

Please note the meeting will be held at the Carver  
County Government Center on the 4th



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

Lower Minnesota River Watershed District

7:00 PM

Wednesday, December 19, 2018

Carver County Government Center

602 East Fourth Street, Chaska, MN 55318

Agenda Item	Discussion
1. Call to order	A. Roll Call
2. Approval of agenda	
3. Citizen Forum	<i>Citizens may address the Board of Managers about any item not contained on the regular agenda. A maximum of 15 minutes is allowed for the Forum. If the full 15 minutes are not needed for the Forum, the Board will continue with the agenda. The Board will take no official action on items discussed at the Forum, with the exception of referral to staff or a Board Committee for a recommendation to be brought back to the Board for discussion or action at a future meeting.</i>
4. Consent Agenda	<p><i>All items listed under the consent agenda are considered to be routine by the Board of Managers and will be enacted by one motion and an affirmative vote of a majority of the members present. There will be no separate discussion of these items unless a Board Member or citizen request, in which event, the items will be removed from the consent agenda and considered as a separate item in its normal sequence on the agenda.</i></p> <p>A. Approve Minutes September 17, 2018, October 24, 2018 and November 19, 2018 Regular Meetings</p> <p>B. Receive and file Financial Reports</p> <p>C. Approval of Invoices for payment</p> <ul style="list-style-type: none"> <li>i. Daniel Hron - November &amp; December 2018 office rent</li> <li>ii. Burns &amp; McDonnell - September 2018 Engineering services</li> <li>iii. Chimney Pines Home Owners Association - 2018 Cost Share Grant Program</li> <li>iv. US Bank Equipment Finance - December 2018 copier rental</li> <li>v. Naiad Consulting, LLC - September 2018 administrative services &amp; expenses</li> <li>vi. Time Saver Off Site Secretarial - preparation of September 2018 meeting minutes</li> <li>vii. US Geological Survey - Stream Gauge and monitoring</li> <li>viii. Dakota County Soil &amp; Water Conservation District - 3rd Quarter Monitoring &amp; Technical Assistance/Cost Share Services</li> <li>ix. Young Environmental Consulting Group, LLC - October 2018 technical &amp;</li> </ul>

	<p>engineering services</p> <p>D. Receive and File correspondence</p> <ul style="list-style-type: none"> <li>i. September X, 2018 letter from CHS, Inc.</li> <li>ii. November X, 2018 letter from CHS, Inc.</li> </ul> <p>E. Resolution 18- - Transfer of funds to 9-foot Channel</p> <p>F. Adopt 2019 Budget and certify tax levy payable 2019</p>
5.Public Hearing	A. The matter of the Nine Foot Channel Permanent Disposal Sites Acquisition and Development Basic Water Management Project
6. New Business/ Presentations	A. Administrative Services
7 Old Business	<p>A. Dredge Management</p> <ul style="list-style-type: none"> <li>i. Funding for dredge material management</li> <li>ii. Vernon Avenue Dredge Material Management site</li> <li>iii. Private Dredge Material Placement</li> </ul> <p>B. Watershed Management Plan</p> <p>C. 2019 Legislative Action</p> <p>D. Education &amp; Outreach - No new information to report</p> <p>E. LMRWD Projects</p> <ul style="list-style-type: none"> <li>i. Eden Prairie Area #3 Stabilization</li> <li>ii. Riley Creek Cooperative project/Lower Riley Creek restoration</li> <li>iii. Seminary Fen ravine stabilization project</li> <li>iv. East Chaska Creek (Carver County Watershed Based Funding)</li> <li>v. Schroeder Acres Park (Scott County Watershed Based Funding)</li> <li>vi. Shakopee Downtown BMP Retrofit (Scott County Watershed Based Funding)</li> <li>vii. PLOC ( Prior Lake Outlet Channel) Restoration (Scott County Watershed Based Funding)</li> <li>viii. Dakota County Fen Gap Analysis and Conceptual Model (Dakota County Watershed Based Funding)</li> <li>ix. Hennepin County Chloride Project (Hennepin County Watershed Based Funding)</li> <li>x. Vegetation Management Plan</li> <li>xi. Sustainable Lake Management Plan - Trout Lakes</li> <li>xii. Geomorphic Assessment of Trout Streams</li> <li>xiii. Spring Creek Cost Share</li> </ul> <p>F. Project Reviews</p> <ul style="list-style-type: none"> <li>i. City of Eden Prairie - Peterson Wetland Bank</li> <li>ii. City of Eden Prairie - Comprehensive Plan Amendments</li> <li>iii. City of Chanhassen - TH 101 Improvements</li> <li>iv. City of Savage - 12113 Lynn Avenue</li> <li>v. Cities of Richfield/Bloomington - TH 77 &amp; 77th Street underpass</li> <li>vi. MNDOT - I494 Brush removal</li> <li>vii. MNDOT - TH 5 Signage projects</li> <li>viii. MPCA - MN River TSS TMDL</li> </ul>

	ix. MN Valley State Trail - EAW (Environmental Assessment Worksheet) x. Hennepin County - CSAH 61/Flying Cloud Drive xi. MNDOT - I494/TH 5/TH 55 Mill & Overlay project xii. MNDOT - I35W Bridge Replacement xiii. MNDOT - I494 from TH169 to Minnesota River xiv. City of Shakopee - Amazon Fulfillment Center drainage xv. MAC/LMRWD/MCWD boundary realignment xvi. Fort Snelling - Dominion Housing xvii. USACOE/USFWS - Bass Ponds, Marsh & Wetland G. MPCA Soil Reference Values - No new information since last update
B. Communications	A. Administrator Report B. President C. Managers D. Committees E. Legal Counsel F. Engineer
9. Adjourn	Next meeting of the LMRWD Board of Managers is Monday, January 7, 2018

#### Upcoming meetings/Events

- USACE River Resource Forum - January 22, 2019 & January 23, 2019, 180 E. Fifth Street E., St. Paul, MN
- Upper Mississippi River Waterway Association - Thursday, December 20, 2018, 11:30am Lilydale Pool & Yacht Club
- [18th Annual Road Salt Symposium](#) - February 7, 2019, 8:30am to 2:45pm Plymouth Creek Center, 14800 34th Avenue North, Plymouth MN
- Moos Family Lecture Series: Dr. David Montgomery - A New Case for Agriculture, April 16, 2019, Plymouth Creek Center, 14800 34th Avenue North, Plymouth MN, public reception 5:30pm, Lecture 7:00pm
- Ice Out/Loon In - Freshwater Annual Gala, May 4, 2019, Metropolitan Club & Ballroom

#### For Information Only

- WCA Notices
  - City of Eden Prairie - Notice of Decision
- DNR Public Waters Work permits
  - None received
- DNR Water Appropriation permits
  - Scott County - Lloyd Construction Services, Permittee; Project Name, N/A; Permit #2014-0568 transferred from Flint Hills Resources, LLC to Lloyds Construction Services
  - Dakota County - MNDOT, Permittee; Project Name, SP 8825-558 Metro Pond Reconstruction - Site 2; Permit #2018-3647; construction dewatering for reconstruction of a storm water pond at I-35W and Cliff Road.

#### Future Manager Agenda Items list

- Report of water quality testing of Minnesota River from MPCA
- Report on Flying Cloud Landfill
- Record retention policy
- AIS Policy
- Riverbank stabilization policy

Item 4.B.  
LMRWD 12-19-18

<b>BEGINNING BALANCE</b>	<b>31-Oct-18</b>	<b>\$ 1,141,548.59</b>
<b>ADD:</b>		
<b>General Fund Revenue:</b>		
Miscellaneous rental Income - Savage Riverport	\$ 4,697.00	
Dredge Management Grant	\$ 480,000.00	
<b>Total Revenue and Transfers In</b>		<b>\$ 484,697.00</b>
<b>DEDUCT:</b>		
<b>Warrants:</b>		
410879 Daniel Hron October 2018 office rent	\$ 650.00	
411072 Burns & McDonnell September 2018 Engineering Services	\$ 7,717.51	
411074 Chimney Pines HOA 2018 Cost Share Grant	\$ 1,791.82	
411368 Daniel Hron December 2018 office rent	\$ 650.00	
410343 US Bank Equipment Finance December 2018 copier rental	\$ 231.91	
100007208 Naiad Consutling, LLC Sept. 2018 Admin. Services & Exp.	\$ 10,207.82	
100007215 TimeSaver Off Site Secretarial Sept. 2018 meeting minute prep.	\$ 245.50	
100007217 US Geological Survey Stream Gauge monitoring	\$ 10,900.00	
100007338 Dakota County SWCD Q3 Monitoring and TACS	\$ 5,410.00	
100007369 Young Environmental Consulting October 2018 Tech. & Eng. Services	\$ 15,069.66	
<b>Total Warrants/Reductions</b>		<b>\$ 52,874.22</b>
<b>ENDING BALANCE</b>	<b>30-Nov-18</b>	<b>\$ 1,573,371.37</b>

EXPENDITURES	2018 Budget	November Actual	YTD 2018	Over (Under) Budget
<b>Administrative expenses</b>	\$ 250,000.00	\$ 17,094.20	\$ 212,487.60	\$ (37,512.40)
<b>Cooperative Projects</b>				
Gully Erosion Contingency Fund	\$ -	\$ -	\$ -	\$ -
Ravine Stabilization at Seminary Fen in Chaska	\$ -	\$ -	\$ -	\$ -
Eden Prairie Bank Stabilization Area #3	\$ -	\$ -	\$ -	\$ -
Eagle Creek	\$ -	\$ -	\$ -	\$ -
USGS Sediment & Flow Monitoring	\$ 18,500.00	\$ 10,900.00	\$ 19,400.00	\$ 900.00
<b>509 Plan Budget</b>				
<i>Resource Plan Implementation</i>				
Sustainable Lakes Management Plan (Trout Lakes)	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Geomorphic Assessments (Trout Streams)	\$ 50,000.00	\$ 2,729.75	\$ 2,729.75	\$ (47,270.25)
Paleolimnology Study (Floodplain Lakes)	\$ 50,000.00	\$ -	\$ 37,200.00	\$ (12,800.00)
Fen Stewardship Program	\$ 75,000.00	\$ 383.26	\$ 383.26	\$ (74,616.74)
District Boundary Modification	\$ 10,000.00	\$ -	\$ -	\$ (10,000.00)
East Chaska Creek Treatment Wetland Project	\$ 10,000.00	\$ -	\$ -	\$ (10,000.00)
Minnesota River Sediment Reduction Strategy	\$ 25,000.00	\$ -	\$ -	\$ (25,000.00)
Seminary Fen - gap analysis	\$ -	\$ -	\$ -	\$ -
Data Assessments and Program Review	\$ -	\$ -	\$ -	\$ -
Dakota County groundwater modeling	\$ -	\$ -	\$ -	\$ -
Riley Creek Cooperative Project	\$ 50,000.00	\$ -	\$ 75,075.49	\$ 25,075.49
Local Water Management Plan reviews	\$ 12,000.00		\$ 16,601.43	\$ 4,601.43
Project Reviews	\$ 16,000.00	\$ 1,057.35	\$ 26,524.71	\$ 10,524.71
<i>Monitoring</i>	\$ 65,000.00	\$ 3,160.00	\$ 11,579.92	\$ (53,420.08)
<i>Monitoring Data Analysis</i>				\$ -
<i>Technical Assistance</i>				\$ -
<i>Watershed Management Plan</i>				\$ -
Plan Amendment	\$ 50,000.00	\$ 5,887.45	\$ 67,228.55	\$ 17,228.55
Vegetation Management Standard/Plan	\$ -	\$ 3,304.75	\$ 3,304.75	\$ 3,304.75
<i>Public Education/CAC/Outreach Program</i>	\$ 30,000.00	\$ -	\$ 20,409.24	\$ (9,590.76)
<i>Cost Share Program</i>	\$ 20,000.00	\$ 4,041.82	\$ 16,380.30	\$ (3,619.70)
Savage Fen/Dakota Ave. Ravine Stabilization Project	\$ -	\$ -	\$ -	\$ -
<b>Nine Foot Channel</b>	\$ 50,000.00	\$ -	\$ -	\$ (50,000.00)
Dredge Site Improvements	\$ 240,000.00	\$ 4,315.64	\$ 28,888.78	\$ (211,111.22)
<b>Total:</b>	<b>\$ 1,071,500.00</b>	<b>\$ 52,874.22</b>	<b>\$ 538,193.78</b>	



September 24, 2017

Board of Managers  
Lower Minnesota River Watershed District  
112 E. 5th Street, #102  
Chaska, Minnesota 55318

RE: Nine Foot Channel Permanent Disposal Sites Acquisition and Development Basic Water Management Project

Dear Chairman Hartmann,

As a river terminal owner, CHS is directly impacted by the proposed dredge site cost analysis, special benefit study, project plan and proposed 2018 dredge project. CHS is concerned about the process leading up to, and including, the September 17 hearing notice. More specifically, property owners were not consulted about project information and rationale for the site cost analysis, special benefit analysis and the proposed project plan prior to the Monday, September 17 public hearing.

CHS appreciates the action by the Lower Minnesota River Watershed District (LMRWRD) Board of Managers at the Monday, September 17 meeting to direct staff to informally present the dredge site cost analysis, special benefit study and project plan to benefitted property owners.

CHS respectfully requests:

- The LMWRD Board of Managers explore all potential infrastructure funding options for costs estimated in the dredge site cost analysis (e.g., dredge funding from the Army Corps of Engineers, dredge and/or road funding through the [Minnesota Department of Transportation Port Development Assistance Program](#)). These funding options were not listed or referenced in the dredge site cost analysis;
- The LMWRD Board of Managers or staff provide CHS, and all affected property owners, the history and resolution establishing the LMWRD authority to administer the channel and disposal site referenced by Mr. Kolb at the public hearing;
- A more definitive cost estimate based on the project plan and prior to any action by the LMWRD Board of Managers. The dredge site cost analysis explicitly states that *any designs, plans, etc., used to estimate costs were highly conceptual in nature*. The estimated annual cost range for the dredge project as listed in the hearing notice is not predictable for owners of benefitted properties, particularly in a very constrained economic and capital environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Oberle", written over a horizontal line.

Greg Oberle  
Terminal Manager  
CHS Savage Grain Terminal

Cc: Linda Loomis, LMRWD Administrator





November 14, 2018

Board of Managers  
Lower Minnesota River Watershed District  
112 E. 5th Street, #102  
Chaska, Minnesota 55318

RE: Nine Foot Channel Permanent Disposal Sites Acquisition and Development Basic Water Management Project

Dear Chairman Hartmann,

As a river terminal owner, CHS is directly impacted by the proposed dredge site cost analysis, special benefit study, project plan and proposed dredge project. CHS is concerned about the process leading up to, and including, the September 17 hearing notice and proposed vote at the November 19 meeting.

CHS respectfully requests:

- The LMWRD Board of Managers postpone the vote to assess and determine the percentages assigned to each beneficial member. Minnesota River terminal operators are scheduled to meet with Savage city officials to discuss immediate and long-term river operations;

In September, CHS requested:

- The LMWRD Board of Managers explore all potential infrastructure funding options for costs estimated in the dredge site cost analysis (e.g., dredge funding from the Army Corps of Engineers, dredge and/or road funding through the [Minnesota Department of Transportation Port Development Assistance Program](#)). These funding options were not listed or referenced in the dredge site cost analysis;
- The LMWRD Board of Managers or staff provide CHS, and all affected property owners, the history and resolution establishing the LMWRD authority to administer the channel and disposal site referenced by Mr. Kolb at the public hearing;
- A more definitive cost estimate based on the project plan and prior to any action by the LMWRD Board of Managers. The dredge site cost analysis explicitly states that *any designs, plans, etc., used to estimate costs were highly conceptual in nature*. The estimated annual cost range for the dredge project as listed in the hearing notice is not predictable for owners of benefited properties, particularly in a very constrained economic and capital environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Oberle".

Greg Oberle  
Terminal Manager  
CHS Savage Grain Terminal

Cc: Linda Loomis, LMRWD Administrator



Please note the meeting will be held 7:00pm, Wednesday, December 19, 2018 in the County Board Room at the Carver County Government Center, 602 East 4th Street, Chaska, MN.

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, December 19, 2018

### **Agenda Item**

#### **Item 4. E. - Transfer of Funds to Nine Foot Channel**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

The 2018 Budget includes a \$50,000 transfer from the general fund to the 9-foot Channel fund, in order to reduce the deficit that has built up in the channel fund.

### **Attachments**

Resolution 18-20 Approving the Transfer of Lower Minnesota River Watershed District Funds from the General Fund to the Nine (9) Foot Channel Fund

### **Recommended Action**

Motion to adopt Resolution 18-20



Manager \_\_\_\_\_ introduced the following resolution and moved its adoption:

LOWER MINNESOTA RIVER WATERSHED DISTRICT

RESOLUTION 18-20

RESOLUTION APPROVING THE TRANSFER OF LOWER MINNESOTA RIVER WATERSHED DISTRICT FUNDS  
FROM THE GENERAL FUND TO THE NINE (9) FOOT CHANNEL FUND

BE IT RESOLVED by the Board of Managers of the Lower Minnesota River Watershed District as follows:

\$50,000 will be transferred from the Lower Minnesota River Watershed District's General Fund to the Nine (9) Foot Channel Fund.

Adopted by the Board of Managers of the Lower Minnesota River Watershed District this 19th day of December, 2018.

\_\_\_\_\_  
Jesse Hartmann, President

ATTEST:

\_\_\_\_\_  
David Raby, Secretary/Treasurer

The motion for the adoption of the foregoing resolution was seconded by Manager \_\_\_\_\_ and upon a vote being taken thereon, the following voted in favor thereof: Frey, Raby and Hartmann; and the following voted against the same: None, whereupon said resolution was declared passed and adopted, this 19th day of December, 2018 signed by the President and his signature attested by the Secretary/Treasurer.



Please note the meeting will be held 7:00pm, Wednesday, December 19, 2018 in the County Board Room at the Carver County Government Center, 602 East 4th Street, Chaska, MN.

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, December 19, 2018

### Agenda Item

#### Item 4. F. - Adopt 2019 Budget and certify tax levy payable 2019

#### Prepared By

Linda Loomis, Administrator

#### Summary

At the August 2018 Board meeting, the Board approved a proposed budget and preliminary certification of levy for taxes payable 2019. Since the August meeting a few changes have been made to the budget. A line item has been added for a project under the Metro-area Watershed Based Funding Pilot Program: the Prior Lake Outlet Channel water quality and wetland improvement project with the city of Shakopee. The line item for project reviews has also been increased from \$16,000 to \$20,000. Finally, \$25,000 has been added to the Watershed Management Plan line item for rule development. These changes bring the total budget to \$1,367,982.

The levy for taxes payable in 2019 certified in August was \$725,000. The revision to the budget does not change the amount the LMRWD intends to levy so an additional public hearing is not required.

Managers should adopt the final budget and affirm the levy certified in August. Resolution 18-22 Adopting 2019 Budget and Certification of Property Tax Levy for Taxes Payable 2019 is attached, as well as the 2019 budget with the above changes.

#### Attachments

Resolution 18-22 Adopting 2019 Budget and Certification of Property Tax Levy for Taxes Payable 2019  
Final 2019 Budget

#### Recommended Action

Motion to adopt Resolution 18-22

Manager \_\_\_\_\_ introduced the following resolution and moved its adoption:

LOWER MINNESOTA RIVER WATERSHED DISTRICT

RESOLUTION 18-22

ADOPTING 2019 BUDGET AND CERTIFICATION OF  
PROPERTY TAX LEVY FOR TAXES PAYABLE 2019

WHEREAS, in August 2018, the Board of Managers of the Lower Minnesota River Watershed District ("LMRWD") adopted a proposed preliminary total budget of One Million Two Hundred Sixty Seven Thousand Two Hundred Fifty Five Dollars (\$1,267,255) for the fiscal year commencing January 1, 2019; and

WHEREAS, the budget has been revised for a new total of One Million Three Hundred Sixty Seven Thousand Nine Hundred Eighty Two Dollars (\$1,367,982); and

WHEREAS, the revised budget requires the previously certified Seven Hundred Twenty Five Thousand Dollars (\$725,000) to be raised from an ad valorem tax levy on taxable property in the LMRWD, for the purpose of paying administrative expenses (Minnesota Statutes § 103D.905 Subd. 3) of Two Hundred Fifty Thousand Dollars (\$250,000) and providing for a planning and implementation fund (Minnesota Statutes § 103B.241) of Four Hundred Seventy Five Thousand Dollars (\$475,000).

NOW, THEREFORE, BE IT RESOLVED, that the Secretary, in accordance with Minnesota Statutes, shall certify an ad valorem tax of Seven Hundred Twenty Five Thousand Dollars (\$725,000) to the Auditors of the following Counties: Carver, Dakota, Hennepin and Scott apportioned according to the attached Schedule A, which sum to be raised by a levy on all taxable property in the Lower Minnesota River Watershed District payable in the year 2019 and for the purposes noted above as provided in Minnesota Statutes, Sections 103D.911 and 103D.915;

BE IT FURTHER RESOLVED by the Board of Managers of the LMRWD that the revised Budget is hereby approved and adopted as the final budget for 2019.

Adopted by the Board of Managers of the Lower Minnesota River Watershed District this 19th day of December, 2018.

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Jesse Hartmann, President

ATTEST:

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David Raby, Secretary/Treasurer

The motion for the adoption of the foregoing resolution was seconded by Manager \_\_\_\_\_ and upon a vote being taken thereon, the following voted in favor thereof: Hartmann, Raby and Frey; and the following voted against the same: None. Whereupon said resolution was declared passed and adopted, this 19th day of December, 2018, signed by the President and his signature attested by the Secretary/Treasurer.

## SCHEDULE A

### District 060 - Lower MN River Watershed

The following table was presented for the Managers' consideration with regard to the proposed amounts to be levied in each separate county, based upon the net tax capacities available:

#### Preliminary Certification of Apportioned Levies

#### Payable 2019

1)	General Fund (M.S. 103D.905, Subd.3)		\$250,000.00
2)	Planning and Implementation Fund (M.S. 103B.241)		\$475,000.00
3)	Payable 2017 Property Tax Levy		\$725,000.00
<u>County</u>	(4) Payable 2018 Taxable Net Tax Capacity	(5) Net Tax Capacity Percent Distribution	(6) Apportioned Payable 2017 Levy Column(4) x (5)
Carver	\$6,240,151	6.6817%	\$48,442.33
Dakota	\$9,790,297	10.4830%	\$76,001.75
Hennepin	\$35,626,906	38.1476%	\$276,570.10
Scott	\$41,734,806	44.6877%	\$323,985.83
TOTAL	\$93,392,160	100.00%	\$725,000.00

2019 Proposed Budget  
2018 Adopted Budget - 2018 Actuals/Projected - 2019 Proposed

	Account	2018 Adopted	YTD 2018	Projected 2018	Proposed 2019
	<b>Revenues:</b>				
5	General Property Tax				
6	Carver County	\$ 42,113.07	\$ 41,958.66	\$ 41,958.66	\$ 48,442.33
7	Dakota County	\$ 73,373.63	\$ 70,706.49	\$ 70,706.49	\$ 76,001.75
8	Hennepin County	\$ 316,479.90	\$ 209,140.95	\$ 209,140.95	\$ 276,570.10
9	Scott County	\$ 293,033.40	\$ 288,814.36	\$ 288,814.36	\$ 323,985.83
10	<b>Total Levy:</b>	<b>\$ 725,000.00</b>	<b>\$ 610,620.46</b>	<b>\$ 610,620.46</b>	<b>\$ 725,000.01</b>
11	Interest Revenue	\$ 26,000.00			
12	Met Council Grant-(WOMP Station Monitoring)	\$ 5,500.00	\$ 4,500.00	\$ 5,500.00	\$ 5,500.00
	State of MN Grant for Dredge Material Management	\$ 240,000.00	\$ 480,000.00	\$ 240,000.00	\$ 240,000.00
	Metro-Area Watershed Based funding grants				\$ 182,042.00
13	Revenue for use of Vernon Avenue dredge for dewatering private material	\$ 25,000.00	\$ 29,652.00	\$ 29,652.00	\$ 25,000.00
14	Revenues from sale of dredge material	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00
16	<b>Total Revenues:</b>	<b>\$ 1,026,500.00</b>	<b>\$1,124,772.46</b>	<b>\$ 885,772.46</b>	<b>\$ 1,182,542.01</b>
	<b>Expenses:</b>				
18	<b>Administration</b>	\$ 250,000.00	\$ 212,487.60	\$ 250,000.00	\$ 250,000.00
20	<b>Cooperative Projects</b>				
21	Eden Prairie Bank Stabilization -#3			\$ -	\$ -
25	Eagle Creek			\$ -	\$ -
30	Gully Erosion Contingency			\$ -	\$ -
31	USGS	\$ 18,500.00	\$ 19,400.00	\$ 18,500.00	\$ 19,700.00
34	Ravine Stabilization at Seminary Fen in Chaska			\$ 110,400.00	\$ -
35	Riley Creek Cooperative Project with RPBCWD	\$ 50,000.00		\$ 75,000.00	
40	<b>509 Plan Budget</b>				
41	Resource Plan Implementation				
42	Assumption Creek Hydrology Restoration Project				\$ 30,000.00
43	Carver Creek restoration Project				\$ 80,000.00
44	Groundwater Screening Tool Modal				\$ 50,000.00
45	Eagle Creek (East Branch) Project				\$ 10,000.00
46	East Creek Bank Stabilization Project				\$ 50,000.00
47	East Creek Water Quality Treatment Project				\$ 50,000.00
48	Minnesota River Floodplain Model Feasibility Study				\$ 30,000.00
49	Schroeder's Acres Park/Savage Fen Stormwater Management Project				\$ 39,555.00
	Prior Lake Outlet Channel				\$ 71,727.00
50	Spring Creek Project				\$ 45,000.00
51	West Chaska Creek Project				\$ 50,000.00
52	Sustainable Lakes Management Plan (Trout Lakes)	\$ 50,000.00	\$ -	\$ 50,000.00	
53	Geomorphpic Assessments (Trout Streams)	\$ 50,000.00	\$ 2,729.75	\$ 50,000.00	
54	Paleolimnology Study (Floodplain Lakes)	\$ 50,000.00	\$ 37,200.00	\$ 50,000.00	
55	Fen Stewardship Program	\$ 75,000.00	\$ 383.26	\$ 75,000.00	\$ 25,000.00
56	District Boundary Modification Project	\$ 10,000.00	\$ -	\$ 10,000.00	
57	East Chaska Creek Treatment Wetland Project	\$ 10,000.00		\$ 10,000.00	
58	Minnesota River Sediment Reduction Strategy	\$ 25,000.00		\$ 25,000.00	\$ 25,000.00
62	Riley Creek Cooperative Project	\$ 50,000.00	\$ 75,075.49	\$ 150,000.00	
63	Local Water Management Plan reviews	\$ 12,000.00	\$ 16,601.43	\$ 12,000.00	\$ 12,000.00
64	Project Reviews	\$ 16,000.00	\$ 26,524.71	\$ 16,000.00	\$ 20,000.00
65	Monitoring	\$ 65,000.00	\$ 11,579.92	\$ 65,000.00	\$ 65,000.00
66	Monitoring Data Analysis	\$ -			
67	Technical Assistance	\$ -			
68	Watershed Management Plan				
69	Next Generation Watershed Management Plan	\$ -			
70	Plan Clarification and proposed rules		\$ -	\$ -	\$ 25,000.00
71	Plan Amendment	\$ 50,000.00	\$ 67,228.55	\$ 67,228.55	
72	Vegetation Management Standard/Plan		\$ 3,304.75		\$ 50,000.00
73	Public Education/Citizen Advisory Committee/Outreach Program	\$ 30,000.00	\$ 20,409.24	\$ 30,000.00	\$ 30,000.00
74	Cost Share Program	\$ 20,000.00	\$ 16,380.30	\$ 20,000.00	\$ 20,000.00
75	Nine Foot Channel				
	Transfer from General Fund	\$ 50,000.00	\$ -	\$ 50,000.00	\$ 80,000.00
76	Dredge Site Restoration	\$ 240,000.00	\$ 28,888.78	\$ 240,000.00	\$ 240,000.00
91	<b>Total Non-administrative Expenses:</b>	<b>\$ 771,500.00</b>	<b>\$ 325,706.18</b>	<b>\$ 1,092,519.55</b>	<b>\$ 1,117,982.00</b>
93	Revenue less Expenses	\$ 5,000.00	\$ 586,578.68	\$ (456,747.09)	\$ (185,439.99)
95	Beginning Fund Balance - January 1	\$ 1,053,759.83			\$ 1,058,759.83
96	Total Revenue	\$ 1,026,500.00			\$ 1,182,542.01
97	Total Expenses	\$ (1,021,500.00)			\$ (1,367,982.00)
98	Ending Fund Balance - December 31 (projected)	\$ 1,058,759.83			\$ 873,319.84

2019 proposed LMRWD Budget for Administration Operations  
2017/2018 Adopted Budget - 2018 Actuals/Projected - 2019 Proposed

Account	Adopted 2017	Adopted 2018	YTD 2018	Projected 2019	Proposed 2019
Revenues:					
General Property Tax	\$ 614,755.78	\$ 725,000.00	\$ 154,086.71	\$ 610,620.46	\$ 725,000.01
Interest Revenue	\$ 26,684.00				
License Revenue from placement of dredge					\$ 25,000.00
Revenue from sale of dredge material	\$ 32,128.00	\$ 30,000.00		\$ -	\$ 5,000.00
Grant income		\$ 5,500.00	\$ 4,500.00	\$ 5,500.00	\$ 5,500.00
State of MN Grant for Dredge Material Mgmt.				\$ 240,000.00	\$ 240,000.00
Metro-area Watershed Based Funding Grant					\$ 182,042.00
Miscellaneous Income	\$ 1,210.00				
Total Revenues	\$ 674,777.78	\$ 760,500.00	\$ 158,586.71	\$ 856,120.46	\$ 1,182,542.01
Expenses:					
10 Wages-General	\$ -	\$ -	\$ -	\$ -	\$ -
11 Severance Allowance	\$ -				
12 Benefits	\$ -	\$ -	\$ -	\$ -	\$ -
13 PERA Expense	\$ -	\$ -			
14 Payroll Tax (FICA/Medicare)	\$ -	\$ -	\$ -	\$ -	\$ -
15 Unemployment compensation	\$ -	\$ -			
16 Manager Per Diem	\$ 9,000.00	\$ 9,000.00	\$ 1,876.00	\$ 6,000.00	\$ 9,000.00
17 Manager Expense (mileage/food/registrations)	\$ 3,500.00	\$ 4,000.00	\$ 249.00	\$ 3,500.00	\$ 4,000.00
18 Telecommunications-Cell-Internet/Phone	\$ -	\$ -	\$ -	\$ -	\$ -
19 Postage	\$ 1,000.00	\$ 500.00	\$ 56.00	\$ 1,000.00	\$ 500.00
20 Photocopying	\$ 1,000.00	\$ 2,000.00	\$ 1,111.00	\$ 600.00	\$ 2,000.00
21 Newsletter Expense(Web Articles)	\$ -	\$ -		\$ -	\$ -
22 Legal Notices-General	\$ 1,500.00	\$ 1,500.00	\$ 4,934.00	\$ 1,000.00	\$ 1,500.00
23 Dues	\$ 4,000.00	\$ 7,500.00	\$ 7,500.00	\$ 4,000.00	\$ 7,500.00
24 Publications	\$ -		\$ -	\$ -	
25 Professional Services-General	\$ 132,400.00	\$ 126,100.00	\$ 86,838.00	\$ 130,000.00	\$ 120,100.00
26 Legal Fees-General	\$ 11,000.00	\$ 11,000.00	\$ 2,559.00	\$ 11,000.00	\$ 11,000.00
27 Accounting/Payroll Fees	\$ 4,700.00	\$ 5,000.00	\$ 3,661.00	\$ 4,578.00	\$ 5,000.00
28 Engineering-General	\$ 20,000.00	\$ 20,000.00	\$ 34,329.00	\$ 11,000.00	\$ 20,000.00
29 Audit Fees	\$ 13,500.00	\$ 14,000.00	\$ 13,710.00	\$ 13,212.00	\$ 14,500.00
30 Equipment-Maintenance	\$ 500.00	\$ 500.00	\$ 271.00	\$ 500.00	\$ 500.00
31 Taxable meal reimbursement	\$ 500.00	\$ 500.00	\$ 180.00	\$ 300.00	\$ 500.00
32 Mileage	\$ 6,000.00	\$ 6,000.00	\$ 2,551.00	\$ 5,000.00	\$ 6,000.00
33 Training & Education	\$ 1,500.00	\$ 1,500.00	\$ 373.00	\$ 1,500.00	\$ 1,500.00
34 Lodging/ Staff Travel	\$ 1,500.00	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00
35 Rent	\$ 8,000.00	\$ 8,000.00	\$ 7,800.00	\$ 8,000.00	\$ 8,000.00
36 Web Expense-Design & Hosting (Moved to E & O)	\$ -		\$ -	\$ -	
37 Equipment-Lease	\$ 3,000.00	\$ 3,000.00	\$ 2,849.00	\$ 3,000.00	\$ 3,000.00
38 Insurance & Bonds	\$ 9,000.00	\$ 10,000.00	\$ 14,946.00	\$ 9,000.00	\$ 10,500.00
39 Bank Charges		\$ -		\$ -	\$ -
40 Cleaning Service	\$ -	\$ -	\$ -	\$ -	\$ -
41 Meeting Supplies/Expense	\$ 100.00	\$ 100.00	\$ 59.00	\$ 100.00	\$ 100.00
42 Office Supplies	\$ 300.00	\$ 300.00	\$ 424.00	\$ 300.00	\$ 300.00
43 Equipment-General	\$ -			\$ -	
44 Miscellaneous-General	\$ 3,000.00	\$ 3,000.00	\$ 1,480.00	\$ 3,000.00	\$ 3,000.00
45 Lobbying	\$ 15,000.00	\$ 15,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
Total Expense for Administration:	\$ 250,000.00	\$ 250,000.00	\$ 207,756.00	\$ 236,590.00	\$ 250,000.00





Please note the meeting will be held 7:00pm, Wednesday, December 19, 2018 in the County Board Room at the Carver County Government Center, 602 East 4th Street, Chaska, MN.

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, December 19, 2018

### Agenda Item

#### **Item 5. A. - The matter of the Nine Foot Channel Permanent Disposal Sites Acquisition and Development Basic Water Management Project**

### Prepared By

Linda Loomis, Administrator

### Summary

The Board closed the public comment portion of this item at the November meeting. If Managers wish to take additional comment it is up to the Board. The river terminal operators have held two meetings with the city of Savage to discuss alternative options for funding management of dredge material. LMRWD staff was invited to the second of these meetings, which was held December 12th. The group has agreed to continue meeting and is planning another meeting in January.

The terminal operators would like to request the Board delay consideration of this item. Legal Counsel has prepared a memo for the Board detailing options to consider.

A resolution adopting the project is also provided should the Board determine to proceed with that option. All documents are linked to electronically because of the size of the documents. The Special Benefit Study is included in Resolution 18-21 as Exhibit A.

### Attachments

- [Resolution 18-21 ADOPTING FINDINGS AND AN ORDER MODIFYING THE NINE FOOT CHANNEL PERMANENT DISPOSAL SITES ACQUISITION AND DEVELOPMENT BASIC WATER MANAGEMENT PROJECT AND DETERMINING PROJECT BENEFITS](#)
- [Estimate of Probable Cost, Cargill East River \(MN - 14.2 RMP\) Dredge Material Site](#)
- [Special Benefit Study Pertaining to the Maintenance of 9-Foot River Channel in the Minnesota River](#)

### Recommended Action

Options for action will be provided in a memo from legal counsel



Please note the meeting will be held 7:00pm, Wednesday, December 19, 2018 in the County Board Room at the Carver County Government Center, 602 East 4th Street, Chaska, MN.

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, December 19, 2018

### **Agenda Item**

#### **Item 6. A. - Administrative Services**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

Since November 2013, Naiad Consulting, LLC has provided administrative services to the LMRWD. The original agreement between Naiad and the LMRWD stipulated that Naiad provide 125 hours of service monthly at a rate of \$65.00 per hour.

In July, 2015, the Board increased the number of hours per month to 150 hours and authorized legal counsel to review the agreement and prepare an amendment. An amendment to the Administrative Services Agreement was approved by the Board at the October 21, 2015 meeting.

Naiad Consulting is proposing an increase in the hourly rate to \$75.00 beginning January 1, 2019. If the Board authorizes the increase, an amendment to the Administrative Services Agreement will be prepared and presented to the Board at the January meeting for approval.

### **Attachments**

Administrative Services Agreement as amended

### **Recommended Action**

Motion to authorize rate increase and direct preparation of amendment to the Administrative Services Agreement

**AMENDMENT TO  
ADMINISTRATOR AGREEMENT**

THIS AMENDMENT is made as of this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the Lower Minnesota River Watershed District, a Minnesota Watershed District established in accordance with the Minnesota Watershed Act (“LMRWD”) and Naiad Consulting, LLC, a Minnesota limited liability company (the “Contractor”).

**RECITALS**

WHEREAS, LMRWD and Contractor entered into that certain Administrator Agreement dated November 25, 2013, and attached as **Exhibit 1** (“Agreement”); and

WHEREAS, LMRWD and Contractor wish to continue the Agreement with the amendments specified below:

NOW, THEREFORE, the parties agree as follows:

1. Section 11, Insurance, of the Agreement shall be replaced with the following:

“INSURANCE: Contractor shall, at all times during the Agreement and at its sole cost and expense, carry and maintain Commercial General Liability insurance covering claims for bodily injury, death, personal injury or property damage occurring or arising out of the performance of this Agreement, including coverage for independent contractor’s protection (required if any work will be subcontracted), premises-operations, and contractual liability with respect to the liability assumed by Contractor hereunder. The limits of insurance shall not be less than:

Each Occurrence	\$ 1,000,000
General Aggregate Limit	\$ 1,000,000
Broad Form Property Damage	\$ 1,000,000

LMRWD shall be listed as an additional insured on each insurance policy required hereunder. Each insurance policy shall provide that it will not be canceled or amended except after thirty (30) days advance written notice to the additional insured parties. Contractor shall provide evidence of such insurance policies (certificates of insurance) to LMRWD upon execution of this Agreement and when requested by LMRWD in the future.

2. Section 14, Notices, of the Agreement shall be replaced with the following:

“NOTICES: Any notice or demand, authorized or required under this Agreement shall be in writing and shall be sent by certified mail to the other party as follows:

To the Contractor:	Naiad Consulting, LLC c/o Linda Loomis 6677 Olson Highway Golden Valley, MN 55427
To the LMRWD:	President Lower Minnesota River Watershed District 112 East Fifth Street, Suite 102 Chaska, MN 55318
With a copy to:	The current President of the LMRWD Len Kremer currently is the President and his address is:  Len Kremer _____ _____
And to:	The current attorney for the LMRWD John C. Kolb currently is the attorney and his address is:  John C. Kolb Rinke Noonan P.O. Box 1497 St. Cloud, MN 56302-1497

3. In all other respects, the provisions set forth in the Agreement shall remain unchanged.

WHEREUPON, the undersigned hereunder set their hands to this Amendment as of the day first above written.

NAIAD CONSULTING, LLC

By \_\_\_\_\_  
Its \_\_\_\_\_

LOWER MINNESOTA RIVER  
WATERSHED DISTRICT

By \_\_\_\_\_  
Len Kremer  
Its: President

# EXHIBIT 1

## ADMINISTRATOR AGREEMENT

THIS AGREEMENT is made as of this 25<sup>th</sup> day of November, 2013, by and between the Lower Minnesota River Watershed District, a Minnesota Watershed District established in accordance with the Minnesota Watershed Act ("LMRWD") and, Naiad Consulting, LLC, a Minnesota limited liability company (the "Contractor").

1. SCOPE OF SERVICES: Contractor will perform the following services as prioritized and assigned by the LMRWD Board of Managers ("Board") under this Agreement, together with such other administrative services as may be assigned from time to time:
  - Facilitate the implementation of the updated LMRWD's Watershed Management Plan that sets strategic direction, goals, policies and work plans for the next 10 years.
  - Establish processes to increase the organization's efficiency and to reduce duplication of effort.
  - Serve as the primary point of contact for LMRWD's business and coordinate activities among consultants.
  - Provide coordination with representatives of City, County, State and Federal agencies and other stakeholder groups.
  - Coordinate consultants' projects and activities; review invoices and recommend payment.
  - Identify opportunities to secure grant funding and develop partnerships to accomplish the LMRWD's Watershed Management Plan.
  - Track implementation of watershed-funded annual water quality projects and activities to ensure that established objectives, project budgets, and schedules are met.
  - Develop an operation and capital budget on an annual basis for consideration by the Board.
  - Develop an annual work plan and reporting system in consultation with the Board.
  - Develop agendas for meetings; attend the monthly Board meetings, special TAC meetings and others as necessary.
  - Maintain a list of items that need to be completed by the Consultant, Managers and other consultants and the expected completion date for each item.
  - Prepare a monthly summary of work completed and time expended by work task and budget item.
  - Perform other duties or activities as may be directed by the Board.

(hereinafter "Services").

For the remainder of 2013 the LMRWD sets aside \$8,500.00 for time and expenses related to the Contractor's position. Contractor will prepare and maintain a work plan and schedule of priorities, in consultation with the Board or its authorized

representatives, to facilitate determining and achieving the LMRWD's highest priority goals within its budget.

2. **COMPENSATION:** Contractor will be paid for the Services at the rate of \$ 65.00 per hour. Contractor will be reimbursed for actual, reasonable and necessary out-of-pocket expenses including postage, photocopies, audiotapes, and printing. Mileage and time will be reimbursed for travel within the Minneapolis/St. Paul seven-county metropolitan area. Travel outside of the seven-county metropolitan area including mileage (State of Minnesota rate), meals and overnight accommodations must have the prior approval of the Board or its designee. The Board may specify vendors to be used by Contractor for reimbursable expenses, which vendors may include existing LMRWD consultants, member cities, or other entities

Contractor's billable hours will not exceed 125 hours per month, without, the prior written approval of the Board or its authorized officers.

3. **PAYMENT:** Contractor may not incur reimbursable expenses prior to the date of this Agreement without permission from the Board. The Contractor will submit monthly invoices for services providing detailed time records of services provided and time spent and receipts for reimbursable expenses.

Invoices and records, together with supporting information, shall be submitted in a form acceptable to the LMRWD. The LMRWD will pay invoices within 45 days of receipt thereof. Invoices received by the first Wednesday of the month will ordinarily be authorized for payment at that month's regular Board meeting.

4. **TERM AND TERMINATION:** This Agreement shall continue in effect indefinitely unless terminated in accordance with this Agreement. Notwithstanding any language in this Agreement to the contrary, this Agreement may be terminated by either party at any time, and for any reason, on 30 days' written notice. Within 90 days of the date of this Agreement and annually thereafter, the LMRWD will review this Agreement. Contractor reserves the right to renegotiate the Agreement at the time of the review.
5. **SUBSTITUTION AND ASSIGNMENT:** Services provided by Contractor will generally be performed by Linda Loomis, who is an employee of Contractor. Upon approval by the LMRWD, the Contractor may substitute other persons to perform the services set forth in this Agreement. No assignment of this Agreement shall be permitted without a prior written amendment signed by the LMRWD and the Contractor.
6. **AMENDMENTS:** No amendments to this Agreement may be made except in writing signed by both parties.
7. **INDEPENDENT CONTRACTOR:** The Contractor (including the Contractor's employees, if any) is not an employee of the LMRWD. Contractor (and any person working for or employed by Contractor) will act as independent contractor and acquire no rights to tenure, workers' compensation benefits, unemployment compensation

benefits, medical and hospital benefits, sick and vacation leave, severance pay, pension benefits or other rights or benefits offered to employees of the LMRWD. Contractor (and any person working for or employed by Contractor) shall not be considered an employee of the LMRWD for any purpose including, but not limited to income tax withholding; workers' compensation; unemployment compensation; FICA taxes; liability for torts; and eligibility for benefits.

Contractor will not be provided with a place of business and will retain control over the manner and means of the services provided by Contractor as an independent contractor. Contractor will provide, at Contractor's expense, necessary office space, transportation, computer capability, an internet email address and incidental office supplies needed to provide the Services.

This Agreement is non-exclusive. Contractor may take other employment or contracts that do not interfere with Contractor's duties hereunder.

8. **DATA PRACTICES AND RECORDS:** All records, information, materials and other work product, in written, electronic, or any other form, developed in connection with providing services under this Agreement shall be the exclusive property of the LMRWD. All such records shall be maintained with the records of the LMRWD and in accordance with the instructions of the Board. When operating under standard business practices, the Contractor will not be held liable for the loss of LMRWD's records which may be held by Contractor outside of the LMRWD's offices. The Contractor will comply with the Minnesota Government Data Practices Act and all other applicable state and federal laws relating to data privacy or confidentiality. If Contractor receives a request for data pursuant to the Data Practices Act, Minnesota Statutes Chapter 13 (DPA), that may encompass data (as that term is defined in the DPA) Contractor possesses or has created as a result of this Agreement, it will inform the LMRWD immediately and transmit a copy of the request to the Board. If the request is addressed to the LMRWD, Contractor will not provide any information or documents, but will direct the inquiry to the Board. If the request is addressed to Contractor, Contractor will notify and consult with the Board and its legal counsel before replying. Nothing in the preceding sentence supersedes Contractor's obligations under this Agreement with respect to protection of LMRWD's data, property rights in data or confidentiality. Nothing in this section constitutes a determination that Contractor is performing a governmental function within the meaning of Minnesota Statutes Section 13.05, subdivision 11, or otherwise expands the applicability of the DPA beyond its scope under governing law.
9. **COMPLIANCE WITH LAWS:** Contractor shall comply with all applicable federal, state and local laws, regulations or ordinances in performance of Contractor's duties hereunder, such laws including but not limited to those relating to non-discrimination in hiring or labor practices.
10. **AUDIT:** The Contractor agrees that the LMRWD, the State Auditor, or any of their duly authorized representatives, at any time during normal business hours and as often as they may reasonably deem necessary shall have access to and the right to examine, audit, except,



and transcribe any books, documents, papers, and records that are relevant to and involve transactions relating to this Agreement.

11. **INSURANCE:** Contractor shall maintain insurance providing coverage for general and professional liability in the amounts and providing the coverage generally described in Exhibit A attached to this Agreement. Contractor can rely on work provided by the LMRWD's other contractors. *Exhibit A not attached -*
12. **APPLICABLE LAW:** The laws of the State of Minnesota shall govern all interpretations of this Agreement, and the appropriate venue and jurisdiction for any litigation that may arise under this Agreement will be in and under those courts located within the County of Carver, State of Minnesota, regardless of the place of business, residence, or incorporation of Contractor.
13. **NO AGENCY:** Contractor is an independent contractor and shall not be considered to be the agent or servant of the LMRWD for any purpose and shall have no authority to enter into any contracts, create any obligations, or make any warranties or representations on behalf of the LMRWD unless specifically given such authority in writing or by motion of the Board.
14. **NOTICES:** Any notice or demand, authorized or required under this Agreement, shall be in writing and shall be sent by certified mail to the other party as follows:

To the Contractor: Naiad Consulting, LLC  
c/o Linda Loomis  
6677 Olson Highway  
Golden Valley, MN 55427

To the LMRWD: President  
Lower Minnesota River Watershed District  
112 East Fifth Street, Suite 102  
Chaska, MN 55318

With a copy to: Whoever is the President of the LMRWD.  
Kent Francis currently is the President and  
his address is:

Kent Francis  
623 Griffin Street  
Carver, MN 55315

And to: Whoever is the attorney for the LMRWD.  
Bruce Malkerson currently is the attorney  
and his address is:

Bruce D. Malkerson  
Malkerson Gunn Martin LLP  
220 South Sixth Street, Suite 1900  
Minneapolis, MN 55402

WHEREUPON, the undersigned hereunder set their hands to this Agreement as of the day first above written.

NAIAD CONSULTING, LLC

By: Linda Loomis  
Its: President

LOWER MINNESOTA RIVER WATERSHED  
DISTRICT

By: Kent Francis  
Its: President

**J. Bluff Creek Cooperative Project**

Administrator Loomis said Riley/Purgatory/Bluff Creek Watershed District is working to get the necessary easements. She explained this project for the benefit of new Managers.

**K. 2015 Legislative Action**

**i. Minnesota River Congress**

Administrator Loomis reported she and Manager Shirk attended the Minnesota River Congress in New Ulm, which went well. Attendees were not provided with the copy of the legislation that the LMRWD had introduced in the 2015 session, so the group did not vote on supporting the legislation, it was tabled until the next MN River Congress which is planned for November.

President Kremer said Scott Sparlin and other should be invited on the LMRWD MN River Tour.

**L. Watershed Management Plan Amendment**

Administrator Loomis said she provided a copy. The plan amendment was approved by BWSR, without condition, so now the amended plan needs to be adopted and direct staff to get the plan to the agencies.

President Kremer explained the original plan was amended because, in 2011 when the plan was updated and submitted the Board of Water and Soil Resources (BWSR) for approval, there were project items that needed to be more defined.

**Manager Shirk made a motion to adopt Resolution No. 15-07 adopting the Watershed Management Plan Amendment. The motion was seconded by Manager Murphy. The motion carried unanimously.**

**M. Report from TAC meeting**

Administrator Loomis reported on the July 15<sup>th</sup> TAC meeting. She reported on one conversation with Paul Nelson of the Scott Water Management Organization, in which he asked whatever happened with the Governance Study. Administrator Loomis told him it was her understanding that letters were sent to LMRWD stakeholders and there is no record of any responses. Mr. Nelson said Scott County responded and he sent Administrator Loomis a copy of the letter that was sent. President Kremer asked that TAC items be placed on the August meeting agenda for further discussion. Administrator Loomis noted she will separate it out by issue.

**N. Administrative Services Review**

Manager Shirk said there was a meeting prior to this meeting and they reviewed the results from the survey that was sent out. She said there were significant responses. With some minor exceptions the responses were all very positive. Manager Shirk said they talked about a master schedule for visiting cities within the Watershed District annually and timing of those visits, improving communication and a master list of action items. They also talked about increasing the hours the Administrator is authorized to work from 140 hours to 150 hours per month. The Board agreed with the 150 hours. Managers directed that the Agreement for Administrative Services be sent to the Attorney for review.

**Manager Shirk made a motion to review the Administrator's contract and authorize up to 150 hours. The motion was seconded by Manager Raby. The motion carried unanimously.**

**O. MPCA Soil Reference Values - verbal update**

**ii. Project Reviews**

This was included in the above explanation.

**iii. Monitoring Plan**

No report

**iv. Bluff and gully**

No report

**Q. Administrative Services Review**

Administrator Loomis said this was on the agenda last month and was tabled. An addendum was prepared and just needs to be signed. President Shirk corrected the document to state her as president, not Manager Kremer.

**Manager Murphy made a motion to authorize execution to the addendum to the administrative services agreement. The motion was seconded by Manager Kremer. The motion carried unanimously**

**R. MPCA Soil Reference Values - verbal update**

Administrator Loomis said she has nothing to report

**7. COMMUNICATIONS**

**A. Administrator Report** - written report provided was provided to the Managers prior to the meeting.

Administrator Loomis commented on LPG tanks made in New Prague that will be shipped on barge slips

Administrator Loomis said she contacted Excel Energy to speak to the Managers about changes at the Black Dog plant and hasn't heard back. She did however report on a conversation she had with Jennie Skancke, Area Hydrologist with the DNR about work that has been permitted at the plant/

**B. President** - No report

**C. Commissioners** - No report

**D. Committees** - No report

**E. Legal Counsel** - No report

**F. Engineer** - No report

**9. ADJOURN**

**It was moved and seconded to adjourn 8:36 PM. Motion carried unanimously.**

---

Len Kremer, Secretary

Attest:

---

Linda Loomis, Administrator



Please note the meeting will be held 7:00pm, Wednesday, December 19, 2018 in the County Board Room at the Carver County Government Center, 602 East 4th Street, Chaska, MN.

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, December 19, 2018

### Agenda Item

#### Item 7. A. - Dredge Management

### Prepared By

Linda Loomis, Administrator

### Summary

#### i. Funding for dredge material management

The Board closed the public comment portion of the public hearing on the matter of Nine Foot Channel Disposal Sites. Action on this item will be discussed and decided under Item 5.A. of the meeting agenda

#### ii. Vernon Avenue Dredge Material Management site

Work is progressing on the Dredge site. Soil borings have been taken and the City of Savage has met on site with Barr Engineering staff to field verify the wetland delineation. The final environmental reports (wetland delineation and threatened and endangered species) will be ready for the Board to review at the January 2019 meeting. Staff is still working to refine the flood stage modeling and has met with LS Marine to better understand the configuration of the site operations.

Legal Counsel has reviewed the agreement between the LMRWD and LS Marine and is working on updating the agreement.

#### iii. Private Dredge Material Placement

Payment for placement of private dredge material has been received from Savage Riverport and CHS, Inc. LMRWD is working with Cargill to make sure all is in order for the new contractor to be able to remove dredge material next spring.

### Attachments

No attachments

### Recommended Action

No action recommended



Please note the meeting will be held 7:00pm, Wednesday, December 19, 2018 in the County Board Room at the Carver County Government Center, 602 East 4th Street, Chaska, MN.

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, December 19, 2018

### **Agenda Item**

#### **Item 7. B. - Watershed Management Plan**

### **Prepared By**

Linda Loomis, Administrator

### **Summary**

Staff is working to prepare rules and hopes to have a draft ready for Board review at the February Board meeting.

### **Attachments**

No attachments

### **Recommended Action**

No recommended action



Please note the meeting will be held 7:00pm, Wednesday, December 19, 2018 in the County Board Room at the Carver County Government Center, 602 East 4th Street, Chaska, MN.

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, December 19, 2018

### Agenda Item

#### Item 7. C. - 2019 Legislative Action

#### Prepared By

Linda Loomis, Administrator

#### Summary

Lisa Frenette, the lobbyist retained by the LMRWD, is setting up appointments with committee chairs ahead of the start of the 2019 legislative session. The LMRWD will be working with the river terminal operators to request the state to look at assisting with the management of dredge material by the LMRWD and statewide.

Ms. Frenette has also been following changes to statute being proposed by BWSR to revise the Clean Water Legacy Act provisions including modification to; One Watershed, One Plan, WRAPS and TMDL Implementation Plans. I have attached a working draft provided to me for Board information.

#### Attachments

Clean Water Legacy Act provisions modification

#### Recommended Action

No recommended action



***HFxxx/SFxxx: Clean Water Legacy Act provisions modification;  
coordinated watershed management authorization***  
*Working Draft 12-13-18*

**Overview:**

HFxxx/SFxxx provides refinements to the Clean Water Legacy Act to recognize the progress made in the past 10 years and improve the efficiency and coordination of watershed management. It is designed to:

- **Increase the Pace of Progress** – and move more rapidly and efficiently from monitoring, assessment and planning to on-the-ground actions.
- **Align and use plans and reports** – use the ten years of statewide watershed monitoring and analysis to accelerate locally-led and targeted projects and practices focused on private lands.
- **Assure Accountability** – for incorporation of scientific data and analysis and reasonable assurance of water quality improvements.
- **Provide Flexibility** – so that each watershed can be uniquely addressed based on information needs, land uses, and resource factors.
- **Better Link Surface and Ground water** – so that drinking water and other public uses are considered where there are geologic, infrastructure and land use connections.
- **Support Local Action** – via an acceleration of local watershed programs, projects and practices.

**History:**

Laws and programs established over the past 15 years have significantly shaped Minnesota’s approach to clean water. However, as they were enacted at different times, they don’t always fit neatly together. Addressing this situation will allow for enhanced connectivity and efficiency among these efforts.

- The Clean Water Legacy Act (Chapter 114D) was passed in 2006 to provide “authority, direction, and resources to achieve and maintain water quality standards for groundwater and surface waters, including the standards required by ... the federal Clean Water Act ... and other applicable state and federal regulations.” (MN Statutes 114D.10, Subd. 1)
- Passage of the Clean Water, Land and Legacy constitutional amendment in 2008 created the Clean Water Fund to provide resources to systematically assess and then take action to protect, enhance, and restore water quality in lakes, rivers, and streams, to protect groundwater from degradation, and to protect drinking water sources.
- Adjustments were made to Chapter 114D in 2013 to add statutory language creating Watershed Restoration and Protection Strategies (WRAPS) to enhance the efficiency of efforts to address impaired waters (i.e., TMDL development) and to also systematically include ‘protection’ in the state’s clean water assessments. (see MN Statutes 114D.26)
- The One Watershed, One Plan legislation (Chapter 103B) was enacted in 2015 to better conjoin the Clean Water Legacy Act efforts with the science-based comprehensive plans and on-the-ground *local implementation* work of counties, soil and water conservation districts, watershed districts and other local governments along watershed boundaries. Per Section 103B.801, Subd. 5, a transition to watershed plans is envisioned by 2025.

*2018 history notes: H.F. 3908 03/15/18 Authors - Fischer, Torkelson, S.F. 3647 03/21/18 Author – Johnson., Omnibus bill: SF3656 vetoed*

***HFxxx/SFxxx: Clean Water Legacy Act provisions modification;  
coordinated watershed management authorization***

- 1.1 A bill for an act  
1.2 relating to natural resources; modifying Clean Water Legacy Act; providing for  
1.3 coordinated watershed management; amending Minnesota Statutes 2016, sections  
1.4 103B.3369, subdivisions 5, 9; 103B.801, subdivisions 2, 5; 114D.15, subdivisions  
1.5 7, 11, 13, by adding subdivisions; 114D.20, subdivisions 2, 3, 5, 7, by adding  
1.6 subdivisions; 114D.26; 114D.35, subdivisions 1, 3; proposing coding for new law  
1.7 in Minnesota Statutes, chapter 114D.  
1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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*Sec 36 Subd. 2 notes that joint local comprehensive watershed management plans (aka “One Watershed, One Plan”) can serve to fulfill some of the elements and purposes of the water quality improvement provisions in Ch. 114D, the Clean Water Legacy Act. (This is simply a cross-reference that links to the Chapter 114D updates that follow.)*

*Sec 37 Subd. 5 clarifies the biennial interval for BWSR to propose potential changes to the state plan to fully transition to watershed-based plans statewide by 2025, dependent on state funding. (This helps with predictability – as state funding is via biennial appropriations.)*

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187.16 Sec. 36. Minnesota Statutes 2016, section 103B.801, subdivision 2, is amended to read:

187.17 Subd. 2.**Program purposes.** The purposes of the comprehensive watershed management  
187.18 plan program under section 103B.101, subdivision 14, paragraph (a), are to:  
187.16 (1) align local water planning purposes and procedures under this chapter and chapters  
187.16 103C and 103D on watershed boundaries to create a systematic, watershed-wide,  
187.16 science-based approach to watershed management;  
187.16 (2) acknowledge and build off existing local government structure, water plan services,  
187.16 and local capacity;  
187.16 (3) incorporate and make use of data and information, including watershed restoration  
187.16 and protection strategies under section 114D.26, which may serve to fulfill all or some of  
187.16 the requirements under chapter 114D;  
187.16 (4) solicit input and engage experts from agencies, citizens, and stakeholder groups;  
187.16 (5) focus on implementation of prioritized and targeted actions capable of achieving  
187.16 measurable progress; and  
187.16 (6) serve as a substitute for a comprehensive plan, local water management plan, or  
187.16 watershed management plan developed or amended, approved, and adopted, according to  
187.16 this chapter or chapter 103C or 103D.

188.1 Sec. 37. Minnesota Statutes 2016, section 103B.801, subdivision 5, is amended to read:

188.2 Subd. 5.**Timelines; administration.** (a) The board shall develop and adopt, by June  
188.3 30, 2016, a transition plan for development, approval, adoption, and coordination of plans  
188.4 consistent with section 103A.212. The transition plan must include a goal of completing  
188.5 statewide transition to comprehensive watershed management plans by 2025. The  
188.6 metropolitan area may be considered for inclusion in the transition plan. The board may  
188.7 amend the transition plan no more often than once every two years.  
188.8 (b) The board may use the authority under section 103B.3369, subdivision 9, to support  
188.9 development or implementation of a comprehensive watershed management plan under this  
188.10 section.

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*Technical improvements that adds uniformity.*

191.18 Sec. 47. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision to  
191.19 read:

191.20 Subd. 3a. **Comprehensive local water management plan.** "Comprehensive local water  
191.21 management plan" has the meaning given under section 103B.3363, subdivision 3.

191.22 Sec. 48. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision to  
191.23 read:

191.24 Subd. 3b. **Comprehensive watershed management plan.** "Comprehensive watershed  
191.25 management plan" has the meaning given under section 103B.3363, subdivision 3a.

*Sec 7 Subd. 7 Updates the "Restoration" term to align with Minnesota's broad and  
comprehensive watershed approach to water quality improvements.*

191.26 Sec. 7. Minnesota Statutes 2016, section 114D.15, subdivision 7, is amended to read:

191.27 Subd. 7. **Restoration.** "Restoration" means actions, ~~including effectiveness monitoring,~~  
191.28 ~~that are~~ taken to pursue, achieve, and maintain water quality standards for impaired waters  
191.29 ~~in accordance with a TMDL that has been approved by the United States Environmental~~  
191.30 ~~Protection Agency under federal TMDL requirements.~~

*Sec 50 Subd. 11 Updates the term "TMDL implementation plan" to allow comprehensive  
watershed management plans to serve as the implementation plan for a TMDL when the  
comprehensive plan is designed - and then determined by MPCA - to achieve the applicable  
water quality standards.*

192.1 Sec. 50. Minnesota Statutes 2016, section 114D.15, subdivision 11, is amended to read:

**Option A**

192.2 Subd. 11. **TMDL implementation plan**[1]. "TMDL implementation plan" means:  
192.3 (1) a document detailing restoration activities needed to meet the approved TMDL's  
192.4 pollutant load allocations for point and nonpoint sources; or  
192.5 (2) one of the following that the commissioner of the Pollution Control Agency  
192.6 determines to be, in whole or part, sufficient to achieve applicable water quality standards:  
192.7 (i) a comprehensive watershed management plan;  
192.8 (ii) a comprehensive local water management plan; or  
192.9 (iii) an existing statewide or regional strategy published by the Pollution Control Agency.

**OR**

**Option B**

"TMDL implementation plan" means a document detailing restoration activities needed to meet the approved TMDL's pollutant load allocations for point and nonpoint sources. This could include a comprehensive watershed management plan; a comprehensive local water management plan; or another

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document or strategy that the commissioner of the Pollution Control Agency determines to be, in whole or part, sufficient to achieve applicable water quality standards.

**OR**

**Option C**

add a statement that it is only needed if no WRAPS, 1W1P exists that addresses the impairment.

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*Sec 51 Subd. 13 Allows watershed areas to acknowledge practical factors such as when watersheds cross state boundaries and clarifies that a primary use of a watershed's scientific data and analysis is for implementation purposes. For example, One Watershed One Plan areas are established chiefly on hydrologic boundaries – however it doesn't make sense to go through a whole separate planning process for small pieces of similar land that can be incorporated into an adjoining plan.*

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192.10 Sec. 51. Minnesota Statutes 2016, section 114D.15, subdivision 13, is amended to read:

192.11 Subd. 13. **Watershed restoration and protection strategy or WRAPS**[2]. "Watershed  
192.12 restoration and protection strategy" or "WRAPS" means a document summarizing scientific  
192.13 studies of a major watershed ~~no larger than~~ at approximately a hydrologic unit code 8 scale  
192.14 including the physical, chemical, and biological assessment of the water quality of the  
192.15 watershed; identification of impairments and water bodies in need of protection; identification  
192.16 of biotic stressors and sources of pollution, both point and nonpoint; TMDL's for the  
192.17 impairments; and ~~an implementation table containing~~ information to support [3] strategies ~~and~~  
192.18 ~~actions~~ designed to achieve and maintain water quality standards and goals.

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*Sec 52 Subd 2; Sec 53 Subd 3; Sec 54 Subd 5; Sec 55 Subd 7: Updates to better reflect the progress and innovations – such as WRAPS and One Watershed One Plan – that have been developed since the advent of the CWLA and to better support and align Minnesota's comprehensive approach.*

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192.19 Sec. 52. Minnesota Statutes 2016, section 114D.20, subdivision 2, is amended to read:

192.20 Subd. 2. **Goals for implementation.** The following goals must guide the implementation  
192.21 of this chapter:

192.22 (1) to identify impaired waters in accordance with federal TMDL requirements ~~within~~  
192.23 ~~ten years after May 23, 2006, and thereafter~~ to ensure continuing evaluation of surface  
192.24 waters for impairments;

192.25 (2) to submit TMDL's to the United States Environmental Protection Agency ~~for all~~  
192.26 ~~impaired waters~~ in a timely manner in accordance with federal TMDL requirements;

192.27 (3) to ~~set a reasonable time~~ inform and support strategies for implementing restoration  
192.28 ~~of each identified impaired water~~ and protection activities in a reasonable time period;

193.1 (4) to systematically evaluate waters, to provide assistance and incentives to prevent  
193.2 waters from becoming impaired, and to improve the quality of waters that are listed as  
193.3 impaired ~~but do not have an approved TMDL addressing the impairment~~;

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- 193.4 (5) to promptly seek the delisting of waters from the impaired waters list when those  
193.5 waters are shown to achieve the designated uses applicable to the waters;
- 193.6 (6) to achieve compliance with federal Clean Water Act requirements in Minnesota;
- 193.7 (7) to support effective measures to prevent the degradation of groundwater according  
193.8 to the groundwater degradation prevention goal under section 103H.001; and
- 193.9 (8) to support effective measures to restore degraded groundwater.
- 193.10 Sec. 53. Minnesota Statutes 2016, section 114D.20, subdivision 3, is amended to read:
- 193.11 Subd. 3. **Implementation policies.** The following policies must guide the implementation  
193.12 of this chapter:
- 193.13 (1) develop regional ~~and, multiple pollutant, or watershed TMDL's and TMDL~~  
193.14 ~~implementation plans, and TMDL's and TMDL implementation plans for multiple pollutants~~  
193.15 ~~or WRAPSs~~, where reasonable and feasible;
- 193.16 (2) maximize use of available organizational, technical, and financial resources to perform  
193.17 sampling, monitoring, and other activities to identify degraded groundwater and impaired  
193.18 waters, including use of citizen monitoring and citizen monitoring data used by the Pollution  
193.19 Control Agency in assessing water quality that meets the requirements ~~in Appendix D of~~  
193.20 ~~the Volunteer Surface Water Monitoring Guide, Minnesota established by the commissioner~~  
193.21 ~~of the Pollution Control Agency (2003)~~;
- 193.22 (3) maximize opportunities for restoration of degraded groundwater and impaired waters,  
193.23 by prioritizing and targeting of available programmatic, financial, and technical resources  
193.24 and by providing additional state resources to complement and leverage available resources;
- 193.25 (4) use existing regulatory authorities to achieve restoration for point and nonpoint  
193.26 sources of pollution where applicable, and promote the development and use of effective  
193.27 nonregulatory measures to address pollution sources for which regulations are not applicable;
- 193.28 (5) use restoration methods that have a demonstrated effectiveness in reducing  
193.29 impairments and provide the greatest long-term positive impact on water quality protection  
193.30 and improvement and related conservation benefits while incorporating innovative approaches  
193.31 on a case-by-case basis;
- 194.1 (6) identify for the legislature any innovative approaches that may strengthen or  
194.2 complement existing programs;
- 194.3 (7) identify and encourage implementation of measures to prevent surface waters from  
194.4 becoming impaired and to improve the quality of waters that are listed as impaired but have  
194.5 no approved TMDL addressing the impairment using the best available data and technology,  
194.6 and establish and report outcome-based performance measures that monitor the progress  
194.7 and effectiveness of protection and restoration measures;

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194.8 (8) monitor and enforce cost-sharing contracts and impose monetary damages in an  
194.9 amount up to 150 percent of the financial assistance received for failure to comply; and

194.10 (9) identify and encourage implementation of measures to prevent groundwater from  
194.11 becoming degraded and measures that restore groundwater resources.

194.12 Sec. 54. Minnesota Statutes 2016, section 114D.20, subdivision 5, is amended to read:

194.13 Subd. 5. **Priorities for scheduling and preparing WRAPs and TMDLs**. ~~In consultation with~~  
194.14 ~~the~~

194.14 ~~Clean Water Council shall recommend, t~~The commissioner of the Pollution Control Agency [4]

194.15 ~~must seek recommendations from the Clean Water Council, coordinate with the commissioners of natural~~  
194.16 ~~resources, health, and agriculture and~~

194.16 ~~with the Board of Water and Soil Resources regarding to establish~~ priorities for scheduling and preparing  
194.17 ~~WRAPs and TMDLs.~~

194.18 ~~and TMDL implementation plans, taking into account, Recommendations shall considering the severity~~  
194.19 ~~causes of~~

194.19 ~~the impairment~~ impairments, the designated uses of those the waters, and other applicable

194.20 federal TMDL requirements. ~~In recommending priorities, the council shall also give~~

194.21 ~~Consideration to,~~ groundwater interactions with surface waters [5], and protection of high-quality waters.

194.22 ~~waters and watersheds with declining water quality trends, water used as drinking water~~

194.23 ~~sources, and waters and watersheds:~~

194.24 (1) ~~with impairments that pose~~ have the greatest potential risk to human health;

194.25 (2) ~~with impairments that pose~~ have the greatest potential risk to threatened or endangered  
194.26 species;

194.27 (3) ~~with impairments that pose~~ have the greatest potential risk to aquatic health;

194.28 (4) where other public agencies and participating organizations and individuals, especially  
194.29 local, basin-wide, watershed, or regional agencies or organizations, have  
194.30 demonstrated readiness to assist in carrying out the responsibilities, including availability  
194.31 and organization of human, technical, and financial resources necessary to undertake the  
194.32 work; and

195.1 (5) where there is demonstrated coordination and cooperation among cities, counties,  
195.2 watershed districts, and soil and water conservation districts in planning and implementation  
195.3 of activities that will assist in carrying out the responsibilities.

195.4 Sec. 55. Minnesota Statutes 2016, section 114D.20, subdivision 7, is amended to read:

195.5 Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall  
195.6 apply the priorities applicable under subdivision 6, as far as practicable, when recommending  
195.7 priorities for funding actions to prevent groundwater and surface waters from becoming  
195.8 degraded or impaired and to improve the quality of surface waters that are listed as impaired  
195.9 ~~but do not have an approved TMDL.~~

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*Sec 56 Subd. 8 This new subdivision provides a mechanism for the MPCA to use elements of Minnesota's locally-led comprehensive watershed management programs to serve as a TMDL, WRAPS or implementation plan for a TMDL under specific circumstances. This change is being proposed to enhance the efficiency of state and local planning and strategy development efforts and to:*

- move more rapidly and efficiently from assessment and planning to action.*
- better incorporate scientific data and assurance of water quality improvements into locally-led comprehensive watershed management programs.*
- provide flexibility so that each watershed can be uniquely addressed based on its needs.*
- accelerate the implementation of local watershed projects.*

195.10 Sec. 56. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision  
195.11 to read:

195.12 **Subd. 8. Alternatives; TMDL, TMDL implementation plan, or WRAPS.** (a) If the  
195.13 commissioner of the Pollution Control Agency determines that a comprehensive watershed  
195.14 management plan or comprehensive local water management plan contains information that  
195.15 is sufficient and consistent with guidance from the United States Environmental Protection  
195.16 Agency, including but not limited to, [6] the recommended structure for category 4b demonstrations or its  
195.17 replacement, under section 303(d) of the federal Clean Water Act, the commissioner may  
195.18 submit the plan to the Environmental Protection Agency according to federal TMDL  
195.19 requirements as an alternative to developing a TMDL.

195.20 (b) A TMDL implementation plan or a WRAPS, or portions thereof, are not needed for  
195.21 waters or watersheds when the commissioner of the Pollution Control Agency determines  
195.22 that a comprehensive watershed management plan, a comprehensive local water management  
195.23 plan, or a statewide or regional strategy published by the Pollution Control Agency meets  
195.24 the definition in section 114D.15, subdivision 11 or 13.

195.25 (c) The commissioner of the Pollution Control Agency may request that the Board of  
195.26 Water and Soil Resources conduct an evaluation of the implementation efforts under a  
195.27 comprehensive watershed management plan or comprehensive local water management  
195.28 plan when the commissioner makes a determination under paragraph (b). The board must  
195.29 conduct the evaluation in accordance with section 103B.102.

195.30 (d) The commissioner of the Pollution Control Agency may amend or revoke a  
195.31 determination made under paragraph (a) or (b) after considering the evaluation conducted  
195.32 under paragraph (c).



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*Sec 57 Subd. 9 Provides for consideration of mutual/joint water quality projects and practices. For example, a watershed district and a city could collaborate to share in developing or sustaining common clean water infrastructure.*

196.1 Sec. 57. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision  
196.2 to read:

196.3 Subd. 9. **Coordinating municipal and local water quality activities.** A project, practice,  
196.4 or program for water quality improvement or protection that is conducted by a watershed  
196.5 management organization or a local government unit with a comprehensive watershed  
196.6 management plan or other water management plan approved according to chapter 103B,  
196.7 103C, or 103D may be considered by the pollution control agency [7] as contributing to the requirements of  
a storm water  
196.8 pollution prevention plan (SWPPP) for a municipal separate storm sewer systems (MS4)  
196.9 permit unless the project, practice, or program was previously documented as contributing  
196.10 to a different SWPPP for an MS4 permit.

*Sec 58 Subd. 1-3 Updates to align Minnesota's comprehensive and systematic approach to monitoring, assessing, modeling and developing action plans for each watershed.*

196.11 Sec. 58. Minnesota Statutes 2016, section 114D.26, is amended to read:

196.12 **114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

196.13 Subdivision 1. **Contents.** (a) The commissioner of the Pollution Control Agency shall  
196.14 develop or update watershed restoration and protection strategies. To ensure effectiveness and  
~~accountability in 196.15 meeting the goals of this chapter, for the purposes of [8]:~~  
196.16 (1) quantifying impairments and risks to water quality;  
196.17 (2) describing the causes of impairments and pollution sources;  
196.18 (3) consolidating TMDLs in a major watershed; and  
196.19 (4) informing comprehensive local water management plans and comprehensive  
196.20 watershed management plans.

196.21 (b) Each WRAPS shall:

196.22 (1) identify impaired waters and waters in need of protection;  
196.23 (2) identify biotic stressors causing impairments or threats to water quality;  
196.24 (3) summarize ~~watershed modeling outputs and resulting [9] pollution load allocations, and~~  
196.25 ~~wasteload allocations, and priority areas for targeting actions to improve water quality and~~  
196.26 identify areas with high pollutant-loading rates;  
~~196.27 (4) identify point sources of pollution for which a national pollutant discharge elimination~~  
196.28 system permit is required under section 115.03;  
~~196.29 (5) identify nonpoint sources of pollution for which a national pollutant discharge~~  
196.30 elimination system permit is not required under section 115.03, with sufficient specificity  
~~197.1 to prioritize and geographically locate inform watershed restoration and protection actions~~  
197.2 strategies;

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197.3 (6) describe the current pollution loading and load reduction needed for each source or  
197.4 source category to meet water quality standards and goals, including wasteload and load  
197.5 allocations from TMDL's;  
197.6 (7) contain a plan for ongoing identify water quality monitoring needed to fill data gaps,  
197.7 determine changing conditions, and or gauge implementation effectiveness; [10]and  
197.8 (8) contain an implementation table of strategies and actions that are capable of  
197.9 cumulatively achieving needed pollution load reductions for point and nonpoint sources,  
197.10 including identifying:  
197.11 (i) water quality parameters of concern;  
197.12 (ii) current water quality conditions;  
197.13 (iii) water quality goals, strategies, and targets by parameter of concern; and  
197.14 (iv) strategies and actions by parameter of concern and an example of the scale of adoptions needed  
197.15 for each with a timeline to meet the water quality restoration or protection  
197.16 goals of this chapter.  
197.17 (v) a timeline for achievement of water quality targets;  
197.18 (vi) the governmental units with primary responsibility for implementing each watershed  
197.19 restoration or protection strategy; and  
197.20 (vii) a timeline and interim milestones for achievement of watershed restoration or  
197.21 protection implementation actions within ten years of strategy adoption.

**Option A.** *MPCA new suggestion to consider.*

197.22 Subd. 1a. **Coordination.** To ensure effectiveness, efficiency, and accountability in  
197.23 meeting the goals of this chapter, the commissioner of the Pollution Control Agency must  
197.24 consult with and  
197.25 the Board of Water and Soil Resources must coordinate to ensure effectiveness, efficiency, and  
197.26 accountability in  
197.27 meeting the goals of this chapter, the schedule, budget, scope, and  
197.28 use of a WRAPS and related documents and processes in consultation with representatives of local  
197.29 government units.

**OR Option B.**

*Delete all of Subd 1a as it is partially covered in Subd 3a below*

**OR Option C.** *Stick with bill language agreed to last year:*

197.22 Subd. 1a. **Coordination.** To ensure effectiveness, efficiency, and accountability in  
197.23 meeting the goals of this chapter, the commissioner of the Pollution Control Agency and  
197.24 the Board of Water and Soil Resources must coordinate the schedule, budget, scope, and  
197.25 use of a WRAPS and related documents and processes in consultation with local government  
197.26 units in consideration of  
197.27 section 114D.20, subdivision 8.

197.28 Subd. 2. **Reporting.** Beginning July 1, 2016, and every other year thereafter, the  
197.29 commissioner of the Pollution Control Agency must report on its the agency's Web site the  
197.30 progress toward implementation milestones and water quality goals for all adopted TMDL's  
197.31 and, where available, WRAPS's.

198.1 Subd. 3. **Timelines; administration.** Each year, (a) The commissioner of the Pollution  
198.2 Control Agency must complete WRAPS's for at least ten percent of watershed restoration  
198.3 and protection strategies for the state's major watersheds. WRAPS shall be by June 30,  
198.4 2023, unless the commissioner determines that a comprehensive watershed management  
198.5 plan or comprehensive local water management plan, in whole or part, meets the definition  
198.6 in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the  
198.7 strategies, in whole or part, after consultation with the Board of Water and Soil Resources  
198.8 and local government units.

198.9 (b) Watershed restoration and protection strategies are governed by the procedures for

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198.10 approval and notice in section 114D.25, subdivisions 2 and 4, except that ~~WRAPS the~~  
198.11 ~~strategies~~ need not be submitted to the United States Environmental Protection Agency.

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*Sec 59 Subd. 1; Sec 60 Subd 3: Updates to recognize the critical role of local government in public and stakeholder participation and to assure that public and stakeholder participation is thorough, inclusive, timely and coordinated toward implementing a locally-led action plan for each watershed.*

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198.12 Sec. 59. Minnesota Statutes 2016, section 114D.35, subdivision 1, is amended to read:

198.13 Subdivision 1. **Public and stakeholder participation.** (a) Public agencies and private  
198.14 entities involved in the implementation of implementing this chapter shall encourage  
198.15 participation by the public and stakeholders, including local citizens, landowners and, land  
198.16 managers, and public and private organizations, in identifying impaired waters, in developing  
198.17 TMDL's, in planning, priority setting, and implementing restoration of impaired waters, in  
198.18 identifying degraded groundwater, and in protecting and restoring groundwater resources.

198.19 (b) In particular, the commissioner of the Pollution Control Agency shall make  
198.20 reasonable efforts to provide timely information to the public and to stakeholders about  
198.21 impaired waters that have been identified by the agency. The agency shall seek broad and  
198.22 early public and stakeholder participation in scoping the activities necessary to develop a  
198.23 TMDL, including the scientific models, methods, and approaches to be used in TMDL  
198.24 development, and to implement restoration pursuant to section 114D.15, subdivision 7, and  
198.25 to inform and consult with the public and stakeholders in developing a WRAPS or TMDL.

198.26 (c) Public agencies and private entities involved in implementing restoration and  
198.27 protection identified in a comprehensive watershed management plan or comprehensive  
198.28 local water management plan must make efforts to inform, consult, and involve the public  
198.29 and stakeholders.

198.30 (d) The commissioner of the Pollution Control Agency and the Board of Water and Soil  
198.31 Resources must coordinate public and stakeholder participation in consultation with local  
198.32 government units. To the extent practicable, implementation of this chapter must be  
198.33 accomplished in cooperation with local, state, federal, and tribal governments and private  
198.34 section organizations.

199.1 Sec. 60. Minnesota Statutes 2016, section 114D.35, subdivision 3, is amended to read:

199.2 Subd. 3. **Education.** The Clean Water Council shall develop strategies for informing,  
199.3 educating, and encouraging the participation of citizens, stakeholders, and others regarding  
199.4 ~~the identification of impaired waters, development of TMDL's, development of TMDL~~  
199.5 ~~implementation plans, implementation of restoration for impaired waters, identification of~~  
199.6 ~~degraded groundwater, and protection and restoration of groundwater resources~~ this chapter.  
199.7 Public agencies shall be responsible for implementing the strategies.

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*Sec 19. Because each watershed is unique, this new provision enables use of comprehensive watershed management plans as a more accurate basis for estimating Minnesota's non-point water quality needs and progress. Sec. 103. Process to develop recommendations for changes.*

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From original bill: **Option A**

- 11.1 Sec. 19. **[114D.47] NONPOINT FUNDING ALTERNATIVE.**  
11.2 Notwithstanding section 114D.50, subdivision 3a, the Board of Water and Soil Resources  
11.3 may, by board order, establish alternative timelines or content for the priority funding plan  
11.4 for nonpoint sources under section 114D.50, subdivision 3a, and may use information from  
11.5 comprehensive watershed management plans or comprehensive local water management  
11.6 plans to estimate or summarize costs.

**OR**

From omnibus (vetoed) final language: **Option B**

- 220.27 **Sec. 103. NONPOINT PRIORITY FUNDING PLAN WORKGROUP.**  
220.28 The Board of Water and Soil Resources must convene a workgroup[11] consisting of  
220.29 representatives of state agencies, local governments, tribal governments, private and nonprofit  
220.30 organizations, and others to review the nonpoint priority funding plan under Minnesota  
220.31 Statutes, section 114D.50, subdivision 3a. By January 31, 20192020, the board must submit a  
220.32 report to the chairs and ranking minority members of the house of representatives and senate  
220.33 committees with jurisdiction over environment and natural resources that contains  
221.1 recommendations to improve the effectiveness of nonpoint priority funding plans to meet  
221.2 the requirements in Minnesota Statutes, section 114D.50, subdivision 3a, the purposes in  
221.3 Minnesota Statutes, section 114D.50, subdivision 3, and the watershed and groundwater  
221.4 restoration and protection goals of Minnesota Statutes, chapters 103B and 114D.

**OR** No Change - Keep original language [12]intact: **Option C.**

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*Sec 33 Subd. 5 and Sec. 34 Subd. 9 in combination - would allow BWSR to expand the mechanisms (such as contracts and payments) used to pass-thru base amounts of state funding to local governments to be more efficient and to use a watershed approach to fund large, multi-participant water quality watershed improvement projects.*

185.13 Section 33. Minnesota Statutes 2016, section 103B.3369, subdivision 5, is amended to read:

185.14 Subd. 5. **Financial assistance.** ~~A base or program grant or other financial assistance may be awarded to a~~  
185.15 ~~county or other local unit of government that provides a match utilizing a water~~  
185.16 ~~implementation tax or other local source. A water implementation tax that a county~~  
185.17 ~~intends to use as a match to the base grant must be levied at a rate~~  
185.18 ~~sufficient to generate a minimum amount determined by the board. [13]~~ The board may award  
185.19 performance-based, watershed-based or program-based grants or other financial assistance to local units of  
185.20 government that are responsible for implementing elements of applicable portions of  
185.21 watershed management plans, comprehensive plans, local water management plans, or  
185.22 comprehensive watershed management plans, developed or amended, adopted and approved,  
185.23 according to chapter 103B, 103C, or 103D. Upon request by a local government unit, the  
185.24 board may also award performance-based grants to local units of government to carry out  
185.25 TMDL implementation plans as provided in chapter 114D, if the TMDL implementation  
185.26 plan has been incorporated into the local water management plan according to the procedures  
185.27 for approving comprehensive plans, watershed management plans, local water management  
185.28 plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D,  
185.29 or if the TMDL implementation plan has undergone a public review process. Notwithstanding  
185.30 section 16A.41, the board may award performance-based, watershed-based or program-based grants or  
other financial assistance on  
185.31 an advanced basis and may prescribe a local unit of government matching amount. ~~The fee authorized in~~  
~~section 40A.152 may be used as a local match or~~  
185.32 as a supplement to state funding to accomplish implementation of comprehensive plans,  
185.33 watershed management plans, local water management plans, or comprehensive watershed  
185.34 management plans under this chapter and chapter 103C or 103D. ~~[14]~~ The board may enter into inter-  
governmental agreements to provide water management funding to local governments ~~[15].~~

186.1 Sec. 34. Minnesota Statutes 2016, section 103B.3369, subdivision 9, is amended to read:

186.2 Subd. 9. **Performance-based Criteria.** (a) The board shall develop and utilize  
186.3 performance-based criteria for local water resources restoration, protection, and management  
186.4 programs and projects. The criteria may include but are not limited to science-based  
186.5 assessments, organizational capacity, priority resource issues, community outreach and  
186.6 support, partnership potential, potential for multiple benefits, and program and project  
186.7 delivery efficiency and effectiveness.  
186.8 (b) Notwithstanding paragraph (a), the board may develop and utilize eligibility criteria  
186.9 for state program grants or other financial assistance provided to local governments.



Please note the meeting will be held 7:00pm, Wednesday, December 19, 2018 in the County Board Room at the Carver County Government Center, 602 East 4th Street, Chaska, MN.

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, December 19, 2018

### Agenda Item

#### Item 7. E. - LMRWD Projects

#### Prepared By

Linda Loomis, Administrator

#### Summary

- i. **Eden Prairie Area #3 Stabilization**  
No new information since last update.
- ii. **Riley Creek Cooperative project/Lower Riley Creek restoration**  
No new information since last update.
- iii. **Seminary Fen ravine stabilization project**  
No new information since last update.
- iv. **East Chaska Creek (Carver County Watershed Based Funding)**  
It was reported in the November meeting packet that staff had completed a field inspection of the project area to assess current conditions. An update of the 2016 feasibility has been prepared and is attached for Board review. Staff has been in touch with the city of Chaska and is working to set up a meeting to review the feasibility report findings with the city. LMRWD submitted this project as the Carver County project for funding under the Metro-area Watershed Based Funding Pilot Program. The amount of grant money dedicated to this program is \$25,472. East Chaska Creek is impaired for aquatic life, fecal coliform and turbidity. This project should help address the turbidity.
- v. **Schroeder Acres Park (Scott County Watershed Based Funding)**  
No new information since last update.
- vi. **Shakopee Downtown BMO Retrofit (Scott County Watershed Based Funding)**  
No new information since last update.
- vii. **PLOC ( Prior Lake Outlet Channel) Restoration (Scott County Watershed Based Funding)**  
No new information since last update.
- viii. **Dakota County Fen Gap Analysis and Conceptual Model (Dakota County Watershed Based Funding)**  
Staff is working with MCES (Metropolitan Council Environmental Services) to determine whether or not MCES can assist on this project. Staff is not planning substantial work on this project until the agreement between the LMRWD and the Dakota County SWCD. Once the agreement is in place, staff will set up a meeting with the DNR.
- ix. **Hennepin County Chloride Project (Hennepin County Watershed Based Funding)**  
The Grant agreement has been executed for this project. Hennepin County and RPBCWD (Riley Purgatory Bluff Creek Watershed District) are managing this project, the LMRWD is a partner, as the District has agreed to allocate its

portion of the Hennepin County Metro-area Watershed Based Funding Pilot Program to this project.

Freshwater Society and Fortin Consulting have been consulted. Freshwater Water will be developing a Scope of Work for the project with technical assistance from Fortin. The stakeholders plan to meet to review the Scope of Work once it has been received.

Freshwater plans to hold a focus group at the Annual Road Salt Symposium on February 7th. The focus group will target commercial applicators and building managers.

The Scope of Work will capture the following elements:

- Outreach/recruitment for focus groups
- Logistics of focus groups (including producing communication materials, e.g. blurbs for newsletters)
- Facilitating Focus Groups
- Create/promote/collect data via online survey tool (and/or ipad survey)
- Capture and combine data from various sources
- Analyze data
- Report and Presentation on audience needs and barriers
- Recommend strategies to address those needs and barriers – in the form of an action-oriented and time-bound workplan

**x. Vegetation Management Plan**

This project has been placed on hold temporarily while staff works on developing a system for tracking projects within the LMRWD.

**xi. Sustainable Lake Management Plan - Trout Lakes**

No new information since last update.

**xii. Geomorphic Assessment of Trout Streams**

In the November meeting packet, it was reported that staff had discussions with the University of Minnesota Bioproducts and Biosystems Engineering Department (BBE) to provide services to the LMRWD, to assist with the geomorphic assessment of trout streams within the District. Staff has determined that services provided by BBE are best managed by Young Environmental Consulting Group, LLC, technical consultant for the LMRWD. The agreement between the LMRWD and Young Environmental states that subcontractors must be approved by the Board. A request from Young Environmental is attached for Board to consideration.

**xiii. Spring Creek Cost Share**

Staff has been working with a home owner in the city of Carver for a few years to address erosion of her property caused by Spring Creek. As development continues upland, storm water is increasing the flashiness of the Creek. This has caused significant erosion of the property located at 112 5th Street West, Carver. LMRWD has been working with Carver County Soil & Water Conservation to determine ways to restore some of what has been lost to erosion and protect the current stream bank. A plan set and cost estimate is attached for Board review. This project may be appropriate for a cost share. The next step is to present the plan to the city of Carver for participation as a partner in the project.

**Attachments**

- [East Chaska Creek Assessment, dated December 10, 2018](#)
- Request for the University of Minnesota - Bioproducts and Biosystems Engineering Department to subcontract services on LMRWD Projects
- 112 5th Street West, Carver, MN - plan set & cost estimate

**Recommended Action**

Motion to approve BBE as subcontractor



## TECHNICAL MEMORANDUM

**TO:** Board of Managers  
Lower Minnesota River Watershed District

**FROM:** Della Schall Young, PMP, CPESC  
Young Environmental Consulting Group, LLC

**CC:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**DATE:** December 12, 2018

**RE:** Request for the University of Minnesota - Bioproducts and Biosystems  
Engineering Department to subcontract services on LMRWD Projects

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Young Environmental Consulting Group, LLC (Young Environmental) respectfully requests permission to subcontract with the Bioproducts and Biosystems Engineering (BBE) Department at the University of Minnesota. As part of the executed contract between Young Environmental and Lower Minnesota River Watershed District (District), we are only authorized to subcontract services from Burns & McDonnell Engineering Company and Barr Engineering Co.

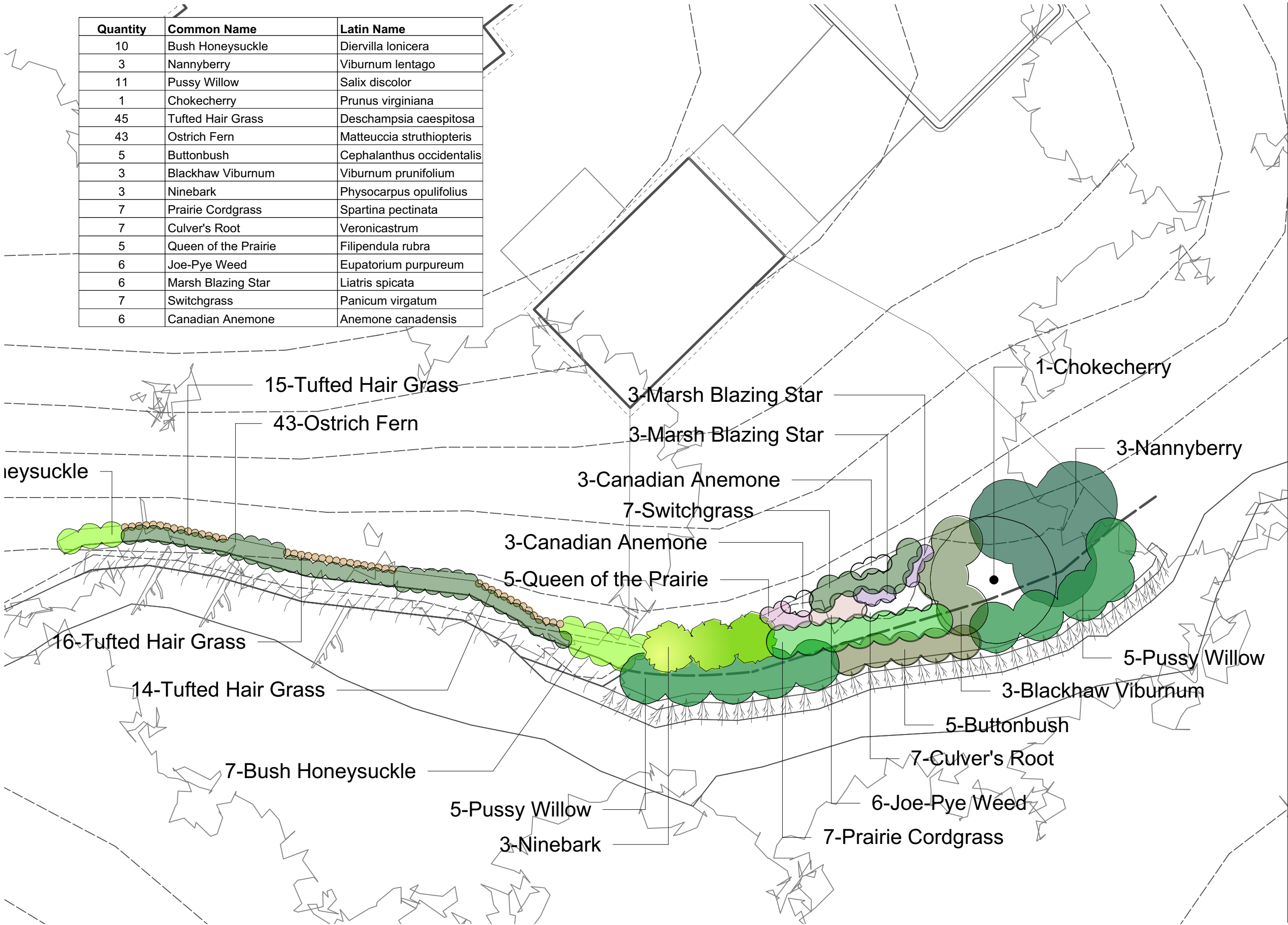
As we review the current list of projects, it is increasingly clear that we could use the expertise of individuals at the University of Minnesota. The Geomorphic Assessment of Trout Streams project is one where we could use the combined assistance of Barr and the University of Minnesota, specifically with Professors John Nieber, Joe Magner, and their students. Professor Nieber has done extensive work with hydrologic processes, assessing impacts of land use on hydrology and evaluating water quality of groundwater, streams, lakes, and wetlands. He is highly proficient in field experimentation, data synthesis, and modeling. Professor Magner works predominately on watershed assessment, management and policy, impaired waters, and pollutant management. His research spans many hydrologic topics, including trout stream assessments. Both professors belong to the BBE Department and regularly collaborate on field projects with state agencies, watershed management organizations, and private companies.


In accordance with our contract, Young Environmental is requesting permission to subcontract with the Bioproducts and Biosystems Engineering Department at the University of Minnesota.






Quantity	Common Name	Latin Name
10	Bush Honeysuckle	Diervilla lonicera
3	Nannyberry	Viburnum lentago
11	Pussy Willow	Salix discolor
1	Chokecherry	Prunus virginiana
45	Tufted Hair Grass	Deschampsia caespitosa
43	Ostrich Fern	Matteuccia struthiopteris
5	Buttonbush	Cephalanthus occidentalis
3	Blackhaw Viburnum	Viburnum prunifolium
3	Ninebark	Physocarpus opulifolius
7	Prairie Cordgrass	Spartina pectinata
7	Culver's Root	Veronicastrum
5	Queen of the Prairie	Filipendula rubra
6	Joe-Pye Weed	Eupatorium purpureum
6	Marsh Blazing Star	Liatris spicata
7	Switchgrass	Panicum virgatum
6	Canadian Anemone	Anemone canadensis





LOWER MINNESOTA RIVER  
WATERSHED DISTRICT


Deb Hartley  
112 5th St. W  
Carver, MN 55315

Provided By:  
  
CO.CARVER.MN.US/SWCD

DESIGNER: SETH RISTOW  
DATE: 11/08/18  
REVISION:  
REVISION:

NOTES:

- CALL GOPHER 1 PRIOR TO DIGGING
- KILL EXISTING NON-NATIVE VEGETATION AT LEAST 1 WEEK PRIOR TO PLANTING
- CONTACT SETH RISTOW WITH QUESTIONS (952) 466-5264
- USE COIR LOGS AS NEEDED
- PLANTS NEED TO BE WATERED REGULARLY DURING FIRST YEAR

SCALE: 3/32"=1' 

L 1.0 PLANTING PLAN

# CARVER SWCD

## MATERIAL & COST ESTIMATE

Hartley

Streambank Stabilization

LF: 140  
SF: NA  
Date: 21-Nov-18

### Materials: Streambank Stabilization

Item	Qty	Unit	Unit Cost	Amount	Potential Source
Twice-Shredded Hardwood Mulch (3" depth)	8.0	cu-yd	\$ 30.00	\$ 240.00	Hedberg, Frador, Local Supplier
Non-Woven Geotextile (Geotex 401, Mirfani 140N, or equal)	200	sq-ft	\$ 0.07	\$ 14.00	Brock White, (651) 647-0950
C125BN (6.5' x 108.5')	1,390	sq-ft	\$ 0.22	\$ 305.80	Brock White, (651) 647-0950
Bio D Block 12 (10')	8	each	\$ 126.00	\$ 1,008.00	Rolanka
Wood Stakes (2" x 4" x 48" - hardwood)	40	each	\$ 1.00	\$ 40.00	Brock White, (651) 647-0950
Aggregate: Buff Limestone (18"-24")	15.0	Tons	\$ 30.00	\$ 450.00	Hedberg, Frador, Local Supplier
Materials Subtotal				\$ 2,057.80	

### Plants: Streambank Stabilization

Item	Qty	Unit	Unit Cost	Amount	Potential Source
Native Plant: Plug	132	each	\$ 2.00	\$ 264.00	Native Plant Supplier
Native Shrub: 1 Gallon	36	each	\$ 15.00	\$ 540.00	Native Plant Supplier
Native Seed (Moist Meadow) 1/4LB	1.00	each	\$ 125.00	\$ 125.00	Native Plant Supplier
No Mow Seed	2.00	lb	\$ 7.00	\$ 14.00	Native Plant Supplier
Plants Subtotal				\$ 943.00	

### Labor: Streambank Stabiliza

Mobilization	1.00	job	\$ 250.00	\$ 250.00	Landscape/Excavation Contractor
Deliveries (Mulch, Plants, Rock, Soil, etc)	2	job	\$ 150.00	\$ 300.00	Suppliers/Contractors
Disposal	1.00	job	\$ 500.00	\$ 500.00	Landscape/Excavation Contractor
Grading ( <u>Tracked Equipment Only</u> - no wheeled vehicles in excavation area)	5	hrs	\$ 85.00	\$ 425.00	Landscape/Excavation Contractor
Material Installation (4 person crew/ 10hr day)	4.50	job	\$ 2,500.00	\$ 11,250.00	Landscape/Excavation Contractor
Subtotal				\$ 12,725.00	

### Project Total: Raingarden #4

Materials Estimate:	\$ 2,057.80
Plants Estimate:	\$ 943.00
Labor Estimate:	\$ 12,725.00
<b>Project Estimate:</b>	<b>\$ 15,725.80</b>
:-10%	\$ 14,153.22
:+10%	\$ 17,298.38



Please note the meeting will be held 7:00pm, Wednesday, December 19, 2018 in the County Board Room at the Carver County Government Center, 602 East 4th Street, Chaska, MN.

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Wednesday, December 19, 2018

### Agenda Item

#### Item 7. F. - LMRWD Project Review

#### Prepared By

Linda Loomis, Administrator

#### Summary

i. **City of Eden Prairie - Peterson Wetland Bank**

The Peterson Family owns several tracts of land east of the TH101 crossing of the Minnesota River. They have proposed turning several acres of the land into wetland bank. I attended a field inspection of the property in 2016 and the District has now received a proposal for the project. The city of Eden Prairie has indicated that they are not considering the application complete for this project, but wanted to release the proposal, which is attached for Board information.

ii. **City of Eden Prairie - Comprehensive Plan Amendments**

The city of Eden Prairie notified the LMRWD that it is proposing to amend its Comprehensive Plan. The city received two request from property owners to consider amending the land use. The amendment the city is considering would change the land use for several parcels of land near the intersection of CSAH 61/Flying Cloud Drive and Spring Road (near Lion's Tap) and extending the MUSA (municipal urban service area). The current land use for the parcels is a mix of low density residential, rural and park & open space. The proposed land use will be low density residential (0-2.5 units/acre). The city has not received any development proposals for this area.

The LMRWD responded that the District has no objection to the change in land use or the extension of the MUSA line, but that any development on steep slopes would have to comply with the LMRWD standards for slopes 18% or greater.

iii. **City of Chanhassen - TH 101 Improvements**

On Wednesday December 19th, staff will be meeting with the city, project consultants and RPBCWD to discuss water resource impacts from this project. We have been provided with wetland delineation information that was done previously for this project. Staff is reviewing this information.

iv. **City of Savage - 12113 Lynn Avenue**

The city was waiting for additional information from the proponent on this project, the last we heard.

v. **Cities of Richfield/Bloomington - TH 77 & 77th Street underpass**

This project is at the 95% draft plan stage. MNDOT has asked for the LMRWD to provide comments on the plan before finalizing the project and requesting bids for construction. Staff has reviewed the plans and prepared a report. The report was provided to the Project engineer and responses to LMRWD comments are part of the

October 24, 2018 report. The LMRWD still has concerns with this project, particularly with the under capacity drainage for I-494. This drainage system will have to be addressed with the proposed MNDOT I494 from TH 169 to MN River project. The Board should approve the project with the condition that changes to the project need to be brought to the LMRWD.

**vi. MNDOT - I494 Brush removal**

MNDOT has notified the LMRWD that it intends to remove brush from the right-of-way along I-494 from TH 5 to TH 13. Staff reviewed the proposal and spoke with MNDOT. The LMRWD concern is with soil disturbance in the area and the proposed disposal of the material removed. MNDOT is not proposing to disturb any soil and material will not be chipped and placed on the site.

**vii. MNDOT - TH 5 Signage projects**

MNDOT notified the LMRWD of a project on TH 5 between I-494 and TH 62. The project consists of metal guard fence replacement within the steep slope overlay district. Staff has reviewed the proposal and determined that this area includes several steep slopes. They requested the shape file delineating the steep slopes, which was provided to them. Staff is reviewing the plans we received and will comment on the proposal.

**viii. MPCA - MN River TSS TMDL**

No new information since last update.

**ix. MN Valley State Trail - EAW (Environmental Assessment Worksheet)**

No new information since last update.

**x. Hennepin County - CSAH 61/Flying Cloud Drive**

Two additional inspections have been made of this project since the last update to the Board. The inspection reports are attached. Staff is planning to attend the next construction meeting on December 18. Since the ground is frozen in most places, inspections will be done monthly, unless there is a rain event or premature snow melt. In which case, an inspection of the project will be conducted.

**xi. MNDOT - I494/TH 5/TH 55 Mill & Overlay project**

No new information since last update.

**xii. MNDOT - I35W Bridge Replacement**

No new information since last update.

**xiii. MNDOT - I494 from TH169 to Minnesota River**

No new information since last update.

**xiv. City of Shakopee - Amazon Fulfillment Center drainage**

No new information since last update.

**xv. MAC/LMRWD/MCWD boundary realignment**

Staff contacted Minnehaha Creek Watershed District (MCWD) to see if they objected to realignment of boundaries to match hydrological boundaries between LMRWD and MCWD. They do not object and asked to review the proposed alignment before submitting a petition to BWSR. MAC will identify the new boundary line.

**xvi. Fort Snelling - Dominion Housing**

Staff received a request from the MN Historical Society, as to whether or not they could propose a cost share project to the LMRWD to restore prairie to the area surrounding the rehabilitated old post for housing. They were told to consult the website for the cost share application.

**xvii. USACOE/USFWS - Bass Ponds, Marsh & Wetland**

A feasibility report has been prepared for this project and is attached for the Board information

Item 7. F. - Project Reviews

Executive Summary

December 19, 2018

Page 3

**Attachments**

- [Peterson Wetland Bank - Wetland Mitigation Proposal Prospectus](#)
- Technical Memorandum - Trunk Highway 77 (TH77) and 77th Street Improvements and Underpass Project
- [TH77 & 77th Street graphic](#)
- [November 19, 2018 CSAH 61/Flying Cloud Drive Inspection report](#)
- [December 4, 2018 CSAH 61/Flying Cloud Drive Inspection report](#)
- [Bass Ponds, Marsh & Wetland Habitat Rehabilitation and Enhancement Project Feasibility Report & integrated Environmental Assessment](#)

**Recommended Action**

Motion to approve TH 77 & 77th Street improvements & underpass project



# Technical Memorandum

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

**From:** Della Schall Young, PMP, CPESC

**Date:** December 12, 2018

**Re:** Truck Highway 77 (TH 77) and 77th Street Improvements and Underpass Project (Project Review)

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As requested, the Lower Minnesota River Watershed District (District) reviewed the Hydraulic Design and Calculations (Calculations) and the 95 percent construction drawings for Truck Highway 77 (TH 77) and 77th Street Improvements and Underpass Project (Project).

The Project consists of constructing 0.36 miles of a new four-lane road connecting 77th Street to Longfellow Avenue, new bridges on TH 77, ramps, and a multiuse trail and sidewalk. The Project affects approximately 15 acres and adds approximately 7.58 acres of impervious area. There is a net increase of 1.43 acres of impervious area within the District boundary. As a result, it triggers the following District standards: Erosion and Sediment Control, Stormwater Management, and Water Appropriations. The Project is neither in high value resource areas nor in steep slopes overlay districts, therefore, general conditions for each of these standards apply. Below are comments discussed and reconciled with Earth Evan, WSB & Associates, the Project's drainage consultant.

1. Erosion and Sediment Control Standard Compliance: The proposed erosion and sediment control measures incorporated into the Storm Water Pollution Prevention Plan, Temp Erosion Control Plan, and Turf Establishment Plan meet the requirements of the MPCA NPDES General Permit for Construction Activities and, therefore, meet the District's standard.

There are a few comments on the plan sheets:

- a. Sheet 223 General Note 4:

- i. Lower Minnesota Watershed District does not have a grading permit. The District reviews projects for compliance with its standards.
- ii. Include the following note: Notify the Lower Minnesota River Watershed District forty-eight hours before the start of construction.

Response from Earth Evans, WSB: *We will incorporate the comments you've provided.*

b. Sheet 254 Stormwater Pollution Prevention Plan:

- i. Agency Contacts: LMRWD, replace Jeff Thuma with Linda Loomis at (763) 545-4659.

Response from WSB: *We will incorporate the comments you've provided.*

2. Stormwater Management Standard Compliance:

- a. Rate control: According to narrative and supporting HydroCAD model outputs, the Project does not exceed existing runoff rates for the 2-year, 10-year, and 100-year 24-hour events using National Oceanic Atmospheric Administration Atlas 14 Volume 8 rainfall distribution. However, are there any drainage issues or concerns in this area that the proposed Project is remedying?

Response from WSB: *The existing storm sewer systems for I494 and TH77 is under capacity. We are not proposing to remedy that issue, but the Addis Pond will provide some additional flood storage for that system. As indicated in the Hyd Memo, the Richfield Pond was designed with a backflow preventer in order to have a gravity system for the underpass, but not allow the under capacity downstream system to back up into the underpass. Finally, for existing conditions, Washington Park floods on the south side of the fields. We are fixing that issue by raising the fields, but constructing the underground system to provide the same amount of storage as existing conditions.*

- b. Volume control: It is not clear whether volume control requirements for the District have been met. Additional clarifying information is needed.

Response from WSB: *The project area is within a High Vulnerability DWSMA. We are therefore not proposing to provide any infiltration measures per the MPCA NPDES Construction General Permit.*

Follow-up comment: Please provide information showing the entire project area, including the ponds, in a DWSMA, or direct me to the figure in the information provided. My apologies, I may have missed it in the supporting materials.

Response from WSB: *We didn't include that exhibit in the report. We'll prepare one and send it over (attached).*



- c. Water quality: There are two ponds proposed in the District: Addis Dry Pond and Richfield Dry Pond. It is unclear whether the District's water quality requirements have been met. Additional clarifying information is needed.

Response from WSB: *Both ponds are proposed to be dry. The project is within MAC and wet ponds are precluded.*

Follow-up comment: Also, in areas where infiltration is not permitted, filtration is the alternative. Will the dry ponds be lined, or will they have some filtration capacity?

Response from WSB: *We didn't propose filtration in the ponds due to proximity to groundwater for the Richfield pond and due to lack of elevation to connect the drain tile system. Elevations are very tight to provide adequate freeboard to the proposed 77th Underpass and connect to the existing trunk storm sewer system.*

- 3. Water Appropriation Standard Compliance: Include a note on sheet 223, maybe #5. Send a copy of the DNR Temporary Appropriations Permit to the Lower Minnesota River Watershed District.

The information provided sufficiently satisfies the District's requirements and approval is recommended. However, if significant changes are made to the Project, information must be provided to the District expressing how the Project will maintain compliance with applicable District standards.

CC: Earth Evans, WSB