The District initiated the planning process for the 2018-2027 Plan in January of 2017. As required by MR 8410, a specific process was followed to identify and assess priority issues. Stakeholders were identified, notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan. The District held four workshops in early 2017 covering the areas of major revision for the new Plan. Following the workshops, District staff met with each municipality for additional specific input on the proposed standards and to identify projects that they could co-sponsor.

The Plan was submitted for formal 60-day review on July 10, 2017. The District received comments on the draft Plan and responded to Plan reviewers' comments in writing. A public hearing was held on October 25, 2017. Due to the volume and content of the comments, the District decided to delay moving forward with the 90-day draft and provide additional time to meet with stakeholders. The District held four additional stakeholders meetings jointly with member cities and concluded the public hearing on April 18, 2018. Modifications to the draft Plan were made and the final draft Plan with all required materials were submitted and officially received by the Board on July 2, 2018.

5. **Local Review.** The District distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B132, Subd. 7. Local written comments and edits were received from City of Bloomington, Bloomington Sustainability Commission, City of Burnsville, City of Carver, City of Chaska, City of Eden Prairie, City of Savage, City of Shakopee, Scott County, Upper Mississippi Waterway Association, Lotus Lake Conservation Alliance, Mitchell Lake Association, the United States Fish and Wildlife Service, and several citizens. The District responded to all comments.
6. **Metropolitan Council Review.** During the 60-day review, the Council noted concerns about the proposed standards, specifically on the Bluff and Steep Slope standards and suggested consistency of language with DNR. The District thanked the Council for its comments and made changes to the final draft.
7. **Department of Agriculture (MDA) Review.** MDA stated that they had no comments during the 60-day or 90-day final review periods.
8. **Department of Health (MDH) Review.** No comments were received during the 60-day or 90-day final review period.
9. **Department of Natural Resources (DNR) Review.** The DNR had numerous comments regarding the proposed standards including groundwater regulation and the new Bluff and Steep Slopes standard. The DNR also offered assistance on a number of initiatives included in the Plan. The District adequately responded to the comments and thanked the DNR for its cooperation.
10. **Pollution Control Agency (PCA) Review.** PCA participated in TAC meetings and provided feedback throughout the plan development process. During the 60-day review, PCA stated it had no additional comments.
11. **Department of Transportation (DOT) Review.** The DOT commented regarding the proposed standards. The District adequately addressed the comments.
12. **Board Review.** Board staff commended the District on a Plan and its increased role in water management since the most recent Plan adoption. Board staff also requested clarification/improved reporting for outcomes. District staff adequately responded to all comments.

13. **Plan Summary.** The Plan update focuses on several sections of the 2011 Plan rather than a full re-write. The sections amended are as follows:

- Section 3, Goals, Policies and Management Strategies
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14. **Central Region Committee Meeting.** On September 6, 2018, the Board's Central Region Committee and staff met in St. Paul to review and discuss the final Plan. Those in attendance from the Board's committee were **Jill Crafton, Jack Ditmore, Terry McDill, Duane Willenbring, Paige Winebarger, and Joe Collins, chair.** Board staff in attendance were Central Region Manager Kevin Bigalke and Board Conservationist Steve Christopher. Lower Minnesota River Watershed District Administrator Linda Loomis and District Consultant Della Young provided highlights of the Plan and process. Board staff recommended approval of the Plan. After presentation and discussion, the committee unanimously voted to recommend the approval of the Plan to the full board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the Lower Minnesota River Watershed District (District) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The District's Watershed Management Plan, attached to this Order, defines the water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program through 2027.
4. The District's Watershed Management Plan will be effective September 26, 2018 through September 30, 2027.
5. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Lower Minnesota River Watershed District Watershed Management Plan dated June 2018.

Dated at Saint Paul, Minnesota this 26th day of September 2018.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Gerald Van Amburg, Chair