



The location of the meeting is scheduled for the Board Room at the Carver County Government Center

LOWER MINNESOTA RIVER WATERSHED DISTRICT

Lower Minnesota River Watershed District
 7:00 PM
 Wednesday, April 18, 2018
 County Board Room, Carver County Government Center, 2nd Floor
 602 East 4th 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. Approval of Minutes for March 21, 2018 Regular Meeting</p> <p>B. Approval of Financial Reports</p> <p>C. Presentation of Invoices for payment</p> <ul style="list-style-type: none"> i. Carver County - for 1st quarter 2018 financial services ii. Freshwater Society - for sponsorship of 2018 Road Salt Symposium iii. Kaul Design Group, LLC - Final invoice for logo redesign iv. Liberty Mutual Insurance Co. - for 2018 surety bond premium v. MAWD - for 2018 membership dues vi. Pace Analytical Services, LLC - for chloride testing of Ike's Creek vii. Time Savers Off Site Secretarial - preparation of January & February 2018 Board meeting minutes viii. State of MN - for publication advertisement for engineering & legal services proposals ix. US Bank Equipment Finance - March copier rental x. Greg Zeck - Dec & Jan webmaster services, web hosting & domain name renewals xi. Burns & McDonnell - for Dec & Jan engineering services

	<ul style="list-style-type: none"> xii. Culligan Bottled Water - bottled water for Chaska office xiii. Rinke Noonan - for Jan & Feb legal services xiv. Steinkraus Development LLC - for March office rent xv. Naiad Consulting, LLC - for January 2018 admin services & expenses xvi. Scott County Treasurer - for reporting to auditor for annual audit
5. Public Hearing	A. Continuation of October 25, 2017 Watershed Plan Amendment Public Hearing
6. New Business/ Presentations	A. Hennepin County Landslide Inventory
7. Old Business	<ul style="list-style-type: none"> A. Engineering & Legal proposals B. Metro-area Watershed Based Funding Pilot Program C. Dredge Management <ul style="list-style-type: none"> i. Review process for funding of maintenance of Navigation Channel ii. Vernon Avenue Dredge Material Management site iii. Private Dredge Material Placement D. Watershed Management Plan E. 2018 Legislative Action F. Education & Outreach <ul style="list-style-type: none"> i. Education & Outreach Coordinator ii. Friends of the MN River Valley/LMRWD collaboration iii. Citizen Advisory Committee G. LMRWD Projects <ul style="list-style-type: none"> i. Eden Prairie Area #3 Stabilization ii. Riley Creek Cooperative project Hennepin County Flying Cloud Drive/CSAH 61 reconstruction project iii. Floodplain Lake Coring Project with Freshwater Society iv. Seminary Fen ravine stabilization project v. Analysis of Dakota County Monitoring vi. East Chaska Creek - CSAH 61 & TH 41 Transportation improvements H. Project Reviews <ul style="list-style-type: none"> i. City of Savage - 7369 Highway 13: Valley Oil ii. City of Chaska - MCES L-71 lift station project iii. City of Chaska - Indoor Dog Park iv. City of Bloomington - Jefferson High School v. Scott County - TH 169/41 Interchange vi. City of Minneapolis - Comprehensive plan vii. City of St. Paul - Comprehensive plan viii. City of Bloomington - Local Surface Water Management Plan ix. City of Bloomington - Hyatt House; 2343-2373 Old Shakopee Road x. City of Chaska - Local Surface Water Management Plan Amendment xi. City of Chanhassen - Comprehensive Plan/Local Water Management Plan xii. City of Lilydale Local Water Management Plan Amendment xiii. City of Burnsville - Xcel Energy Black Dog Plant xiv. MNDOT - I35W Bridge replacement

	I. MPCA Soil Reference Values - No new information since last update
8. 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 Wednesday, May 16, 2018

Upcoming meetings/Events

- Metro MAWD - Tuesday, April 17, 2018 - Capitol Region Watershed District
- [Managing flood risk under Atlas 14 and beyond: developing flood risk reduction strategies and prioritizing improvements](#), Thursday, April 19, 2:30 — 4:00 pm Barr Engineering, 4300 MarketPointe Drive, Bloomington
- Freshwater Society Ice Out/Loon In - Saturday, April 28, 2018, 5:00 to 9:00 pm, Metropolitan Ballroom, Golden Valley
- [Minnesota Water Action Day at the Capitol](#) - Wednesday, May 2, 2018, 8:00am-4:00pm State Capitol
- MN River Congress - Thursday, May 17, 2018, Mankato (venue to be announced)
- MAWD Summer Tour - Wednesday, June 20 through Friday June 22 - Country inn & Suites, Chanhausen

For Information Only

- WCA Notices
 - None received
- DNR Public Waters Work permits
 - None received
- DNR Water Appropriation permits
 - None received

Future Manager Agenda Items list

- Dredge management funding
- Presentation on County Fair project
- Report of water quality testing of Minnesota River from MPCA
- Report on Flying Cloud Landfill
- Record retention policy
- AIS Policy
- Riverbank stabilization policy

Future TAC Agenda Items List

Item 4.B.
LMRWD 4-18-18

BEGINNING BALANCE	28-Feb-18	\$ 1,234,775.87
ADD:		
General Fund Revenue:		<u>\$ -</u>
Total Revenue and Transfers In		\$ -
DEDUCT:		
Warrants:		
JE Carver County WMO	1st Qtr. 2018 financial services	\$ 1,241.61
405072 Freshwater Society	Road Salt Symposium sponsorship	\$ 500.00
405079 Kaul Design Group, LLC	Final payment for logo redesign	\$ 1,400.00
405081 Liberty Mutual Insurance Co.	2018 Surety bond premium	\$ 180.00
405092 MAWD	2018 membership dues	\$ 7,500.00
405097 Pace Analytical Services, LLC	CL sample testing for Ike's Creek	\$ 180.00
405798 Rinke Noonan	Jan & Feb legal services	\$ 8,413.00
405112 TimeSaver Off Site Secretarial	Preparation of Jan 2018 mtg mins.	\$ 176.50
405374 State of MN	Publish advertisement for rfps	\$ 238.00
405383 US Bank Equipment Finance	March copier rental	\$ 231.91
405388 Greg Zeck	Dec & Jan webmaster service	\$ 800.00
405562 Burns & McDonnell Engineering	Dec & Jan engineering services	\$ 10,597.09
405569 Culligan Bottled Water	Bottled Water for Chaska office	\$ 20.50
405808 Steinkraus Development, LLC	March office rent	\$ 650.00
405812 TimeSaver Off Site Secretarial	Preparation of Feb 2018 mtg mins.	\$ 176.50
100005125 Naiad Consulting	Jan 2018 admin services & exp	\$ 10,147.81
100005298 Scott County Treasurer	Reporting for annual financial audit	<u>\$ 190.00</u>
Total Warrants/Reductions		\$ 42,642.92
ENDING BALANCE	31-Mar-18	\$ 1,192,132.95

EXPENDITURES	2018 Budget	March Actual	YTD 2018	Over (Under) Budget
Administrative expenses	\$ 250,000.00	\$ 23,936.69	\$ 31,640.00	\$ (218,360.00)
				\$ -
Cooperative Projects				\$ -
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			\$ (18,500.00)
				\$ -
509 Plan Budget				\$ -
<i>Resource Plan Implementation</i>				\$ -
Sustainable Lakes Management Plan (Trout Lakes)	\$ 50,000.00			\$ (50,000.00)
Geomorphic Assessments (Trout Streams)	\$ 50,000.00			\$ (50,000.00)
Paleolimnology Study (Floodplain Lakes)	\$ 50,000.00			\$ (50,000.00)
Fen Stewardship Program	\$ 75,000.00			\$ (75,000.00)
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			\$ (50,000.00)
Local Water Management Plan reviews	\$ 12,000.00			\$ (12,000.00)
Project Reviews	\$ 16,000.00	\$ 343.75	\$ 343.75	\$ (15,656.25)
<i>Monitoring</i>	\$ 65,000.00	\$ 180.00	\$ 260.00	\$ (64,740.00)
<i>Monitoring Data Analysis</i>				\$ -
<i>Technical Assistance</i>				\$ -
<i>Watershed Management Plan</i>				\$ -
Plan Amendment	\$ 50,000.00	\$ 14,699.98	\$ 14,699.98	\$ (35,300.02)
Vegetation Management Standard/Plan				\$ -
<i>Public Education/CAC/Outreach Program</i>	\$ 30,000.00	\$ 2,700.00	\$ 2,700.00	\$ (27,300.00)
<i>Cost Share Program</i>	\$ 20,000.00			\$ (20,000.00)
Savage Fen/Dakota Ave. Ravine Stabilization Project				\$ -
				\$ -
Nine Foot Channel	\$ 50,000.00	\$ 782.50	\$ 782.50	\$ (49,217.50)
Dredge Site Improvements	\$ 240,000.00			\$ (240,000.00)
Total:	\$ 1,071,500.00	\$ 42,642.92	\$ 50,426.23	



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, April 18, 2018

Agenda Item

Item 5. A. - Public Hearing - Watershed Management Plan Amendment

Prepared By

Linda Loomis, Administrator

Summary

This is a continuation of the public hearing to approve the draft LMRWD Watershed Management Plan Amendment which was opened at the October 25, 2017 meeting of the Board of Managers of the Lower Minnesota River Watershed District. A brief description of the process follows:

The LMRWD Technical Advisory Committee (TAC) recommended the District update its Watershed Management Plan to accommodate changes to MN Rules 8410, which requires cities to update their Local Water Management Plans by the end of 2018. The LMRWD Board of Managers determined to undertake a Major Plan Amendment, rather than a complete update and ask the Board of Water & Soil Resource if it would consider extending the expiration date of the LMRWD plan to the year 2027. Rather than update the Plan the Board of Managers determined it was more appropriate to amend the plan. The Plan Amendment process began in October of 2016.

The LMRWD issued a draft Watershed Management Plan Amendment in July of 2017 for comment. The deadline for comments was September 1, 2017. However, the Draft Plan Amendment was not posted to the LMRWD website until July 15. LMRWD Stakeholders requested the LMRWD extend the comment period in order to give them the full 60-day review period. The Board considered this request at its August Board meeting and the deadline for comment period was extended to September 20, 2017.

After the close of the comment period staff prepared a comment response log to document all the comments received and prepared response from the LMRWD to the comments. The comment/response log was posted to the LMRWD website and those who provided comments were notified on October 15, 2017. The district continued to receive and respond to comments received after the close of the comment period. All comments received and the LMRWD responses have been added to the log. The updated comment/response logs were released [January 30, 2018](#) and again [April 8, 2018](#). The comment/response log is cumulative and the April 8, 2018 draft includes all comments received.

At the [October 25, 2017 public hearing](#) public officials, city staff and many residents of the LMRWD testified. At the end of the testimony the Board did not close the public hearing but continued it to a date to be determined. The Board directed staff to arrange public information meetings in the cities of Bloomington and Eden Prairie and other cities that wanted to better inform residents. They also directed that another Technical Advisory Committee be arranged.

After the testimony, much of it centered on the restrictive nature of the Bluff and Steep Slope standard, staff proposed the Board consider a more permissive standard. The Board determined at its December 2017 meeting to proceed with a permissive standard which would permit activity in the Bluff and Steep Slope Overlay District mapped by the LMRWD, however it would require residents to obtain a certification from a professional engineer licensed by the state of Minnesota

Executive Summary

Item 5. A. Public Hearing - Watershed Management Plan Amendment

April 18, 2018

Page 2

in certain situations. The certification would be required if an activity is planned within the Overlay District that would excavate 50 cubic yards or more of material, disturb an area 5,000 square feet or greater, or require a municipal/LGU permit for grading, building, parking lot, foundations or other commercial or residential permit that results in a net increase in impervious surface or stormwater run off. The revised standard was presented to the Technical Advisory Committee (TAC) on January 29, 2018 and TAC members were asked to provide comments.

A total of four public information were held; one in Bloomington on February 13th, one in Eden Prairie on February 15th, one in Burnsville on February 22nd and one in Savage on April 3rd. Residents were able to attend any of the meetings regardless of the city they live in. City staff representatives were available at each meeting and Chanhassen staff was available at the Eden Prairie meeting. LMRWD staff attended a meeting of the City Council in Carver and met with city staffs from Bloomington, Burnsville, Savage and Shakopee. LMRWD staff is planning to meet again with Bloomington and Burnsville staff before finalizing the Plan amendment.

The LMRWD has a new website and information regarding the Plan amendment is posted and can be found [here](#).

Attachments

Comments/responses log

Recommended Action

Open the public hearing

Take public testimony

Motion to close public hearing and authorize staff to prepare final draft Watershed Management Plan Amendment

Commenting entity/resident	Section and page number	Comment	Response
Metropolitan Council		The plan meets the requirements for a watershed management plan and is consistent with Council policies and the Council's <i>Water Resources Policy Plan</i> .	Noted.
Metropolitan Council	Appendix K, (Standards), numbers 4.2.2, 10.2.2, and 10.3.2; HVRA Overlay District	These sections seem to be saying that the District will regulate groundwater appropriations of less than 10,000 gallons per day or 1 million gallons per year in High Value Resource Area overlay districts. It is unclear how this standard will be implemented, specifically: a) Will the District or the local government enforce it? b) the estimated cost for implementation, c) which line item in Table 4.1 (Implementation Project Budget 2018-2027) funding is unclear.	The District plans to implement and enforce the regulation. The cost for implementation is captured in the administrative and managerial line item in Table 4-1.
Metropolitan Council	Modified Bluff Standard	Council staff have concerns over the proposed standards. Minnesota Department of Natural Resources (MDNR) has guidance for Bluff and Steep Slopes that can be found at: (http://files.dnr.state.mn.us/publications/waters/shoreland_rules_fact_sheet_bluff_management.pdf). While the District's definition of 'bluff' appears to be the same, but the definition of 'steep slopes' appears to be less restrictive than the MDNR's. MDNR considers steep slope lands as "having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs" according to the fact sheet, while LMRWD's definition is "a natural topographic feature having a slope that rises at least 25 feet above the ordinary high water level, or toe of the slope to the top of the slope, and the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet". These two definitions are markedly different. We strongly encourage the District to use the MDNR's guidance as they set new bluff and steep slope standards.	Noted. The District modified the definition of steep slopes as follows: A natural topographic feature having average slopes of 18 percent or greater that is measured over a horizontal distance of 25 feet or more. The revised definition provides more protection for steep slopes than the Minnesota Department of Natural Resources' definition.
Minnesota Board of Water and Soil Resources	General Comment	BWSR would like to recognize the positive strides the District has made in recent years in its commitment to the implementation of programs and projects as well as taking a greater leadership role in the management of water resources in the Minnesota River watershed. We also support the increased role in the identification of necessary rules/standards to prevent further degradation and protect sensitive areas.	Thank you for your continued partnership and support.
Minnesota Board of Water and Soil Resources	Executive Summary: Page vi.	The District should consider resource outcomes/changes in behavior when measuring Public Education and Outreach.	To address the behavior comment, the District intends to post event survey feedback online to gauge whether the District's education and outreach efforts are generating the intended outcomes.
Minnesota Board of Water and Soil Resources	Introduction: Table I-2	Table I-2 provides a list of accomplishments from 2010 to present. The table lacks resource outcomes for many of the items. For example, when the District contributes funding to a project, it should also note the water resource benefits from that project in a measurable way. The metrics could be referenced in the Appendix or on the District's website on a project page.	Section I5. 2010 – Present Accomplishments has been modified to include the following: All of the projects and activities the District participates in are prioritized as follows: Benefited resources, outcomes, urgency, partnering opportunities, and readiness. Projects with quantifiable and/or qualitative outcomes associated with the District's high value resources (e.g., fens, trout lakes, and trout streams) received priority funding. Also, the District has a new website, and the project information mentioned will be added to the website.
Minnesota Board of Water and Soil Resources	Introduction, Page I-8	Page I-8 has typographical errors in the box for the Dakota County Fens Project.	The project description has been modified to read: <i>The District reviewed 2011–2015 monitoring data collected on fens in the Dakota County. The review . . .</i>
Minnesota Board of Water and Soil Resources	Goals, Policies, and Management Strategies	The District is using the number of studies and projects implemented as its short term metric for water quality progress, but it does not account for the effectiveness of each project. The District should consider intermediate goals based on reduction of or protection from nutrients specifically targeted for those resources.	The suggested inclusion of intermediate goals based on nutrient reduction/protection is addressed in the long-term metric. Evidence of change(s) resulting from a project or program often takes several years to manifest. Nevertheless, monitoring information will be collected annually, and evidence of nutrient reductions and resources protections resulting from projects and programs will be documented.
Minnesota Board of Water and Soil Resources	Implementation Program, Table 4-3	We support the decision for the District to expand its existing programming specifically the Water Resources Restoration Fund.	Thank you for your continued partnership and support.
Minnesota Board of Water and Soil Resources	Implementation Program, Table 4-3	Table 4-3 lists the Capital Improvement Projects. Will the District be the project lead on all of these projects and are there other projects the District will be participating on led by others?	The projects listed in Table 4-3 represent a mix of projects to be led by the District and by partners.
Minnesota Board of Water and Soil Resources	Impact of Implementation: 5.1.3 Administration and Enforcement of LWPs.	We appreciate that the District is maintaining consistency with MN Rule 8410 in the avoidance of duplication of permitting programs.	Noted.
Minnesota Board of Water and Soil Resources	Administration: 6.1.1 Major Amendments.	The Departments of Agriculture and Health are also included in the State Review Agencies and must receive plan submittals.	The Departments of Agriculture and Health will be included on the list of State Review Agencies in Section 6.1.1.
Minnesota Department of Agriculture		MDA has no comments.	Noted. Thank you for your continued partnership and support.

Commenting entity/resident	Section and page number	Comment	Response
Minnesota Department of Natural Resources	General Comment	There was quite a bit of talk about being informed of and weighing in on projects that the DNR permits or that others are undertaking. I don't see this being reflected in the goals or outcomes. Is this a priority for the District, to have a say, be proactive in reviewing projects, and if so, is there a strategy?	Reviewing projects that require DNR permits is very important to the District and is a priority. Strategies reflective of this priority will be added to Goals 2, 3, 4, and 7.
Minnesota Department of Natural Resources	Section 1	Needs to show tribs to Eagle Creek that are protected.	The updates to Section 1 requested will be addressed as part of District's Corridor Management project slated for 2020 and 2021.
Minnesota Department of Natural Resources	Figures 1.16 and 1.17	The District might want to use our most updated PWI layer, which is a better reflection of the extent of public waters. For example, Dean Lake appears quite a bit smaller on the map than our PWI layer and my experience reflect. https://gisdata.mn.gov/dataset/water-mn-public-waters	The updates to Section 1 requested will be addressed as part of District's Corridor Management project slated for 2020 and 2021.
Minnesota Department of Natural Resources	Figures 1.16 and 1.17	a) The PLOC extends from Dean to Quarry Lake and should be shown on Fig 1-17. Also, as mentioned above, the Dean Lake PWI boundary more accurately reflects that there is wetland located between Dean and Quarry.	The updates to Section 1 requested will be addressed as part of District's Corridor Management project slated for 2020 and 2021.
Minnesota Department of Natural Resources	Figures 1.16 and 1.17	b) The District might also consider placing springs on this map, there's the boiling spring near Eagle Creek. https://gisdata.mn.gov/dataset/env-mn-springs-inventory	The updates to Section 1 requested will be addressed as part of District's Corridor Management project slated for 2020 and 2021.
Minnesota Department of Natural Resources	Figure 1.4.2	I wonder if you could take a quick look at the last 10 years and comment on our changing precip trends compared to historic.	The updates to Section 1 requested will be addressed as part of District's Corridor Management project slated for 2020 and 2021.
Minnesota Department of Natural Resources	Figure 1.22	Figure 1.22 is not an accurate boundary for Savage Fen SNA. Again, please update from the data deli with our SNA boundaries.	The updates to Section 1 requested will be addressed as part of District's Corridor Management project slated for 2020 and 2021.
Minnesota Department of Natural Resources	2.2.1	There isn't any mention of regulatory oversight here and how that also may dictate the District's role or at least what must be in the District's plan. This may be helpful info here since there are perceptions of roles but also required roles. Or cite MN Rules 8410 and how that plays into guiding the District perhaps? While there are perceptions of roles, where does perception intersect with responsibility?	This section is intended to present the unique nature of this District and how that resulted in an unclear understanding of its role by stakeholders. The District's mission and purpose are presented in Section 3 and reference will be made to it in this section (2.2.1).
Minnesota Department of Natural Resources	2.2.3.3.3	Worth citing extra protection for fens and trout streams in statute though I do see it under 2.3.2.2.	Sections 2.2.3.3.2 and 2.2.3.3.3 will be updated to include statutory protections.
Minnesota Department of Natural Resources	2.2.5.2	Could add Savage Fen Ravine project as well.	Savage Fen Ravine project included.
Minnesota Department of Natural Resources	2.3.1.6	I think this should say "regulates surface and groundwater appropriations". Just says surface now, but groundwater in the next sentence.	The sentence has been revised to read: "The DNR regulates surface and groundwater appropriation by requiring a permit for all withdrawal more than 10,000 gallons of surface or groundwater per day or 1 million gallons annually."
Minnesota Department of Natural Resources		In discussion with monitoring wells, SWCD reading them and the District analyzing data, it would probably be good to cite that these are DNR installed wells and the online data warehouse. http://www.dnr.state.mn.us/waters/cgm/index.html	The DNR will be included as requested.
Minnesota Department of Natural Resources	Page 1-44, last paragraph	Last paragraph of page 1-44 needs updating as it says "In 2011, the MCES plans to..." has this happened?	In 2012, MCES completed its annual stream water quality assessment report. Here is a link to the summary report: https://eims.metc.state.mn.us/Documents/GetDocument/596
Minnesota Department of Natural Resources	Page 1-56	This is not quite right. DNR provides preliminary review and assessment of new well proposals. Approval is not required prior to drilling the well, but rather, is required prior to use. Further, it would be fair to say that we examine both new appropriations and amendments to existing permits. "This is just one reason all new groundwater appropriation requests must be approved by the DNR prior to constructing pumping wells. During the approval process, and prior to making judgments on the sustainability of a new appropriation, the DNR reviews potentiometric surface levels, effects of..."	The sentences have been modified as follows: Because of these relationships, all requests for new groundwater appropriations and amendments to existing permits must be reviewed and approved by the DNR. During the review process, and prior to making judgments on the sustainability of an appropriation application (new or existing), the DNR reviews potentiometric surface levels, effects of . . .
Minnesota Department of Natural Resources	1.10 (page 1-62)	End of paragraph 1, please add SNAs.	SNAs (Scientific and Natural Areas) will be added.
Minnesota Department of Natural Resources	1.7 Surface water appropriations	We're (DNR) happy to update this for you. You can contact Joe Richter (651-259-5877, joe.richter@state.mn.us). With the Xcel change from coal to gas, I believe their appropriations will be greatly reduced. It would probably be worth noting that here since they were by far the biggest user in Table 1-10. It would probably also be noting the switch for Savage to use Quarry water, to protect the Savage Fen and I think that change would result in lower volume for the Quarry in Table 1-10.	The District will contact Joe Richter for assistance in updating Table 1-10, and we will update the associated narratives as suggested.
Minnesota Department of Natural Resources	1.7 Surface water appropriations	Pull out the entire part starting with The 2007 Minnesota State Legislature...This effort was not successful. You could just list statute or rule here. https://www.revisor.mn.gov/rules/?id=6120 . Municipalities and counties adopt and enforce ordinances that are compliant with state rules.	The last two sentences will be removed from the first paragraph of Section 1.7.1.

Commenting entity/resident	Section and page number	Comment	Response
Minnesota Department of Natural Resources	Table 2-1	Is Table 2-1 new with this iteration of the plan? I wonder if Hwy 101 could be taken out of the table now. It might be worth mentioning that it used to be an area for River flooding but a FEMA funded project has now elevated the highway out of the floodplain and provided better floodplain connection as well.	Table 2-1 was not updated with recent modifications. Table 2-1 will be revised to removed Hwy 101 (Old 169) and Shakopee River Crossing.
Minnesota Department of Natural Resources	2.2.5.3 (last paragraph)	Last paragraph on of 2.2.5.3 is great. I think it would be worth mentioning how upland storage can help since it states that the District has focused on controlling flooding. It would be worth mentioning that the SWCD in Scott and Carver have both worked with landowners on upland practices.	The suggested information about upland storage and the work underway in both Scott and Carver counties will be incorporated into strategies within Goals 6 and 7.
Minnesota Department of Natural Resources	Strategy 3.2.1	For those of us who don't know as much about how infiltration standards are used and how the district plays a role, could you incorporate some mention of how this works? Is it just that all cities in the boundaries of the district have to incorporate your standards? Does the District also review any developments or trust that the cities will handle this?	An introductory summary will be added to Strategies 2.2.1 and 3.2.1. All LGUs within the District boundaries are required to incorporate these or equivalent standards (if adopted) into their official controls. Administration and enforcement of the District's standards are the responsibility of the LGUs. Exceptions are Minnesota Department of Transportation projects, unincorporated areas, and the water appropriation standard, which will be administered and enforced by the District.
Minnesota Department of Natural Resources	4.4 in the Appendix K	Could you provide more information about the way the District reviews and approves variances rather than or in cooperation with the LGU? An applicant submits the application to both?	The Board intends to revise the variance provisions contained in Section 4.4 of Appendix K of the draft plan amendment. The language will be changed to follow the practical difficulties test to be consistent with existing municipal variance standards. The Board's intent is to allow local governments to issue variances pursuant to the variance processes and standards contained in its existing official controls. In most cases, this will not require dual applications because the municipality is the permitting entity and the Board only reviews them. The Board may require some additional performance standards in considering such variances to ensure the intent of the proposed standards is met. The District's variance and enforcement process, including the schedule for program audits, reporting requirements, warnings, and responses, will be developed in partnership with LGUs and posted on the District's website.
Minnesota Department of Natural Resources	8.3.3	The District may need to provide more information about how the credit system in 8.3.3 would work.	The Minnesota Stormwater Manual, referenced in Section 8.3.3, presents a comprehensive view for how the credit system should be used, if needed, to meet volume and water quality requirements.
Minnesota Department of Natural Resources	Appendix K part 9.	The District should state whether this applies only to waters on the PWI or additional waters as well.	Appendix K, Section 9 refers to all water resources within the District boundary, including PWI (public waters inventory) resources.
Minnesota Department of Natural Resources	9.3	Would the District please consider adding a statement that a determination by the District for a project meeting standards 9.3 does not preclude a project from needing a DNR public waters work permit. For example, while the district might approve a retaining wall under f. that doesn't mean that a public waters work permit would be granted. The project may be denied by the DNR or modifications made to place a retaining wall above the OHW. While 6115.0211 would imply the need for a DNR permit, we believe it would be helpful to state as much.	The requested statement will be added to Section 9.3.
Minnesota Department of Natural Resources	10.2.2, 10.3.2	10.2.2 states that appropriations less than 10,000 gpd or 1 MGY would be regulated within the HVRA. Should 10.3.2 state no net change in groundwater levels adjacent to trout streams as well or only fen? Should 10.3.2 include submittal of an application that could mimic our MPARS application and which includes item a. and b. or only items a. and b.?	Section 10.3.2 correctly refers only to fens. However, a sentence will be added acknowledging recent amendments to Minnesota Statute 103G.223, which allows the commissioner of the DNR to authorize temporary reductions in groundwater resources on a seasonal basis. Section 10.3.2 will be modified to include language requirement information similar to what is required by the MPARS or MN DNR Permitting and Reporting System.
Minnesota Department of Natural Resources	Page 1-53	I'm pleased to see that the Lower Minnesota River Watershed is interested in Groundwater within the District. We urge the District to continue to seek to educate the people within the district concerning groundwater use and sustainability.	Noted. Thank you for your continued partnership and support.
Minnesota Department of Natural Resources	Page 1-76	I'm also pleased to see that the District is aware of the concerns posed by unsealed wells to groundwater sustainability.	Noted. Thank you for your continued partnership and support.
Minnesota Department of Natural Resources	Page 2-20	A small but important change in language is that "the DNR can limit appropriations from <u>surface</u> waters under certain low flow conditions".	Section 2.3.1.6, page 2-20 will be updated as requested.
Minnesota Department of Natural Resources	Page 3-32	I'm pleased to see that the Watershed District is planning educational efforts to promote the wise use of groundwater. The District should make full use of the materials that are provided for education by the Metropolitan Council and the Minnesota Rural Water Association.	Strategy 3.2.2, page 3-32 will be updated to reference education materials developed by agencies and organizations such as the Metropolitan Council and the Minnesota Rural Water Association.
Minnesota Department of Natural Resources	Page 4-17	Should a District Capital Improvement Project require dewatering in volumes that exceed 1.0 million gallons of water per year, or 10,000 gallons per day, then a DNR Water Appropriation Permit will be required for the project.	Noted.
Minnesota Department of Natural Resources	Page 5-1	The District should encourage the local governmental units to require applicants for local permits to obtain DNR Water Appropriation Permit whenever the projects will require dewatering in volumes that exceed 10,000 gallons per day or one million gallons per year.	Appendix K, Section 10.1 will be modified to include: It is the District's policy to encourage local governmental units to require applicants for local permits to obtain DNR Water Appropriation Permits whenever the projects will require dewatering in volumes that exceed 10,000 gallons per day or 1 million gallons per year.

Commenting entity/resident	Section and page number	Comment	Response
Minnesota Department of Natural Resources	Modified Bluff Standard	Aren't slopes between 18-30% that are within shoreland still captured by the "steep slopes" definition? Perhaps you could use the 18% slope definition and call it all "steep slope" if there is some concern from the communities about using the word "bluff"?	Agreed. The Bluff Standard or Bluff and Steep Slopes Standard will henceforth be called the Steep Slopes Standard.
Minnesota Department of Natural Resources	Modified Bluff Standard	There are a number of areas in this draft where we feel that the standards will be less protective than those provided by the previous version. For example, we do believe some resource protection will be lost by going from the originally proposed standards to the new requirement where an engineer may just certify "suitability". As written, simply requiring an engineer to state suitability allows quite a bit of discretion to cities and engineers. Would it be possible to just incorporate the size and volume triggers that are included in the new standard into the previous version, thus eliminating the worry that "firepits" and other small scale activities would trigger a permit, but preserving other protective features of the first draft version? This would provide some structure and consistency for LG Us. We have seen firsthand how impactful sediment delivery from ravines can be within sensitive areas. For example, consider the Seminary Fen and Savage Fen Ravine restoration projects which cost millions of legacy fund dollars. The erosion in the ravine above seminary fen was surely exacerbated by the developments at the top of those bluff areas.	The proposed standard provides steep slopes and water resource protections desired by the District. Over the next 3–5 years, the District will evaluate its standards through resource health assessments. The outcome of those assessments will determine the next phase of resource protection standards.
Minnesota Department of Natural Resources	Modified Bluff Standard	Further, we are very disappointed that minimum setback criteria were removed from the revised bluff standard. We strongly encourage a minimum setback for structures and stormwater features in this overlay. There will undoubtedly be cases where land might be found suitable for development now, but with the high erodibility of steep slopes and the natural meander patterns of rivers and streams, that "suitable" land could turn "unsuitable" very quickly. The cities of Eden Prairie and Bloomington have seen first-hand how much land can be lost in a single year of intense rainfall.	Over the next 3–5 years, the District will evaluate its standards through resource health assessments. The outcome of those assessments will determine the next phase of resource protection standards.
Minnesota Department of Natural Resources	Modified Bluff Standard	Structure setbacks that provide a margin of error for future conditions are a reasonable and important protection. The land does not become unusable, it simply restricts the placement of structures. We strongly feel that resources and infrastructure will suffer by completely removing setbacks. Perhaps the District could run a few scenarios by a certified engineer to determine whether a structure setback would influence their determination of "suitability". Or perhaps the District could incorporate some "consideration of setback" in the required suitability analysis. As written, we feel that the suitability determination is too open to interpretation.	The proposed standard provides steep slopes and water resource protections desired by the District. Over the next 3–5 years, the District will evaluate its standards through resource health assessments. The outcome of those assessments will determine the next phase of resource protection standards.
Minnesota Department of Natural Resources	Modified Bluff Standard	We do want to commend the District for the continuing work on protective standards that did not previously exist in the District's Plan. We are especially appreciative of the extra protections proposed for fens and trout streams through the High Value Resource Area overlay, as outlined in Appendix K. The importance of these special resources has been noted in statute and we are glad to see that the District has recognized this.	Noted. Thank you for your continued partnership and support.
Minnesota Department of Transportation	Page 15 and 27	Page 15, lines 32 and 33, sets the threshold for development, redevelopment and drainage alterations at 10,000 square feet for High Value Resource Areas. This includes linear projects. This threshold is very small. For linear projects, MnDOT requests that this threshold be 1 acre. We would have the same comment on Page 27, lines 27-29.	The preservation and protection of the High Value Resources necessitate the threshold(s) set for projects proposed within the High Value Resource Areas Overlay District.
Minnesota Department of Transportation	Page 17, Section 4.5	Page 17, Section 4.5, specifies the enforcement of the rules through the LGUs. Mn DOT does not obtain permits from LG Us. Mn DOT will work with the watershed district to ensure our projects conform to the district's standards.	The preservation and protection of the high value resources necessitate the threshold(s) set for projects proposed within the High Value Resource Areas Overlay District.
Minnesota Department of Transportation	Page 27	Page 27, lines 10 and 11, states no project will have a net increase from existing conditions in total phosphorus and total suspended solids to receiving water. This may not always be possible. Infiltration is not always possible to install. Nor is it possible to infiltrate all rain events. High intensity storms will overwhelm these systems.	Noted. Section 4.5 will be revised to address the District's regulatory oversight on MnDOT projects and projects within unincorporated areas, like Fort Snelling.
Minnesota Department of Transportation	Page 27, Section 8.3.2.2	Page 27, Section 8.3.2.2, adopts the MIDs goals for High Value Resource Areas into the watershed district standards. It will be very difficult to meet the standards specified for linear projects under item 3. MnDOT requests that the threshold be 1 acre and the 1-inch of runoff.	Infiltration, although effective, is not the only best management practice available to project proposers for addressing nutrient and sediment removal from stormwater. For the volume requirement, if infiltration is impossible or undesirable because of site conditions, filtration may be acceptable.
Minnesota Department of Transportation	Page 28	Page 28, lines 28-30, require a net decrease in total phosphorus and total suspended solids from predevelopment conditions. Predevelopment conditions are hard to establish. We ask that this standard be set for High Value Resource Areas to existing conditions. These conditions can be more accurately measured.	Noted. The District has modified the requirement to say "existing" instead of "predevelopment" conditions, as requested.
Minnesota Department of Transportation	Modified Bluff Standard	Can a sentence be added to page 4 of the Bluff and Steep Slope Standard under the Standard section, part B that <u>lined</u> storm water ponds approved by a licensed engineer in the State of MN are acceptable within the Bluff and Steep Slopes Overlay District.	The District will evaluate modifications/exceptions to the proposed standard on a case-by-case basis.

Commenting entity/resident	Section and page number	Comment	Response
United States Department of the Interior, US Fish and Wildlife Service (USFWS), Minnesota Valley National Wildlife Refuge (Refuge)	Modified Bluff Standard	We believe the District did a thorough job of identifying areas that are in need of protection, and we support the direction of the District. However, we do not feel the Revised Standard is going to provide the same resource protection as the initial draft Bluff Standard.	The proposed standard provides steep slopes and water resource protections desired by the District.
United States Department of the Interior, US Fish and Wildlife Service (USFWS), Minnesota Valley National Wildlife Refuge (Refuge)	Modified Bluff Standard	We are concerned that Structure Setback criteria was not included in the Revised Standard. Due to the high erodibility of the bluff and steep slopes, we feel a Structure Setback is necessary for resource protection. We believe a Structure Setback could allow smaller land uses, but still restrict the placement of larger structures. We suggest the District consider returning the Structure Setback to the Standard, to maintain important protection of the bluff and steep slopes within the District.	The proposed standard provides steep slopes and water resource protections desired by the District. Over the next 3–5 years, the District will evaluate its standards through resource health assessments. The outcome of those assessments will determine the next phase of resource protection standards.
United States Department of the Interior, US Fish and Wildlife Service (USFWS), Minnesota Valley National Wildlife Refuge (Refuge)	Modified Bluff Standard	We are also concerned about the change from the original proposed Standard to the Revised Standard that allows an engineer to determine suitability of a site to land disturbance activities at their discretion. We agree that having an engineer certify the suitability of the project is a step in the right direction. However, we believe the determination should be provided by a certified Civil Engineer and that guidelines are added that could help strengthen this approach. We suggest laying out size and volume triggers so that small residential projects (i.e. fire pits) would be exempt activities, but that larger projects should be required to submit plans, certified by a Civil Engineer.	The proposed standard provides the steep slopes and water resources protections desired by the District, taking into account the District's responsibility and the level of effort required by the municipalities to implement. The District believes the triggers in the modified standard are both necessary and reasonable.
United States Department of the Interior, US Fish and Wildlife Service (USFWS), Minnesota Valley National Wildlife Refuge (Refuge)	Modified Bluff Standard	We recommend that the District maintain the ability to have input and review the submitted plans.	Thank you for your continued partnership and support.
United States Department of the Interior, US Fish and Wildlife Service (USFWS), Minnesota Valley National Wildlife Refuge (Refuge)	Modified Bluff Standard	We also suggest that the District implement a way to track the success of the Standard. Perhaps there should be a period after which an assessment may be made to see if the Standard is working as intended.	Over the next 3–5 years, the District will evaluate its standards through resource health assessments. The outcome of those assessments will determine the next phase of resource protection standards.
United States Department of the Interior, US Fish and Wildlife Service (USFWS), Minnesota Valley National Wildlife Refuge (Refuge)	Modified Bluff Standard	Again, the Refuge supports the efforts of the District to protect bluffs and steep slopes. We are hopeful that you will consider our suggestions.	Noted. Thank you for your partnership and continued support.

Final Draft

Commenting entity/resident	Section and page number	Comment	Response
City of Bloomington	Draft State of Need and Reasonableness (SONAR)	To assist with the review of Appendix K that was included with the Draft SONAR please highlight the changes from what was previously proposed in July, 2017.	Because Appendix K is completely new with this amendment to the Plan, maintaining the underline changes was confusing and unnecessary, per discussions with Board of Water and Soil Resources (BWSR). Thus, a summary of the changes was placed at front of the appendix noting the changes.
City of Bloomington	Draft State of Need and Reasonableness (SONAR)	Within the Draft SONAR Figure L2 5 of 5 illustrates a proposed High Value Resource Area over an unnamed creek in Hennepin County, commonly referred to as "Ikes Creek". In 2016 and 2017 the City worked with representatives from the MnDNR regarding a proposed designation of the stream as a trout stream. In the end the DNR decided not to pursue a trout designation based on the following: * Adequate evidence of suitable conditions in this stream for trout based on water temperature monitoring, dissolved oxygen levels, and the presence of a self-sustaining brook trout population. * A trout designation would not materially add to the protections for this stream. * Impacts on trout as a result of groundwater appropriation permitting decisions are already being accounted for. The City of Bloomington recognizes the uniqueness of this area and has multiple protections already in place. The most significant of which is that there are no storm sewer inlets to the creek and no increase of runoff may be directed to the creek. The city already has infiltration requirements for developments based on the MPCA NPDES construction and MS4 permit requirements. The City requests the District remove the HVRA for the "Ikes Creek" area for the same reasons the DNR decided not to pursue a trout designation.	We understand that one of the reasons the DNR concluded that "A trout designation would not materially add to the protections for this stream" was its understanding that, in addition to the City's protections, the LMRWD would also apply its stormwater, sediment control, and other standards in the area. Designation of Ike's Creek as a high value resource complements the City's protection, and, if the City's protections are as you describe, the standards proposed with the Ike's Creek HVRA would likely not significantly increase requirements. Rather, such a designation would serve as a basis and justification for technical and financial assistance as development occurs within and adjacent to the HVRA.
City of Bloomington	Modified Bluff Standard	The modified Bluff and Steep Slope Standard contains definitions for both a Bluff and a Steep Slope. This causes confusion as a Bluff can also be considered a steep slope. If the District's intent is to manage Steep Slopes and Bluff areas in the same manner the District should consider removing the Bluff definition and simply having a Steep Slope Standard.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and no longer references bluffs.
City of Bloomington	Modified Bluff Standard	Figure 1: Bluff, Bluff Impact Zone, and Steep Slope Diagram illustrates a Bluff Impact Zone (BIZ) that extends 20 feet beyond the top of the bluff/steep slope and 20 feet beyond the bottom of the bluff/steep slope. However there is no mention of the BIZ in the remaining portions of the modified Bluff and Steep Slope Standard. It is unclear if the BIZ applies to the modified standard or if disturbance is prohibited or allowed within the BIZ.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and will no longer require setbacks. Figure 1 will be modified to reflect the revised standard.
City of Bloomington	Modified Bluff Standard	If it is the District's intent to manage individual properties based on the maps provided in Figure K1 there needs to be significantly more detail provided. The scale at which the maps are created does not provide enough detail to make decisions about whether a parcel is included or not in the proposed Bluff and Steep Slope Overlay District.	Figure K1 provides an overview of the Steep Slopes Overlay District; higher-resolution maps will be included in the Plan.
City of Bloomington	Modified Bluff Standard	Under the regulated activities the District proposes to regulate any activities requiring municipal permits that result in a net increase in impervious surface or stormwater runoff within the Bluff and Steep Slope Overlay District. Under this proposed regulation there are many relatively small projects such as widening a driveway by a few feet or the construction of a small shed or patio which would require a municipal permit, but having these small projects certified by an engineer would make these projects cost prohibitive. The City requests the District remove the regulated activity for projects under the 5,000 sq. ft. or 50 cu. yd. threshold and allow municipalities the needed flexibility to regulate these small projects on a case by case basis in order to protect the bluff/steep slope areas.	The preservation and protection of the steep slopes necessitate the threshold(s) set for projects proposed within the Steep Slopes Overlay District.
City of Bloomington	Modified Bluff Standard	City staff will be requesting another meeting with District staff to discuss additional concerns and how the City's existing official controls meet or do not meet the District's intent. The City will prepare a proposal or items for discussion for District staff to review at the time the request for a meeting is made.	Noted. Please contact the District's administrator to schedule the meeting before the end of April.
City of Bloomington	8. Appendix K; Page 17- Enforcement	Indemnification. The proposed standards are likely to trigger legal challenges from impacted landowners. The burden of defending against those challenges should fall on the District and not on individual cities that in many cases may not agree with the standards they are required to enforce. Any shifting of the burden to cities to enforce and legally defend the standards must come with a corresponding indemnification for cities from the District.	There is no shifting of burdens being imposed by the watershed district. Rather, the burden of local government to adopt official controls necessary to bring local water management and land use in line with watershed district plan standards is imposed by the legislature in statutes Section 103B.235, subd. 1. It is the local government's obligation to adopt defensible controls and to defend those controls. Local government purchases insurance for such purposes. Additionally, the standards, specifically the Steep Slopes Standard, have been modified so they are no longer restrictive. Rather, these standards are permissive in nature and only require an engineering review to ensure the proposed activity can be responsibly and safely conducted on the property.

Commenting entity/resident	Section and page number	Comment	Response
City of Bloomington	8. Appendix K; Page 17- Enforcement	Unfunded Mandate. As proposed, the District requires all review and enforcement of the proposed standards to be performed by cities. Such enforcement will place new financial burdens on cities and on landowners, especially to process the many variance requests the standards will likely trigger on an ongoing, going forward basis. If standards are adopted over the objections of locally elected officials, city staff, and landowners, it should be incumbent upon the District to develop a permitting program and assume the responsibility of reviewing and enforcing its proposed Standards.	The watershed district is not imposing an unfunded mandate on local government. Rather, the obligations and associated costs of local government are articulated by the legislature. There is no authority for the watershed district to adopt a permitting program to control land use except under limited circumstances that are not currently present within the district. Additionally, with recent modification of the proposed standards, there is no longer a need for variances. Because the Steep Slopes Standard is permissive and only requires an engineering review, there is no zoning standard for which a variance would be required. Other processes are consistent with current City practices for review of land use applications.
City of Bloomington	Appendix K, Definition	Spell out HVRA prior to using the acronym.	Appendix K will be updated as requested.
City of Bloomington	Appendix K, Page 11; line 9 - Figure 1	Figure 1 indicates that the structure setback ranges from 40-100 feet. The City of Bloomington understands the proposed setback is 40 from top of bluff. Therefore the setback range of 40-100 feet indicated in Figure 1 is confusing and should be removed.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and will no longer require setbacks. Figure 1 will be modified to reflect the revised standard.
City of Bloomington	Appendix K, Page 17 - Variances	Avoid Variances Where Possible. District staff has offered the variance process as a mechanism for landowners to find relief from the proposed standards. However, the variance process is expensive and time consuming for landowners and for the cities or watershed districts that must process those variances. The City of Bloomington requests that the District review the many scenarios that may result in variances that could be supported and then revise the proposed standards to allow those certain common circumstances that would not require a variance, and thereby reduce the number of variances that would be requested by land owners.	The District will review comments from residents and modify Appendix K to address reoccurring themes.
City of Bloomington	Appendix K, Page 17 - Variances	Strict Variance Findings. The District proposes using an "undue hardship" variance findings that will result in little practical ability to issue variances. AS proposed, a variance cannot be issued if the property in question can be put to a reasonable use without the variance. In 2011, following the Krummenacher case, the Minnesota State Legislature amended the required variance findings for city-issued variances to replace the "undue hardship" test with the "practical difficulty" test. Many Minnesota cities, including Bloomington, amended their respective City Codes to conform to this standard. Bloomington requests that the District revise the required variance findings to match the findings set forth in State law and city codes. Conflicting legal standards will cause confusion and increase the potential for lawsuits.	The Board intends to revise the variance provisions contained in Section 4.4 of Appendix K of the draft plan amendment. The language will be changed to follow the practical difficulties test to be consistent with existing municipal variance standards. The Board's intent is to allow local governments to issue variances pursuant to the variance processes and standards contained in its existing official controls. The Board may require some additional performance standards in considering such variances to ensure the intent of the proposed standards is met.
City of Bloomington	Appendix K; Page 11, lines 13-15 - Definition of Structure	The proposed bluff standards require all structures to be set back a minimum of 40 feet from the top of bluff. The proposed District definition of "structure" is too expansive. As written, it would include many "manufactured" items "normally positioned on land," such as dog houses, tents, fire pits, and rain barrels. Arguably it includes such common household features as folding chairs and garden hoses. The City of Bloomington requests the District revise the definition of structure to be more specific and also to include only significant features such as large buildings.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and will no longer incorporate structures or a structure setback.
City of Bloomington	Appendix K; Page 11; line 16	Remove "or" from Subsurface Sewage Treatment System (SSTS)	Revised as requested.
City of Bloomington	Appendix K; Page 11; lines 1-12 - Definition of Bluff	The District is proposing to significantly expand the area considered as a bluff to include areas that are well away from the Minnesota River bluff and away from any shoreline areas completely. Most bluff areas border a river, beach, or other shoreline area; in fact a bluff line often defines the outer limits of a river's floodplain or is synonymous with other terms such as valley wall. Under the proposed definition the District is actually creating a steep slope standard across all areas of the District rather than a bluff standard. The City of Bloomington requests the District revise its bluff definition to be more consistent with the State definition that requires part or all of the feature to be located in a shoreland area.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and regulate slopes greater than or equal to 18 percent. References to bluff will be removed.
City of Bloomington	Appendix K; Page 18-Bluff Standard	a) Predominantly developed bluff. Unlike some areas within the District's jurisdiction, Bloomington's bluff land is predominantly developed. Under the proposed definition of structure there are over 1,000 existing structures in Bloomington on over 650 parcels that are impacted by the proposed regulations. Bluffside development issues in Bloomington relate less to new subdivisions and more to smaller property improvements that are customarily incidental to existing homes and reasonable home improvement projects. In numerous cases, the proposed standards will prohibit decks, patios, sheds and additions that would today be allowed and that the City views as fully reasonable, even in a bluffside context. While well intentioned, the proposed District standards do not adequately recognize and protect the property rights of landowners.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and will no longer incorporate structures or a structure setback.

Commenting entity/resident	Section and page number	Comment	Response
City of Bloomington	Appendix K; Page 18-Bluff Standard	Lack of Comparative Information. The District is proposing to significantly change the definition of "bluff". Among other changes, the slope threshold to qualify as a bluff has been reduced from 30% to 18%. While the District has provided a map of the area that meets the 18% definition, it has not provided a map of the area that meets the 30% definition. We believe the proposed 18% threshold significantly expands the reach of the standards, but without a map of the previous "bluff", we have no way to verify or to quantify the impact. Bloomington requests that the District prepare a map of the "bluff" using the current 30% definition, post it on their website and provide a shapefile to cities. Please also provide a combined comparison graphic that visually depicts the two "bluff" designations overlaid on one another along with metadata that compares the impacted area by acre in each community for the existing and proposed standard.	Comparative maps showing the existing 30 percent and proposed 18 percent standards were provided to the LGUs and the information posted on the District's website.
City of Bloomington	Appendix K; Page 18-Bluff Standard	Need for Exemptions. As discussed in a recent meeting between City and District staff, much of Bloomington should be exempt from the proposed bluff standards due to either the success of existing standards or the nature of steep slope areas far away from the river bluff. Full discussion of any exemptions should occur prior to adoption of the standards.	As discussed in the February and March 2017 Technical Advisory Commission meetings and subsequent meetings with cities, the District recognizes that there are different ways of implementing programs that necessitate varying approaches to the standards presented. To effectively evaluate the City's request for exemption, the District requests equivalency/adequacy documentation for all official controls that propose to deviate from the standards presented.
City of Bloomington	Appendix K; Page 18-Bluff Standard	No Review for small structures. The City of Bloomington does not require permits or plan review for small structures such as patios or retaining walls under 4 feet as long as the disturbance is less than 5,000 square feet or 50 cubic yards of material. The City of Bloomington requests the District revise the definition of structure to include only significant features such as significant features such as large buildings.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and will no longer incorporate structures or a structure setback.
City of Bloomington	Appendix K; Page 18-Bluff Standard	Standards Must Better Respect Property Rights. The City of Bloomington has adopted several standards over the years that protect the bluff while presenting less negative impacts on the property rights of landowners. These standards include bluff overlay zoning districts, limitations on grading and tree removal, prohibitions on increasing over the bluff water discharge, and reducing impervious surface allowances as slopes increase. Our experience is that the City's standards have been effective while allowing landowners reasonable opportunities to use and improve homes that often predated the standards. Bloomington requests that the District adopt standards similar to Bloomington's to apply in developed communities and consider stricter standards only in communities that are largely yet to be developed and therefore better able to be flexible in meeting the standards while not negatively impacting existing property rights.	The District recognizes that there are different ways of implementing programs that necessitate varying approaches to the standards presented. To effectively evaluate the City of Bloomington's request for exemption, the District requests equivalency/adequacy documentation for all official controls that propose to deviate from the standards presented. With the current modification of Appendix K, and especially the Steep Slopes Standard, there is no longer an issue of creating nonconforming uses or structures as a result of the standard. To the extent variances are required from other portions of the standards, such actions may occur according to existing variance processes adopted by the City.
City of Bloomington	Appendix K; Page 18-Bluff Standard	Survey Requirement Onerous. The proposed bluff standards require a topographic survey for "any land disturbing activity, vegetation removal, development or redevelopment" of land in a bluff overlay district (Appendix K, Page 19). Such a survey will be expensive for the landowner and will be time consuming to obtain. The City of Bloomington requests that the District reevaluate where and for what activities a Survey is truly needed and revise the Survey requirements to reduce the financial impact on landowners to a reasonable and necessary level.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and no longer requires a survey.
City of Bloomington	Appendix K; Page 18-Bluff Standard	Vegetation Management. The proposed bluff standard prohibits removal of vegetation within the Bluff impact Zone (BIZ). In Bloomington there are many cases where the BIZ incorporates entire private parcels and the standard has no exceptions for landowners to manage vegetation and landscaping. Arguably a landowner would be in violation of the standard by replacing existing turfgrass or ornamental shrubbery around their house. The City of Bloomington requests the District reconsider the impact of the proposed bluff standard and revise the standards to provide landowners a reasonable ability to manage vegetation.	The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural and forestry activities.
City of Bloomington	Appendix K; Page 26; Line 22-Stormwater Management Standard	The regulated activity indicates that it includes roads. It is unclear whether this means mean linear projects is a trail a road? The City of Bloomington requests the District define what is considered a road.	The regulated activity has been modified to say, "linear projects" instead of "roads." Linear projects are defined in Section 3.

Commenting entity/resident	Section and page number	Comment	Response
City of Bloomington	Appendix K; Page 33; Lines 8-10- Water Appropriations Standard	In Bloomington the majority of bluff properties have been connected to sewer and water service. Many of the properties that remain are limited by various constraints preventing a connection to the municipal System without significant infrastructure investment or a desire for redevelopment. This requirement seems duplicative to the existing Minnesota Rule. The City of Bloomington requests the District delete this requirement in deference to the existing Minnesota Rule and the City's Wellhead Protection Plan that was approved in 2014 that already adequately addresses this.	Appendix K, Section 10.3.1 b will be removed.
City of Bloomington	Appendix K; Page 33; Lines 8-10- Water Appropriations Standard (Legally Non-conforming parcels)	Legally nonconforming parcels. The proposed Standards will create hundreds of legally nonconforming lots. The City requests that District revise its proposed rules to address the certain typical, regular landowner activities would not increase the non-conformity or otherwise expressly grant such authority to cities to address in their official controls.	This portion of the standards applies to water appropriations only. It does not create nonconformities because it is not applying a land use standard. Rather, it is designating an area within which groundwater appropriation, which is already subject to regulation and is not a property right, is further regulated to protect recognized valuable resources.
City of Bloomington	General Comment	a. Lack of Notice. The District represents that it has complied with the requirements of MS 103D.341 regarding providing notice. However given the significant impact, particularly with the proposed Bluff Standards, the City believes the District should have also mailed notice to landowners regarding the proposed significant changes. Instead, the City of Bloomington, at its great expense, provided the mailed notice that the District should have done. The City of Bloomington requests the District provide full mailed notice, with sufficient time to review the standards and provide written comment, to all impacted landowners within the watershed district for these amendments and for any future amendments.	The City's request was presented to the Board of Managers for consideration. The City's request seeks a level of notice well in excess of statutory requirements even for watershed district rules. Nevertheless, continuation of the public hearing was considered and granted by the Board. The public hearing opened on October 25, 2017 and will close on April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
City of Bloomington	General Comment	More Time Needed for Review. Given that the District did not provide mailed notice to landowners, and that those impacted landowners that are aware of the changes were only recently informed due to the efforts of a few cities, impacted landowners have not had sufficient time to review and understand the proposed standards. The City of Bloomington requests that the District provide impacted landowners with 60 days to review and comment on the proposed standards after the receipt of a mailed notice and also post information on existing and proposed standards on the District website.	Landowners and other interested stakeholders can provide comments up to the closed the public hearing. A continuation of the public hearing was considered and granted by the Board. The public hearing opened on October 25, 2017 and will close on April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
City of Bloomington	General Comment	The City commends the District in identifying the High Resources Value Areas within the District and working to protect their unique value to the District, the surrounding communities, and the State. The City shares those interests and generally supports the District in its efforts to work with LG Us to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater. With great success, Bloomington has adopted multiple official controls over the years to protect the river and the bluff, while balancing environmental protection with property rights.	Noted. Thank you for your continued partnership and support.
City of Bloomington - Sustainability Commission	Appendix K: Draft Standards (definitions)	The Sustainability Commission recommends revising "Predevelopment Condition" definition to land use on a site that existed prior to addition of any impervious surface (rather than exists immediately prior to a proposed alteration) for redevelopment sites.	Noted. The District has modified the requirement to say "existing" instead of "predevelopment" conditions, as requested.
City of Bloomington - Sustainability Commission	2.2.4 Issue 4 2.2.4.1 Flooding	The Sustainability Commission recommends adding a section to the plan about climate change. Beyond the factors mentioned that lead to increased local and regional flooding, climate change is another. The District could address the impact of climate change and extreme weather events and erosion on the Minnesota River and the District in this section and discuss the adaptation strategies that will be necessary for the future.	2.2.4 Issue 4 2.2.4.1 Flooding will be modified as suggested to include the 2014 sustained rain, flooding, and slope failures.
City of Bloomington - Sustainability Commission	2.2.7.3 Financing	In this section, it mentions that a resolution was introduced in 2010, but it does not say what the outcome was from passing the resolution. It would be helpful to add a sentence saying if anything has happened since 2010 and the passing of this resolution.	2.2.7.3 Financing will be updated to reflect the introduced resolution outcome and subsequent legislative activities.
City of Bloomington - Sustainability Commission	2.4.8 Issue 8- Public Education and Outreach	The Commission further recommends engaging local youth through public education endeavors.	The District will continue to solicit volunteers from youth groups and programs as a means to engage them in water resource management activities.
City of Bloomington - Sustainability Commission	2.4.8 Issue 8- Public Education and Outreach	The Sustainability Commission recommends that the District consider participating in the Master Water Stewards program and expanding local programming to expand educational reach.	The District has funded Master Stewards and other education and outreach programs. Goal 3.9 will be updated to reflect the District's current and planned education and outreach activities.
City of Bloomington - Sustainability Commission	2.4.8 Issue 8- Public Education and Outreach	The Sustainability Commission recommends that the District consider updating its website if it is going to be the primary outreach tool.	The District has a new website and web address: www.lowermriverwd.org.
City of Bloomington - Sustainability Commission	4.1 Administrative and Managerial	The Sustainability Commission recommends assessing current staffing levels to determine if current levels are able to achieve the goals of the plan and, if not, include a description and budget of what will need to be done to remediate.	The District assessed current staffing levels to achieve goals of the plan and compiled activity estimates accordingly.
City of Bloomington - Sustainability Commission	6.2 Annual Reporting	Financial and Audit reports are not done until the close of the fiscal year. Please clarify: "within 120 days before the fiscal year."	The section will be modified to reflect the updated information in Minnesota Administrative Rules 8410.0150: within 120 days of the end of the calendar year, submit to the Board an activity/annual report for the previous calendar year.

Commenting entity/resident	Section and page number	Comment	Response
City of Bloomington - Sustainability Commission	Administration: 6.1.1 Major Amendments to the Plan	After the first 60 day review/comment period for Agencies and others has passed and received comments have been addressed, is another 90 day comment period for the public and Agencies to review the drafted Plan Amendment required?	The initial 60-day review is followed by the 90-day comment period. The information associated with the 90-day review is referenced in Section 6.1.1, page 6-2 (Minnesota Statute 103B.231, Subparts 7, 9, and 11).
City of Bloomington - Sustainability Commission	Appendix K: Draft Standards Section 4 – Implementation Program, within “Studies & Programs Budget Total”	The Sustainability Commission recommends including/incorporating “Springshed Mapping” collaboration with DNR and others to expedite, and revise as needed, Springshed Maps for the District’s streams (including intermittent/perennial streams and designated and undesignated trout streams).	The inclusion of springshed mapping will be considered during the District’s Corridor Management project, which is slated for 2020 and 2021.
City of Bloomington - Sustainability Commission	Executive Summary	The Executive Summary succinctly states the purpose of the Plan “to protect, preserve, and manage the surface water resources (Minnesota River, lakes, streams and wetlands) and groundwater within the District.” It summarizes the Plan Organization, the Watershed Issues and Management Framework identified in the stakeholder process, the Watershed District’s Purpose, Goals, Implementation Plan and Capital Improvement Projects as well as the short- and long-term metrics for measuring the 9 Goals. Since the Lower Minnesota Watershed District depends on the Counties and Municipalities to address land use decisions and impacts, the Summary indicates that the “Plan includes management standards and procedures for addressing surface water, wetland and groundwater issues, as well as navigation issues along the Minnesota River.” This strengthens the District’s ability to make resource preservation a higher priority and addresses this concern raised by the TAC in the 2011 planning process.	Noted.
City of Bloomington - Sustainability Commission	General Comment	The Sustainability Commission commends District staff, the Board of Managers, the Technical Advisory Committee, plan writers, reviewers, the public and others that have played a role in the drafting of the plan. The plan addresses many issues relating to our shared water resources and our environment. The Sustainability Commission looks forward to working with you on many of these issues.	Noted. Thank you for your support.
City of Bloomington - Sustainability Commission	Goal 2. Surface Water Management Strategy 1.3.1	The Sustainability Commission recommends creating a prioritization process for comparing and evaluating various strategic resources/programs for meeting water quality goals under the Strategic Resource Evaluation.	The Strategic Resource Evaluation (SRE) includes a prioritization process. The SRE is posted on the District’s website.
City of Bloomington - Sustainability Commission	Goal 3. Groundwater Management (Strategies 3.1.1, 3.2.1, 3.2.2, 3.3.1, and 3.3.2)	Strategies 3.1.1, 3.2.1, 3.2.2, 3.3.1, and 3.3.2 are beneficial for protecting groundwater and developing regional models to yield better information on groundwater quantity and quality. This goal implementation has the potential to build on and leverage Carver County’s Groundwater Conservation Plan management and groundwater management within other counties, cities and water management organizations. That portion of Bloomington’s drinking water will benefit from efforts to protect the source aquifer.	Noted.
City of Bloomington - Sustainability Commission	Goal 5. Wetland Management & Strategy 1.3.1: Provide strategic resource evaluation and management	The Sustainability Commission recommends that the District or others consider facilitating the FQA of each of the fens for vegetation-based ecological assessments by hiring University interns or others with relevant qualifications to identify issues, develop consistent baseline vegetation data, and prioritize next steps to address fen and wetland degradation.	The District is working with the DNR on a comprehensive fen stewardship plan that includes completion of ecological assessments by the DNR Minnesota Biological Survey team.
City of Bloomington - Sustainability Commission	Page 1-2, Section I1. History	General comment/please clarify: It is stated that LMRWD was the second WD formed in the state in 1960. Wasn’t the Nine Mile Creek Watershed District the second watershed district formed, in 1959?	The District petitioned and was supposed to be the first watershed district formed. However, because of the 9-foot channel local sponsor need, the District was formed later. As the Board of Water and Soil Resources notes, the District was the third to be formed in March 1960, behind Coon Creek and Nine Mile Creek watershed districts.
City of Bloomington - Sustainability Commission	Page 1-4, Section I1: District Management	General comment/please clarify: It states here that the watershed district expects to have a CAC. Elsewhere in the plan it says the District has a CAC. State law says that a watershed district must have a CAC. The Sustainability Commission recommends adding a statement in the executive summary or elsewhere further describing the history of the make-up of the CAC and whether members of the community have been asked to participate.	The District had an active citizen advisory commission (CAC) during the development of the Plan in 2010 and 2011. Since then, the CAC dissolved, and the District continues to solicit volunteers to restart the CAC.
City of Bloomington - Sustainability Commission	Section 1 – Land and Water Resources Inventory	The Sustainability Commission recommends including all “Trout Waters” in District mapping inventory and protection efforts (whether designated or undesignated by DNR). - “Trout waters” (as defined in Appendix K): Trout lakes or streams that support a population of stocked or naturally produced trout - include “Ike’s Creek” as a “Trout water” -If needed, include sub-categories/definitions for “Trout stream, MndNR designated” and “Trout stream, undesignated by DNR (but capable of supporting trout)”	The updates to Section 1 requested will be addressed as part of District’s Corridor Management project slated for 2020 and 2021.

Commenting entity/resident	Section and page number	Comment	Response
City of Bloomington - Sustainability Commission	Section 2- Issues and Problems Assessments	The Sustainability Commission recommends adding an Invasive Species section to the plan. Although invasive plants are mentioned in the fen protection sections, there is very little information on the effects that invasive species (plants, animals, and other organisms) can have on water quality, fish and wildlife habitat, and water recreation. Terrestrial invasive plants are especially important to consider when discussing bluff land quality and erosion issues. Aquatic invasive species are also important when considering the District's boundaries. The District could play an important role in addressing these effects through its cost share program, ecological restoration, education and outreach, and other programs and initiatives.	As suggested, a section on invasive species will be included. The District was recently notified about the presence of zebra mussels in the Minnesota River.
City of Bloomington - Sustainability Commission	Section 3- Goals, Policies, Management Strategies	The Plan sets forth a proactive role for the District in evaluating Local Water Management Plans for consistency with the District's goals and the District's Watershed Standards as well as a strong partnership role working collaboratively with local government units to identify projects and studies that will meet District goals. Since Bloomington is required to meet non-degradation requirements, this collaborative program will positively support Bloomington's ability to partner on projects that will reduce its storm water volume as part of the NPDES MS4 permit requirements and develop water reuse and other volume reduction practices. Allowing Bloomington to recommend projects gives the City the ability to advance high priority projects that meet City and District goals.	The District values its partnership with the LGUs and solicits project recommendations regularly.
City of Bloomington - Sustainability Commission	Strategies 2.3.1, 2.3.2, and 2.3.4	The Sustainability Commission recommends setting annual evaluation targets to interpret the year's data into information fact sheets. Evaluations done on 3 to 5 year cycles may not be adequate. Assessments of the water quality within the watershed need to be timely. This information could be used for more meaningful education and planning.	The proposed evaluation cycle of three to five years is the most practical.
City of Bloomington - Sustainability Commission	Strategy 2.2.3	Cost share incentive program funding is valuable to attract citizen/city engagement as well as achieving more Low Impact Development practices in the ground.	Noted.
City of Bloomington - Sustainability Commission	Table E-2: Lower Minnesota River Watershed District Short-term and Long-term Metrics	The Sustainability Commission recommends adding more detail to the items listed as "Completion of scheduled activities" and "Number of targeted studies and projects completed" to indicate the targeted stakeholder or river reaches.	The detail requested for activities proposed to move each strategy forward is presented in Sections 3 and 4.
City of Bloomington - Sustainability Commission	Table E-2: Lower Minnesota River Watershed District Short-term and Long-term Metrics	Recognizing that Bloomington is one of several cities within the District, it would be helpful to know if the scheduled activities would be targeted toward city or county projects or the type of work or study to be done in a particular reach of the river. As written in the Executive Summary, it is difficult to determine if this Plan identifies any priority areas in Bloomington.	Sections E3.4 – Studies and Programs and Table E-1 will be modified for the project; program; or study description, targeted benefit, and location.
City of Bloomington - Sustainability Commission	Table E-2: Lower Minnesota River Watershed District Short-term and Long-term Metrics; Table 3-2 in Section 3	The same would be helpful for "Number and types of projects completed as part of the Cost Share Incentive Program and Water Quality Restoration Program." Any changes should be reflected in Table 3-2 in Section 3 also.	Section E3.4 and 3 will be updated to include the District's criteria for funding Cost Share Incentive Projects and Water Quality Restoration Projects.
City of Burnsville		1. The District is taking a more active role in implementing projects that it initiates internally and inventorying projects throughout the District. The District will also be more active in looking for opportunities to partner with local government units (LGUs) to identify projects such as ravine erosion repairs that could fit within the District's cost share program. This Partnership and cooperation with LGUs is discussed in many areas of the plan, however, there are some gaps. We recommend that the plan directly reference all areas where the District intends to cooperate with the local partners.	Noted. Thank you for your continued partnership and support.
City of Burnsville		The plan should include the following definitions and provisions to address existing businesses and uses permitted by the Minnesota Pollution Control Agency in Burnsville: Fill - Fill, dredge spoils, excavation sites, salt storage, Minnesota pollution control agency authorized landfills or other similar materials deposited or stored in the floodplain shall be protected against erosion by vegetative cover, mulching, riprap or other acceptable method. Dredge spoil sites, sand and gravel operations, salt storage and Minnesota pollution control agency authorized landfills shall not be allowed in the floodway unless a long term site development plan which includes an erosion/ sedimentation prevention. Dredge spoils disposal, salt storage, Minnesota pollution control agency authorized landfills and sand and gravel operations may allow temporary, on site storage of fill or other material which would have caused an increase to the stage of the 100-year or regional flood, but only after the city council has received and approved an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available.	The District will consider the recommended language.

Commenting entity/resident	Section and page number	Comment	Response
City of Burnsville	Appendix K, Section 5.2. Page 18. Regulated Activity and Threshold	Please clarify that these requirements are only applicable to land and waterbodies that are in the Bluff Impact Zone or Structure Setback from the Bluffline. To help clarify this point, it appears that somewhere in the definitions section of Appendix K, the terms Bluff Impact Zone and Bluff Overlay District need to be connected (i.e., the Bluff Overlay District is the graphical representation of the BIZ).	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and will no longer incorporate structures or a structure setback.
City of Burnsville	Appendix K, Page 7, Line 27. Floodplains; Appendix K, Page 15, Line 1, Definition of Floodplain, and Appendix K, Section 7, starting on Page 24	The intent of these provisions appears to specifically relate to FEMA mapped floodplains (including the Minnesota River) and not to areas that may have a local 100-year flood elevation estimated for them. However, the terms floodplain and 100-year elevation are both used in several areas of Appendix K.	Appendix K will be amended to clarify the District's intent of managing mapped and unmapped FEMA floodplain areas and provide definition for all the terms noted.
City of Burnsville	Appendix K, Section 4.4. Page 17. Variances	We understand that the District has had discussions with other LGUs relating to the variance process and that the District is open to allowing a Condition Use Permit process by the LGU as an alternative to a variance from the LMRWD for projects that are not able to fully meet the standards. We strongly encourage and support this approach, especially for the bluff overlay district standards.	The Board intends to revise the variance provisions contained in Section 4.4 of Appendix K of the draft plan amendment. The Board's intent is to allow local governments to issue variances pursuant to the variance processes and standards contained in its existing official controls. Additional consideration will be given to modifying Appendix K for future development or modification of lots or uses considered nonconforming by the proposed standards to occur as conditional uses with baseline performance standards that ensure the intents of the proposed standards are addressed.
City of Burnsville	Appendix K: Bluff and Bluff Overlay District Standards: Section 3, Page 6. Bluff definition	The City previously provided comments relating to the bluff standards in a letter dated March 13, 2017 (attached). Comments shown in italic are repeated from previous comments. The definition of Bluff should be changed to the state DNR standard definition (measure the horizontal distance over 50' as opposed to 25'). DNR definition established to protect significant natural slopes as opposed to excavated and fill areas created over time by landfills, construction of levees, salt and other storage piles, dredge materials etc.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard. References to bluffs will be removed.
City of Burnsville	Modified Bluff Standard	Please provide some examples of how LMRWD is proposing that the City implement the regulations. Concerns regarding this are: 1) If a landowner builds a swingset into a slope, there is no permit for this in the City of Burnsville and therefore no ability to administer these regulations. 2) If a property owner builds a fire pit/patio, with less than 5,000 square feet of new impervious surface, there is no permitting required for the City of Burnsville. 3) A non-structural shed does not require a permit from the City.	The District appreciates the City's concern and welcomes the opportunity to discuss them. The scenarios presented would not require action if the land-disturbing (5,000 sq. ft) or excavation (50 cu. yd.) triggers are not met and a City permit is not required. Please contact the District's administrator to schedule a meeting before the end of April.
City of Burnsville	Modified Bluff Standard	The City of Burnsville does not desire to regulate these types of activities to the proposed standards of the LMRWD and does not feel that it should have to as it would be overly burdensome. We have a steep slope ordinance that we feel is adequate and wish to continue with upholding, but feel that monitoring even 1 square foot of new impervious surface into a bluff is too onerous for us to manage. Would you consider discussing what would be manageable for us to enforce as we are interested in not losing slopes to erosion similarly to the LMRWD?	The District welcomes the idea of having additional meetings with the City about the proposed standards. Please contact the District's administrator to schedule the meeting before the end of April.
City of Burnsville	Modified Bluff Standard	Regarding Variances vs Conditional Use Permits for activities that vary from the proposed standards: The City of Burnsville strongly recommends the LMRWD incorporate a Conditional Use Permit (CUP) process instead of, or in addition to, the proposed variance standards. Based on state statutes, a variance may be granted from the literal provisions of the ordinance in instances where their strict enforcement would cause "practical difficulties" in complying with the official control because of circumstances unique to the individual property under consideration, and to grant variances only when it is demonstrated that the variance will be in harmony with the general purposes and intent of the ordinance and the variances are consistent with the Comprehensive Plan.	The Steep Slopes Standard, as currently modified, no longer creates use restrictions or nonconformities. Rather, the current standard only adds an engineering review requirement to an otherwise permitted use, structure, or activity. The engineering review requirement is established to ensure responsible, safe, and sustainable uses, structures and activities on steep slopes. Because it is now permissive rather than restrictive, neither variances nor conditional uses are required.

Commenting entity/resident	Section and page number	Comment	Response
City of Burnsville	Section 2.3.2	4. Section 2.3.2. contains development standards for Public Facilities. In Burnsville the City, MnDOT, US Fish & Wildlife, Dakota County, DNR and other public entities have public infrastructure in place and planned to service local and regional residents, businesses and utilities. There are rail lines located within shore and perhaps bluff impact zones that will need to continue to operate, expand and be maintained. Some infrastructure includes roads, bridges, sewer, water, boat launch, paved regional trails, parks, parking lots, etc. Some of these facilities need to be located within shore impact zones because they provide direct access to the river and facilities associated with the river. The City, along with other partners plans to continue the trail system that was recently installed along Black Dog Road, to the west, along the river to connect to existing and future trail systems planned by Dakota County, Scott County and Metropolitan Council. This trail system also will connect to state trail systems to Fort Snelling and beyond. The trails need to meet ADA requirements and there will also be trailheads, rest areas, bathroom and other facilities for the people using the trail system. We do not want to eliminate the ability to provide resources that have been planned for many years.	Appendix K does not include Section 2.3.2.
City of Burnsville	Section 4.3.2. Page 4-16. Geomorphic Assessment	Some examples include: e) Consult with LGUs prior to initiating work.	Information regarding coordination with LGUs during project initiation will be added to Section 3.2, Strategy 1.1.1.
City of Burnsville	Section 7.2, Item A and Section 7.4 Standards, Item b	Describe the requirement for compensatory storage to be created to offset fill. We recommend that the requirement be to have a registered professional engineer complete a No-Rise Certification based on a hydraulic analysis of the watercourse using the official model for the watercourse, HEC-RAS or other acceptable modeling software.	The District will consider the recommended language, and if it is included, additional requirements will be included as well.
City of Burnsville	Strategy 2.2.4. Page 3-30. Water Quality Restoration Program / Section 4.3.5. Page 4-16. Water Resources Restoration Fund	The added language suggests that program effectiveness will be measured by comparing water quality trends before and after projects are implemented. Long term water quality trends are often based on a wide range of factors, well beyond the incremental improvements made through a program such as this. This statement should be modified to acknowledge that trends may not show change within the 10-year term of the plan. In addition, the number of projects implemented may or may not be a true measure of effectiveness. We suggest providing some additional clarity in what is measured. For example, requiring an estimated load reduction for each project as part of the grant agreement would provide a quantifiable measurement of the benefits of the program.	The water quality restoration program and fund were generalized in the Plan. Detailed description of the program, including the evaluation and success metric and desired outcomes, will be posted on the District's website.
City of Burnsville	Strategy 8.3.1. Goal 8. Page 3-41. Funding for Dredge Material Management	Some examples include: c) Add a bullet to make sure local partners/LGUs are involved as the District begins this strategic planning process.	This project is underway.
City of Burnsville	Table 3-2, Page 3-10. Goal 4 Line	Some examples include: a) Table 3-2, Page 3-10. Goal 4 Line. Please add a fourth bullet to contact LGUs/local partners prior to initiating work on these unique natural resources. In Burnsville, for example, the City has valuable knowledge and insight relating to the Black Dog Fen and has been in contact with the Department of Natural Resources and Trout Unlimited regarding trout streams within the city.	Information regarding coordination with LGUs during project initiation will be added to Section 3.2, Strategy 1.1.1.
City of Burnsville	Table 3-2, Page 3-10. Goal 7 Line	Some examples include: b) Is this item intended to address only work completed by LMRWD? It seems that knowing and understanding what each LGU/local partner has done or has planned would be helpful to demonstrate the extent of work done in the short and long term.	The effectiveness of the projects and programs completed by the District or in partnership with LGU will be measured by using the short- and long-term metrics proposed in Table 3-2. However, if metrics are uncovered during discussions with LGU, they will be recorded.
City of Burnsville	Table 4-2, Page 4-8	Some examples include: d) Add LGUs as a Coordination Partner (middle column) to the following rows/strategies: Strategy 3.1.3 (note that the document does not include this number – 3.3.1?), Strategy 7.1.1, and Strategies 8.2.1, 8.2.2, 8.3.1	Table 4-2, Page 4-8 will be revised as requested.
City of Burnsville	Table 4-3. Page 4-18 to 4-19. Boundary Assessment Project.	Some examples include: f) Involve LGUs and add them as partners in column 3.	LGUs were added to the Boundary Assessment Project, Dredge Site Restoration Project, and Riley Creek Projects. The other projects included LGUs.
City of Burnsville	Table 4-3. Page 4-18 to 4-19. Minnesota River Corridor Management Project	Some examples include: h) This seems like a good effort although considering that LGUs will have completed their Comprehensive Plan updates in 2018, this item should reference those local visions as a starting point.	Noted.
City of Burnsville	Table 4-3. Page 4-18 to 4-19. Minnesota River Sediment Reduction Strategy	Some examples include: g) What is the scope of this study? Sources within the district, sources outside the district, both? If it will impact the LGUs, add them as a partner.	The Minnesota Pollution Control Agency leads and facilitates this project. It will include discussions on strategies within and outside of the District.
City of Burnsville	Water Appropriations. Appendix K, Page 33, Line 7	The District includes a statement that the DNR submitted application be submitted to the District "for review." We request deletion of "for review" as it implies that the District may have some regulatory authority over the DNR Permit Program.	The District reviews DNR appropriations permits and provides comments.

Commenting entity/resident	Section and page number	Comment	Response
City of Burnsville		3. There is a definition for "Water Quality Impact Zone" which is land within the shore impact zone or within 50 feet of the boundary of the public water, wetland, or natural drainage way, whichever is greater. This is a completely new district and the City requests time to further investigate the implications, site and administrative issues of application of the new zone. Also not sure the source of the regulatory authority and if there will be takings issues etc., if use of the land is further restricted.	Appendix K does not include the term Water Quality Impact Zone.
City of Burnsville		At minimum, the plan should allow local units of government to process development applications through the Conditional Use Permit process as opposed to outright prohibitions, generalized land use restrictions or variance process. A fundamental issue with the variance process is that the applicant needs to show that there is a practical difficulty associated with the development that is not created by the applicant.	Some of the justifications for the standards proposed in the amendments, most specifically the steep slope/bluff standards, suggest that there should be a prohibition on development on slopes greater than 18 percent. However, the District acknowledges that the proposed standards, once reduced to official controls, will result in a number of nonconforming lots, structures, and parcels. To alleviate various concerns related to nonconformities, the District intends to better articulate the continuation and, under some circumstances, the expansion or development of nonconforming structures, lots, and parcels. The District believes it can find a balance by using conditions and performance standards that will give municipalities greater flexibility to allow uses after either an application for variance or through a conditional use process.
City of Burnsville		Burnsville has barge related businesses along the river front (US Salt) and there are several utilities including the CenterPoint Dakota Station and Xcel Black Dog Electrical Generating Plant. Waste Management operates an active landfill and the Federal EPA is involved with the old Freeway Landfill site. Burnsville works with the Kraemer Quarry for drinking water. We need to make sure that all of these facilities can continue to function in addition to future redevelopment in the Minnesota River Quadrant area. It would be helpful to identify in the standards exemptions for facilities that operate subject to the MNPCA, DNR and Public Utility Commission.	The District will work with the City of Burnsville to identify and evaluate activities/operations for exemption.
City of Burnsville		Burnsville suggests the plan be modified to allow cities to continue to enforce local shoreland management ordinances that have been approved by the MN Department of Natural Resources and floodplain ordinances approved by FEMA as opposed to creating another layer of inconsistent regulations.	The District's standard is what the City noted in a previous comment and applies to both FEMA-mapped and locally modeled elevations. This standard is required to address non-FEMA mapped areas.
City of Burnsville		Burnsville would like to see language included in the plan indicating that the no-rise certification process satisfies the District's floodplain standard.	The District will consider the recommended language, and if it is included, additional requirements will be included as well.
City of Burnsville		Given the severity of the implications to the City, we are requesting the LMRWD modify the Floodplain Standards to encourage, but not require, compensatory storage for all fill within the flood fringe and require a no-rise certification by a registered engineer for all floodway fill.	Although already captured in Section 7.2, A., the District will include additional information stating that compensatory storage is only required if there is a rise in 100-year water surface elevation.
City of Burnsville		In Burnsville, the City has a separate policy for evaluating variances and there are very few variances granted due to the difficulty of meeting the practical difficulty standard. The Conditional Use Permit process allows all agencies the opportunity to review and comment on the project and apply performance standards to protect natural resources and other public health, safety and welfare considerations.	The standards allow municipalities to grant variances or conditional use permits according to their already-established procedures. The language in Appendix K will be modified to make this clear. As it pertains to the Steep Slopes Standard, the standard has been modified to make it permissive rather than restrictive. The standard only adds a requirement for engineering review for certain land uses, structures, and activities.
City of Burnsville		Please clarify if these provisions apply only to mapped FEMA flood hazard zones. If the intent is to cover areas outside the FEMA mapped floodplain, then provide a distinction between what provisions apply to FEMA mapped area and what provisions apply outside of these areas. These provisions reference a state approved floodplain management ordinance which in Burnsville addresses only the FEMA mapped floodplain areas.	This provision applies to the 100-year elevation that includes the mapped FEMA flood hazard zones.
City of Burnsville		Several provisions indicate an activity is to be avoided "unless no alternatives exist." This is a difficult finding to administer because it does not provide for "reasonable" alternatives. We suggest instead to allow for alternatives that meet the spirit and intent of the provision through a review process such as a conditional use permit or other public process. This allows a legitimate process for alternatives to be reviewed and considered. Many of the standards can remain but should be reworded to remove the "no alternatives" language.	"Unless no alternatives exist" cannot be found in the Draft Plan. Please provide specific areas where the proposed language would be difficult to implement for District review and consideration.
City of Burnsville		The compensatory storage requirement would greatly inhibit the ability to allow for current and planned future development within the flood fringe areas of the floodplain.	See Section 7.2, A: No filling is allowed within the 100-year floodplain that causes a rise in the 100-year flood elevation without providing compensatory floodplain storage equal to or greater than the volume of fill.

Commenting entity/resident	Section and page number	Comment	Response
City of Burnsville		We do not believe the City should be penalized with more restrictive standards related to floodplain, shoreland steep slopes, grading and restoration management when our current regulations and practices work.	As discussed in the February and March 2017 Technical Advisory Commission meetings and subsequent meetings with cities, the District recognizes that there are different ways of implementing programs that necessitate varying approaches to the standards presented. To effectively evaluate the City's request for exemption, the District requests equivalency/adequacy documentation for all official controls that propose to deviate from the standards presented.
City of Burnsville		We have been successful allowing development within steep slope areas greater than 12% via requiring the projects to go through the Conditional Use Permit process and meet specific performance standards of our ordinance.	As discussed in the February and March 2017 Technical Advisory Commission meetings and subsequent meetings with cities, the District recognizes that there are different ways of implementing programs that necessitate varying approaches to the standards presented. To effectively evaluate the City's request for exemption, the District requests equivalency/adequacy documentation for all official controls that propose to deviate from the standards presented.
City of Burnsville		We understand there are issues in some areas of the watershed however, the plan should address the specific issues and areas of the watershed where there have been problems related to bluff impacts, erosion of steep slopes etc., and then target those areas accordingly.	Noted.
City of Burnsville		With regard to grading Burnsville suggests that the plan be modified to remove references to 50 cubic yards of material and instead be consistent with existing Shoreland Rules and MPCA Permitting: In shoreland areas grading involving 10 or more cubic yards of material requires a grading permit. For other areas, grading involving 90 or more cubic yards of material requires a grading permit.	The regulatory threshold of 5,000 square feet land disturbance and 50 cubic yards of excavation applies only to HVRAs. If there is a stricter requirement in some areas that are also HRVAs, the District expects the stricter standard will be applied.
City of Carver	Appendix K . LMRWD Draft Standards	Page 15: A High Value Resources Area (HVRA) Overlay District is defined and shown on Figure L2. For Carver, there are no areas identified in the HVRA Overlay District, and thus HVRA should not impact Carver.	Noted.
City of Carver	Appendix K . LMRWD Draft Standards	Pages 20+: Erosion and Sediment Control standards are defined. These are largely consistent with the NPDES Construction Stormwater Permit. They require weekly and rain event ESC inspections and documentation for active construction sites, and the City of Carver has these requirements included in their MS4 Permit Activities.	Noted.
City of Carver	Appendix K . LMRWD Draft Standards	Pages 24+: Floodplain standards are defined. Freeboard is set at 2' above the 100-year HWL and 1' above the emergency overflow, which is consistent with City requirements. They do call for compensatory storage for any fill within the floodplain, and they define floodplain as the 100-year flood elevation of any wetland, public water, or subwatershed (as opposed to only FEMA floodplains). This is a problem, as it restricts the City's ability to adjust its stormwater ponding system (e.g., filling two smaller ponds and replacing them with a more efficient regional pond may require compensatory storage that is unnecessary). We ask for an exception for facilities within a planned and approved municipal stormwater system or otherwise regulated by local controls.	The District will consider the requested expectation.
City of Carver	Appendix K . LMRWD Draft Standards	Pages 30+: Shoreline and Streambank standards generally place some requirements on the use of riprap and encourage bioengineered stabilization approaches. These are generally consistent with the City's philosophy.	Noted.
City of Carver	Appendix K . LMRWD Draft Standards	Pages 32+: Water Appropriations standards are defined. We consider these items the purview of the MndNR and do not have any comments.	Noted.
City of Carver	Appendix K . LMRWD Draft Standards	Pages 33+: Water Crossing standards (e.g., stream crossings) are defined. No comment since the definition is not inconsistent with City standards.	Noted.
City of Carver	Appendix K . LMRWD Draft Standards	Pages 4,5: The LMRWD expresses the desire that LGUs continue to act as the permitting authority for their rules, with the standards incorporated into LSWMPs and/or local controls.	Noted.
City of Carver	Appendix K . LMRWD Draft Standards	Rate Control calls for no increase from existing conditions for the 1- or 2-, 10-, and 100-year, 24- hour rain events using Atlas 14 rainfall. The City's current standards require the use of TP-40 rainfall depths as well as requiring a parallel analysis using Atlas 14 rainfall depths. The City will be updating their LSWMP to be consistent with the Atlas 14 rainfall depth requirements of the LMRWD and the Carver County Watershed Management Organization (CCWMO) as part of its next plan update.	Noted.
City of Carver	Appendix K . LMRWD Draft Standards	Temperature Controls provide requirements for areas that discharge to trout streams. For Carver, there are no designated trout streams and there is no area within the City that drains directly to a trout stream, so this should have minimal to no impacts.	Noted.
City of Carver	Appendix K . LMRWD Draft Standards	Volume Control calls for retaining 1" of runoff over impervious area on site, for projects that create one or more acres of new impervious. The City has adopted CCWMO's water quality standards city-wide, which is currently consistent with LMRWD proposed rule.	Noted.

Commenting entity/resident	Section and page number	Comment	Response
City of Carver	Appendix K . LMRWD Draft Standards	Water Quality calls for no net increase from existing conditions for total phosphorus (TP) and total suspended solids (TSS). The City has adopted CCWMO's water quality standards city-wide. Current CCWMO standards require 90% removal of both Total Phosphorus (TP) and Total Suspended Solids (TSS). CCWMO also requires water quality treatment of 1.0 inches of rainfall from the new impervious surfaces. This is not necessarily equivalent to LMRWD's proposed rules, and may be more restrictive based on site conditions. We recommend the LMRWD allow the City to continue to follow the current water quality standards being used by the CCWMO since they may be more restrictive than the LMRWD's requirements based on site conditions.	The District recognizes that there are different ways of implementing programs, which necessitates varying approaches to the standards presented. The District requests equivalency/adequacy documentation for all official controls that proposes to deviate from the standards presented.
City of Carver	Appendix K. LMRWD Draft Standards	Pages 6, 18: Bluff and Bluff Impact Zone (BIZ) are defined and shown with a diagram. The BIZ is defined as the bluff plus any land within 20'. Figure L1.2 identify bluffs in Carver, which include along Spring Creek, Carver Creek, and a portion along the Minnesota River. Bluff standards are provided and include no grading or clearing in the BIZ and a 40' setback for structures and stormwater ponds from the top of the bluff. The City of Carver has been proactive in defining and protecting bluffs in both developing as well as existing areas as plats and permits come in for review and approval. The City has concerns with changing the City's current bluff definition and ordinance and how this may affect a property owner's use of their land. We recommend the City be allowed to continue to use its current definition of a bluff and ordinance in areas of the LMRWD.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard, and it regulates slopes greater than or equal to 18 percent. References to bluffs will be removed. However, the District recognizes that there are different ways of implementing programs, which necessitates varying approaches to the standards presented. The District requests equivalency/adequacy documentation for all official controls that proposes to deviate from the standards presented.
City of Carver	Section 2. Issues and Problem Assessments	Page 2-27: The Plan references signed memoranda of understanding (MOUs) with local governmental units (LGUs). We recommend the LMRWD forward a copy for the City's files since City Staff have changed in the last few years and the City's copy may not be readily available.	Prior to the 2011 Approved Plan, the District's practice was to have signed Memoranda of Understanding (MOU) with LGUs. That is no longer the District's practice.
City of Carver	Section 3. Goals, Policies, and Management Strategies	Page 3-29: Strategy 2.2.2 cites a number of practices that can be used to meet volume control requirements. The Minnesota Stormwater Manual is referenced for the amount of credit to be allocated to each practice. Practices include: • Buffers, • Forest/prairie restoration, • Grassed channels, • Green roofs, • Natural area conservation, • Permeable paver, • Stormwater reuse, • Rooftop disconnection, • Soil amendments. The City will have the option whether to include all these or to limit them. We'll need to discuss, as part of an overall discussion about regulating stormwater volume (see below).	This District welcomes the opportunity to discuss this further with the City. Please contact the District Administrator to have the meeting before the end of April 2018.
City of Carver	Section 3. Goals, Policies, and Management Strategies	Page 3-30: Strategy 2.2.4 discusses a Water Quality Restoration Program to provide funding assistance to LGUs to reduce urban nonpoint source pollution. It is stated that more information can be found in Appendix L. Please forward a copy of Appendix L since this is not included in the plan amendment information.	As requested, a copy of Appendix L will be forwarded.
City of Carver	Section 3. Goals, Policies, and Management Strategies	Page 3-35: Strategy 5.1.1 continues to delegate Wetland Conservation Act authority to LGUs. Strategy 25.1.2 requires LGUs to conduct wetland inventories and complete management plans. The City of Carver has completed a wetland management plan.	Noted.
City of Carver	Section 4. Implementation Plan	Pages 4-3 and 4-18: Tables 4-1 and 4-3 provide the implementation program budget and describe various capital improvement projects. The Carver projects listed are a Carver Creek Restoration Project (\$93,500) and a Spring Creek Project (\$45,000). The Spring Creek Project has retrofit of storm sewer structures as part of the 2019 Capital Improvement Plan. The City would like to continue to have these projects included in the implementation project, and will review other potential projects with the update to their Local Surface Water Management Plan.	Noted.
City of Carver	General Comments	1. Can the City construct trails in bluff areas under the proposed LMRWD plan amendment? 2. Does the LMRWD help with local surface water management plan updates to their plans to address the LMRWD plan amendments? 3. Confirming your next update be in 2027 and not sooner.	1. Trails and other public projects may be constructed with overlay district provided they do not adversely impact adjacent or downstream properties or water bodies; destabilize slope conditions; or degrade water quality due to erosion, sedimentation, flooding, and other damages. 2. The District provides technical support to cities during the local surface water management plan update process to make certain the updates are in line with the District's standards. 3. The next Plan update would be in 2027, although there may be amendments to the Implementation Program that will not require updates to local surface water management plans.
City of Chaska	Appendix K . LMRWD Draft Standards	Pages 24+: Floodplain standards are defined. The standards call for compensatory storage for any fill within the floodplain, and they define floodplain as the 100-year flood elevation of any wetland, public water, or subwatershed (as opposed to only FEMA floodplains). Chaska would like to see an exception for facilities that are within a planned and approved municipal stormwater system or otherwise regulated by local controls. Requiring compensatory storage within the City's stormwater ponding system will greatly restrict the City's ability to effectively and efficiently manage its system.	The Floodplain and Drainage Alteration Standard states no filling is allowed within the 100-year floodplain that causes a rise in the 100-year elevation without providing compensatory floodplain storage equal to or greater than the volume of fill. As presented, compensatory storage is only required if the 100-year elevation will be affected negatively as a result of the proposed project(s). Note: the Floodplain and Drainage Alteration Standard language has been in place since the 2011 Plan. Nevertheless, the District will consider the requested exception.

Commenting entity/resident	Section and page number	Comment	Response
City of Chaska	Modified Bluff Standard	The City of Chaska request the removal of four man-made sloped areas from the Bluff and Steep Slopes Overlay District.	The District has reviewed the areas, and they will be removed as requested.
City of Chaska	Section 3. Goals, Policies, and Management Strategies	Page 3-30: Strategy 2.2.4 discusses a Water Quality Restoration Program to provide funding assistance to LGUs to reduce urban nonpoint source pollution. Can we get details on this program, including project criteria and proposed budget?	The water quality restoration program is funded though the Water Resources Restoration Fund, as presented in the Table 4-1 and in Section 4.3.5. The program will be built on the existing water quality restoration information in Appendix L. Additionally, information including success metric and desired outcomes will be posted on the District's website.
City of Chaska	Section 4. Implementation Plan	We previously submitted a number of Seminary Fen projects for partnering to the LMRWD in a 3/17/2017 email to Linda Loomis. Chaska would like the LMRWD to include these in the Plan Amendment for support and potential funding consideration. This would also indicate support to BWSR and the MnDNR in the event of future grant applications to those agencies. The 3/17/2017 email with the proposed projects is attached.	Collaboration with municipalities and other partners on water and natural resources restoration, preservation, and protection projects is the cornerstone of the District's implementation philosophy. The projects submitted were reviewed and will be added to the Plan.
City of Eden Prairie		b. The City of Eden Prairie as well as other members of the TAC have requested a Statement of Need and Reasonableness (SONAR) to accompany any newly proposed standards. During the TAC process, we were told that document would be provided. Releasing that document after the standards have been drafted and the public comment period has lapsed seems to devalue the usefulness of that document. Please comment on when the public will have access to that document.	A SONAR is not a Water Management Plan development requirement. The issues in Section 2 present the need for the proposed changes. Nevertheless, the District completed a draft SONAR/Statement of Need and reasonableness report, emailed it to LGUs, and posted it on the District's website.
City of Eden Prairie		b. Unlike some areas within the District's jurisdiction, Eden Prairie's bluff land is predominantly developed. Bluff side development issues in Eden Prairie relate less to new subdivisions and more to smaller property improvements that are customarily incidental to existing homes and reasonable home improvement projects. In numerous cases, the proposed standards will prohibit decks, patios, sheds and additions that would today be allowed and that the City views as fully reasonable, even in a bluff side context. While well intentioned, the proposed District standards do not adequately recognize and protect the property rights of landowners.	With modification of the Steep Slopes Standard, there is no longer a prohibition or restriction on bluff side development, as noted in this comment. Rather, such development, if it triggers the standard, will only require an engineering review and certification that it can be done safely, responsibly, and sustainably given the site conditions. This standard actually protects the landowner's investment in the property.
City of Eden Prairie		c. The City remains committed to providing high quality customer service. Streamlining the permit process and reducing the duplication of authority is a priority. The City would prefer to limit the redundancy of review and reach out to the District only when technical assistance or clarification of standards is required. The City may also prefer that the District be the permitting agency if proper indemnification is not afforded by District to the City for rules that are likely to be legally challenged by property owners. This issue warrants further discussion between the City and District.	Unlike several other metropolitan watershed districts, the LMRWD has chosen to eliminate permitting redundancy by sticking to the clear requirements of statutes such as Section 103B.235, which requires local governments to prepare a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the watershed plan. The District welcomes discussion with the City regarding development of a standalone permitting program.
City of Eden Prairie		c. The District is proposing to significantly change the definition of "bluff". Among other changes, the slope threshold to qualify as a bluff has been reduced from 30% to 18%. While the District has provided a map of the area that meets the 18% definition, it has not provided a map of the area that meets the 30% definition. We believe the proposed 18% threshold significantly expands the reach of the standards, but without a map of the previous "bluff", we have no way to verify or to quantify the impact. Eden Prairie requests that the District prepare a map of the "bluff" using the current 30% definition, post it on their website and provide a shapefile to cities. Please also provide a combined comparison graphic that visually depicts the two "bluff" designations overlaid on one another along with metadata that compares the impacted area by acre in each community for the existing and proposed standard.	Comparative maps showing the existing 30 percent and proposed 18 percent standards were provided to the LGUs and the information posted on the District's website.
City of Eden Prairie		d. Explain the reasoning for expanding the structure setback from 30' to 40'. Many of the existing homes that are setback the required 30' from top of bluff would be pushed into non-conforming status due to this change.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and will no longer require setbacks. Figure 1 will be modified to reflect the revised standard.
City of Eden Prairie		d. The numbering in the revised plan is difficult to follow and finding references between the tables and text is difficult. This is partially a function of the additions and deletions for the plan amendment and should be checked prior to finalizing the plan.	Noted.
City of Eden Prairie		e. Clarification on how non-conformities will be addressed should be included the plan. Consider that RPBCWD and NMCWD both have slope and wetland buffer exemptions and/or separate rules for existing single family lots that are only triggered at the time of development. This greatly reduces the creation of non-conformities. More detail regarding review standards and exemptions for existing single family homes, gardens, lawns, and structures such as sheds, pools, etc. is needed.	The District will consider the recommendation and provide additional information regarding vegetation maintenance and structure definition.

Commenting entity/resident	Section and page number	Comment	Response
City of Eden Prairie	Appendix K Section 5 - Bluff Standard	f. Clarification is needed on what type of vegetation alteration is allowed under the current proposed standard. A large amount of properties have mowed and maintained lawns and gardens that extend into the proposed bluff and bluff impact zones.	The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural and forestry activities.
City of Eden Prairie	Appendix K Section 8 - Stormwater Management Standard	a. The City has no comments regarding the proposed stormwater management standards as the proposed standards are generally similar to or less stringent than our current ordinances and practices. However, since the proposed standard references the MS4 and NPDES requirements, is this necessary outside of the HRV areas?	Noted.
City of Eden Prairie	Appendix K Section 8 - Stormwater Management Standard	b. Section 8.3.2.3.1 states that "for new development projects, the decrease in TP and TSS shall be 60 percent and 80 percent from predevelopment conditions, respectively". Is this intended to be proposed development conditions?	8.3.2.3.1 is intended to state, "from existing pre-project condition."
City of Eden Prairie	Appendix K Section 8 - Stormwater Management Standard	c. The threshold for linear requirements is unclear. Please clarify.	We are unsure of what is unclear.
City of Eden Prairie	Section 3.3 - Surface Water Management	a. Policy 2.1 introduces the concept of High Value Resources (HVRA) Overlay Districts. More details on what is defined as a HVRA as well as reference to the relevant maps should be provided. Details on how HVRA areas are newly identified should also be addressed to eliminate vagueness, confusion, and future disputes.	The section will be modified to include more detail about HVRAs and how areas can be included to the list.
City of Eden Prairie	Section 3.3 - Surface Water Management	b. Language in the needs to be modified (it states To Use of... and should be For Use of...)	Policy 2.1 will be modified as follows: Policy 2.1: Use of High Value Resource Area Overlay District to Management Water Resources.
City of Eden Prairie	Section 3.5 - Wetland Management, Strategy 5.1.2	a. Strategy 5.1.2 requires development of a Comprehensive Management Plan. The City completed a Comprehensive Wetland Protection and Management Plan in November 1999 that included a database to track the information (MnRAM and associated data) that was collected at that time. Since that time, the City has merged that database with our stormwater pond inventory database to assist the city in determining wetland buffer requirements. As development projects are submitted, the database is updated with current information. In addition, the City does require the use of the most recent version of MnRAM for all delineations. Please comment on the intent of this strategy and if the City's current management of the management plan fits with the District's goals.	We are unsure of the question. The City's statement shows it is complying with the District's requirement.
City of Eden Prairie	Appendix K Section 2 – Relationship with Municipalities	a. In discussions with LMRWD administrative, engineering and attorney staff, it was explained that following adoption of the plan by the district, the Cities would have 18 months to amend their official controls to regulate the proposed standards. There is no language in Section 6 or Appendix K to support or clarify this. Timeline of implementation needs to be addressed in the plan.	Section 5.1 and Appendix K, Section 4.5 will be updated to reflect the 18-month requirement to implement the District's standards.
City of Eden Prairie	Appendix K Section 2 – Relationship with Municipalities	b. In discussions at the TAC meeting and in meetings with City staff, the drafting of a model ordinance for the new standards was discussed. Appendix K or Section 5 should discuss the timing of this document and the expectations for the usage of this model.	Model ordinance will be developed for standards in the approved Plan.
City of Eden Prairie	Appendix K Section 2 – Relationship with Municipalities	c. This section discusses enforcement actions against an LGU for non-compliance with the proposed standards. This procedure (warnings, timeline, etc.) needs to be clearly defined in the plan.	As presented in Section 5.1.3, the District will complete spot checks on projects and programs approved by the City to confirm compliance with District standards. The process, including notification, staff interviews, and project/program review, will be formalized following approval of the Plan.
City of Eden Prairie	Appendix K Section 4 – Administrative Procedures	a. Section 4.2 is difficult to clearly decipher. Multiple bullets proceed section 4.2.1 "general" so it is not clear what activities or thresholds apply to the different standards. Consider deleting this section since the exceptions appears to be repeated in the text of the individual standards they apply to.	The District will consider deleting Sections 4.1, 4.2, and 4.3 or modifying them to reflect applicable standards.
City of Eden Prairie	Appendix K Section 4 – Administrative Procedures	b. Section 4.2.2 should include a process for how new HVRAs and their corresponding overlay districts are established.	The process for modifying HVRA will be added to Strategy 2.1.1.
City of Eden Prairie	Appendix K Section 4 – Administrative Procedures	c. Similar to section 4.2, consider separating the exceptions from 4.3 into only the standard they apply to rather than one large section.	The District will consider deleting Sections 4.1, 4.2, and 4.3 or modifying them to reflect applicable standards.

Commenting entity/resident	Section and page number	Comment	Response
City of Eden Prairie	Appendix K Section 4 – Administrative Procedures	d. Section 4.4 contains procedures for consideration of variances and the District's role in reviewing and granting variances. Conflicts of timing of variances between the City and Watershed would lead to development delays and uncertainty. The City also looks at variances through a wider lens and can further protect natural resources by granting variances in exchange for other benefits. To meet our customer service goals we strongly feel the City should maintain the primary variance authority.	The Board intends to revise the variance provisions contained in Section 4.4 of Appendix K of the draft plan amendment. The Board's intent is to allow local governments to issue variances pursuant to the variance processes and standards contained in its existing official controls. Additional consideration will be given to modifying Appendix K for future development or modification of lots or uses considered nonconforming by the proposed standards to occur as conditional uses with baseline performance standards that ensure the intents of the proposed standards are addressed.
City of Eden Prairie	Appendix K Section 4 – Administrative Procedures	e. District staff has offered the variance process as a mechanism for landowners to find relief from the proposed standards. However, the variance process is expensive and time consuming for landowners and for the cities or watershed districts that must process those variances. The City of Eden Prairie requests that the District review the many scenarios that may result in variances that could be supported and then revise the proposed standards to allow those certain common circumstances that would not require a variance, and thereby reduce the number of variances that would be requested by land owners	With the substantial modification to the Steep Slopes Standard, the standards no longer create nonconformities or restrictions requiring variances. The Board is reviewing other scenarios where such concerns might arise. It would be helpful if the City were to provide common scenarios it believes will be encountered so the District can evaluate whether adjustments may be made to the proposed standards or exemptions developed.
City of Eden Prairie	Appendix K Section 4 – Administrative Procedures	f. The District proposes using an "undue hardship" variance finding that will result in little practical ability to issue variances. As proposed, a variance cannot be issued if the property in question can be put to a reasonable use without the variance. The Minnesota State Legislature recently amended the required variance findings for city-issued variances to replace the "undue hardship" test with the "practical difficulty" test. Many Minnesota cities, including Eden Prairie, amended their respective City Codes to conform to this standard. Eden Prairie requests that the District revise the required variance findings to match the findings set forth in State law and city codes. Conflicting legal standards will cause confusion and increase the potential for lawsuits.	The Board intends to revise the variance provisions contained in Section 4.4 of Appendix K of the draft plan amendment. The language will be changed to follow the practical difficulties test to be consistent with existing municipal variance standards. The Board's intent is to allow local governments to issue variances pursuant to the variance processes and standards contained in its existing official controls. The Board may require some additional performance standards in considering such variances to ensure the intent of the proposed standards is met.
City of Eden Prairie	Appendix K Section 4 – Administrative Procedures	g. Similar to previous comments, Section 4.5 needs to clearly lay out the process for enforcement including schedules for warnings and responses.	The District's variance and enforcement process, including the schedule for program audits, reporting requirements, warnings and responses, will be developed in partnership with LGUs and posted on the District's new website (www.lowermriverwd.org).
City of Eden Prairie	Appendix K Section 4 – Administrative Procedures	h. Section 4.5, or elsewhere in the document, should reference how long the City has to implement these standards in their official controls. As discussed with LMRWD staff, the City was told they would have 18 months to adopt official controls to enforce these standards.	Section 5.1 and Appendix K, Section 4.5 will be updated to reflect the 18-month requirement to implement the District's standards.
City of Eden Prairie	Appendix K Section 4 – Administrative Procedures	i. The proposed standards are likely to trigger legal challenges from impacted landowners. The burden of defending against those challenges should fall on the District and not on individual cities that in many cases may not agree with the standards they are required to enforce. Any shifting of the burden to cities to enforce and legally defend the standards must come with a corresponding indemnification for cities from the District.	There is no shifting of burdens being imposed by the watershed district. Rather, the burden of local government to adopt official controls necessary to bring local water management and land use in line with watershed district plan standards is imposed by the legislature in statutes Section 103B.235, subd. 1. It is the local government's obligation to adopt defensible controls and to defend those controls. Local government purchases insurance for such purposes. Additionally, the standards, specifically the Steep Slopes Standard, have been modified so they are no longer restrictive. Rather, these standards are permissive in nature and only require an engineering review to ensure the proposed activity can be responsibly and safely conducted on the property.

Commenting entity/resident	Section and page number	Comment	Response
City of Eden Prairie	Appendix K Section 5 - Bluff Standard	<p>a. Given the level of anticipated impacts to existing property and developable land, please provide a Statement Of Need And Reasonableness (SONAR) or a similar form of documentation that demonstrates the need to establish an 18 percent bluff threshold and the corresponding regulations. The TAC was told that the standards were modeled after the MRCCA rules that recently went into effect. A great deal of consideration was put into the definition with respect to the MRCCA rules that may not fit with the Lower Minnesota River corridor. A thorough SONAR was completed for the MRCCA rules that spoke to many specifics that detailed the need and process for developing the updated rules (as referenced on the following website). http://files.dnr.state.mn.us/input/rules/rulemaking/mrcca/sonar.pdf Specifically, the original Executive Order 79-19 that regulates the MRCCA had already provided special protection for “bluffs with a slope greater than 18 percent”, but did not specifically define a bluff. It did, however, define the bluffline as “a line delineating the top of a slope connecting the points at which the slope becomes less than 18 percent”. There was also a 40’ structure setback already in place as part of the original executive order. With the recent MRCCA updates, there was clarification of the existing bluff definition, but not a large departure from what was already in place. From the MRCCA Sonar: “...the 18 percent slope parameter was retained from Executive Order 79-19 because it was a standard widely adopted by local governments and accepted by environmental organizations.” In this case, the 18% slope and the additional 40’ setback is a new addition to the standard and is not currently widely adopted by the Local Governments. The development of the recent MRCCA rules had a “dual goal of protecting sensitive bluff features while minimizing the creation of new nonconforming structures within areas of significant existing development”. There were many analytical iterations and field verifications of the proposed MRCCA standard throughout the corridor before advancing the definition for inclusion. The MRCCA SONAR included many photos and examples of what was considered a bluff at different iterations of the rules. In addition to the creation of additional non-conformities, a desktop analysis of properties impacted in Eden Prairie by the proposed standard showed the creation of multiple undevelopable parcels and unbuildable platted lots.</p>	<p>A SONAR is not a Water Management Plan development requirement. The issues in Section 2 present the need for the proposed changes. Nevertheless, the District completed a draft SONAR/Statement of Need and reasonableness report, emailed it to LGUs, and posted it on the District’s website.</p>
City of Eden Prairie	General Comment	<p>a. Changes to a water management plan of this magnitude need a more involved public engagement process. The proposed Bluff Standards alone will create significant restrictions on hundreds of properties within the District. These property owners were mostly unaware of the conversation happening until a few days ago when cities felt it incumbent upon themselves to mail them notice of the impending District action. Now these property owners are feverishly calling cities to inquire how this discussion happened without them being notified, and how they can participate in the process. The City of Eden Prairie requests the District provide full mailed notice to these property owners, host an open house to explain the proposed standards, provide a higher degree of information on the District’s website concerning the proposed changes, and allow sufficient time for the public to review and provide written comment. Because these proposed standards represent a possible deprivation of protected interests there should be a higher level of due process afforded.</p>	<p>The Board may consider whether additional notice or hearing is necessary and will decide whether to accomplish such additional hearing on a regional or community basis. The City’s comment contemplates a level of notice well in excess of statutory requirements even for watershed district rules. Nevertheless, a continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District’s website, and emailed information to all with email addresses in the District’s system. The board will have to weigh the burden of the notice requirement against the value of additional public comments it might receive. The preservation and protection of the high value resources necessitate the threshold(s) set for projects proposed within the High Value Resource Areas Overlay District.</p>
City of Eden Prairie	Section 3.2 – Organizational Management	<p>a. The section which discusses Policy 1.2 and Policy 1.3 needs to be revised as the numbering does not line up. This section could be deleted entirely and merged with Sections 3.9 and 3.10.</p>	<p>Section numbering will be reviewed and (if necessary) revised.</p>
City of Eden Prairie	Section 4.2 – Coordination with Local, State and Federal Governments and Non-Government Organizations	<p>Table 4-2 appears to include a Strategy (1.2.1) that may have been deleted.</p>	<p>Noted.</p>
City of Eden Prairie	Section 4.4 Capital Improvement Projects	<p>A line item for the Minnesota River Study Area 3 Bluff Stabilization Project has been added to the CIP for 2022-2023 for \$350,000. This in addition to the amount that the City has committed to the project is not sufficient to cover the estimated cost of the project. More information on how the additional funding required to design and implement this project is needed. The City feels that additional partnerships with the State and counties should be involved.</p>	<p>Contact the District’s managers to discuss funding concerns for stabilizing bluffs and the City’s bluff protection strategies to prevent future problems.</p>

Commenting entity/resident	Section and page number	Comment	Response
City of Eden Prairie	Section 5.0 – Impact of Implementation	a. The City adopted its most recent LWP on September 6, 2016 and it was approved by the LMRWD via resolution on September 21, 2016. The City submitted this LWP with minor amendments to its CIP to the Met Council for comments regarding the requirements of the 2017-2018 local water management plan under Minnesota Rules Chapter 8410. The City received a letter of approval to include this LWP with our comprehensive plan. Clarification on the expectations for future LWP amendments based on this plan amendment are needed.	Upon completion and approval by BWSR of the District's Plan, cities are required to update their LWP and official controls to reflect updates. The timeline for the modification will be 18 months after approval of the Plan.
City of Eden Prairie	Section 5.0 – Impact of Implementation	b. Section 5.1.3 Administration and Enforcement of LWPs includes standards for finding an LGU non-compliant with the assumption of permitting authority as the final step in ensuring compliance with the District's Plan. More information on how a LWP could be considered non-compliant is requested.	As presented in Section 5.1.3, the District will complete spot checks on projects and programs approved by the City to confirm compliance with District standards. The process, including notification, staff interviews, and project/program review, will be formalized following approval of the Plan.
City of Eden Prairie	Section 5.0 – Impact of Implementation	c. In discussions with LMRWD administrative, engineering and attorney staff, it was explained that following adoption of the plan by the district, the LGU would have 18 months to amend their official controls to regulate the proposed standards. There is no language in Section 5 to support or clarify this. Timeline of implementation needs to be addressed in the plan.	Section 5.1 and Appendix K, Section 4.5 will be updated to reflect the 18-month requirement to implement the District's standards.
City of Eden Prairie	Section 6.0 – Administration (Section 6.1.1)	Section 6.1.1 includes provisions on determination of whether a proposed plan amendment would be considered a minor amendment. The provisions include submittal of the proposed amendment to the review authorities. The City would request that this include all cities that would potentially be impacted by the plan amendment.	Minnesota Statute 103B.231, Subpart 11 reference in the Plan includes a requirement for review by cities.
City of Savage	Appendix K	The definition for fully reconstructs should be revised to be consistent with the definition proposed by the Prior Lake Spring Lake Watershed District. The definition is as follows: Area where impervious surface is removed down to the underlying native soil and the underlying native soils, as distinguished from roadway subgrade material, is disturbed. The following are among those that do not constitute impervious surface reconstruction: structure renovation, impervious surface mill, reclamation and overlay; and minor maintenance activities such as catch basin and pipe repair/replacement with same hydraulic capacity.	The preservation and protection of high value resources (such as Savage Fen and Eagle Creek) as highlighted in the SONAR/Statement of Need and Reasonableness report necessitate the definition for fully reconstructs.
City of Savage	Appendix K - Stormwater Management Standard	Currently, the City requires volume reduction equal to 0.5 inches of runoff from all newly created impervious surfaces for development from sites that exceed 5,000 square feet of new impervious and less than 1 acre of total project area. For sites that exceed 5,000 square feet of new impervious and 1 acre of total project area the volume control criteria is 1.0 inch over the new impervious. The City believes their current standard is appropriate for sites that are smaller in size and have less room to incorporate stormwater BMPs. The City requests the LMRWD that for sites with less than 1 acre of new impervious and down to the City's permitting threshold that the volume control be equal to 0.55 of inches for new or full reconstructed impervious surfaces vs. 1.1 inches of runoff from the new and/or fully reconstructed impervious surfaces.	The preservation and protection of the high value resources necessitate the threshold(s) set for projects proposed within the High Value Resource Areas Overlay District.
City of Savage	Appendix K - Stormwater Management Standard	The District (draft) volume reduction standard would include reconstructed streets and/or other public linear projects. Consideration for alternative sequencing options, such as giving credit for existing BMPs, implementing a trading/banking policy, or factoring in the existing TSS/TP removal rates in the project area, should be allowed or accommodated in the standards.	The District will consider alternative sequencing options not specified in the MPCA Stormwater Manual on a case-by-case basis. Alternative sequencing options from the MPCA Stormwater Manual will be accepted if all of the design specifications are met.
City of Savage	Appendix K - Stormwater Management Standard	As discussed during our meeting on February 7, 2018, the City would like to pursue alternatives to the straight volume standard as proposed by the rule. It is likely due to constraints within the HVRA that implementing volume reduction BMPs will be infeasible. The City would like to partner with the LMRWD to develop an Eagle Creek Stormwater Management Plan that identifies BMPs that will maximize the potential for treatment in lieu of providing treatment for each street reconstruction project.	The District welcomes the opportunity to partner with the City on developing an Eagle Creek Stormwater Management Plan and has included it in its CIP (Capital Improvement Projects).
City of Savage	Modified Bluff Standard	The City requests an informational meeting be held in the City of Savage. The information meeting should include an invite to all potentially impacted landowners within the City of Savage. The meeting should clearly identify how this will impact existing homeowners. For instance, in reading the rule it appears any structure, such as retaining walls greater than 4 feet would require a geotechnical engineer to sign off on any design. Is this the case? This may be cumbersome for a homeowner and for the City to implement.	Noted. The City of Savage's informational meeting has been scheduled for April 3, 2018. At the meeting, the District will explain how the proposed standard might affect residents. A four-foot tall retaining wall proposed within the overlay district that triggers the Stormwater Management Standard would require compliance with the standard, as proposed.
City of Savage	Modified Bluff Standard	The definition for steep slope is confusing. It appears when reading the definition it is tied to having to be above the ordinary high water level. Do items 1 and 2 need to be included in the definition. It seems as though they are repeating the previous statement.	Noted. The District modified the definition of steep slopes as follows: A natural topographic feature having average slopes of 18 percent or greater that is measured over a horizontal distance of 25 feet or more.
City of Savage	Modified Bluff Standard	The City requests three areas in the City formerly mined to be exempted from the requirements of the proposed rules. The areas are as follows: 1. Rose Hill, 2. Trout Run Preserve, and 3. Cherrywood Pointe of Savage.	The District has reviewed the areas, and they will be removed as requested.

Commenting entity/resident	Section and page number	Comment	Response
City of Savage	Page 10, Lines 16 through 18	The definition for public project mentions obtaining a District permit. It is unclear what the permit and/or permitting process is for the District. The City requests definition of this process and it should be included in the District's plan.	Minnesota Department of Transportation projects are not required to comply with LGU project requirements. For those projects and projects within unincorporated areas, a permitting program will be developed. Details of the program will be on the District's new website (www.lowermnriverwd.org).
City of Savage	Page 17, Lines 26 through 31	This section includes language regarding the proposed District auditing process. This is new to the plan and will impact the City's budget and operations. A better definition and understanding of the audit process is needed to understand what efforts are required of the City.	This use of audit language is not a change to the District's current Plan. The language was moved to Appendix K. Nevertheless, the schedule for program audits, reporting requirements, warnings, and responses will be developed in partnership with LGUs and posted on the District's new website, www.lowermnriverwd.org .
City of Savage	Page 31, Lines 16 through 25	This section summarizes restrictions to rip rap use within the District boundaries. The District is proposing that limestone and dolomite shall not be used for shoreline or stream bank stabilization. It is our belief that this will greatly increase the cost of projects. Additionally, limestone rip rap is widely accepted and meets MNDOT and Corps of Engineers Standards. Finally, limestone is native to the area and is in-line with the character of the Minnesota River Valley.	The section does not prohibit riprap but requests use of bioengineering to the maximum extent possible. Revisit Section 9.3.
City of Savage	Page 5, Lines 6 and 7	The language in this section refers to failure of implementation of the plan, "...as determined solely by the District, the District may revoke the LWP approval" is too narrow and suggests that only the District will be involved. In 2018 the City will adopt a plan that will be in conformance with the District, and other regulatory bodies within the district. This language is vague and should not include the word 'solely'.	Minnesota Statute section 103B.235 requires local government units having land use planning and regulatory responsibility for territory within the watershed to prepare a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the watershed plan within the time period prescribed in the implementation program of the watershed plan and, as necessary, shall prepare or cause to be prepared amendments to the local comprehensive plan. Before adoption of its local water management plan, capital improvement plan, and official controls as required above, each local unit must submit its water management plan to the watershed management organization for review for consistency with the watershed. The organization shall approve or disapprove the local plan or parts of the plan. The organization shall have 60 days to complete its review, provided, however, that the watershed management organization shall, as part of its review, take into account the comments submitted to it by the Metropolitan Council or others entitled to comment on the local plan. While it is true that the local plan must also be reviewed by others, the other review is for different purposes (i.e., Metropolitan Council review is done for consistency with the Council's plan, county review may be for consistency with groundwater plans, etc.). The Watershed District possesses sole authority to determine whether the local water management plan, capital improvement plan, and official controls are consistent with its Watershed Management Plan. The Watershed District's decision is subject to appeal pursuant to Statute Chapters 103B and 103D.
City of Savage	Page 6, Line 13	"The bluff and land within 20 feet of the bluff." This should read, "The bluff and land within 20 feet of the bluffline/top of bluff".	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and will regulate slopes greater than or equal to 18 percent. References to bluffs will be removed.
City of Savage	Page 6, Line 16	By definition sod would fall into the definition for buffer zone; we believe that is not the intent.	The language as presented in the plan is correct.
City of Savage	Page 6, Lines 1 through 9	The definition and graphic of a bluff is unclear and appears to be too restrictive, revising the bluff definition from 30% slopes to 18% slopes. This is a significant change to the plan and requires better definition. It is unclear if "where the slope begins below the ordinary high water level" also includes the area below the water level. The City requests the District provide additional material and justification for the change in moving to the 18% standards. The City has provided an exhibit that shows the impact to a parcel that is currently being proposed for development. The proposed change would potentially result in this parcel becoming undevelopable, which is inconsistent with the City's comprehensive plan.	The issues in Section 2 present the need for the proposed changes. A SONAR is not a Water Management Plan development requirement. Nevertheless, the District completed a draft SONAR/Statement of Need and reasonableness report, emailed it to LGUs, and posted it on the District's website. In addition, a comparative map of the existing 30 percent standard and the proposed 18 percent standard was included in the SONAR and posted the District's website.
City of Savage	Page 7, Line 3	This definition should include both public and private improvement projects.	The definition will be revised to include private.
City of Savage	Page 9, Lines 11 through 22	The definition lists stormwater models accepted by the District. If there are other models used by the City, those should be noted and Submitted as a request to include.	We are unsure of the question or comment.
City of Savage	Page 9, Lines 8 through 10	The definition for natural vegetation, similar to buffer zone, would also include sod; we believe that is not the intent.	The language as presented in the plan is correct.

Commenting entity/resident	Section and page number	Comment	Response
City of Savage	Section 1 - Land and Water Resources inventory	Several of the figures in this section are from 2009 and may not represent the most current data. For example, Figure 1-10 shows a data set for impaired waters that is dated 2009. All figures and graphics in this section should be updated and/or verified that the most current dataset is presented in the plan.	The updates to Section 1 requested will be addressed as part of District's Corridor Management project slated for 2020 and 2021.
City of Savage	Section 2-issues and Problems Assessments	I have no comments regarding the content of this section; however, it is worth noting that the District plan states that the City will continue to implement a water quality monitoring program that includes the Savage Fen and Eagle Creek. It is important to note that this activity is supported by the City of Savage, but is not being done by the City. The plan should be updated to properly reflect how this program is being implemented.	The Plan mentioned in Section 1.6.3 MCES and Scott SWCD operates the monitoring station on Eagle Creek in the City of Savage. It does not include any information about Savage conducting the monitoring activities.
City of Savage	Section 3 - Goals, Policies, and Management Strategies	Savage has a large area that is designated as a HVRA, primarily around the Savage Fen and Eagle Creek. The stormwater management standards in this area are more stringent than other areas of the City. The trigger for stormwater management is lower in these areas and volume reduction requirements are higher. Considering this, along with the District's change in the definition of a bluff and bluffsetback requirements, this could significantly impact future development in the City in these areas. Volume reduction standards for the District are higher than what the City currently has in your plan. Currently the City requires volume reduction equal to 0.5 inches of runoff from all newly created impervious surfaces for development from site that are exceed 5,000 square feet of new impervious and less than 1 acre of total project area. For site that exceed 5,000 square feet of new impervious and 1 acres of total project area the volume control criteria is 1.0 inches over the new impervious.	Noted.
City of Savage	Section 3 - Goals, Policies, and Management Strategies	<i>The City believes their current standard is appropriate for sites that are smaller in size and have less room to incorporate stormwater BMPs. The City request the LMRWD evaluate if there is a need to adjust the permitting thresholds on smaller sites (sites less than 1 acre) and leave the permitting to the local authority. In addition, the District (draft) volume reduction standard would include reconstructed streets and/or other public linear projects. Consideration for alternative sequencing options, such as giving credit for existing BMPs, implementing a trading/banking policy, or factoring in the existing TSS/TP removal rates in the project area, should be allowed or accommodated in the standards. We request further discussion on this topic.</i>	This District welcomes the opportunity to discuss this further with the City. Please contact the District Administrator to have the meeting before the end of April 2018.
City of Savage	Section 4 - Implementation Program	The City supports providing a list for the district to be included in the District's Capital Improvement Project (CIP) list. The City can supply the proposed CIP projects annually to the LMRWD.	Noted. Thank you for your continued partnership and support.
City of Savage	Section 5 - Impact of Implementation	As this section outlines, the City is required to develop a local water plan with a System for managing the watershed that is consistent with the District's plan. The City will be preparing an updated watershed management plan in 2018. The plan will cover the years 2018 through 2027 and will need to be consistent with the District's plan.	Section 5, paragraph 1 will be modified to require LWP completion within 18-month after the Plan has been approved by BWSR.
City of Savage	Section 5 - Impact of Implementation - 5.1.3 Program Audits	<i>The City would like further understanding and discussion on what program audits will look like. Will it be an audit that is regulatory in nature and require program improvements or more of a collaboration to discuss potential areas that could be improved or where the two agencies could support each other's objectives towards water resources management?</i>	The audit, although being revised, will be a collaborative process.
City of Savage	Section 6 - Administration	The City the supports the District's statement that says regulations are more properly performed at the local level.	Noted. Thank you for your continued partnership and support.
City of Shakopee	Appendix K – LMRWD Draft Standards	The definition for natural vegetation, similar to buffer zone, would also include sod. The City does not believe that is the intent.	The language as presented in the plan is correct.
City of Shakopee	Appendix K – LMRWD Draft Standards	The definition lists stormwater models accepted by the District. The City of Shakopee has a large area that is modeled using XPSWMM and requests adding to the list of accepted models. Additionally, we would request that accepted water quality models be included.	We are unsure of the question or comment.

Commenting entity/resident	Section and page number	Comment	Response
City of Shakopee	Appendix K – LMRWD Draft Standards - Page 31, Lines 16 through 25	This section summarizes restrictions to rip rap use within the District boundaries. The District is proposing that limestone and dolomite shall not be used for shoreline or stream bank stabilization. It is our belief that this will greatly increase the cost of projects. Additionally, limestone rip rap is widely accepted and meets MNDOT and Corps of Engineers standards. Finally, limestone is native to the Shakopee area and in line with the character of the Minnesota River Valley.	The section does not prohibit riprap but requests use of bioengineering to the maximum extent possible. Revisit Section 9.3.
City of Shakopee	Appendix K – LMRWD Draft Standards - Page 5, Lines 6 and 7	The language in this section refers to failure of implementation of the plan, “...as determined solely by the District, the District may revoke the LWP approval” is too narrow and suggests that only the District will be involved. In 2018 the City will adopt a plan that will be in conformance with the District and with other regulatory bodies within the district. This language is vague and should not include the word ‘solely’.	Minnesota Statute section 103B.235 requires local government units having land use planning and regulatory responsibility for territory within the watershed to prepare a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the watershed plan within the time period prescribed in the implementation program of the watershed plan and, as necessary, shall prepare or cause to be prepared amendments to the local comprehensive plan. Before adoption of its local water management plan, capital improvement plan, and official controls as required above, each local unit must submit its water management plan to the watershed management organization for review for consistency with the watershed. The organization shall approve or disapprove the local plan or parts of the plan. The organization shall have 60 days to complete its review, provided, however, that the watershed management organization shall, as part of its review, take into account the comments submitted to it by the Metropolitan Council or others entitled to comment on the local plan. While it is true that the local plan must also be reviewed by others, the other review is for different purposes (i.e., Metropolitan Council review is done for consistency with the Council’s plan, county review may be for consistency with groundwater plans, etc.). The Watershed District possesses sole authority to determine whether the local water management plan, capital improvement plan, and official controls are consistent with its Watershed Management Plan. The Watershed District’s decision is subject to appeal pursuant to Statute Chapters 103B and 103D.
City of Shakopee	Appendix K – LMRWD Draft Standards - Page 6, Lines 1 through 9	The definition and graphic of a bluff is unclear and appears to be too restrictive, revising the bluff definition from 30% slopes to 18% slopes. This is a significant change to the plan and requires better definition. It is unclear if “where the slope begins below the ordinary high water level” also includes the area below the water level. The City would like to discuss or receive additional material from the District regarding bluffs in Shakopee.	A SONAR is not a Water Management Plan development requirement. The issues in Section 2 present the need for the proposed changes. Nevertheless, the District completed a SONAR/Statement of Need and reasonableness report, emailed it to LGUs and posted it on the District’s website. In addition, a comparative map of the existing 30% standard and the proposed 18% standard was included in the SONAR and posted the District’s website.
City of Shakopee	Appendix K – LMRWD Draft Standards (con’t): Page 10, Lines 16 through 18	The definition for public project mentions obtaining a District permit. It is unclear what the permit and/or permitting process is for the District. The city needs further definition of this process and it should be included in the District’s plan.	Minnesota Department of Transportation projects are not required to comply with LGU project requirements. For those projects and projects within unincorporated areas, a permitting program will be developed. Details of the program will be on the District’s new website (www.lowermnrriverwd.org).
City of Shakopee	Appendix K – LMRWD Draft Standards (con’t): Page 17, Lines 26 through 31	This section includes language regarding the proposed District auditing process. This is new to the plan and will impact the City’s budget and operations. A better definition and understanding of the audit process is needed to understand what efforts are required of the City.	This use of audit language is not a change to the District’s current Plan. The language was moved to Appendix K. Nevertheless, the schedule for program audits, reporting requirements, warnings and responses will be developed in partnership with LGUs and posted on the District’s new website (www.lowermnrriverwd.org).
City of Shakopee	Appendix K – LMRWD Draft Standards (con’t): Page 21, Lines 9 through 21	It is the city’s understanding and practice that the city has not obtained erosion and sediment control permits for ‘linear projects’ from the watershed under current or past practice. The city requests another bullet point be added, including an exemption for public ‘linear projects’.	Section 6.3 will remain as proposed. The standard as presented is the NPDES construction stormwater permit. The revised/ more strict standards refer to High Value Resources Areas. The preservation and protection of the high value resources necessitate the threshold(s) set for projects proposed within the High Value Resource Areas Overlay District.
City of Shakopee	Appendix K – LMRWD Draft Standards (con’t): Page 6, Line 13	“The bluff and land within 20 feet of the bluff.” This should read, “The bluff and land within 20 feet of the bluffline/top of bluff”.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard. References to bluffs will be removed.
City of Shakopee	Appendix K – LMRWD Draft Standards (con’t): Page 6, Line 16	By definition, sod would fall into the definition for buffer zone and the City does not believe that is the intent.	The language as presented in the plan is correct.
City of Shakopee	Appendix K – LMRWD Draft Standards (con’t): Page 7, Line 3	This definition should include both public and private improvement projects.	The definition will be revised to include private.

Commenting entity/resident	Section and page number	Comment	Response
City of Shakopee	Appendix K – LMRWD Draft Standards, Page 4, Lines 32 through 34	The City would like a definition for under what circumstances the District will be approving a project or issuing a permit. In addition, the City needs a better understanding of the auditing process that the district is adding to their plan. This is a change to the existing plan and the City needs to factor this into budgeting and overall operations.	This use of audit language is not a change to the District's current Plan. The language was moved to Appendix K. Nevertheless, the schedule for program audits, reporting requirements, warnings, and responses will be developed in partnership with LGUs and posted on the District's new website, www.lowermriverwd.com .
City of Shakopee	Page 27 of Appendix K	Linear projects on sites without restrictions that create 10,000 square feet or greater of new and/or fully reconstructed impervious surfaces, shall capture and retain....etc....". The City of Shakopee adamantly opposes that the watershed is considering a "fully reconstructed impervious surface" to be considered new impervious and must meet full treatment requirements. This is neither feasible nor reasonable. If I am interpreting something incorrectly, please let me know. Otherwise, this is a strong objection. It is the City's position that "fully reconstructed impervious surfaces" should be struck in its entirety.	The preservation and protection of the high value resources necessitate the threshold(s) set for projects proposed within the High Value Resource Areas Overlay District.
City of Shakopee	Section 1 – Land and Water Resources Inventory	Several of the figures in this section are from 2009 and may not represent the most current data. For example, Figure 1-10 shows a data set for impaired waters that is dated 2009. All figures and graphics in this section should be updated and/or verified that the most current dataset is presented in the plan.	The updates to Section 1 requested will be addressed as part of District's Corridor Management project slated for 2020 and 2021.
City of Shakopee	Section 2 – Issues and Problems Assessments	We have no comments regarding the content of this section. It is worth mentioning that the City intends to continue to work towards improving the water quality of Dean Lake and will include management strategies for this lake in the next watershed management plan for the City.	Noted. Thank you for your continued partnership and support.
City of Shakopee	Section 3 – Goals, Policies, and Management Strategies	The City recognizes the addition of Goal 7, which focuses on erosion and sediment control. Significant changes to this section are the addition of the long-term metric of protection and preservation of the Minnesota River Bluff and also the addition of High Value Resources Area Overlay District (HVRA).	Noted.
City of Shakopee	Section 4 – Implementation Program	In addition, the City would like to work with the District to better understand the process for implementing projects in the Water Quality Restoration Program. The City often has projects that may fall into this program and it would benefit both the City and the District to coordinate efforts, whether it is with project initiation or long-term monitoring.	Noted. The District welcomes the opportunity to partner with cities on projects that further its mission. Please contact the District Administrator after the Plan has been approved to schedule a meeting to discuss.
City of Shakopee	Section 4 – Implementation Program	2. Re-routing of Amazon Distribution Center Discharge. The proposed project would re-direct the majority or all of the discharge from the Amazon Distribution Center site away from sensitive cultural resources in the area. The discharge from the subject land has historically drained to this area. With the development of the Amazon Distribution Center, due to proximity to bedrock, volume reduction was not possible and filtration was the method implemented for managing runoff from the developed site. The peak discharge rates from the site meets the stormwater requirements outlined in the city's CSWMP; however, the resulting increased runoff volume from the site has the potential to impact sensitive cultural resources directly in the path of the runoff. The total project cost is estimated at \$500,000. The requested cost participation from the LMRWD is \$100,000.	The District has reviewed the projects submitted, and they will be added to the Plan, though they will not be added to the CIP list.
City of Shakopee	Section 4 – Implementation Program	The City has two projects that should be incorporated into the District's Capital Improvement Project (CIP) list. They are: 1. Segment 5 Realignment of Prior Lake Outlet Channel. The proposed project would realign the channel in this location to meander more naturally and improve function and value of existing adjacent monolithic Type 2 wetlands and increase wetland diversity and complexity for improved habitat. The project will reduce flow velocities, reduce TSS, reduce TP and provide increased storage upstream of the impaired Deans Lake and the Lower Minnesota River. The total project cost is estimated at \$350,000. The requested cost participation from the LMRWD is \$100,000.	The District has reviewed the projects submitted, and they will be added to the Plan, though they
City of Shakopee	Section 5 – Impact of Implementation	As this section outlines, the City is required to develop a local water plan with a system for managing the watershed that is consistent with the District's plan. The City will be preparing an updated watershed management plan in 2018. The plan will cover the years 2018 through 2027 and is expected to be consistent with the District's plan.	Section 5, paragraph 1 will be modified to require LWP completion within 18-month after the Plan has been approved by BWSR.
City of Shakopee	Section 6 – Administration	The City has no comments regarding how the District administers its plan and will continue working with the District in the future, focusing on improving and protecting water resources within the City of Shakopee. The City agrees with the District's statement that says regulations are more properly performed at the local level.	Noted. Thank you for your continued partnership and support.

Commenting entity/resident	Section and page number	Comment	Response
City of Shakopee		<p>On behalf of the City of Shakopee, please accept this request for a continuance of the October 25, 2017 public hearing for the Major Watershed Management Plan Amendment. We would like you to consider the following when deciding to grant a continuance:</p> <ul style="list-style-type: none"> • The Response to Comments document provided by the Watershed was received on October 15, 2017 and includes 59 pages of comments and responses – this is an extremely significant amount of comments and responses. City staff have not had adequate time to fully review and understand the responses and comments. • The Watershed’s responses to some comments are not clear and/or are not fully answered or understood, warranting follow-up with the Watershed. • The Watershed’s proposed new requirements for linear projects (reconstruction projects) are not fully understood and could seemingly result in city rehabilitation projects being postponed due to the new storm water requirements being too onerous. We feel there is enough vagueness in the responses and feel several items were not adequately addressed where acting on the proposed plan amendment would be inappropriate. For these reasons, we are asking the Board of Managers to delay any decision on the proposed plan amendment to allow more time for inclusive and direct discussions between the Watershed and its member cities. We must ensure all plan updates and proposed rule changes are understood and feasible with an inclusive partnership-type relationship to ensure successful and responsible implementation by all. 	<p>A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District’s website, and emailed information to all with email addresses in the District’s system. The changes proposed to the Stormwater Management Standard are specific to the High Value Resource Areas (HVRA), as noted. Areas outside of HVRA that do not drain to fens, trout lakes, and trout streams are required to comply with the general requirement, which are primarily the NPDES Construction Stormwater Permit requirements. These more strict requirements are specific to impact areas of high value resources and are necessary and reasonable for the protection and preservation of these unique resources. Within the City of Shakopee, two areas are affected by the proposed changes: the first area is east of Stagecoach Road and County Road 18, and the second area is the portion of the City of Shakopee within the floodplain adjacent to the Minnesota River and the City of Shakopee’s municipal boundary with the City of Chaska. Given the areas affected within the City of Shakopee, the District needs more information on the rehabilitation projects proposed in those areas and why their respective timelines will be affected.</p>

Final Draft

Commenting entity/resident	Section and page number	Comment	Response
Scott County		Thank you for including the Dredge Site Restoration Project. We would like to talk with the District about the possibility of working together to include this effort as part of a larger "Port" improvement project and federal grant opportunity. Someone from the county will Call Administrator Loomis and/or Manager Hartman later this week.	Noted. The District Administrator and Manager Hartman look forward to the call.
Scott County	Page 6 lines 1 through 12	2. Page 6 lines 1 through 12 the Scott WMO definition for bluff is 30% or greater, with our experience over the last 10 years operating a similar standard we do not agree with the need to go down to 18%.	Noted. The District presents the need for the revision in the Plan and the Draft SONAR (Statement of Need and Reasonableness) report.
Scott County	Page 10 lines 22 through 24	3. Page 10 lines 22 through 24 Definition of Redevelopment with reference to 5,000 sf is inconsistent with references to redevelopment and 10,000 sf in later portions of the Standards - please clarify.	The definition for redevelopment is in Section 3. In Section 8, for redevelopment projects where the new impervious surface generated is 10,000 sf would trigger the stormwater management standard within high value resource areas.
Scott County	Page 13 line 31	4. Page 13 line 31 policy of "Promote and encourage a reductions in ... infiltration, and groundwater recharge" conflicts with the next three policies covered on lines 33 through 37 of encouraging infiltration, maximizing groundwater recharge and protecting and maintaining groundwater flow, and promoting groundwater discharge. We suspect this is not what you meant to say.	The District will consider deleting Sections 4.1, 4.2, and 4.3. The highlighted section as correctly presented in Section 8.1 will state, "Promote and encourage a reduction in runoff rates, encourage infiltration, and promote groundwater recharge."
Scott County	Page 14 line 20	5. Page 14 line 20 states policy to "review" appropriation requests, but Standard presented later calls for permitting. Please clarify.	The District is considering deleting Sections 4.1, 4.2, and 4.3. As noted in Section 10, for projects requiring a DNR water appropriations permit, the District will review the application and submit comments to the DNR.
Scott County	Page 15 line 1	6. Page 15 line 1 Please clarify the extent of areas covered for the 100-year flood elevation activity regulated. As written it says "...any wetland, public water or Subwatershed shall be..." We have the same issue with the Scott WMO standards and are hoping to add clarifying language that focuses this on either larger drainage areas or Flood Insurance Program covered areas where there is greater risk, rather than "any area."	The District intends to cover FEMA regulated water and other public waters. Nevertheless, a representative for the District will contact you to discuss issues Scott WMO has encountered.
Scott County	Page 15 line 7	7. Page 15 line 7. National Flood Insurance and State programs require 1 foot above the 100-year flood elevation. Please provide the need for requiring 2 feet? Is there documentation of flood damages increasing in the District over time?	This requirement has been in place since the Technical Advisory Commission's consideration of the standards and implementation of the Plan in 2011.
Scott County	Page 15 line 12	8. Page 15 line 12 there is no definition of floodway in the definitions section, and confirm that this only applies to flood Zones where a regulatory floodway has been determined.	The following floodway definition will be included to Section 3: "Regulatory Floodway" is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The District is considering deleting sections 4.1, 4.2, and 4.3. Section 7 will be modified to reflect regulatory floodway instead of floodway.
Scott County	Page 15 line 13-15	9. Page 15 lines 13 through 15. Activities below the OHW are already regulated by the DNR. Scott County does not believe operating duplicative permitting efforts is good public policy, and its confusing to the public.	The District works in conjunction with the DNR to provide additional review. This requirement does not duplicate the DNR's effort but supports it. The District is considering deleting sections 4.1, 4.2, and 4.3.
Scott County	Page 15 lines 16 & 17	10. Page 15 lines 16 and 17, same as comment 8 above.	See response above.
Scott County	Page 15 lines 18-20	11. Page 15 lines 18 through 20, same as comment 8 above.	See response above.
Scott County	Page 15 lines 25 & 26	12. Page 15 lines 25 and 26 these appropriations are already regulated by DNR. Scott County does not believe operating duplicative permitting efforts is good public policy, and its confusing to the public.	The District works in conjunction with the DNR to provide additional review. This requirement does not duplicate the DNR's effort but supports it. The District is considering deleting sections 4.1, 4.2, and 4.3.

Commenting entity/resident	Section and page number	Comment	Response
Scott County	Page 15 lines 34 & 35	13. Page 15 lines 34 and 35 has the District completed an analysis showing the need to regulate appropriations less than 10,000 gallons per day? We suspect that this would not make much difference. The larger appropriations already regulated by DNR are where most of this risk for cumulative drawdown impacts is located. We think the District would be better served by reviewing and commenting on Local Water Supply Master Plans as they are drafted over the next year than by starting a permitting program for small appropriations. Additionally, a de minimus threshold does need to be set here in order to focus efforts on where there is the most risk. How far down does the regulation go? 1, 100 or 1,000 gallons? Finally, well level monitoring in Scott County does not show any kind of systematic decline in ground water levels in recent years.	The District is most concerned about temporary dewatering activities occurring in the District that contribute to declining groundwater levels in Dakota County fens. The District works in conjunction with the DNR to provide additional review around the cumulative effect of permanent and temporary groundwater appropriations on fens. The District is taking a proactive role in assisting with the protection of these rare, high value resources. This requirement does not duplicate the DNR's effort but supports it. The District is considering deleting sections 4.1, 4.2, and 4.3.
Scott County	Page 24 lines 16-29	14. Page 24 lines 16 through 29 clarify where the standard will apply similar to comment 5 above. There should be some mechanism to focus efforts.	The District will consider deleting Sections 4.1, 4.2, and 4.3. The highlighted section as correctly presented in Section 8.1 will state, "Promote and encourage a reduction in runoff rates, encourage infiltration, and promote groundwater recharge."
Scott County	Page 25 lines 1-4	Page 25 lines 1 through 4 same as comment 6 above.	See response above.
Scott County	Page 25 line 5	Page 25 line 5 please clarify whether a bridge is a drainage conveyance structure.	Bridges are drainage conveyance structures.
Scott County	Page 25 line 1 and 23	Page 25 line 1 and 23 conflict.	The conflict mentioned is not obvious. Additional information is required.
Scott County	Page 25 lines 25-28	Page 25 lines 25 through 28. This is impractical as written. Please provide a threshold or de minimus to focus efforts where risk warrants the permitting effort. Some actions by landowners affecting their neighbors are private civil issues. If there is no public purpose government does not need to be involved. We do not have the resources to permit everything, nor do landowners want us to.	The District will contact the representative from the Scott WMO to fully understand the concern.
Scott County	Page 26 & 27	Page 26 lines 26 and 27. The definition of redevelopment page 10 lines 22 through 24 conflicts with the threshold presented here - please clarify.	See response above.
Scott County	Page 26 & 27 (Rate Control)	Pages 26 and 27 section on Rate Control, much of the Cities of Savage and Shakopee, and Scott County developed in recent years using standards for rate control that exceeded the Standard proposed here (not exceed existing runoff rates) can we take credit for these past efforts with redevelopment or road projects if documentation is provided?	This concept will be considered and, if the managers are amenable to the request, the Plan will be updated to reflect it.
Scott County	Page 27 lines 10 & 11	Page 27 lines 10 and 11 this requirement is not possible where the existing condition is a relatively undisturbed condition such as forest. Nor would this be appropriate where the receiving waters are not impaired (i.e., meets applicable water quality standards), or where a TMDL with waste load allocations has been completed.	Proactive stormwater management, the foundation of this requirement, is required to preserve water resource quality and ecosystem health.
Scott County	Page 27 lines 20, 23, and 27	Page 27 lines 20, 23, and 27 please clarify what "without restrictions" means.	Restriction is where attainment of the performance goal is not feasible.
Scott County	Page 27 lines 27-31	Page 27 lines 27 through 31 please provide evidence that this is cost effective, and reasonable.	See the MPCA's Enhancing Stormwater Management in Minnesota, which documents the development of MIDS (minimal impact design standards): https://www.pca.state.mn.us/water/enhancing-stormwater-management-minnesota
Scott County	Page 28 lines 28-30	Page 28 lines 28 through 30 see comment 22 above.	See response above.
Scott County	Page 20 line 11	25. Page 30 line 11 capitalize "Recorded."	Revised as requested.
Scott County	Page 30 line 4, Section 8.3.4	26. Page 30 line 4 section 8.3.4. Maintenance and Easement line 4 through 14 consider allowing 5th list item which would be to allow public entity to accept maintenance responsibilities with the acceptance/platting of Drainage and Utility Easements instead of having to create a document with each development/project.	The District will consider adding this option.

Commenting entity/resident	Section and page number	Comment	Response
Scott County	Page 30 line 31; Page 32 lines 1-5	27. Page 30 line 31 and lines 1 through 5 page 32. See comment 8 above.	See response above.
Scott County	Page 33 lines 1-14	28. Page 33 lines 1 through 14 see comment 12 above.	See response above.
Scott County	Page 33 lines 8-10	Page 33 lines 8, 9 and 10 how does ISTS management fits with a Water Appropriation Standard or the Regulated Activity described in line 28 through 32 on page 32 or lines 1 and 2 page 33 - please clarify?	Appendix K, Section 10.3.1 b will be removed.
Scott County	Page 33 lines 8-10	Page 33 lines 8 through 10. We apologize if the District previously routed this as a preliminary draft Standard, if so we missed it. That said we have significant concerns with what is drafted for the following reasons and ask that we meet to discuss. a. ISTS regulation is specifically named by the legislature as a county and MPCA function in MN Statues 115.55, and Rules Chapters 7080 through 7083 also give permitting authority to counties and the MPCA. b. Scott County, and we suspect other counties overlapping with LMRWD have developed and already have in place ordinances to address ISTS systems including non-compliant Systems. c. Scott County ordinances are worded differently than what is proposed by the LMRWD here, and we believe that county staff has expertise on this issue and our ordinance and approach is working to reduce non-compliant systems. Nonconforming systems in high Susceptibility groundwater areas are required to be replaced in 3 years. In addition, state code requires septic systems in Wellhead protection areas have three feet of separation to pass a compliance inspection. We also have a low interest loan program to assist property owners replace Systems. d. Local communities have completed Wellhead protection plans as well as updates and County ISTS staff review those plans, and to date none of the communities have asked for special consideration. We respectfully suggest that the LMRWD leave this issue to the local communities who are drafting the Wellhead plans and the Counties who administer the ISTS programs. If the LMRWD has evidence that more effort is needed, provide it to us and we will act accordingly. The District needs to ask itself whether it will or can take over local ISTS programs (not just permitting) if you include this in your Standards. This program would need to include a permitting program, access to trained and licensed professionals, an inspection effort, databases and staffing to track system maintenance and compliance inspections. Staff will need to be available on a moment's notice to help applicants and answer questions.	Acknowledged, and Appendix. K, Section 10.3.1 b will be removed.

Final Draft

Commenting entity/resident	Section and page number	Comment	Response
Upper Mississippi Waterway Association - Taylor Luke, President	page 2-16, Section 2.2.9 Issue 9, paragraph 3	A troublesome point in our understanding of the LMRWD Management Plan 2018-2027 is the following statement: [The] District may be unable to support navigation if it is not clear who will pay for commercial navigation maintenance.” (Draft Watershed Mgt Plan, page 2-16, Section 2.2.9 Issue 9, paragraph 3). While we surmise this statement reflects the District’s attempt to develop a policy to address ways to sustain the 9-foot channel fund over the next 10 years, the LMRWD is nonetheless required to provide placement sites for the life of the project.	The District understands and will honor its current obligation to maintain the 9-foot channel for navigation. However, a navigable 9-foot channel benefits the entire state of Minnesota and not just the residents within the District, who historically have solely financed the acquisition and maintenance for the dredge site. As discussed in the Plan, it is the District’s desire to secure permanent State funding for operation and maintenance of the 9-foot channel.
Upper Mississippi Waterway Association - Taylor Luke, President	General	The State of Minnesota appropriated \$240,000 for each 2017 and 2018 to perform capital improvement projects and on-going O&M projects with a caveat that those funds cannot be used to finance the 9-foot channel fund; they can only be used to manage the dredge placement site. Conversation with District officials revealed that with new State money the deficit in the fund will not continue, and that revenue from the storage of private dredge material and the sale of main channel dredge material can now all be used to reduce the fund’s deficit. We learned that there is also \$80,000 in the 2018 budget for the 9-foot channel fund. What will these funds be used for?	The preliminary draft 2018 budget allocated \$80,000 to the 9-foot Channel Fund. During the Board’s Budget hearing, the amount was revised down to \$50,000. In 2018, the District has a \$50,000 budget for all costs incurred by the District to maintain the Nine Foot Channel. Expenses assigned to the 9-foot Channel Fund do not include the activities identified in the workplan for the Dredge Site Restoration project and operation and maintenance activities.
Upper Mississippi Waterway Association - Taylor Luke, President		Will State recognition of economic value be reflected in future funding?	Yes. The Implementation Program contains the State’s appropriation as a grant that is facilitated by the Minnesota Board of Water and Soil Resources.
Upper Mississippi Waterway Association - Taylor Luke, President		We understand your Board of Managers want to maintain the presence of the District at the capital after 2018 and 2019 funding to allow the District to continue to work with others in the Minnesota River Basin to reduce sediment of upstream flows. Since upstream erosion has been and continues to be an issue, what programs will be established?	As recommended by the legislature, the District intends to work with the Minnesota Pollution Control Agency on the Minnesota River Sediment Reduction Strategy during fiscal years 2018 and 2019. The Implementation Program, in Section 4, budgets \$25,000 per year to contribute to the analysis and evaluation of the Minnesota River Sediment Reduction Strategy.
Upper Mississippi Waterway Association - Taylor Luke, President	9-foot Channel	A narrow view of the beneficiaries of the 9-foot channel argues that non-commercial taxpayers do not benefit from the project and that it is therefore unfair to expect them to be the only ones to pay to support navigation. But they are not the only ones: The District’s FY 2015 annual report covering the Nine Foot Channel Fund indicated that property taxes (commercial terminals included) and dredge site income generated just over \$94 thousand while expenses charged against that fund amounted to over \$40 thousand, resulting in a positive revenue flow of \$54 thousand. Stated another way, by this matrix alone, the fund is self-supporting and is made negative by expenses charged against it which may or may not be appropriate as navigation was one of the primary initiatives driving the establishment of the District in 1960.	The conditions under which the District was able to have positive revenue in FY 2015 have not always existed. To assume the 9-ft channel fund would have been self-supporting purely off the FY2015 information over simplifies a more complex system. Note that some of the revenue received in FY 2015 was actually income that should have been received in FY 2014, but because of the timing of negotiations for the sale of the main channel dredge material for beneficial reuse, the income was received in FY 2015. Additionally, the structure of the agreement for sale of the main channel dredge material called for payment of the last half of the stockpile upfront. The District will endeavor to find markets for the main channel dredge material.
Upper Mississippi Waterway Association - Taylor Luke, President		The 332-mile long Minnesota river, draining over16,000 square miles in Iowa, South Dakota and Minnesota, through urban and rural landscapes deposits its sediment load in the last 14.7 mile navigable channel maintained by the District’s Nine Foot Channel Fund. According to Corps records, sediment flows have increased over the last two decades and wildly fluctuating annual events continue causes UMWA to expect demands in dredging to be at least at the current level of 40-50 thousand cubic yards per year. Given a correlation between river shipments and dredging, our expectation is supported by Clay Todd’s statements that going forward, research suggest that declines in grain shipments from the Minnesota River are unlikely (page 38).	Noted.

Commenting entity/resident	Section and page number	Comment	Response
Upper Mississippi Waterway Association - Taylor Luke, President	Dredge Site Probable Cost Analysis	This February 2017 analysis (LMRWD ProForma under Private CIP) contains a negative \$1,648,721 under year 2017 which seems to never be totally offset by Private/COE Revenues. What is the explanation for this?	As explained in the Estimate of Probable Cost, Cargill East River (MN-14.2 RMP) Dredge Material Site Tech Memo, the \$1,648,721 under year 2017 represents capital improvement costs to be paid for by private dredge users for reconfiguring the site and for upgrading Vernon Avenue. How this cost is funded is up to the private dredge users and was not part of the analysis.
Upper Mississippi Waterway Association - Taylor Luke, President		We reserve the right to make changes to our comments to reflect outcome of public hearings.	These comments and modifications to them will be a part of the Plan amendment record. UMWA has until the District closes the public hearing April 18, 2018, to submit comments. Comments will not be accepted after the public hearing closes.

Final Draft

Commenting entity/resident	If resident, resident's address	Comment	Response
Adam Buenz	No address provided	Just a quick question. We farm part of the land that this is slated for after reading through the documentation provided on the plan web site. It looks to say we can't affect vegetation, which I suppose obviously means we have to shut down our farm?	Farms/agricultural practices will not be affected by the proposed standard. An exception will be incorporated in upcoming revision to the proposed standard.
Andrew Carlson, Representative	No address provided	At the request of several Bloomington residents, I'm contacting you regarding the Lower Minnesota River Watershed District's draft Watershed Management Plan. I am aware that the comment period for the draft document expired on September 20th and that the next step is to hold a public hearing. My constituents' concern is that the hearing is intended to be held in Chaska, MN. However, I was unable to find any information about the public hearing on the website: http://www.watersheddistrict.org/index.html The City estimates that over 600 properties in Bloomington would be impacted by the new regulations proposed in the plan. A hearing in Bloomington would likely increase the number of Bloomington residents able to attend. Thank you for your consideration and I look forward to your response regarding the possibility of hosting a public hearing in the City of Bloomington.	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Belinda Caspari	10785 Hopkins Circle, Bloomington, MN	It would be nice to have a hearing or informational meeting in Bloomington where we all live so we can understand the impact and what we can do about it.	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Belinda Caspari	10785 Hopkins Circle, Bloomington, MN	When I look at the map my house is in the yellow and light blue lined areas along with my neighbors. How will this affect my house and my neighbors? I looked very briefly at the over 1000 page proposal and would like a quick summary in layman's terms how we are affected by this.	Thank you for your continued partnership and support.
Belinda Caspari	10785 Hopkins Circle, Bloomington, MN	How will this affect my property and its value?	The intent of the proposed Steep Slopes Standard is to protect property and property values. The District cannot speculate on the impact the standards may have on the value of a particular property. Because existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded, it is unlikely there will be a decrease in value.
Belinda Caspari	10785 Hopkins Circle, Bloomington, MN	I know I have asked the city in the past if I can remove the buckthorn and other invasive species of plants and the dead trees that could fall down at anytime and they have said NO. And they were not willing to do this work since it costs too much and it takes too much time. So, with this new amendment how are you going to clean the area up and deal with the maintenance of it?	The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural and forestry activities. The District does not conduct vegetation removal activities. However, the District does have a Cost Share Program that may be applied to invasive vegetation removal.
Belinda Caspari	10785 Hopkins Circle, Bloomington, MN	As for my house and remodeling, updating, and fixing my house and property, How will I be limited in doing this? For example I have a shed that is in that area and it needs to probably be completely redone, will this affect my ability to do this? Or if I have to rebuild up my retaining wall how will this be affected? Or just basic erosion/foundation issues? Or if something happened with an accident/fire damage/tornado/storm/etc. to my house will I be able to rebuild? What if I just want to do basic landscaping to make my house and property look better or to help with water drainage? I'm not sure what other things I could possibly need to do to my house and how will this affect my ability to do what is needed or helpful to it?	The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as accomplished under certain performance standards.
Belinda Caspari	10785 Hopkins Circle, Bloomington, MN	We live right next to the bike trail/walking path and how will this new amendment affect that path? Is part of this proposal to pave the path (which I know is another big topic that has gone in and out of proposals)? Another big cost and almost impossible to maintain with most springs flooding issues. Don't forget the added party goes at night to go down the path, we already get some with out it paved!	The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as accomplished under certain performance standards.

Commenting entity/resident	If resident, resident's address	Comment	Response
Bob Schmit	11001 Girard Curve, Bloomington, MN	I read (or tried to read) the proposed standards, but despite being a practicing lawyer for almost 48 years, found the Watershed Management Plan to be nearly incomprehensible. Nevertheless, I am a long time supporter of land management which brings me to my current dilemma. When we purchased our home some 14 years ago, we found that a steep meadow at the rear of our lot appeared to be weed choked and eroding. As a consequence, we hired Prairie Restorations Inc. in Princeton to convert the meadow to a prairie garden. The garden was successful almost immediately, but prairie gardens need a periodic controlled burn to be successful long term,. Prairie Restorations was able to do one early controlled burn, but unfortunately Bloomington City Code now has an inflexible prohibition of such burns if there is any structure within 200 yards of the burn site. In our case, there are three such properties, but despite the written consent of each, proposed burns have been denied by the Bloomington fire marshal. I am confident that a prairie garden would further your plan, but without being able to do a burn, our meadow is returning to weeds and erosion. My plea to you is to work with Bloomington to amend the Code provision to at least allow such exceptions to the Code that the Bloomington fire marshall may approve, subject to any conditions he may require. I know this is a minor issue in your overall plan, but thank you for anything you can do.	The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural ad forestry activities.
Bob VanCleave, PhD	8920 River Ridge Rd., Bloomington, MN 55425	I am concerned, but also do understand that certain controls are needed as I have witnessed one of my neighbors take a buzz saw to the trees in their backyard to get their "view." Really terrible what they did.	The District shares your concern, and it is one of the reasons we have proposed this standard.
Brian and Kristen Dueber	Bloomington, MN	Second, that you hold a public hearing in Bloomington near to the people impacted.	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Brian and Kristen Dueber	Bloomington, MN	First: Has your committee provided any type of lot level assessments to help residents determine impacts to specific properties?	Lot level assessments have not been completed for properties.
Brian and Kristen Dueber	Bloomington, MN	We would like to request the following steps. First, that you describe the impact of these proposed changes at an individual property level.	Please attend the District's public hearing and/or contact the District's Administrator to discuss how the future planned improvement may be affected by the proposed Bluff Standard.
Brian and Kristen Dueber	Bloomington, MN	--Can I add a firepit inside the proposed 40' buffer?	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and no longer incorporates structures or a structure setback. Fire pits are allowed within the overlay district.
Brian and Kristen Dueber	Bloomington, MN	In our opinion, the new plan's restrictions, to the best of our understanding, are unfair and unnecessary. We respectfully request the amendment be rejected.	The mission and the purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater within its jurisdiction. The proposed Steep Slopes Standard is intended to address steep slope erosion, protect downstream water resources from the effects of sediment transport from steep slope erosion, and promote public safety by limiting land-disturbing activities and other land alteration on steep slopes.
Brian and Kristen Dueber	Bloomington, MN	Can I remove invasive species (buckthorn, garlic mustard, Chinese elm) inside the proposed 40' buffer? Can I add/modify any landscaping inside the proposed 40' buffer?	The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural ad forestry activities.
Brian and Kristen Dueber	Bloomington, MN	--Can I replace an existing patio inside the proposed 40' buffer?	The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as such is accomplished under certain performance standards. The
Brian and Kristen Dueber	Bloomington, MN	--Can I make modifications or improvements to my home located inside the proposed 40' buffer?	The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as such is accomplished under certain performance standards. The existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded.
Brian and Kristen Dueber	Bloomington, MN	--If my home is damaged in a storm, can I rebuild it on the existing footprint?	The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as such is accomplished under certain performance standards. The existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded.

Commenting entity/resident	If resident, resident's address	Comment	Response
Brian and Kristen Dueber	Bloomington, MN	Second, we have reviewed the proposed amendment. To the best of my understanding, I will not be able to install so much as a small fire pit within 40' of the bluff edge. Restrictions include fire pits, patios, retaining walls, rain barrels, gazebos, tents, or other structures. Am I allowed to replace the patio presently under the deck in my back yard? What about adding a small retaining wall? It appears we cannot even remove buckthorn ('any removal of vegetation').	The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as such is accomplished under certain performance standards. The intent of the proposed Steep Slopes Standard is to protect property and property values. The District cannot speculate on the impact the standards may have on the value of a particular property. Because existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded, it is unlikely there will be a decrease in value. The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural and forestry activities.
Brian and Kristen Dueber	Bloomington, MN	The proposed regulations are unnecessary and unfair. They will negatively impact the enjoyment we have from living in the area and our ability to perform basic maintenance and upkeep on our property, let alone making simple improvements, such as adding a fire pit or retaining wall. We have regularly removed invasive species from our property. The new regulations appear to forbid event that simple (and responsible) project.	The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as such is accomplished under certain performance standards. The intent of the proposed Steep Slopes Standard is to protect property and property values. The District cannot speculate on the impact the standards may have on the value of a particular property. Because existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded, it is unlikely there will be a decrease in value. The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural and forestry activities.
Chris Fuller	8901 River Ridge Circle, Bloomington, MN 55425	My city, Bloomington, recently made me aware of the new Water Management Plan for the Minnesota River Bluff. I have reviewed Appendix K, but do not see any pages with strike-through text as indicated on the web page. Would you please direct me to the currently in-force standard and a document which includes all changes, including deletions and additions?	The standards presented in Appendix K were removed from Section 3 and consolidated in the Appendix. The strike-outs are in Section 3 of the Plan.
Chris Knutson	575 Lakota Lane, Chanhassen, MN 55318	Although I support the mission of the Lower Minnesota River Watershed District I urge you to avoid changing the definitions surrounding 'bluffs'. Specifically - the expansion of bluff zones to include areas that are not within State defined Shoreland areas and lowering the minimum average slope from 30% to 18%. I feel that the proposed changes to the definition of a bluff do not provide the specificity to capture the areas that primary drivers in water/ecologic quality. I would recommend that you to consider adapting the definition of a bluff to include areas that are both within the State defined Shoreland area and have an average slope of 18%. I believe that this change would capture the areas of the lower Minnesota River watershed that are primary drivers in both erosion and sediment concentrations within the river.	Noted. The District presents the need for the revision in the Plan and the Draft SONAR. The Bluff Standard has been modified. It will be called the Steep Slopes Standard and will regulate slopes greater than or equal to 18 percent. References to bluffs will be removed.
Chris Sanden	10428 5th Ave. Circle	Both the Phillippi parcel and the Geophysical parcel are consumed by the proposed bluff map delineation. A brief history of each parcel is set forth below.	The mission and the purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater within its jurisdiction. The proposed Steep Slopes Standard is intended to address steep slope erosion, protect downstream water resources from the effects of sediment transport from steep slope erosion, and promote public safety by limiting land-disturbing activities and other land alteration on steep slopes.
Christi Duffy	<i>No address provided</i>	I am very concerned about the proposed changes for bluff properties in Bloomington. I have been the proud owner of one of these properties for a bit over two years. We consider this our forever home and bought it in anticipation of a lifetime of enjoyment of the property and the beautiful surrounding area. We enjoy seeing abundant wildlife in our yard and enjoying the many trails in the area. The environment is an important part of the quality of life in this area. (Your restrictions aren't needed.) This proposal cannot be fully understood in such a short period of time. Today, for the first time, I saw a map that outlines the impacted areas. And, our comments are also due today. That does not seem reasonable. Not only will this negatively impact all of the bluff homeowners, it will also negatively impact our neighbors. Frequently the bluff homes have higher values than the other houses on the street. If the bluff homes cannot be improved with additions, remodeling, landscaping, decks, etc., their value will decrease and so will all properties near them. Please reconsider your plans for my HOME.	The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as accomplished under certain performance standards. The intent of the proposed standard is to protect property and property values. The District cannot speculate on the impact the standards may have on the value of a particular property. Because existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded, it is unlikely there will be a decrease in value.

Commenting entity/resident	If resident, resident's address	Comment	Response
Craig Diederichs	9551 Riverview Road, Eden Prairie, MN 55347	I contacted Linda Loomis to discuss the mailing that was sent out on the public hearing notice that is scheduled for October 25th in Chaska. All the previous information I received did not explain the grandfather clause as Linda explained to me. That certainly helps land owners with structures on their property. My understanding is that I can still rebuild if the property is damaged or needs replacing for some reason. She also mentioned this goes with the property, not the owner, so as long as the property is fully developed, the current landowner should not see a reduction in value of the property. For others that still have undeveloped lots, the new proposals would take affect. This would drastically reduce the value of that property. I understand the desire to improve the water and local environment to the water, but I don't understand how anyone could justify reducing somebody else's property without some kind of compensation.	The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property.
Dan Zwiers, Trustee	220 Flying Cloud Drive, Chanhassen, MN	Based upon the proposed bluff limits, a substantial portion of the developable land within this parcel will be eliminated. This will result in a substantial diminution in the value of the property with no corresponding benefit. No waterway abuts the property so while there are steep grades on the property, the stated purposes behind the proposed limitations should not apply. We ask that you remove our property from the restricted areas.	The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property.
David Dikken	3701 Overlook Drive, Bloomington, MN 55431	I have been made aware of your actions regarding the Water Shed District's plan that will likely affect my property. Please consider withdrawing the new plan and taking a more serious effort at determining the individual impact to affected persons. My wife and I have taken seriously being good stewards of our property and have removed invasive species, and worked diligently to be conscientious. I have the specific following concerns: 1. The regulations are overly excessive. Please advise me on how I can give input and what actions you may be taking to serve the concerns listed above. Also please clarify what are the new proposed changes.2. Input from impacted individuals has not been adequately sought. (only one available meeting in one location??)	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
David Dikken	3701 Overlook Drive, Bloomington, MN 55431	3. No impact study has been made regarding the effects on individuals, the intent is simply one sided and indicative of statist (we know best).	The District watershed management plan provides justification for the proposed changes. Although not required under Minnesota Rules and Statutes, the District drafted a SONAR for the changes proposed. The draft SONAR is posted on the District's website and notification of its availability emailed to individuals within its database.
Don Stiles	Auto Club Road, Bloomington, MN	I am writing you because I received a letter from the City of Bloomington indicating that the Watershed District is proposing a Management Plan Amendment. My wife Leslie and I built on the bluff 20 years ago because we love this location and the animals. We have spent much time and treasure caring for the environment, the trees, and the bluff through managing the prairie and wildflowers, including removing buckthorn and performing periodic prairie burns that are managed appropriately. We want the bluff to continue to flourish and be a safe and inviting place to live and visit for both humans and the wealth of animal life. We cannot grow much or create flower beds because the animals eat just about everything, but that is just fine with us. Nature has a way of doing the right thing, like when too many rabbits appear, so do the hawks, and then the hawks move on and the rabbits re-appear. I looked at the website and the extensive language which is very confusing. I am writing you today to ask that the Watershed continue to properly manage the bluff areas, but not to the extent it prevents homeowners who also care about the environment to manage their individual portions of this magnificent bluff. We do not plan to build any more than currently exists ... the only change we made to our property in the last 20 years was to restructure the deck and supporting hill in order to minimize erosion of the bluff. A 40-foot ban from the bluff seems extensive to me because it may take a retaining wall closer than that in order to prevent further natural erosion. Buckthorn removal and control is an ongoing process. We removed and burned the extensive buckthorn some 15 years ago, but seeds carried by birds and roots that continue to sprout require us to be vigilant and continue to remove this damaging plant that is not indigenous to Minnesota. In fact, I organized all the neighbors around us to join in that effort, and almost everyone did, so continuing maintenance has been controllable. Those are my thoughts, so I hope whatever passes through as an amendment will not prevent us from continuing our efforts to preserve this wonderful bluff area.	The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural and forestry activities. It is also important to note that the proposed standard will contain an exemption for maintenance or replacement of existing structures so long as such is accomplished under certain performance standards.

Commenting entity/resident	If resident, resident's address	Comment	Response
Doug Alleman	18971 Vogel Farm Trail, Eden Prairie, MN	I live at 18971 Vogel Farm Trail and received a notice of public hearing. We moved here in 2016 and the home was built in 2002. I think I am back about 30ft from the bluff. Can you tell me how what is being proposed would impact me?	Without a clear presentation of planned projects on your property, the District cannot speculate on the effects the changes proposed may have on your property. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Duane Marcotte	10233 10th Ave Circle S, Bloomington, MN 55420	The only way I heard about this program was that Bloomington sent out a notice this month addressing this issue. Why didn't the LMRWD inform us of this plan months ago?	The District is following the requirements of Statute Chapters 103B and 103D as well as Minnesota Administrative Rules part 8410. The District is providing notices as required in statute and rule. The planning process related to the proposed amendments occurred over the course of 12 months and involved representatives of the various cities, counties, and technical organizations within the District. The intention was that the participants in this process would represent the interests of both their communities and residents. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District, posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Duane Marcotte	10233 10th Ave Circle S, Bloomington, MN 55420	I looked up some info on the internet but that is all a bunch of legalize junk. Do you have a document detailing in simple terms what my rights and legal status are under the circumstances I have listed above? I believe old established residential areas be exempt from this program and only new development required to be in compliance.	The District is proceeding with the amendments and considering revisions and does not intend to provide a summary of changes. It is incumbent on residents within the District to review the proposed amendments and determine their relevance to the individual property or interest. The proposed standards will apply to all property. Existing developed property will retain existing use privileges if made nonconforming by the proposed change.
Elizabeth Vogel	<i>No address provided</i>	Phillippi Parcel	Landowners and other interested stakeholders can provide comments up to and during the public hearing on October 25. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018.
Harold Duane Saunders	9901 Riverview Road, Eden Prairie, MN 55347	I just found out from the city of Eden Prairie about the plan to establish new standards for land near the Minnesota River Bluff. I find it odd that I had to hear about it from the city rather than the LMRWD itself. That aside, I would like to have someone explain to me how this will effect the property I own on the bluff. I own two lots that presently have houses on them and two lots that have not been developed. I purchased these properties assuming that they were valuable and would someday become a good investment for my family. Although I don't understand the proposals fully, I am afraid that they may make one or more of these properties more or less worthless. That's what I need to know and I think it is reasonable to ask that someone from the LMRWD help me understand these proposals.	The District is proceeding with the amendments and considering revisions and does not intend to provide a summary of changes. It is incumbent on residents within the District to review the proposed amendments and determine their relevance to the individual property or interest. The proposed standards will apply to all property. Existing developed property will retain existing use privileges if made nonconforming by the proposed change.
Jack and Beverly Miles	171 Spring Valley Drive, Bloomington, MN 55420	We respectfully request you hold informational and comment meetings in ALL cities for residents that will be impacted. Why are you quietly holding one meeting, far from the residents of Bloomington where the majority of the property owners subject to your restrictions live?	The District is following the requirements of Statute Chapters 103B and 103D as well as Minnesota Administrative Rules part 8410. The District is providing notices as required in statute and rule. The planning process related to the proposed amendments occurred over the course of 12 months and involved representatives of the various cities, counties, and technical organizations within the District. The intention was that the participants in this process would represent the interests of both their communities and residents. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District, posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Jack and Beverly Miles	171 Spring Valley Drive, Bloomington, MN 55420	Another informal request was made to reguide Outlot A. A rezoning was no longer necessary since under the existing zoning a single family detached dwelling with accessory structures is a permitted use. Again Mr. Phillippi was rebuffed this time due to the proposed change to the Bluff Standards being considered by the LMRWD. If the proposed Bluff Standards are adopted no economically viable use of Outlot A will remain.	The District is proceeding with the amendments and considering revisions and does not intend to provide a summary of changes. It is incumbent on residents within the District to review the proposed amendments and determine their relevance to the individual property or interest. The proposed standards will apply to all property. Existing developed property will retain existing use privileges if made nonconforming by the proposed change. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Jack and Beverly Miles	171 Spring Valley Drive, Bloomington, MN 55420	Our City of Bloomington has done a very good job over the years balancing bluff conservation, use and property owner's rights. Why is the Lower MN River Watershed District getting involved now? They weren't concerned when we were spending our own money to protect and improve the bluff but they feel it necessary to impose unfair restrictions?	The mission and the purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater within its jurisdiction. The proposed Steep Slopes Standard is intended to address steep slope erosion, protect downstream water resources from the effects of sediment transport from steep slope erosion, and promote public safety by limiting land-disturbing activities and other land alteration on steep slopes.

Commenting entity/resident	If resident, resident's address	Comment	Response
Jack and Beverly Miles	171 Spring Valley Drive, Bloomington, MN 55420	We have terraces constructed of what are now rotting railroad ties. Are you restricting us from replacing these with landscaping material that will improve the bluff and maintain it over the years? Will current property owners have the right to upgrade their property, if needed? Who/what will make this determination?	The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural and forestry activities. The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as such is accomplished under certain performance standards. The existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded.
Jack and Beverly Miles	171 Spring Valley Drive, Bloomington, MN 55420	If the Lower MN River Watershed District plans to impose restrictions, will they also make and pay for improvements?	The watershed District is not imposing an unfunded mandate on local governments or residents. Rather, the obligations as articulated by the legislature.
Jeff Cowan (15-year Eden Prairie resident)	<i>No address provided</i>	I appreciate your consideration to leave the current definitions and descriptions in place. Any modification would only seem to intrude on our rights as land owners and prove to be counter-productive over the long term; not what any of us want.	Noted. The District presents the need for the revision in the Plan and the Draft SONAR.
Jeff Cowan (15-year Eden Prairie resident)	<i>No address provided</i>	Your proposed changes to the watershed in my area would not accomplish what I believe to be the long term goals of the LMRWD.	The District respectfully disagrees. The District is required by law to conduct a resource inventory; develop water and resource management issues resulting from that inventory; develop policies, goals, and objectives to address those resource management issues; and consolidate all of those components into a watershed management plan. A component of the plan is the development of standards for resource management that must be incorporated into official controls by local governments within the District. This plan amendment is the culmination of the District's most recent inventory and planning process. The standards being proposed are, in the Board's judgment, appropriately targeted to address the concerns revealed in the most recent resource inventory.
Jeff Cowan (15-year Eden Prairie resident)	<i>No address provided</i>	In addition, the proposed changes to definitions and descriptions will harm us economically. It will most certainly devalue the land in areas affected.	The intent of the proposed Steep Slopes Standard is to protect property and property values. The District cannot speculate on the impact the standards may have on the value of a particular property. Because existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded, it is unlikely there will be a decrease in value.
Jeff Cowan (15-year Eden Prairie resident)	<i>No address provided</i>	The Minnesota River is filled with more water moving a much higher velocity than ever before. I believe this to be a direct result of the on-going tiling of farm land in greater Minnesota. The water they are capturing from rain runoff was handled perfectly by the centuries old natural pond system. It is now being dumped into the MN River at unprecedented rates. This increase in volume and velocity is cutting into its banks everywhere. I understand this to be an area of responsibility for the Watershed. It seems like a more efficient and productive issue to focus on as opposed to the few miles of bluff along the river. The amount of river bank we are all losing annually is now measured in feet.	The mission and purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater within its jurisdiction in addition to addressing the potential conditions that may cause steep slope erosion and affect public safety. The District also goes to the legislature annually to request funds and funds projects outside of its jurisdiction that addresses the issues mentioned.
Jeff Cowan (15-year Eden Prairie resident)	<i>No address provided</i>	This land (and all the land along the river) requires on-going maintenance by a caring steward. To implement changes to definitions and descriptions would only allow it to be overrun with buckthorn, honey suckle and the other invasive plants and would cause more damage than the careful management most of this ground is experiencing today. The people that have chosen to own land and live along the Minnesota did so because we have a love and respect for this land. We know this comes with responsibility. We need to be able to implement improvements and modifications as is currently the protocol. The neighbors that live along this land, for the most part, are people like me that care for and enjoy the land. We have a love and a respect for it. We know this ownership comes with immense cost and responsibility. We make improvements only when necessary. We identify natural erosion issues and get them taken care of before they get worse. (At our own expense I might add).	The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural and forestry activities. It is also important to note that the proposed standard will contain an exemption for maintenance or replacement of existing structures so long as such is accomplished under certain performance standards.
Jim Rohde, Dell EMC	12473 Riverview Rd.	Will the proposed changes grandfather properties that are non-compliant by the new standards (Appendix k) if they are adopted?	Existing developed property will retain existing use privileges if made nonconforming by the proposed change.

Commenting entity/resident	If resident, resident's address	Comment	Response
John Svenkeson / Lisa Greenslit	3721 Overlook Drive, Bloomington, MN	Is the bluff standard 5.4 in the appendix a new addition to the Management Plan? How were these goals arrived at? It seems entirely too overreaching, restrictive, and unnecessary. It places restrictions on private property that on some lots along the bluffs would effect the majority of the acreage contained of those lots. Taking away the rights of those property owners (ourselves included) to use their land as they see fit. There is more than adequate natural buffer zone and public property between these bluffs and the river to ensure adequate filtration of run off. I spend a considerable amount of time hiking, kayaking, and fishing, in the affected areas and see little or no evidence of land abuse or erosion from such. The south side of the valley is industrial, with shipping ports, quarries, and landfills.	The Bluff Standard (now Steep Slopes Standard) in Appendix K is not new. A bluff standard has been a part of the District management since the 2011 approved Plan and before then. The mission and purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater, within its jurisdiction. The proposed Steep Slopes Standard is intended to address steep slopes erosion, protect downstream water resources from the effects of sediment transport from steep slope erosion, and promote public safety by limiting land-disturbing activities and other land alteration on bluffs. The Steep Slopes Standard, as currently modified, no longer creates use restrictions or nonconformities. Rather, the current standard only adds an engineering review requirement to an otherwise permitted use, structure, or activity. The engineering review requirement is established to ensure responsible, safe, and sustainable uses, structures, and activities on steep slopes. Because it is now permissive rather than restrictive, neither variances nor conditional uses are required.
John Svenkeson / Lisa Greenslit	3721 Overlook Drive, Bloomington, MN	The mission and the purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands and groundwater within its jurisdiction. The proposed Steep Slopes standard is intended to address steep slope erosion, protect downstream water resources from the effects of sediment transport from steep slope erosion, and to promote public safety by limiting land disturbing activities and other land alteration on steep slopes.	The mission and the purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater within its jurisdiction. The proposed Steep Slopes Standard is intended to address steep slope erosion, protect downstream water resources from the effects of sediment transport from steep slope erosion, and promote public safety by limiting land-disturbing activities and other land alteration on steep slopes.
Karen Hohertz-Jacobs	11018 Glen Wilding Lane, Bloomington, MN	c) I cannot make the scheduled public hearing and don't understand why there isn't one in Bloomington prior to this being finalized. I very respectfully request that the District withdraw the current proposal and begin the next phase of revision with resident input. A majority of the people that live along the Bluff absolutely love it and are willing to make changes as long as we have a voice and understand them.	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Karen Hohertz-Jacobs	11018 Glen Wilding Lane, Bloomington, MN	b) I don't feel there is a clear description of the changes that would be required to existing lots if these regulations were in effect. I currently have a fire pit. What happens to that?	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and no longer incorporates structures or a structure setback.
Karen Hohertz-Jacobs	11018 Glen Wilding Lane, Bloomington, MN	I care VERY much about bluff erosion and the watershed district. I understand the need and intent to protect these areas. My comments / concerns are: a) I work very hard to manage invasive species of plants along the area of my lot that I believe is in the bluff-protection zone. I plant and promote native species and try to remove buckthorn and other noxious weeds. It would be an excessive burden for me to have to have pay for a survey of my property and/or have inspections and approvals prior to removing these types of weeds. The wording in the Appendix K leads me to believe that this would be required.	The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural and forestry activities.
Katherine Mullen	Glen Wilding Lane, Bloomington, MN	what does the proposed plan specifically mean to us residents here?	Without a clear presentation of planned projects on your property, the District cannot speculate on the effects the changes proposed may have on your property. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Katherine Mullen	Glen Wilding Lane, Bloomington, MN	The two below sections in particular raise concerns (Strategy 4.3.1 and 5.4.1 General Bluff Standard). Looking at Figure L1, it looks like Glen Wilding Lane is in the orange area (i.e. the bluffs). As a resident living on Glen Wilding Lane, are we considered "part of an approved local water plan" and not subject to the new bluff standards under 5.4.1, including the 40 foot set back? My husband and I want to continue living here in peace with our natural surroundings.	As the City of Bloomington updates its required local water plan, it may identify certain areas in the LMRWD's proposed Steep Slopes Overlay District where land-disturbing activities, vegetation removal, development, and redevelopment are conditionally allowed.
Kurt and Heidi Scheppmann	40 Settlers Court, Chanhassen, MN 55317	We've reviewed some of the materials online, but it's still not clear to us whether this would impact us, and whether we should be concerned about it. Can you please tell us what, if any, impact this would have on us?	Without a clear presentation of planned projects on your property, the District cannot speculate on the effects the changes proposed may have on your property. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.

Commenting entity/resident	If resident, resident's address	Comment	Response
Larkin Hoffman (for Gregory and Kelli Hueler)	8300 Norman Center Drive, Suite 1000, Minneapolis, MN 55437	<p>We represent Greg and Kelli Hueler and Hueler Properties, LLC, (together, the "Huelers"), the owners of residential properties located in the City of Eden Prairie with respect to the draft watershed management plan standards ("Draft Plan") promulgated by the Lower Minnesota River Watershed District (LMRWD or "District").</p> <p>The Huelers own two parcels comprising approximately 20.5 acres in Eden Prairie within the District, including an approximately 4.5-acre parcel addressed as 12300 Riverview Road (the "Residence") and a 16.08-acre property (the "Vacant Prope1iy") immediately west of the Residence (together, the "Hueler Property"). The revised Plan shows nearly the entirety of the Vacant Prope1iy and the southwest portion of the Residence as being located in the Bluff Overlay District. As property owners, the Huelers object to the inclusion of the Hueler Property in the Bluff Overlay District, and object to several proposed standards in the Draft Plan, including the following: 1. Section 5 .4.1.a. Section 5 .4.1.a increases the setback for all new structures from the top of a bluff from 30 feet to 40 feet. The increased setback will cause a significant po1iion of the Hueler Property to be precluded from future development, potentially limiting all use of the Hueler Property. This is an unacceptable increase in regulation that will cause substantial decrease in market value of the Property. 2. Section 6.4.1.2.1. Section 6.4.1.2.1 establishes a new requirement for routine inspections at least once every 7 days and within 24 hours of significant rain fall. We object to the inclusion of this language as it is burdensome and unnecessarily prescriptive.</p>	<p>The District has already undertaken revisions to the proposed standard to address this concern. The revised standard is permissive and allows development and redevelopment with conditions to ensure the development occurs responsibly. The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property.</p>
Larkin Hoffman (for Gregory and Kelli Hueler)	8300 Norman Center Drive, Suite 1000, Minneapolis, MN 55437	<p>3. Section 8.3.1.2. Section 8.3.1.2 of the Draft increases the requirement for the amount of post-construction stormwater runoff that must be retained onsite from a 0.5 inch rainfall to 1-inch of runoff. This standard should remain 0.5 inches. 4. Section 8.3.1.3. Section 8.3.1.3 of the Draft establishes a new requirement that projects shall have no net increase from existing conditions in total phosphorus and total suspended solids to receiving waterbodies. We object to this standard as it is too broad and does not allow for individualized conditions. The above standards impose unnecessary and excessive constraints on properties in the District, including the Hueler Property, for a purported public purpose. The Minnesota Constitution requires that "[p]rivate property shall not be taken, destroyed or damaged for public use without just compensation therefor, first paid or secured." Minn. Const. Art. 1, Sec. 13. The Minnesota Supreme Court has held that where such land use regulations are imposed "there must be compensation to landowners whose property has suffered a substantial and measurable decline in market value as a result of the regulations." McShane v. Faribault, 292 N.W.2d 253, 258 (Minn. 1980). The additional regulations imposed by the Draft Plan, particularly the Bluff Impact Overlay District and the proposed setbacks, threaten to restrict or outright preclude development in the District, including development on the Hueler Property. The restrictions on reasonable development will cause a substantial and measurable decline in property value as a direct result of the proposed regulations. Accordingly, we strongly request that the District revise the Draft Plan to eliminate the above-referenced regulations.</p>	<p>The District has already undertaken revisions to the proposed standard to address this concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of steep slopes. The District has documented numerous instances of slope failure resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard as revised will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes. Such standards, municipal controls and conditions do not result in the taking of property.</p>
Larry & Janet Butler	11600 Palmer Road, Bloomington, MN	<p>4. Finally, we respectfully request that public hearings with resident and owner input be held at the City of Bloomington with respect to properties in Bloomington that will be affected by any future Lower Minnesota River Watershed District – Proposed Standards and Water Management Plans.</p>	<p>A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.</p>
Larry & Janet Butler	11600 Palmer Road, Bloomington, MN	<p>3a. a. What was the criteria for how and why the Proposed Impact Map was drawn the way it is, and more specifically what are the definitions for the Proposed Impact Setback Area, the Proposed Impact Area, Structures Within the Proposed Impact Setback Area, and Parcels Within Proposed Impact Areas? The proposed impact map appears to have inconsistencies as to equal treatment of all properties? These definitions and impacts need to be discussed in public with resident and owner input.</p>	<p>The Bluff Standard has been modified. It will be called the Steep Slopes Standard and will no longer incorporate structures or a structure setback.</p>
Larry & Janet Butler	11600 Palmer Road, Bloomington, MN	<p>3. With respect to the "Proposed Bluff Standards and Proposed Impact Location Map": The elements of these maps are not defined. We respectfully submit that the LMR Watershed District must be able to describe and define in understandable terms the impact of the changes at the individual property owner's level before moving ahead with any approvals.</p>	<p>The "Proposed Bluff Standards and Proposed Impact Location Map" is not referenced in the District's plan. The District does, however, have an overlay district overview map that highlights areas regulated by the Steep Slopes Standard. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018.</p>

Commenting entity/resident	If resident, resident's address	Comment	Response
Larry & Janet Butler	11600 Palmer Road, Bloomington, MN	1. Why the need for Bluff Standards now after all these years, that would in turn create devastating restrictions on the enjoyment and use of our homes including all other existing structures on our lot and the surrounding lot area itself?	The Bluff Standard (now Steep Slopes Standard) in Appendix K is not new. A bluff standard has been a part of the District management since the 2011-approved Plan and before then. The mission and the purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater within its jurisdiction. The proposed Steep Slopes Standard is intended to address bluff/steep slope erosion, protect downstream water resources from the effects of sediment transport from bluff/steep slope erosion, and promote public safety by limiting land-disturbing activities and other land alteration on steep slopes.
Larry & Janet Butler	11600 Palmer Road, Bloomington, MN	2. We respectfully request that the Lower Minnesota River Watershed District withdraw the Proposed Bluff Standards and any Proposed Amendments to the Water Management Plan(s), and then start the planning process over with resident and property owner's direct input.	The District is following the requirements of Statute Chapters 103B and 103D as well as Minnesota Administrative Rules part 8410. The District is providing notices as required in statute and rule. The planning process related to the proposed amendments occurred over the course of 12 months and involved representatives of the various cities, counties, and technical organizations within the District. The intention was that the participants in this process would represent the interests of both their communities and residents. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District, posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Lisa Mikhail	Bloomington homeowner - No address provided	I am concerned what will happen to our property value, what if any changes will need to be made, and what if any future changes we will be able to do. The information we were referred to was stated in a language that was way above my head so I would like to know specifically in lay mans terms how it effects us. It would also be nice to understand why you are trying to enact these restrictions since myself and my fellow neighbors are very environmentally responsible. I've actually heard rumors that we could not even landscape our own backyards. I may be old school but I was taught that planting trees, bushes, shrubs, flowers etc... is good for the environment and the animals that live there in. Also if a tree is leaning and giving the impression it is likely to blow down and cause damage then I, as a homeowner, would want to be able to cut it down. That brings another question, If we have to now have surveyors give approval who will pay for the surveyors? Replacing a grand fathered in structure would also be a question I have. If our home burns down or is destroyed by a storm what would happen? I am very confused and very anxious about these proposals. Please slow down and have the courtesy to specifically notify each and every homeowner how they will be impacted before going forward.	The intent of the proposed Steep Slopes Standard is to protect property and property values. The District cannot speculate on the impact the standards may have on the value of a particular property. Because existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded, it is unlikely there will be a decrease in value. The mission and the purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater within its jurisdiction. The proposed Steep Slopes Standard is intended to address bluff/steep slope erosion, protect downstream water resources from the effects of sediment transport from bluff/steep slope erosion, and promote public safety by limiting land-disturbing activities and other land alteration on bluffs. The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural ad forestry activities. The District does not conduct vegetation removal activities. However, the District does have a Cost Share Program that may be applied to invasive vegetation removal. The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as accomplished under certain performance standards. The existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded.
Michelle Monahan	8857 River Ridge Circle, Bloomington, MN	I was alarmed to recently find out that our property may be affected by the new bluff standards. We just recently moved in and have a lot of plans for landscaping and ways to enjoy our new backyard including a patio. We can sit at night, when the owls (they are a pair) are in our trees, and enjoy the view and wildlife of the refuge. I would like to be involved in all decisions regarding my land, as I know my bluff neighbors would to. Therefore, I want to highly recommend working with us to create new standards, ones that do not limit the usage of our property. I respect the wildlife refuge and the bluffs as I know my neighbors do to. However, my land is outside of that restricted area and should remain free from excessive restrictions as it has for decades.	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Mike and Janice Olmstead	8910 River Ridge Road Bloomington, MN 55425	Prior to any changes being made that have such dramatic impact on how owners are able to use our properties, it seems we should be able to speak to the matter in an accessible public forum. There also should be clear justification for sweeping restrictions proposed to be applied to neighborhoods that have been established for nearly 70 years. Please do not adopt any standards or regulations without further discussion/debate. We are unable to attend the meeting on September 20, 2017 due to conflicting responsibilities.	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.

Commenting entity/resident	If resident, resident's address	Comment	Response
Mike Paradis	10421 Bluff Circle, Chaska, MN	I'm one of the property owners in the Hess Farm development and had a question about why my property is included in the proposed amendment. More specifically, my land does not have an 18 degree slope on the bluff. Is there some other existing standard which requires the inclusion of my property at 10421 Bluff Circle Chaska, MN now that it's not limited to Shore Land Area? Regardless of my property being classified in this classification area, is there any guidance as to how this regulation might have an effect on me. Specific concerns would be changes related to my septic, well or structures.	According to county records your property is not a part of the District and would not be subject to District requirements (existing or proposed).
Millard Neymark	9347 Cedar Cir Bloomington, MN 55425	We have a couple of existing structures that would fall in violation of the new restrictions. There is a "playhouse" that existed on the property when we purchased it and our new chicken coop that the City of Bloomington recommended we construct where it is, a place in the proposed restricted area. Based on their recommendation, it appears to me that the City of Bloomington doesn't seem to agree with you that the bluff needs to be restricted as you propose. In fact, it seems to me that the City of Bloomington has done a very good job of protecting the bluff over the years, which also makes this new proposal unnecessary.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and no longer incorporates structures or a structure setback. Fire pits, playhouses, and so on are allowed within the overlay district.
Millard Neymark	9347 Cedar Cir Bloomington, MN 55425	Lastly, the proposed new restrictions will certainly decrease the value of our property. Who will pay current market value for a property that they would be so restricted? The new owner wouldn't be able to put in a garden, change the location of the deck, or even cut down some of the brush creeping into the lawn area. The current proposal is bad and way out of line with what is needed for bluff conservation. The impact and restrictions on the current residents is excessive and unfair. It is my opinion that the managers need to scrap this proposal and start a new beginning with resident input describing what they think is needed in a new proposal and how it will impact their property values.	The intent of the proposed Steep Slopes Standard is to protect property and property values. The District cannot speculate on the impact the standards may have on the value of a particular property. Because existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded, it is unlikely there will be a decrease in value.
Millard Neymark	9347 Cedar Cir Bloomington, MN 55425	Additionally, we are stewards of the land. We would like to remove the invasive buckthorn that grows on our property, and plant some new trees to replace some of the aging trees that are nearing the end of their growth cycle so the property isn't "naked" when these older trees are gone. We like to have a bigger garden, but with these new restrictions, we can't even put a garden in our backyard, even though it would replace an area of lawn. What other residents can't remove their grass to put in a garden? That is unreasonable.	The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural and forestry activities.
Millard Neymark	9347 Cedar Cir Bloomington, MN 55425	...we cherish our bluff property and the surrounding environment and to impress that we want to conserve the bluff. While we are totally in favor of preserving the bluff, but the restrictions of this new proposal are far too restrictive, unjust, unfair, and unnecessary. These new restrictions impact our property in a way that is NOT in step with the restrictions by which other property owners must abide. We have spent some money on this and have arranged financing to make our dream become a reality. With the new proposal, however, we would be prevented from doing most, if not all, of our plan because our house, deck, and garage addition all fall within the bluff restrictions outlined on your published map. This is incredibly unfair because this kind of restriction is not normally put on any other homeowner in our city.	The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as such is accomplished under certain performance standards. The existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded.
Melissa Wiklund, Senator	No address provided	I am getting in touch with you to see if I can find out a little more about how the process was set up and whether there is any opportunity for an additional meeting to be held in Bloomington where so many residents will be affected by the draft plan. From what I have learned, it seems like there will be a significant impact on Bloomington bluff residents and therefore communication to them and opportunities for feedback are important. I'd appreciate information on: what is the timeline for receiving feedback, processing it and then responding to requests for modifications to the draft plan?	The District recessed the October 25, 2017 public hearing and will continue taking comments on the proposal changes until the hearing closed, which is scheduled for April 18, 2018. In the interim, comments received since the official close of the 60-day comment period on September 20 and during the public hearing are being logged. All of the comments received are evaluated, and modifications to the Plan will be proposed to the managers. Once approved by the Board, the information will be shared with the District's technical advisory committee (TAC), posted on the District's website, and emailed to individuals in District's database.
Melissa Wiklund, Senator	No address provided	What type of feedback from LMRWD will be available to the public responding to their concerns and input on the plan?	The District maintains a comment/response log of all comments received. It will also evaluate all of the comments, identify themes, and address the concerns through modifications to the standards, presentation of the SONAR report, exceptions, and other appropriate means.
Melissa Wiklund, Senator	No address provided	Is there a possibility of having a public comment meeting in Bloomington?	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Melissa Wiklund, Senator	No address provided	Is there a website where the process for drafting and finalizing the watershed plan is located? I have the draft plan document, but would be interested in knowing where the public can go to find out more information along with the draft plan.	This District has two websites: www.watersheddistrict.org (the old one being phased out) and www.lowermnrivewd.org (the new one).

Commenting entity/resident	If resident, resident's address	Comment	Response
Ruth Robinson, Chemistry Professor	Normandale Community College	[Ruth included a revised bluff map.] The impacted area doesn't just come up to our home, it includes much of our home and nearly all of our backyard and some structures already in place! If this new standard takes affect, my understanding would be that we can't even replace our the deck on the back of our home (which needs replacing). We also would likely not be able to put the addition on the back of our garage that we had been planning. These are unreasonable restrictions on our property (and puts undue hardship on residents, such as us).	The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as such is accomplished under certain performance standards. The existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded.
Ryan Johnson	11216 Bloomington Ferry Rd, Bloomington, MN 55438	(from Ryan J.) - I have a few questions. Please call me at 612-801-6004	Please attend the District's public hearing and/or contact the District's Administrator.
Siegel Brill PA (Wendell A. Phillippi and Anita Phillippi and Geophysical Research Society, LLC, the owners of two parcels of land in the City of Eden Prairie)	Siegel Brill PA, 100 Washington Ave. S, Suite 1300, Minneapolis, MN 55401	Our office represents Wendell A. Phillippi and Anita Phillippi and Geophysical Research Society, LLC, the owners of two parcels of land in the City of Eden Prairie that will be adversely impacted by the Bluff Standard being proposed for adoption by the Lower Minnesota River Watershed District ("LMRWD"). The Phillippi parcel is Outlot A, Bell Oaks Estates 7th Addition (PIO# 36-116-22-32-0027). The Geophysical parcel is legally described on Exhibit A attached (PIO# 36-116- 22-43-0003). Both the Phillippi parcel and the Geophysical parcel are consumed by the proposed bluff map delineation. A brief history of each parcel is set forth below. Phillippi Parcel. Mr. Phillippi was one of four partners who developed Bell Oaks and Bell Oaks Estates. In 1998, Mr. Phillippi received Outlot A as development property from the partnership. Mr. Phillippi intended to subdivide into as many as three additional single family home sites. Mr. Phillippi also owned the property immediately to the east of Outlot A and before selling the neighboring property he reserved utility and other easement across the neighboring property to aid with the development of Outlot A. Outlot A is currently zoned Rural but is guided as Park/Open Space on the City's 2030 Guide Plan Map. When Mr. Phillippi approached the City about the possibility of a rezoning and Guide Plan change to permit the subdivision, it was met with resistance. Mr. Phillippi then revamped his plans and identified a single building pad on Outlot A. An ecological review of the proposed building pad was completed in December 2016 and refutes certain of the objections initially raised by City staff.	This portion of the comment is information only and requires no response.
Siegel Brill PA (Wendell A. Phillippi and Anita Phillippi and Geophysical Research Society, LLC, the owners of two parcels of land in the City of Eden Prairie)	Siegel Brill PA, 100 Washington Ave. S, Suite 1300, Minneapolis, MN 55401	Another informal request was made to reguide Outlot A. A rezoning was no longer necessary since under the existing zoning a single family detached dwelling with accessory structures is a permitted use. Again Mr. Phillippi was rebuffed this time due to the proposed change to the Bluff Standards being considered by the LMRWD. If the proposed Bluff Standards are adopted no economically viable use of Outlot A will remain. Geophysical Parcel. Mr. Phillippi is the sole owner of Geophysical. He purchased the Geophysical parcel in September 2007 with the intent of demolishing the existing structures because of their inferior condition and selling the parcel as an estate homesite with outbuildings and a guest house. The property has been listed for sale with an asking price of \$2,500,000. The Geophysical parcel is subject to a conservation easement in favor of the Minnesota Land Trust. The conservation easement restricts construction of buildings to a limited area. Mr. Phillippi negotiated an area within the permitted area for the construction of new homes. A depiction of the permitted area is attached. After purchasing the property, Geophysical completed the largest private land restoration projects in Eden Prairie history, spending in excess of \$300,000 repairing the erosion along the creek bottom and removing buckthorn and other noxious plants. The property is properly guided to permit the intended use. A rezoning to Low Density Residential zoning classification from Rural may be needed to bring the zoning in conformance with the guide plan. The proposed change to the Bluff Standards, however, eliminates the permitted area in its entirety.	The proposed bluff standard, as revised, is not in effect. The District has not created any moratorium on municipal approvals. Any excuse by the City based on the proposed standard is inappropriate and misplaced. However, when and if adopted, the proposed standard is required to be reduced to official controls of the City. In response to this and similar comments, the District is proposing to revise the standard. The proposed revised standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property. The Steep Slopes Standard, as currently modified, no longer creates use restrictions or nonconformities. Rather, the current standard only adds an engineering review requirement to an otherwise permitted use, structure or activity. The engineering review requirement is established to ensure responsible, safe, and sustainable uses, structures, and activities on steep slopes. Because it is now permissive rather than restrictive, neither variances nor conditional uses are required.

Commenting entity/resident	If resident, resident's address	Comment	Response
Siegel Brill PA (Wendell A. Phillippi and Anita Phillippi and Geophysical Research Society, LLC, the owners of two parcels of land in the City of Eden Prairie)	Siegel Brill PA, 100 Washington Ave. S, Suite 1300, Minneapolis, MN 55401	Because of the conservation easement, if the proposed Bluff Standard is adopted no economically viable use can be made of the Geophysical parcel. Proposed LMRWD Bluff Standards. The Philippi's and Geophysical have been advised that the LMRWD is amending its Watershed Management Plan which would expand the current state definition of a bluff to, among other things, lower the minimum average slope threshold of a bluff area from 30% to 18% and increase the bluff structure setback from 30 feet to 40 feet. Under the Bluff Standard, all grading, clear cutting, removal of vegetation and/or other land disturbing activities will be prohibited on the bluff and/or the bluff impact zone. In addition, land disturbing activities that involve the alteration or removal of 5,000 square feet or more of surface area or vegetation, or the excavation of 50 cubic yards or more of earth within a High Value Resources Area Overlay District will be prohibited. As stated above, if the proposed Bluff Standards are adopted by the LMRWD, no economically viable use of the Philippi's' and Geophysical property will remain. The Proposed Bluff Standards Effect a Regulatory Taking. There are three separate regulatory takings analyses which could apply to the Philippi's' and Geophysical property. The first analysis is under Lucas v. South Carolina Coastal Council, 112 S. Ct. 2886 (1992), in which the United States Supreme Court reaffirmed that "when the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that is, to leave his property economically idle, he has suffered a taking." Id. at 2895. Similar to the Bluff Standards, the regulation in Lucas restricted construction from close proximity to the dune area in order to "prevent a great public harm." Id. at 2896.	The District has already undertaken revisions to the proposed standard to address this concern. The proposed revised standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property. The Steep Slopes Standard, as currently modified, no longer creates use restrictions or nonconformities. Rather, the current standard only adds an engineering review requirement to an otherwise permitted use, structure or activity. The engineering review requirement is established to ensure responsible, safe, and sustainable uses, structures, and activities on steep slopes. Because it is now permissive rather than restrictive, neither variances nor conditional uses are required.
Siegel Brill PA (Wendell A. Phillippi and Anita Phillippi and Geophysical Research Society, LLC, the owners of two parcels of land in the City of Eden Prairie)	Siegel Brill PA, 100 Washington Ave. S, Suite 1300, Minneapolis, MN 55401	The Supreme Court found noteworthy the fact that a particular use had long been engaged in by similarly situated owners and that such similarly situated land owners were permitted to continue the use denied to the claimant. Id. at 2901. As in Lucas, many owners of property within the Bluff Impact Zone have built single family residences and those uses will be permitted to continue. The second analysis is under Wensmann Realty, Inc. v. City of Eagan, 734 N.W.2d 623 (Minn. 2007), in which the Minnesota Supreme Court held that a taking occurs when a regulation "leaves the property owner with[out] any reasonable use of the property." Id. at 641. As in Wensmann, the burden of the Bluff Standard "falls disproportionately on the property owner [and] the benefits of [an undisturbed bluff] are widely shared through the community but the costs are focused solely on the property owner." Id. at 640-41. The Minnesota Supreme Court in Wensmann applied the three factor test adopted by the United States Supreme Court in Penn Central Transportation Co. v. New York City, 98 S. Ct. 2646 (1978): The economic impact of the regulation on the claimant, the extent to which the regulation has interfered with distinct investment-backed expectations and a character of the governmental action. Id. at 2646. Without question, the economic impact of the Bluff Standard on the Philippi's' and Geophysical property is severe, having deprived them of all economically viable use. As explained above, both Phillippis and Geophysical had distinct investment-backed expectations that the property could be used to construct single-family residences.	The District has already undertaken revisions to the proposed standard to address this concern. The proposed revised standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property. The Steep Slopes Standard, as currently modified, no longer creates use restrictions or nonconformities. Rather, the current standard only adds an engineering review requirement to an otherwise permitted use, structure or activity. The engineering review requirement is established to ensure responsible, safe, and sustainable uses, structures, and activities on steep slopes. Because it is now permissive rather than restrictive, neither variances nor conditional uses are required.

Commenting entity/resident	If resident, resident's address	Comment	Response
Siegel Brill PA (Wendell A. Phillippi and Anita Phillippi and Geophysical Research Society, LLC, the owners of two parcels of land in the City of Eden Prairie)	Siegel Brill PA, 100 Washington Ave. S, Suite 1300, Minneapolis, MN 55401	The character of the governmental action is such that the burden of the Bluff Standard "falls disproportionately on relatively few property owners." 734 N.W.2d at 639. The final analysis is under Interstate Companies, Inc. v. City of Bloomington, 790 N.W.2d 409 (Minn. Ct. App. 2010) in which the Minnesota Court of Appeals, after noting that the Minnesota Constitution provides broader protection to property owners than the Federal Constitution, held that when a regulation "benefits a specific public or governmental enterprise, a property owner who suffers a substantial and measurable decline in market value as a result of the regulations must be compensated." Id. at 413 (citation omitted). Interstate Companies applied the same three factor Penn Central analysis as in Wensmann and explained the broader protection afforded by the Minnesota Constitution, i.e., the property owner can establish a regulatory taking claim with a lower diminution in the value of the property than a property owner seeking compensation for a taking under the Federal Constitution. The Phillippis and Geophysical can establish a regulatory taking under any of the three cases above if the proposed amendments to the Bluff Standard are enacted. The LMRWD would be required to compensate them for the difference in value between the property if single family residences can be constructed and property of which no economically viable use can be made. We estimate this difference to be more than three million dollars. The U.S. Supreme Court in Lucas noted that the State of South Carolina "may elect to rescind its regulation and thereby avoid having to pay compensation for a permanent deprivation." 112 S. Ct. at n. 17. The LMRWD can avoid compensating the Phillippis and Geophysical by simply not enacting the proposed amendments. This is, of course, the LMRWD's choice, but it must do one or the other.	Disproportionality is not at issue here. All steep slope properties are treated equally based on the specific and documented concerns resulting from development on or adjacent to steep slope areas. As previously mentioned, the District has already undertaken revisions to the proposed standard to address the takings concern. The proposed revised standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property.
Simon and Gillian Barrow	<i>No address provided</i>	Outlot A is currently zoned Rural but is guided as Park/Open Space on the City's 2030 Guide Plan Map. When Mr. Phillippi approached the City about the possibility of a rezoning and Guide Plan change to permit the subdivision, it was met with resistance.	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Simon and Gillian Barrow	<i>No address provided</i>	Mr. Phillippi was one of four partners who developed Bell Oaks and Bell Oaks Estates. In 1998, Mr. Phillippi received Outlot A as development property from the partnership. Mr. Phillippi intended to subdivide into as many as three additional single family home sites. Mr. Phillippi also owned the property immediately to the east of Outlot A and before selling the neighboring property he reserved utility and other easement across the neighboring property to aid with the development of Outlot A.	The District is proceeding with the amendments and considering revisions and does not intend to provide a summary of changes. It is incumbent on residents within the District to review the proposed amendments and determine their relevance to the individual property or interest.
Simon and Gillian Barrow	<i>No address provided</i>	Mr. Phillippi then revamped his plans and identified a single building pad on Outlot A. An ecological review of the proposed building pad was completed in December 2016 and refutes certain of the objections initially raised by City staff.	The mission and the purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater within its jurisdiction. The proposed Steep Slopes Standard is intended to address steep slope erosion, protect downstream water resources from the effects of sediment transport from steep slope erosion, and promote public safety by limiting land-disturbing activities and other land alteration on steep slopes. The District is following the requirements of Minnesota Statute Chapters 103B and 103D as well as Minnesota Administrative Rules part 8410. The District is providing notices as required in statute and rule. The planning process related to the proposed amendments occurred over the course of 12 months and involved representatives of the various cities, counties, and technical organizations within the District. The intention was that that the participants in this process would represent the interests of both their communities and residents.
Steve Peterson, Kalli Bennett	11036 Glen Wilding Ln, Bloomington, MN 55431	I would also like to request that a hearing on the Plan be held in Bloomington. I was told by Linda Loomis that the hearing must be held inside of the District, and there was no suitable location in Bloomington for a hearing. Olson Elementary School, Olson Middle School, Jefferson High School, Nativity of Mary Church, Transfiguration Church, and Bethany Global University are all located within the District and have facilities adequate for a hearing.	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Steve Peterson, Kalli Bennett	11036 Glen Wilding Ln, Bloomington, MN 55431	The survey requirement for common uses on the bluff is costly and unneeded.	The Bluff Standard has been modified. It will be called the Steep Slopes Standard and no longer requires a survey.
Steve Peterson, Kalli Bennett	11036 Glen Wilding Ln, Bloomington, MN 55431	The Plan fails to identify how inconsistencies in official controls negatively impact water quality.	Additional information is required to adequately address the comment.
Steve Peterson, Kalli Bennett	11036 Glen Wilding Ln, Bloomington, MN 55431	Section 4 of Appendix K is unclear.	Additional information is required to adequately address the comment.

Commenting entity/resident	If resident, resident's address	Comment	Response
Steve Peterson, Kalli Bennett	11036 Glen Wilding Ln, Bloomington, MN 55431	The exceptions to the Bluff Standard under an approved LWP are unclear.	Additional information is required to adequately address the comment.
Steve Peterson, Kalli Bennett	11036 Glen Wilding Ln, Bloomington, MN 55431	The Plan imposes disproportionate costs for pollution mitigation on District property owners.	Additional information is required to adequately address the comment.
Steve Peterson, Kalli Bennett	11036 Glen Wilding Ln, Bloomington, MN 55431	Policies in the Plan exceed the purposes listed in the enabling legislation.	It is unclear as to what enabling legislation this comment refers. The District's enabling legislation is Statute Chapter 103D. Section 103D.201 lists the purposes of watershed districts generally as: To conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources. Section 103D.201, subd. 2 lists specific purposes: to control or alleviate soil erosion and siltation of watercourses or water basins; to protect or enhance the water quality in watercourses or water basins; and to regulate improvements by riparian property owners of the beds, banks, and shores of lakes, streams, and wetlands for preservation and beneficial public use. The proposed standards are consistent with these purposes. Moreover, the District is required by law to conduct a resource inventory; develop water and resource management issues resulting from that inventory; develop policies, goals, and objectives to address those resource management issues; and consolidate all of those components into a watershed management plan. A component of the plan is the development of standards for resource management that must be incorporated into official controls by local government within the District. This plan amendment is the culmination of the District's most recent inventory and planning process. The standards being proposed are, in the Board's judgment, appropriately targeted to address the concerns revealed in the most recent resource inventory.
Steve Peterson, Kalli Bennett	11036 Glen Wilding Ln, Bloomington, MN 55431	Finally, I would respectfully ask that the Managers wait to adopt a plan until all positions on the board are filled. I don't believe the Legislature intended for two people to be able to adopt regulations that impact so many homes.	It is the obligation of County Boards to appoint managers. That counties have failed to do so or that residents have failed to apply for vacancies does not relieve the District of its statutory obligations to perform its duties.
Steve Peterson, Kalli Bennett	11036 Glen Wilding Ln, Bloomington, MN 55431	Many activities that have no water impact are prohibited by the Bluff Standard.	The District has already undertaken revisions to the proposed standard to address this concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of steep slopes. The District has documented numerous instances of slope failure, resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard as revised will ensure such use and development and appropriately place responsibility on landowners.
Steve Peterson, Kalli Bennett	11036 Glen Wilding Ln, Bloomington, MN 55431	The Plan fails to address sources of sediment directly under the District's control.	The District disagrees.
Steve Peterson, Kalli Bennett	11036 Glen Wilding Ln, Bloomington, MN 55431	Appendix K of the Plan, however, places significant burdens on Bloomington residents along the bluff without a corresponding water quality improvement. In many cases, it prohibits any modification to existing property, without regard to whether it has an actual impact on water quality. The plan should not be adopted without major modifications to Appendix K.	The mission and the purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater within its jurisdiction. The proposed Steep Slopes Standard is intended to address steep slope erosion, protect downstream water resources from the effects of sediment transport from steep slope erosion, and promote public safety by limiting land-disturbing activities and other land alteration on steep slopes.
Suzanne R. Hoppe	11028 Glen Wilding Ln, Bloomington, MN 55431	In addition to serious restrictions of the use of residents' land, what about fun time? Can I have a campfire with my kids? Am I able to rebuild my deck? If not, I am not able to use my house for the purpose for which it was built and the City might be dealing with an undue process takings clause issue of constitutional magnitude.	The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property.
Suzanne R. Hoppe	11028 Glen Wilding Ln, Bloomington, MN 55431	There are many issues at stake raised in this proposal by the Watershed District. I have only had a short period of time to study them, but I hope that there will be much further discussion and consideration of them before they are enacted. Restriction of long-time residents' reasonable, respectful to the environment use of their homes should not one day be considered "ok" and the next day a "violation" - without due process, compensation, lot level assessments and/or much more community discussion, awareness and debate.	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.

Commenting entity/resident	If resident, resident's address	Comment	Response
Suzanne R. Hoppe	11028 Glen Wilding Ln, Bloomington, MN 55431	Environmental protections should be reasonably and pragmatically balanced against the rights of long-time (and recent) property owners of long-standing residential buildings to freely enjoy their property. The proposal appears to restrict my right to clear my property of buckthorn (something that the City has previously recommended clearing). The proposal appears to restrict my ability to conduct composting or add a rain barrel to my property (environmentally protective actions previously encouraged by the City). In addition, the proposal appears to restrict my ability to build/add-on to my house so that my terminally ill mother could live with me. I am troubled by these overly-broad restrictions on the use and enjoyment of my private property. Is there really a connection between use of a rain barrel and erosion of soil on the bluff?	The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural and forestry activities. The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as such is accomplished under certain performance standards.
Thomas & Linda Hulting	6717 Auto Club Road, Bloomington, MN 55438	Please know that as a 30-year resident of the MN River Bluffs in Bloomington, I am adamantly opposed to your proposed Amendment. Having lived in Bloomington most of my life, and having been a City Councilman, I am very familiar with the laws and practices of Bloomington. Your UNFOUNDED punishment of my neighbors and me is entirely unwarranted! Bloomington has NEVER experienced problems of the type you are appearing to either anticipate or unilaterally use as an UNWARRANTED PUNISHMENT for ALL of us who have so personally protected our properties!	The mission and the purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater within its jurisdiction. The proposed Steep Slopes Standard is intended to address steep slope erosion, protect downstream water resources from the effects of sediment transport from steep slope erosion, and promote public safety by limiting land-disturbing activities and other land alteration on steep slopes.
Todd K. Johnson	10020 Dell Road, Eden Prairie, MN 55347	Could you provide me with additional detail of just how these revisions will affect my property? I have an existing structure, of course, but I would like to know how this would affect future uses of the property, etc.	The District is proceeding with the amendments and considering revisions and does not intend to provide a summary of changes. It is incumbent on residents within the District to review the proposed amendments and determine their relevance to the individual property or interest. The proposed standards will apply to all property. Existing developed property will retain existing use privileges if made nonconforming by the proposed change.
Todd K. Johnson	10020 Dell Road, Eden Prairie, MN 55347	There are other, more formal legal terms for your action, but in my vernacular it is simple theft. Do you intend to compensate every existing owner for the destruction in values that will entail your actions? I sincerely doubt that. Where is your due process? It is beyond discouraging that common citizens and landowners need to be continuously vigilant in order to fend off groups like yours. Until I received notification of this action, (and not, I note, from your organization), I had only a vague idea that you even existed, let alone could claim that extent of rights and powers that you now want over my property and others. Please reverse your course and abandon this proposal. This unilateral and nefarious action should, instead, have been properly offered in an open and fair court of opinion. I believe that if it had been so presented to the owners of property involved, it would have been rejected utterly.	The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property.
Tom Nelson (Eden Prairie homeowner)	<i>No address provided</i>	What impact does this letter have if the retaining wall in our back yard needs work in the future and what if any impact will this have on the value of our residence?	The existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded. The intent of the proposed Steep Slopes Standard is to protect property and property values. The District cannot speculate on the impact the standards may have on the value of a particular property. Because existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded, it is unlikely there will be a decrease in value.
Tom Roberts, BOEHA President	11015 Bell Oaks Estate Road, Eden Prairie, MN 55347	Regarding the intention of the Lower Minnesota River Watershed District to install new rules that will impact our homes in the Bell Oaks Estate Homeowners Association (BOEHA), the BOEHA has a concern. Our properties are currently subject to the city of Eden Prairie's conservation easement. We would hope that the Watershed's proposed boundaries neither conflict with nor override those currently established by the city; doing so would present challenges of appropriate jurisdiction as well as initiate confusion on the part of the homeowner.	The District will continue to work with the City of Eden Prairie to address potential conflicts with existing requirements.
Tom Schmidt (Eden Prairie homeowner)	<i>No address provided</i>	I am a home owner on a bluff lot in Eden Prairie. The development was built about ten years ago. Two questions, What impact does this letter have if the retaining wall in our back yard needs work in the future and what if any impact will this have on the value of our residence?	The proposed standard will contain an exemption for maintenance or replacement of existing structures so long as accomplished under certain performance standards. The intent of the proposed standard is to protect property and property values. The District cannot speculate on the impact the standards may have on the value of a particular property. Because existing uses and structures made nonconforming by the proposed standards may continue, be maintained, and under some circumstances be improved or expanded, it is unlikely there will be a decrease in value.

Commenting entity/resident	If resident, resident's address	Comment	Response
Tony & Audrey Thomas	10437 5th Ave. Circle, Bloomington, MN 55420	I've tried to read your Draft Standards document no doubt written by lawyers, for lawyers. My questions and comments below center around current and future maintenance of my property. Nearly all my property lies within the "bluff zone" (my home, garage, driveway) so naturally I'm concerned about my existing structures of our home and lot. Why the changes in restrictions now? Has there been an event of series of events that have precipitated these new standards?	Existing developed property will retain existing use privileges if made nonconforming by the proposed change. The District is considering this change in large part because of landslides/slope failures experienced in the District in 2014. Since then, the District has received calls from residents and local government units requesting funds to help protect property from slope failures. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District, posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Tony & Audrey Thomas	10437 5th Ave. Circle, Bloomington, MN 55420	How will simple future maintenance and repair of my property be effected, e.g.; repair of my house, garage, driveway, etc.? When my deck needs repair or replacement, will I need an impact study to do this? What if a tree dies on my property, do I need the state's permission to remove it? In general, will these restrictions make simple maintenance of my property cost prohibitive in the future? I'm not building any roads, culverts, bridges or the like. You know the types of simple home maintenance you do on your own property; how will these kinds of projects affect me in the coming years? Will I now have to get permission, survey's, environmental impact studies, etc. just to enjoy my home in the future?	See previous responses. The proposed standard includes the following exception: Plantings that enhance the natural vegetation or the selective clearing of noxious, exotic, or invasive vegetation or the pruning of trees or vegetation that are dead, diseased, or pose a public hazard. The following additional exceptions will be included: maintenance of existing lawns, landscaping, and gardens; removal of vegetation in emergency situations; right-of-way maintenance for public facilities; and agricultural and forestry activities. The proposed changes, if approved, will not take effect for about two years.
Tony & Audrey Thomas	10437 5th Ave. Circle, Bloomington, MN 55420	How long have the draft restrictions been in place and why not include comments and concerns from the thousands impacted by them before you make this law?	The Draft Plan went out for 60-day review in July. Note: the planning process related to the proposed amendments occurred over the course of 12 months and involved representatives of the various cities, counties, and technical organizations within the District. The intention was that the participants in this process would represent the interests of both their communities and residents. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Tony Phillippi (via Helen McDonnell)	No address provided	As a significant land owner in Eden Prairie (over 60 acres), the Lower Minnesota Watershed's proposal rules will have a major negative ecological impact on the management and preservation of these properties. The premise of these proposed rules to eliminate development will have a most negative effect. I can attest that these lands require extensive, consistent maintenance. There is no mechanism for this maintenance in the public sector; nor is there likely to be one in the foreseeable future. The only viable way, presently, is to attract careful, well-engineered, limited development by private owners who will in their own self-interest care for these magnificent lands. I implore each of you to review the potential economic and environment devastation these rules will create.	The mission and the purpose of the Lower Minnesota River Watershed District is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater within its jurisdiction. The proposed Steep Slopes Standard is intended to address steep slope erosion, protect downstream water resources from the effects of sediment transport from steep slope erosion, and promote public safety by limiting land-disturbing activities and other land alteration on steep slopes.
Tracy Trembley	5701 Auto Club Road, Bloomington, MN 55437	Prior to the letter we received from the City of Bloomington a couple weeks ago, I had never heard of the Watershed District Board. I suspect this is true of many of my neighbors, as well. I would ask that the LMR Watershed District Board recognize the value of ensuring that impacted residents fully understand these proposed standards and that the board be respectful of the related implications on our most valued asset, our homes. Please consider providing further education (clarifying and answering open questions), taking additional feedback from impacted homeowners, and seeking appropriate middle ground as you seek to gain buy-in and before you finalize the LMR – Proposed Bluff Standards. Our world is currently extremely divided on many topics, including the environment. My neighborhood is purple in a world of red and blue. If we consider the broader goals and objected for clean water, clean air and fighting global warming, the last thing we need is to further polarize views against these causes.	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Unknown resident	Bloomington	However, consideration to the actual homeowner seems to have been a missed opportunity. Appendix K of the Plan, however, places significant burdens on Bloomington residents along the bluff without a corresponding water quality improvement. In many cases, it prohibits any modification to existing property, without regard to whether it has an actual impact on water quality. The plan should not be adopted without major modifications to Appendix K. 1. Many activities that have no water impact are prohibited by the Bluff Standard. The image below, provided by the City of Bloomington, shows the estimated location of the Bluff Impact Zone at my home. (see word doc). As you can see, except for a small area in the front of my home, my entire lot lies in the Overlay District, meaning it is subject to the proposed Bluff Standard. The Standard prohibits any "land-disturbing activity" in the District.	The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property. All bluff and steep slope properties within the District are treated equally based on the specific and documented concerns resulting from development on or adjacent to steep slope areas.

Commenting entity/resident	If resident, resident's address	Comment	Response
Tim Erhart		Can you tell me what is meant by Minnesota River Corridor Critical Area? Does this proposed change only affect that area? If so is there a map of that area available? How do you define a bluff? Does a 3 ft. elevation change constitute a bluff? Does 30 ft. elevation change? Point being this must be defined to apply a slope and set back standard otherwise it has no meaning.	The Mississippi River Corridor Critical Area (MRCCA) is a joint state, regional, and local program that provides coordinated planning and management for the 72-mile stretch of the Mississippi River through the seven-county metropolitan area and 54,000 acres of surrounding land across 30 local jurisdictions. The proposed changes, initially modeled after the MRCCA rule, affect the steep slopes areas within the Minnesota River Valley.
Michael Schley	5019 Overlook Circle, Bloomington, MN	Please add me to your notice list related to this, or any replacement/substitute, plan.	Noted.
Andrew & Cindy Costigan	9980 Dell Road, Eden Prairie, MN	We are residents at 9980 Dell Rd in Eden Prairie and are wondering how this new "amendment" of the watershed management plan will effect us as home owners living on a designated bluff area.	Without a clear presentation of planned projects on your property, the District cannot speculate on the effects the changes proposed may have on your property. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Jessica Frey		I understand the need to preserve the river and the surrounding bluffs and as a resident who resides in this area I appreciate the effort you are trying to put in place. However, consideration to the actual homeowner seems to have been a missed opportunity. Appendix K of the Plan, however, places significant burdens on Bloomington residents along the bluff without a corresponding water quality improvement. In many cases, it prohibits any modification to existing property, without regard to whether it has an actual impact on water quality. The plan should not be adopted without major modifications to Appendix K. 1. Many activities that have no water impact are prohibited by the Bluff Standard The image below, provided by the City of Bloomington, shows the estimated location of the Bluff Impact Zone at my home. (map shown) As you can see, except for a small area in the front of my home, my entire lot lies in the Overlay District, meaning it is subject to the proposed Bluff Standard. The Standard prohibits any "land-disturbing activity" in the District. The proposed definition of "land-disturbing activity" is: Land-Disturbing Activity: Any change of the land surface to include removing vegetative cover, excavation, fill, grading, stockpiling soil, and the construction of any structure that may cause or contribute to erosion or the movement of sediment into water bodies. The use of land for new and continuing agricultural activities shall not constitute a land-disturbing activity under these standards.	The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to bluffs and steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property. All steep slope properties within the District are treated equally based on the specific and documented concerns resulting from development on or adjacent to bluff and steep slope areas. The District has already undertaken revisions to the proposed standard to address these concerns. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of steep slopes. The District has documented numerous instances of slope failure resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard as revised will ensure such use and development and appropriately place responsibility on landowners.

Final Draft

Commenting entity/resident	If resident, resident's address	Comment	Response
City of Bloomington	Mayor Gene Winstead	The city of Bloomington has always supported bluff protection. They have very strong standards in place. The proposed rules create some problems and are taking some property rights and are not reasonable or acceptable as drafted. There needs to be more of a balance between environmental protection and property rights. Bloomington asked the board to not adopt the proposed standards without a full board of 5 members. He also asked for improvements to language and definitions in the Draft Plan and was glad to hear the SONAR (<i>statement of needs and reasonableness</i>) report is being developed.	The District agrees that the City of Bloomington has strong standards. However, those standards have not served to protect the resources of concern in all instances. Additionally, the District must look at all resources within its boundary and reconcile various and often inconsistent standards between municipalities. The proposed standards, as intended in Minnesota Statute section 103B.235, are meant to set a base standard across the District. The District has already undertaken revisions to the proposed standard to address property rights concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of steep slopes. The District has documented numerous instances of slope failures, resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard as revised will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property.
City of Bloomington	Glen Markegard	There are 795 impacted properties within the city of Bloomington and the standard goes beyond the river bluff. Bloomington has had sufficient standards to protect the bluff. The bluff standard as written would place a big burden on cities. The definition for structure is extremely expansive and could be interpreted as anything. Do not adopt the standard. Provide more information and consider additional public input.	The City of Bloomington has more than 20 plans and policies it must navigate for property use and development within its designated bluff protection area. It is possible that the City can gain an exemption if it can demonstrate an existing equivalent standard or sufficiency of its existing controls. The District agrees that certain definitions must be clarified to eliminate ambiguity and return the proposed standard to its original intent. The District has already undertaken revisions to the proposed standard to address this concern. Also, the District hosted four informational meetings and continued the public hearing from October 25, 2017 to April 18, 2018, allowing additional input throughout.
City of Eden Prairie	Dave Modrow	The city of Eden Prairie already has ordinances in place to protect bluffs. Determining bluff per the current definition isn't easy to decipher and is done on a case-by-case basis. Glad to see a sonar is going to be provided and looks forward to reviewing the maps to clarify impacts.	The District agrees that the City of Eden Prairie has strong standards. However, those standards have not served to protect the resources of concern in all instances. Additionally, the District must look at all resources within its boundary and reconcile various and often inconsistent standards between municipalities. The proposed standards, as intended in Statute Section 103B.235, are meant to set a base standard across the District. The District has already undertaken revisions to the proposed standard to address property rights concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of bluffs and steep slopes. The District has documented numerous instances of slope failures, resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard as revised will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property. Also, the District's intent is to eliminate the guesswork involved in determining what is or is not a bluff or steep slope by providing a uniform standard with technical predictability for determining steep slope areas covered by the standard.
Nora Beall	2915 Over Drive, Bloomington	1. How was the bluff impact zone calculated, given the irregularity of slopes on the property? 2. Where is bedrock? 3. Interested in learning more about how this would impact her property.	1. The bluff impact zone (BIZ) was determined using the Minnesota Department of Natural Resources tool for GIS (geographic information system). The DNR tool and GIS uses state/county furnished LIDAR (light detection and ranging, a remote sensing method that uses light in the form of a pulsed laser to measure ranges to the Earth). However, the Bluff Standard has been modified. It will be called the Steep Slopes Standard and regulate slopes greater than or equal to 18 percent. References to bluffs will be removed. 2. Bedrock is rock that lies under a loose, softer material. The depth and location of bedrock varies geographically. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Todd Johnson	10020 Dell Road, Eden Prairie	Constructed 16 years ago on his property, his home was conforming. Suddenly and unilaterally from what he has heard so far, without substantiation for need or objective scientific evidence, or any evaluation of the economic impact to private property owners, the District has gone ahead and proposed a standard that will make his property non-conforming.	The District is required by law to conduct a resource inventory; develop water and resource management issues resulting from that inventory; develop policies, goals, and objectives to address those resource management issues; and consolidate all of those components into a watershed management plan. A component of the plan is the development of standards for resource management that must be incorporated into official controls by local government within the District. This plan amendment is the culmination of the District's most recent inventory and planning process. The standards being proposed are, in the Board's judgment, appropriately targeted to address the concerns revealed in the most recent resource inventory. The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes.

Commenting entity/resident	If resident, resident's address	Comment	Response
Greg Porter	11601 Palmer Road, Bloomington,	The property will become non-conforming and will affect the value of his property. What improvements will he be allowed to make in the future? What will happen to the proposed DNR trail along the river? How might the proposed DNR project be allowed but adding a patio to his property would not be allowed?	Without a clear presentation of planned projects on your property, the District cannot speculate on the effects the changes proposed may have on your property. A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District (including Bloomington), posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.
Ron Nelson	163 Spring Valley Drive, Bloomington	He doesn't understand the objective of the new standard. Who wanted this standard and would it become law? Who has the District talked to about the proposed standard? The property is steep and is prone to erosion and needs to be preserved, protected and in some cases, restored. Who should be responsible for that? If the District has money to distribute to the neighbors so they could build a conforming retaining walls or a creek with a waterfall, then let's pursue this, he is all for it. At this moment it seems to be an overreach. He has 200 feet of land from his back door to the end of his property line and if he wanted to put a fence around his property to protect his family from coyotes would that be a problem?	Some of the standard needs flexibility and better balance. The District has already undertaken revisions to the proposed standard to address this concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of steep slopes. The District has documented numerous instances of slope failures, resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard as revised will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes.
Tom Roberts	11015 Bell Oaks Estate Road, Eden Prairie,	1. Where does the watershed district fits into government process? 2. The mayor (of Bloomington) stated that there should be five people and there are only two on the board. Will it just be two people making the decision? 3. The City of Eden Prairie has already have rules and regulations and Eden Prairie has a watershed district person already; what is your purpose as an entity, that doesn't have enough people, on your board, which people have chosen not to be on, that we think we need to make a big change. 4. Is my state legislator allowed to say he wants to slow it down? 5. Is the LMRWD is transferring all the enforcement to the cities?	1. The watershed district is a special purpose unit of government created by the legislature. The Minnesota Board of Water and Soil Resources (BWSR), a state agency, oversees the District and all other water management organizations. 2. There are five total seats on the Board, three serving members and two vacancies. According to the bylaws, two members are required for a quorum. 3. The District agrees that the City of Eden has strong standards. However, those standards have not served to protect the resources of concern in all instances. Additionally, the District must look at all resources within its boundary and reconcile various and often inconsistent standards between municipalities. The proposed standards, as intended in Statute Section 103B.235, are meant to set a base standard across the District. The District has already undertaken revisions to the proposed standard to address property rights concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of steep slopes. The District has documented numerous instances of slope failures, resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard as revised will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property. Also, the District's intent is to eliminate the guesswork involved in determining what is or is not a steep slope by providing a uniform standard with technical predictability for determining steep slope areas covered by the standard. 4. Members of the legislature cannot tell the District (and other water management organizations) what to do or dictate its agenda or implementation strategies, except by introducing legislation that would change its authorities, its purposes, and the reason it exists. 5. The District is required by law to conduct a resource inventory; develop water and resource management issues resulting from that inventory; develop policies, goals, and objectives to address those resource management issues; and consolidate all of those components into a watershed management plan. A component of the plan is the development of standards for resource management that must be incorporated into official controls by local government within the District. This plan amendment is the culmination of the District's most recent inventory and planning process. The standards being proposed are, in the Board's judgment, appropriately targeted to address the concerns revealed in the most recent resource inventory.
Duane Saunders	9901 Riverview Road, Eden Prairie	Owns 4 properties on the bluff - a 10-acre lot is where the house is, 6 acre lot where there is a small house where his caretaker lives and undeveloped 6-acre and 12-acre lots. As far as he can tell from the somewhat limited specific information he has received, it appears the undeveloped lots will become worthless and there will be substantial limits of what can be done to the two lots with houses on them. This is worse than eminent domain, where at least there would be some payment for taking his property.	The District has already undertaken revisions to the proposed standard to address this concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of steep slopes. The District has documented numerous instances of slope failures, resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard as revised will ensure such use and development and appropriately place responsibility on landowners. The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property.
Michael Heckman	City of Shakopee	Requested a continuance of the public hearing to allow staff adequate time to review the document (<i>response to comment log</i>). He asked for time to work through the comments with staff and said some of the responses are open-ended and vague enough that they don't really address the comment.	A continuation of the public hearing was considered and granted by the managers. The public hearing opened October 25, 2017 and will close April 18, 2018. The District coordinated four community informational meetings at various locations throughout the District, posted logistics about the meetings on the District's website, and emailed information to all with email addresses in the District's system.

Commenting entity/resident	If resident, resident's address	Comment	Response
Daniel Miller	1875 Meadow View Road, Bloomington	One of the main issues is the significant negative impact this could have on his properties. He said his property is almost 4 acres and the majority is down the bluff and down the river valley. If these proposed amendment changes, especially to the definition of the bluff impact zone and setback area, are adopted his entire backyard and portions of his house would be in the bluff impact zone or setback area and he would have a legally nonconforming property. He can't even begin to predict what would happen to his property if and when he decides to sell his property and he has to disclose the property is legally non-conforming. The negative financial impact this would have on his property is unpredictable. He can't do anything with 90% of his lot and he is adamantly opposed to any change that, quite frankly he doesn't understand what the purpose of it is. Why does it have to be changed? He questioned the standard for undue hardship and proving undue hardship is almost impossible.	The District is required by law to conduct a resource inventory; develop water and resource management issues resulting from that inventory; develop policies, goals, and objectives to address those resource management issues; and consolidate all of those components into a watershed management plan. A component of the plan is the development of standards for resource management that must be incorporated into official controls by local government within the District. This plan amendment is the culmination of the District's most recent inventory and planning process. The standards being proposed are, in the Board's judgment, appropriately targeted to address the concerns revealed in the most recent resource inventory. The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes.
David Shervey	1901 Meadow View Road, Bloomington,	David Shervey appreciative of all the city officials that made comments. He noted he has been at the address for 18 years. He was told the back would be a wildlife refuge and he doesn't understand how a park was built on a wildlife refuge. He stated his concern is with his 90-foot drop. He said he was told nothing would be done with the property and now the district is looking to take away more property. There is no proven track on record and the committee doesn't have the experience, background or no scientific data has been shown. Mr. Shervey said there are a lot of commercial properties in Bloomington that would also be in the outlawed area. He questioned why his property would be impacted and not others that are further down the river bluff area.	The proposed standard would apply to all properties lying within the steep slope area. The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes.
Adam Buenz	10100 Eden Prairie Road	Adam Buenz said they have a tree farm they are economically dependent on and asked how this works and if they would have to shut down the farm. He noted there are no structures in place.	Farms/agricultural practices will not be affected by the proposed standard. An exception will be incorporated in upcoming revision to the proposed standard.
Tom Moehn	5025 Overlook Circle, Bloomington	Tom Moehn said they moved in 3 years ago. He questioned who the governing agency is. He commented on the plain language rules and said he would leave the document. He questioned the working session that was had the other day and asked why the public wasn't notified. Mr. Moehn talked about the open meeting law. He said not once were the citizens with the impacted area were informed. His distance from his house to the river is half a mile and questioned how far is too far. Mr. Moehn talked about the terminology in the policy statement and pointed out require is only mentioned once in the policy statement. There is conflicting information in the document. Mr. Moehn said when he moved in to Bloomington they live over a ½ acre and the forested area to the east had a lot of buckthorn and according to the new standard he can't remove it. He stated there are 1,000 of homes in the affected area and said this should be public information and a mass mailing should be done to inform all. He talked about the properties decreasing. He questioned if he has to get permission to paint his house or remodel the inside. Mr. Moehn talked about "Dan's Law". He commented on the 100-year flood and said it should be a 500-1,000 plan. He said to consider this is a publicly funded board and there might be offense. He stated there are a lot of impacts that will affect people.	The Minnesota BWSR oversees the District and all other water management organizations. Work sessions are noticed, and information is posted on the District's website. The District has already undertaken revisions to the proposed standard to address many of the stated concerns. The commenter is mistaken regarding the removal of invasive buckthorn. However, the removal of invasive plants, including buckthorn, with no requirement to revegetate or stabilize a steep slope only creates further risk of bank or slope failure. The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes.
Chris Penwall	Suite 1300, Washington Avenue South, Minneapolis	Chris Penwall said he represents a number of homeowners who are affected. He provided some background information. Mr. Penwall commented on a regulatory taking. As to parcels that already have development on them there may also be a regulatory taking claim on them. If the bluff standards take away the ability to develop parcels that is a regulatory taking which will result in millions of dollars. Mr. Penwall referred to the eminent domain and said if the bluff standards are approved the board needs to budget for all the claims. He commented on the amount of time that it will take to enact these standards and the start of development will be grandfathered.	The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes. Such standards, municipal controls, and conditions do not result in the taking of property. The District has already undertaken revisions to the proposed standard to address this concern. Of primary concern to the District is the detrimental impact of stormwater discharge from increased impervious surfaces or irresponsible stormwater management to the face of steep slopes. The District has documented numerous instances of slope failures, resulting in significant public and private expense to correct environmental and infrastructure damage. It is not unreasonable to expect property owners to use or develop their property in a safe and responsible manner. The proposed standard as revised will ensure such use and development and appropriately place responsibility on landowners.

Commenting entity/resident	If resident, resident's address	Comment	Response
Laura Bluml	105040 West Riverview Drive, Eden Prairie	Laura Bluml said she and her husband Kevin have lived there for 23 years. She suggested having an open house where they have the maps and exhibits. She noted she is oblivious to the current rules. She said her property is about 2 ½ acres. Ms. Bluml said she would like to know what has happened and what is trying to be addressed. Agricultural is exempted and said they will all become farmers. She talked about the properties that will be grandfathered in and said disparities are being created. Ms. Bluml talked about the exemptions and how the city doesn't have the final decision. She said she has spent months pulling invasive species to restore natural vegetation. She said there should be new rules for new development only. Ms. Bluml questioned the rules for the flatter areas. Can she put in a fence for horses.	The District is required by law to conduct a resource inventory; develop water and resource management issues resulting from that inventory; develop policies, goals, and objectives to address those resource management issues; and consolidate all of those components into a watershed management plan. A component of the plan is the development of standards for resource management that must be incorporated into official controls by local government within the District. This plan amendment is the culmination of the District's most recent inventory and planning process. The standards being proposed are, in the Board's judgment, appropriately targeted to address the concerns revealed in the most recent resource inventory. The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes.
Roger Peters	3601 Overlook Drive, Eden Prairie	Roger Peters asked if very strict restrictions are proposed and then they are backed off. Mr. Peters proposed not implementing these and non-restricting some of these standards. He questioned the last time when major erosion has happened and asked what the reasoning is. He stated let's put the private back in the property. Mr. Peters said nobody here wants this to happen and said they should be going the other way. He asked why more restrictions would be added	The District admits that its first articulation of the standard was likely more restrictive than necessary to accomplish the resource management goals intended by the standard. However, the initial articulation was beneficial in revealing both deficiencies in the proposed standard and community concerns. The District has already undertaken revisions to the proposed standard to address this concern. The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes.
Steve Peterson	11036 Glen Wilding Way, Bloomington,	Steve Peterson came with a presentation but all his points have been made. The sense he gets is to educate people in the watershed district and this process was a great opportunity for the watershed district to have a conversation of the people around the bluff but instead a strict approach was taken and there are so many questions. Because of the incredible excessive nature that takes away the ability to this is now being set back which he has great disappointment and hopes the district will listen to what the people have said.	The District is required by law to conduct a resource inventory; develop water and resource management issues resulting from that inventory; develop policies, goals, and objectives to address those resource management issues; and consolidate all of those components into a watershed management plan. A component of the plan is the development of standards for resource management that must be incorporated into official controls by local government within the District. This plan amendment is the culmination of the District's most recent inventory and planning process. The standards being proposed are, in the Board's judgment, appropriately targeted to address the concerns revealed in the most recent resource inventory. The District involved its Technical Advisory Committee (TAC) extensively in the standards development process. The TAC includes representatives from all of the municipalities in the District. The public comment process is the appropriate forum for the community dialog mentioned by the commenter. Additionally, the District coordinated four community informational meetings at various locations throughout the District, posted logistics about the meetings on the District's website and emailed information to all with email addresses in the District's system.
Doug Bartyzal	11012 Glen Wilding Lane,	A couple years ago he pulled a permit to put a small addition on the back of his house and the current laws are already very restrictive. He said his house was built in 1956 and it is a privilege to live on the bluff. He noted you can type in your address to see how your property would be affected by the 18% rule. Mr. Bartyzal talked about buckthorn. Mr. Bartyzal said that needs to be made clear. He said the information isn't getting out there and it is the districts responsibility to make sure the 1,000 homes affected are notified.	1. The proposed standard allows removal of invasive buckthorn and other invasive and noxious plants. However, the removal of invasive plants, including buckthorn, with no requirement to revegetate or stabilize a steep slope only creates further risk of bank or slope failure. 2. The standard will not prevent the safe and responsible use of property, nor will it limit safe and responsible development of property. Rather, the standard, once reduced to municipal controls with performance standards, will place conditions on such use and development to ensure that each occurs responsibly and in a manner that addresses the resource concerns related to steep slopes.



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, April 18, 2018

Agenda Item

Item 6. A. - Hennepin County Landslide Inventory

Prepared By

Linda Loomis, Administrator

Summary

Hennepin County completed the first phase of its study to inventory historical landslides in Hennepin County. The findings of this study have been released to Emergency Managers throughout the County. The LMRWD has received this information, which will be incorporated into the SONAR. The County would like to undertake a second phase that will field verify the work and look further into causes of the slope failures. Freshwater Society is closely involved in this work and has reached out to watershed districts that are impacted by landslides to help fund phase 2.

An email from Steve Woods is attached providing more details of the inventory, phase 2 and requesting a meeting with the watershed districts. Mississippi WMO, Nine Mile Creek WD, US Fish & Wildlife Service and Steve Woods & Carrie Jennings from Freshwater met on April 11th to discuss participation by the watersheds. Hennepin County has agreed to fund \$10,000 toward phase two. It is estimated that phase 2 will cost \$40,000 to complete. Given the number of landslide features in the LMRWD, we thought \$10,000 from the LMRWD would be an appropriate amount. The remaining \$20,000 would come from Mississippi WMO, Nine Mile Creek WD, Minnehaha WD and RPBCWD. Riley/Purgatory/Bluff Creek WD and Minnehaha WD were not at the meeting, but there are plans to check in with them before proceeding.

There is money in the education budget to pay for this.

Attachments

Email from Steve Woods

Recommended Action

Motion to authorize participation in phase 2 landslide study and level of participation

Bluff erosion and landslides in Hennepin County

Steve Woods <SWoods@freshwater.org>

Fri, Mar 30, 2018 at 2:40 PM

To: "ranhorn@ninemilecreek.org" <ranhorn@ninemilecreek.org>, "Doc Snyder (dsnyder@mwmo.org)" <dsnyder@mwmo.org>, "cbleser@rpbcd.org" <cbleser@rpbcd.org>, "Linda Loomis (naiadconsulting@gmail.com)" <naiadconsulting@gmail.com>, James Wisker <JWisker@minnehahacreek.org>
Cc: Carrie Jennings <cjennings@freshwater.org>

I've either spoken with each of you or left a voicemail about a project Hennepin County has been doing and is looking to expand into a second phase. This is the email I promised.

We have been working with Hennepin County Emergency Management to inventory historic landslides and map all landslides in the County. Their purpose for undertaking this work is to minimize health and safety risk, damage to infrastructure, and help predict areas susceptible to landslides in light of changing precipitation events and human modifications to slopes.

We have identified the historical landslide deposits, small slides along rivers and slopes in the interior of the county, as well as large slides along the Minnesota and Mississippi in your watersheds.

Watershed	Slide Deposits	Modified slopes that have failed	Small river slides	Large scarps where slides originate	Small slides in interior of county	Total number of slide features
Mississippi	1	1	4	1	15	22*
Nine Mile	11	3	1	39	56	110
Riley/Purgatory/Bluff	18	16	4	16	177	231
Lower Minnesota	93	43	2	137	343	618
Minnehaha Creek	4	8	3	2	220	237

*Unquantified number of rockfalls that were not detectable on LiDAR but require field-checking.

Hennepin County has committed an additional \$10,000 to field check this work and identify specific soil and geologic units and the unique conditions associated with these slides (springs, stormwater discharge, impervious soil horizons). However, this is not enough to complete the work. We're hoping the watershed organization will consider partnering with the County for fiscal support somewhat proportionate to the landslide occurrences in your jurisdiction.

Water management plays a role in the stability of at-risk slopes. Stormwater, impervious surfaces, rooflines, swimming pools and other changes to hydrology can exacerbate the problem resulting in stream impairments from high sediment loads.

We would like to schedule a short meeting on the morning of April 10, 11, or 12 (or a conference call) to discuss the possibility of additional watershed support for this work. Could you please let Carrie and I know which of those mornings work for you or someone else on your staff?

Carrie Jennings, PhD, P.G.
Research and Policy Director
Freshwater Society



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, April 18, 2018

Agenda Item

Item 7. A. - Engineering & Legal Proposals

Prepared By

Linda Loomis, Administrator

Summary

The Board received three proposals for Engineering Services; Young Environmental Consulting, LLC, RESPEC and EOR. The item was tabled at the last meeting to allow Managers more time to review the proposals. Managers should discuss the proposals and determine further actions.

Attachments

No attachments

Recommended Action

Motion to prepare contract with Engineering/Technical consultant chosen by the Board



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, April 18, 2018

Agenda Item

Item 7. B. - Metro-area Watershed Based Funding Pilot Program

Prepared By

Linda Loomis, Administrator

Summary

Every Metro-area county must submit its plan to BWSR by June 30th. This is an update about what has been happening with this program in each of the counties:

Carver: Carver County is planning to allocate money based on the original discussion. Money would be allocated based on a 50/50 split between area and market value. This means the LMRWD can expect to get \$25,472. The group is planning to meet again on April 26th to finalize the plan and wants the watershed districts to identify the project or projects they intend to fund. The LMRWD is planning to submit the East Chaska Creek project.

Dakota: Dakota County is also planning to allocate money according to the initial meeting. The LMRWD will receive \$65,450. The LMRWD is planning to submit the Dakota Fen Stewardship project.

Hennepin Hennepin County is still undecided and is contemplating undertaking a county-wide chloride project. The convening group would like to take a percentage off the top to use for chloride education and investigation. The Hennepin County watershed organizations that are in the MN River basin are still planning to work together and put all money received from Hennepin County into a pool to fund a cost share program that would allow cities and other (like School Districts) to buy new equipment that would lead to less chloride use.

Scott Scott County is planning to fund one large county-wide project and then allocate the remaining money to each watershed based with a base share of \$75,000 and then the rest divided between the watershed organizations on a 50/50 split between area and market value. So the LMRWD would receive \$146,550. The LMRWD does not have any projects in its current CIP in Scott County, so the District would plan to submit a project with either the city of Savage or the city of Shakopee and identify it as a Cost Share project. Savage has a project that would be a good fit in the Eagle Creek sub-watershed. The Storm Sewer system drains through a series of ponds ending in a shallow pond that outflows to Eagle Creek. The city is concerned because the final pond is very shallow and has a large surface area, causing the water to warm up rapidly before it then flows to Eagle Creek. The project would be to undertake a feasibility study to determine if there is a possibility to re-use the storm water for irrigation of a park with active ball fields and to also address the Fecal Coliform impairment of Eagle Creek.

The county-wide project looks like it will be related to chloride. The initial phase would be to evaluate chloride use across the county to see what chloride management is already being done, develop a goal for the county and then develop a plan to reach the goal.

Attachments

No attachments

Recommended Action

No action recommended



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, April 18, 2018

Agenda Item

Item 7. C. - Dredge Management

Prepared By

Linda Loomis, Administrator

Summary

- i. **Review process for funding of maintenance of Navigation Channel**
Staff is working with BWSR and the DNR to see what they want from the LMRWD in order to comply with 103D.605.
- ii. **Vernon Avenue Dredge Material Management site**
Preliminary modeling is complete and is being tested. Jeff Weiss of Barr Engineering, who is preparing this task for the LMRWD, will be meeting with staff next week to discuss the report.
- iii. **Private Dredge Material Placement**
LS Marine has informed the District that they are getting ready to remove private dredge material from the site beginning the week of April 23rd.

Attachments

No attachments

Recommended Action

No action recommended



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, April 18, 2018

Agenda Item

Item 7. D. - Watershed Management Plan

Prepared By

Linda Loomis, Administrator

Summary

Staff has prepared information about the management of the floodplain. It is attached for Board review. If Managers have any comments or questions let staff know.

A continuation of the October 25, 2017 public hearing is scheduled for the April 18th meeting. If the Board chooses to close the public hearing the next step is to direct staff to prepare the final draft of the Watershed Management Plan Amendment, making revision as discussed in the comment/response log. Any other revision desired by the Board should be provided to staff at this time. The final draft of the Plan Amendment will then come before the Board at the May 16, 2018 meeting for approval and authorization to submit the Plan Amendment to BWSR and other reviewing agencies for the 90-day review period.

Attachments

LMRWD Floodplain and Drainage Alteration Standard whitepaper

Recommended Action

Motion to direct staff to prepare final draft of Watershed Management Plan Amendment



Technical Memorandum

To: Linda Loomis, Administrator

From: Lisa Buchli, PE
Della Schall Young, PMP, CPESC

Date: April 12, 2018

Re: LMRWD Floodplain and Drainage Alteration Standard – What It Is and How It Affects Floodplain Development

The Lower Minnesota River Watershed District (“LMRWD” or “District”), as one of its management policies, regulates floodplain and drainageway alterations within its boundaries. Floodplains provide flood protection for natural resources, permanent structures, and private lands in accordance with Minnesota Statute 103F. The LMRWD ensures that protection through the Floodplain and Drainage Alteration Standard (hereinafter “District floodplain standard” or “standard”) that is a part of the District’s approved Watershed Management Plan, which is being amended. The amendment includes changes to the existing standard. This document provides a summary of the existing and proposed standards to help stakeholders better understand how the standard will affect them.

All communities within the District have floodplain ordinances that are approved by the Minnesota Department of Natural Resources (MnDNR). Adoption of those ordinances regulates floodplain activities unless the local government units (LGUs) have given the authority to the District. Proper floodplain management aims to minimize the risk from flood hazards. Some development within the floodplain may be allowed, but landowners are required to obtain the necessary LGU approvals before making alterations to floodplains of the Minnesota River, streams, and other bodies of water. If the proposed changes to the District’s floodplain standard are more restrictive than LGU’s current floodplain ordinance, the LGU will be required to adopt and enforce the new standard.

Floodplain Terminology

The natural functions of river and stream floodplains are to carry or hold excess water during times of flooding, provide natural habitat, and protect water quality. The placement of fill or other obstructions within the floodplain has the potential to create channel restrictions and floodplain encroachments that impair its natural functions and amplify the tendency of the river to flood and cause damage. Figure 1 presents a simple representation of a floodplain system.

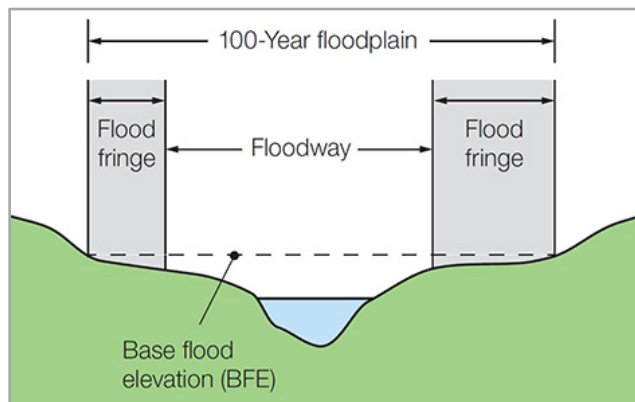


Figure 1: Typical Floodplain Layout

The definitions of several key terms follow:

100-year flood – the flood event having a 1 in 100 (or 1 percent) chance of being equaled or exceeded in any given year. Also referred to as the *1-percent annual chance flood* or *base flood*.

100-year floodplain – the area that will be inundated by the flood event having a 1 in 100 (or 1 percent) chance of being equaled or exceeded in any given year. Also referred to simply as *floodplain*.

Base flood elevation (BFE) – the water surface elevation during a 100-year flood. Also referred to as the *100-year flood elevation*, the *100-year water surface*, or the *1-percent annual chance flood elevation*.

Floodway – the stream channel and the portion of the adjacent floodplain that must remain open to permit passage of the base flood without cumulatively increasing the water surface elevation more than a designated height. FEMA¹ regulations

¹ The Federal Emergency Management Agency (FEMA) is the government agency responsible for coordinating the federal government's role in preparing for, preventing, and mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made.

state that the designated height cannot be more than one foot. In Minnesota, this height is 0.5 feet.

Flood fringe – the remainder of the floodplain after the floodway has been determined. This area is generally associated with slow moving or standing water rather than flowing water.

How Is the Floodway Determined?

A floodway analysis is conducted to determine the boundaries of the floodway. That analysis determines where encroachment by development will increase flood elevations significantly and worsen flood conditions. The analysis, conducted by computer using hydraulic modeling software, begins at both edges of the floodplain. The computer model starts “filling” the floodplain by adding obstructions on either side of the river cross section. That “squeezes” the floodwater toward the center of the channel and causes the flood level to rise. At the point where this process results in a 0.5-foot rise (in Minnesota), the floodway boundaries are drawn. That procedure is repeated at all cross sections in the hydraulic model. Figure 2 illustrates the floodway analysis process.

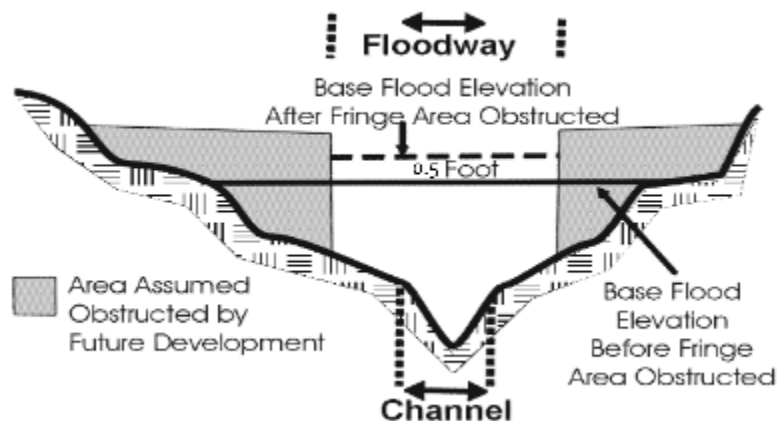


Figure 2: Computer floodway analysis

FEMA considers allowing flood heights to rise to a designated height to be a compromise standard. Prohibiting any rise in flood elevation would prohibit most types of new development or redevelopment. On the other hand, allowing development to obstruct flood flows and increase flood heights can create problems for other property owners. The floodway analysis procedure described above ensures that properties on both sides of a river will be treated equally so the degree of obstruction currently permitted for one property will be permitted in the future for the other.

Not all streams currently have mapped floodplains, and even fewer have mapped floodways. According to the National Hydrography Dataset, there are a little more than 3

million miles of streams in the United States. In 2013, just over a million miles of streams had mapped floodplains, and only 20 percent of those floodplains had mapped floodways. However, automated modeling and mapping tools are making floodplain studies less expensive. As more floodways in the district are mapped, it becomes more critical for the District to implement standards that will reduce the impacts of encroachments into the floodplain and minimize the potential for flood damage.

What Activity is Allowed in the Floodplain?

No permanent structures, with the exception of drainage conveyance structures and monitoring equipment, may be constructed in the floodway. Because the floodway must be left open to pass flood waters, only open space uses such as farming, residential yards or gardens, golf courses, parks, playgrounds, or parking lots are usually allowed.

Based on the way the floodway/flood fringe boundary is determined, any development in the flood fringe would not increase flood levels more than what is allowed by Minnesota statute (0.5 feet). While the Minnesota standard does establish this upper limit, the LMRWD believes that allowing the designated height to be anything other than zero is problematic. As noted above, the method for developing floodway boundaries allows for a 0.5-foot water surface increase above the 100-year flood elevation. However, floodplain mapping is developed based only on the 100-year flood elevation. When the flood fringe is filled, the floodway constricts and flood elevations rise, so the area inundated by the same flood event increases. New development allowed within the flood fringe could cause existing development mapped just outside the 100-year floodplain to flood during a 100-year event. In addition, floodplain encroachments can be damaging to the natural and beneficial functions of the floodplain.

For those reasons, the existing District floodplain standard states that if the placement of fill in the 100-year floodplain causes a rise in the 100-year flood elevation, compensatory floodplain storage equal to or greater than the volume of placed fill must be provided. In essence, the standard requires no net loss of natural floodplain storage. The volume of the loss of storage due to filling or grading will be offset by providing an equal volume of storage by excavation. There will be no rise in the 100-year flood elevation because any rise due to placed fill or grading will be offset by excavation of material in another part of the floodplain.

The proposed District floodplain standard includes an additional requirement stating that no grading or filling is allowed in the floodplain if it reduces the flood-carrying capacity of the watercourse. That requirement was added to better align the standard with current federal and state regulations for FEMA-mapped floodplains. The requirement is intended to prevent, for example, grading in the floodplain that does not add fill but does create a new obstruction. There would be no change to the storage volume in the floodplain, but if the grading essentially created a dike perpendicular to the direction of

flow, it could cause an increase in the 100-year flood elevation by limiting flow conveyance. The addition to the District floodplain standard ensures that any floodplain development will not adversely affect flood flow efficiency or restrict the capacity of the flow.

Approval of Allowed Floodplain Activity

If property owners or developers want to place fill or perform grading in the flood fringe, they will need to provide information showing that the proposed work would not cause a rise in the 100-year flood elevation. If it can be shown that any flood fringe volume that is filled would be offset by an equal volume of excavation elsewhere in the floodplain, modification to the hydraulic computer model that was used to create the existing floodplain mapping would not be necessary. The required fill and excavation volumes must be calculated by a professional engineer registered in the State of Minnesota. A No-rise Certification, while not necessary, also would meet this requirement. This will help to ensure that new development that is allowed within the floodplain will not increase flooding on any existing development.

Summary of Changes to the District Standard

The existing floodplain alteration standard (from the Third Water Management Plan of 2011 with 2015 amendments) requires that no filling be allowed in the floodplain that causes a rise in the base flood elevation without providing compensatory floodplain storage. That requirement is included in the proposed standard as well, along with the requirement that the allowable fill area must be calculated by a professional engineer registered in the State of Minnesota. The proposed standard also states that the floodplain storage capacity that will offset the proposed fill must be created before any fill is placed in the floodplain.

A new requirement added to the standard states that no grading or filling is allowed in the floodplain if it reduces the flood-carrying capacity of the watercourse below the base flood elevation. As stated previously in this document, this regulation was added to better align the standard with current federal and state regulations for FEMA-mapped floodplains. The conveyance capacity must be calculated by a professional engineer registered in the State of Minnesota, and the analysis must show no decrease in conveyance upstream and downstream of the proposed fill or grading.

The proposed standard states that all new residential, commercial, industrial, and institutional structures must be constructed so the lowest floor of the lowest enclosed area (including a basement or crawl space) is at least two (2) feet above the base flood elevation. This is a change from the existing standard, which states that the “lowest

ground level” must be two feet above the base flood elevation. That change was made to better align the standard with current federal and state regulations.

The proposed standard includes a new regulation related to dredging projects. Fill can be temporarily placed in the floodway for staging or processing of river dredge material as long as the dredging is conducted according to a cooperative or local sponsorship agreement with the United States under the Rivers and Harbors Act and it meets the requirements of the LGU.

A final change to the proposed standard is the inclusion of an exception to the rules outlined in the standard. If the base flood elevation of a waterbody is entirely within a municipality, the waterbody does not outlet during the base flood, and the municipality has adopted a floodplain ordinance prescribing an allowable degree of floodplain encroachment, the municipality’s ordinance governs the allowable degree of encroachment.

CC: Jeffrey Thuma, Burns & McDonnell



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, April 18, 2018

Agenda Item

Item 7. E. - 2018 Legislative Action

Prepared By

Linda Loomis, Administrator

Summary

A summary of legislation Lisa Frenette is following on behalf of the LMRWD is attached. We also spent Thursday April 12th visiting legislators at the Capitol. We met with Representatives Fabian, Torkelson and Paul Anderson. We also met with Senator Weber. We are planning to visit with additional legislators on April 25th. Our message has been to thank them for the funding last session and give them an update on how we are using the money. We are also letting them know that we are still interested in managing flows in the upper basin of the Minnesota River and what we are doing in our area to better manage flow and sediment production. Also that we are looking for a longer term solution to funding the management of material dredged from the river.

We discuss with them how important funding the implementation of One Watershed One Plans (1W1P) are to the LMRWD and how difficult it is for the MN River Basin 1W1P to be funded locally. We have asked them to let us know if there is anything that we can do to help them reach the goals of the 1W1Ps.

Lastly, Kim Musser of the Minnesota River Basin Data Center reached out to me. They are seeking an LCCMR grant to fund the Center. We agreed that we should do more to work with each other since the Center is the repository for a lot of information, historical and scientific, on the Minnesota River. We agreed to keep each other informed of what we are working on and look for ways to support the work each of us is doing. The Board may want to consider adding state funding of the Center as a legislative priority.

Attachments

Legislative update

Recommended Action

No action recommended

LMRWD Legislative Update

The House and the Senate wrapped up their expedited policy deadlines on Thursday, March 30th. The February 20th start date and the marathon to finish up work before the deadlines did not allow for a lot of opportunity to have some legislation heard but that may be a good thing...

The following pieces made it through the mandatory policy deadlines but as with all legislation nothing is dead or alive until adjournment of the legislature on the third Monday in May.

Drainage Workgroup Legislation - SF 3410/HF 3836

This bill originally set out to be about consensus items of the DWG but has morphed into a source of contention. At the source of contention is language allowing municipalities that may need septic systems to access AGBMP loans to a lack of understanding of what the bill specifically sets out to do on run-off and sediment delivery options on public ditch drainage efforts advanced by the DWG. MAWD is working with legislators to find common agreement on AGBMP loans and runoff and sediment options.

Nutrient Reduction Strategy Funding - SF 3620/HF 3940

\$750,000 has been requested to assistant MN State University Water Resource Center to convene a stakeholder group to design a comprehensive strategy for point and nonpoint source pollution in the Minnesota River Basin. The stakeholder group must review local water management plans, review current practice and science related to point-to-point and point-to-nonpoint trading, identify any obstacles to trading in the Minnesota River basin, and recommend appropriate actions to enhance trading opportunities to improve water quality in the Minnesota River basin, including but not limited to developing appropriate trading ratios and creating a trading exchange. Watershed districts have not been included as part of the stakeholder group to date.

Nitrogen Sulfate Rulemaking

The LMRWD has been closely monitoring the Governor's proposal to prohibit the application of nitrates on farmland in an effort to reduce these chemicals for groundwater protection. To date, the rules do affect communities in the Minnesota River Basin.

Various agriculture groups have proposed legislation that will prohibit any rulemaking on this chemical. They include MN Corn Growers, AgriGrowth Council, the Egg Producers, and MN Sugarbeet Growers Association among others who are concerned that it will have a negative impact on crop yields.

Environmental Science Review - SF 2878/HF 3065

This bill appropriates \$1 million in 2018 and 2019 to the MN Environmental Science and Economic Review Board to review the scientific valid and technical accuracy of water quality standards, TMDL's, WRAP's and NPDES permits that have new or more restrictive effluent-limits outside the metro area. This legislation is an off-shoot of a legislative/rulemaking issue when the MPCA designated new rules for waste-water treatment facilities and discharges into local lakes, rivers and streams and for groundwater protection.

Legislative Approval Required for Water Pollution Fees - SF 2637/HF 2940

These bills stem from recent increases by the MPCA on water quality fees. Comments in committee hearings range from new rules increasing water quality fees to homeowners not being able to afford the increases. The legislation is awaiting final action in both the House and the Senate.



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, April 18, 2018

Agenda Item

Item 7. F. - Education & Outreach

Prepared By

Linda Loomis, Administrator

Summary

i. Education & Outreach Coordinator

The LMRWD advertised for a consultant to fill the role of Education & Outreach Coordinator at the same time proposals were requested for legal and engineering services. The proposal for engineering services from RESPEC was the one that seemed address this need most specifically. The Board may wish to consider approaching RESPEC to provide education & outreach services. Alternatively, the District could re-advertise for this service specifically. If so, I would not advertise in the state register, but look for other avenues to advertise for this service.

ii. Friends of the MN River Valley/LMRWD collaboration

No new information since last update.

iii. Citizen Advisory Committee

No new information since last update.

Attachments

No attachment

Recommended Action

No action recommended



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, April 18, 2018

Agenda Item

Item 7. G. - 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 Hennepin County Flying Cloud Drive/CSAH 61 reconstruction project**

The LMRWD has been working with Hennepin County to stabilize the stream banks of Riley on the reach that is south of Flying Cloud Drive. Staff thought there may be some efficiency and reduction in the cost of the project by coordinating the project with Hennepin County's reconstruction of Flying Cloud Drive. The County asked the LMRWD to work directly with the contractor and an estimate for the project was provided by the Contractor, Ames Construction. That bid is attached. Technical staff has reviewed the bid and asked the contractor about the cost of *Bid Item #2- Set up/Remover Riley Creek Temp Bypass and Dewater.*

I spoke with the Contractor's contact person for more detail about Bid Item #2. He said there is some efficiency to be gained by timing the project to coincide with the County. The reason Bid Item #2 is there is that, the Contractor is already done with the bypass needed for the County's project and the reach of Riley Creek the LMRWD working on is about 30 feet south of where the County's work is done. They will need to bypass Riley Creek again for the County when they grout the stone under the bridge and that will reduce the cost to the LMRWD. This reduction is reflected in the figure quoted. He also said that dewatering will need to be done in order to create the plunge pool that is part of the LMRWD project. Staff feels this is a reasonable explanation.

iii. **Floodplain Lake Coring Project with Freshwater Society**

Dr. Stefanova, of Lac Core is analyzing the pollen from the cores taken in February. Dr. Carrie Jennings has contacted me for historical information about fires in the river valley. Lac Core is looking at carbon deposits as part of the analysis of the sediment cores and some unexpected carbon layers have been found. I have not been able to find any information in the District's records about fires, but I have referred Carrie to Mark Cleveland of the DNR. He has provided some information to the District about fires and fen management. Staff thought Mr. Cleveland may have information that might be helpful.

iv. **Seminary Fen ravine stabilization project**

No new information since last update

v. **Analysis of Dakota County Monitoring**

We have had no new information from the DNR. If this is the project that the LMRWD funds with the Metro-area Watershed Based Funding Pilot Program staff will pull together a proposal in order to apply for the grant money.

vi. East Chaska Creek - CSAH 61 & TH 41 Transportation improvements

The City of Chaska had planned to meet with the LMRWD about this project, however, that meeting was cancelled. A new meeting has been scheduled for April 26th. We hope to be able to use the LMRWD's allocation of the Metro-area Watershed Based Funding for Carver County to help fund this project.

The project proposed the recreation of a wetland adjacent to East Chaska Creek on land owned by the City. The city has indicated that they are ready to begin redevelopment of the site and it may be possible to complete this project as part of the redevelopment. East Chaska Creek is impaired for Aquatic Life and Recreation due to Aquatic Macroinvertebrate Bioassessments, Fishes Bioassessments, turbidity and Fecal Coliform.

Attachments

Bid from AMES Construction for Riley Creek Project

Recommended Action

Motion to accept bid proposal from Ames



Ames Construction, Inc.®

2000 Ames Drive
Burnsville, MN 55306
952-435-7106 • Fax 952-435-7142

April 12, 2018

Attention: Linda Loomis
District Administrator
Lower Minnesota River Watershed District
Chaska, MN 55318
Sent via Email; naiadconsulting@gmail.com

Regarding: Proposal for grouted riprap vane and plunge pool within Riley Creek immediately south of Flying Cloud Drive in Eden Prairie, MN.

To Linda Loomis,

Ames Construction is proposing to perform the following work for a price of **\$73,846.49** for the above referenced project. The price is subcategorized by the following bid items.

- Bid Item 1 – Erosion Control and Maintenance - \$3,916.15
- Bid Item 2 - Set up/Remove Riley Creek Temp Bypass and Dewater - \$40,239.67
- Bid Item 3 - Install Grouted Riprap Vane and Plunge Pool - \$29,690.67
 - Total Bid - **\$73,846.49**

The work is conditioned via the following clarifications and exclusions.

General Clarifications

1. Work will entail a complete bypass of Riley Creek and dewatering to provide for a dry work area for excavation and installation of the grouted riprap vane and plunge pool.
2. Ames will furnish materials for Random Riprap Matrix and Granular Filter Cushion in conformance with specifications for the Hennepin County Flying Cloud Project No. 0904.
3. Pricing is only valid for work to be performed in the time frame from June 16, 2018 to October 15, 2018.
4. Pricing based on the details provided by the Lower Minnesota River Watershed District to Ames on drawing 162/297 and **STREAM RESTORATION STANDARD PLATES** April 12, 2018.
5. Purchaser must sign Ames purchase order.
6. Payment is to be 30 days from completion of all work by Ames.

Exclusions

1. Builders risk insurance and bond.
2. All testing and inspection.
3. All utility relocations unless noted otherwise.
4. All engineering.
5. All design costs.
6. All permits.
7. Disposal Fees.
8. Relocation / Removal of any mechanical or electrical components unless noted otherwise.
9. Survey.
10. As-built drawings.
11. Any future changes made to the drawings provided by the Lower Minnesota River Watershed District on April, 12 2018.

An Equal Opportunity Employer

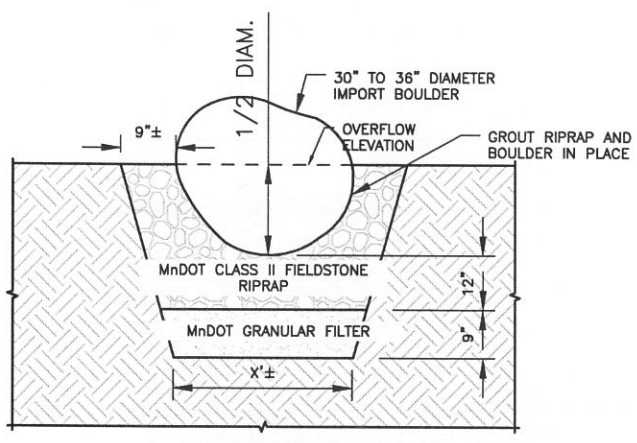
OFFICES IN: PHOENIX, ARIZONA • AURORA, COLORADO • CARLIN, NEVADA • WEST VALLEY CITY, UTAH

Regards,
Ames Construction, Inc.

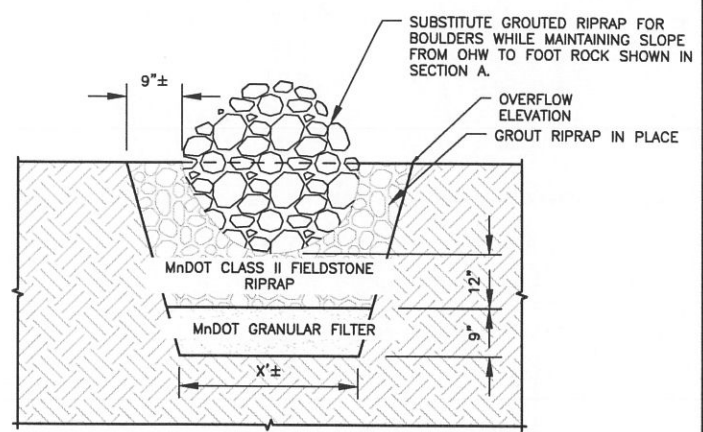
A handwritten signature in black ink, appearing to read 'Alex Carlin', with a long horizontal flourish extending to the right.

Alex Carlin
Project Manager

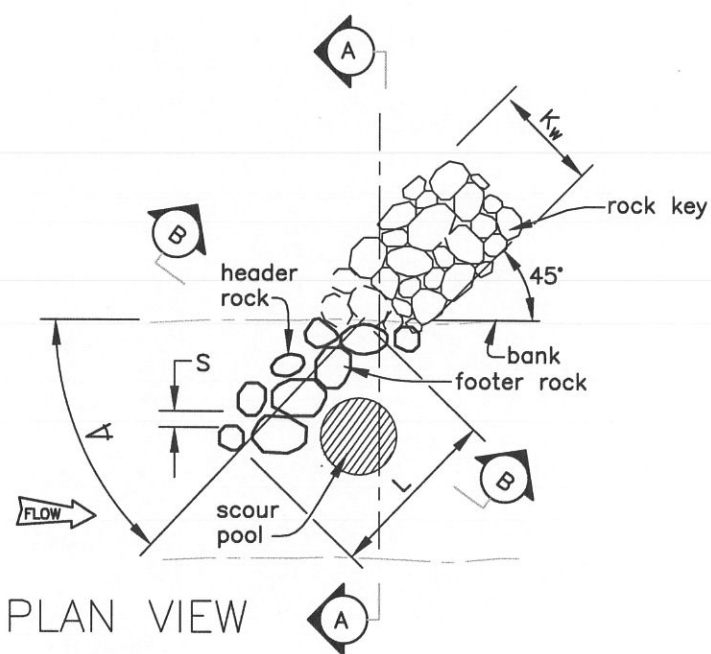
CADD USER: Adam K. Howard FILE: G:\AKH\ECOSYSTEMRESTO\STREAM_RESTORATION_STANDARD_PLATES.DWG PLOT SCALE: 1:1 PLOT DATE: 4/12/2018 11:03 AM



1 SECTION: BOULDER VANE TRENCH
NOT TO SCALE



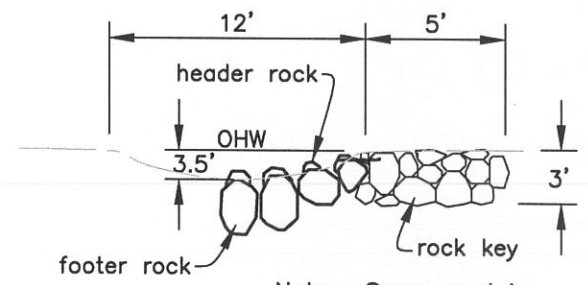
2 SECTION: BOULDER VANE TRENCH ALTERNATIVE
NOT TO SCALE



PLAN VIEW

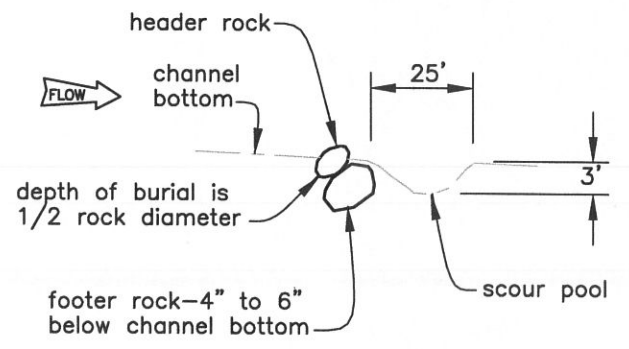
GENERAL NOTES

1. Vane will extend into the channel a total of 1/3 of the bank full width flow and will be angled from the streambank between 20° to 30°.
2. The top of the vane shall have a slope between 4° to 7°.
3. This standard drawing requires supporting technical documentation prior to use and must be adapted to the specific site.



Note: Scour pool is
1) Scour pool is not shown in this view.
2) Footer rock elevation is same as middle of channel

SECTION A



SECTION B

STREAM RESTORATION STANDARD PLATES
|| BOULDER VANE ||

This template is for REFERENCE ONLY and should be carefully considered and edited to match the project's specific situation.

SPEC #: 31 37 00
BARR ENGINEERING COMPANY
4700 W 77th Street
Minneapolis, MN 55435-4803
P: (952) 832-2600



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, April 18, 2018

Agenda Item

Item 7. H. - Project Reviews

Prepared By

Linda Loomis, Administrator

Summary

- i. **City of Savage - 7369 Highway 13: Valley Oil**
This is a project in the City of Savage where the property owner is proposing to place fill in the flood plain. Staff has reviewed the project and comments are attached.
- ii. **City of Chaska - MCES L-71 lift station project**
Staff received information from the Carver County WMO that MCES is planning some work at a lift station in Chaska. Staff will be meeting with the engineer for the project.
- iii. **City of Chaska - Indoor Dog Park**
Staff was made aware of this project by the DNR because of the proximity of the project to Seminary Fen. The project proposes construction of an indoor dog park at the intersection of CSAH 61/Chaska Boulevard & Engler Boulevard. Staff is reviewing this project.
- iv. **City of Bloomington - Jefferson High School**
Staff received plans for a project at Jefferson High School in Bloomington. The project proposes to distribute 3,100 square feet for a small addition to the high school to house and elevator. LMRWD reviewed the project and discussed the project with the city. That said that they work with the School District #271 quite often and will require mitigation on site in the form of rain garden and then require construction BMPs while the work is being done. Because the project would increase impervious surface less than one acre no standards for the LMRWD are triggered. The representative for the project was informed that the LMRWD requests that the project meet the requirements established by the City.
- v. **Scott County - TH 169/41 Interchange**
Staff received plans from the Engineer for the TH 169/TH41 interchange in Scott County. Staff has reviewed the plans and comments are attached for Board review. Staff would like to note that projects such as this demonstrate the need for the changes to the Watershed Management Plan proposed in the Plan Amendment. The District received initial notification of this project and then was not included in any of the planning process. LMRWD staff followed up on the project to see what was going on and we were informed that the design was complete. There may be opportunities for more treatment of stormwater, if the LMRWD had been included in the process from the beginning. Once the Plan Amendment is complete and submitted for final review staff will begin to work on rules and a permitting program that will cover projects such as this.

- vi. City of Minneapolis - Comprehensive plan**
Staff was notified that the City of Minneapolis has updated its Comprehensive and it is out for comment. The Metropolitan Council has required Minneapolis to submit its plan to the LMRWD for review. Staff is reviewing the Comp Plan to look at if the MSP Airport is addressed and if there are stormwater requirements specific to the airport. So far the only comment staff has is the City's Local Water Management Plan is dated 2006.
- vii. City of St. Paul - Comprehensive plan**
Staff was notified that the City of St. Paul has updated its Comprehensive and it is out for comment. The Metropolitan Council has required St. Paul to submit its plan to the LMRWD for review. Staff has not yet begun the review of the St. Paul Plan, but will review it specifically for impacts to the LMRWD.
- viii. City of Bloomington - Local Surface Water Management Plan**
In February 2018, the LMRWD received the Local Surface Water Management Plan (LSWMP) from the City of Bloomington. Staff has completed its review of the Bloomington LSWMP and forwarded comments to the city. Resolution 18-04 is attached which provides for conditional approval of the Bloomington LSWMP. The comment letter that was sent to the city is also attached.
- ix. City of Bloomington - Hyatt House; 2343-2373 Old Shakopee Road**
There are two things going on with this property. The first is a proposed amendment to the Bloomington Comprehensive Plan. The LMRWD was notified the city intends to amend its comprehensive plan change the land use for this project from Innovation and Technology. to Office. Staff intends to respond to the city that the amendment to the Comprehensive Plan does not impact the LMRWD, however the LMRWD may comment on this project as it moves forward.

The second is the project was recently submitted to the City of Bloomington for approval. The LMRWD has been working with the developer and its engineering consultant on this project, which would construct a hotel on a site that is adjacent to Ike's Creek. Staff has reviewed the plans submitted to the city and staff comments are attached and will be submitted to the city.
- x. City of Chaska - Local Surface Water Management Plan Amendment**
In February 2018, the City of Chaska submitted an amended Local Surface Water Management Plan (LSWMP) to the LMRWD for review and comment. The Chaska LSWMP was updated in November 2015 and this amendment is merely a formality to meet the requirement of the revision to MN Rule 8410 that requires all municipalities to update Local Water Management Plans by the end of 2018. The 2015 Chaska LSWMP was reviewed by the LMRWD in 2015 and approved with conditions. The LMRWD's conditions were addressed in 2015 before the City adopted the LSWMP. Staff has reviewed this LSWMP amendment and recommends approval of the Chaska plan subject to the conditions noted in Resolution 18-02, which is attached.
- xi. City of Chanhassen - Comprehensive Plan/Local Water Management Plan**
In February 2018, the City of Chanhassen submitted an update to its Local Water Management Plan (LWMP) to the LMRWD for review and comment. Staff has reviewed the updated LWMP and recommends conditional approval of the LWMP. Resolution 18-03 is attached, as well as the comment letter that was sent to the City.
- xii. City of Lilydale Local Water Management Plan Amendment**
In February 2018, the City of Lilydale submitted its updated Surface Water Management Plan (SWMP) to the LMRWD for review and comment. Staff has reviewed the SWMP and recommends conditional approval of the SWMP. Resolution 18-05 is attached, as well as the comment letter that was sent to the city.
- xiii. City of Burnsville - Xcel Energy Black Dog Plant**
Staff received an update from Xcel Energy regarding the seeps that were created by the directional boring attempts. The update is attached for Manager to review.

- xiv. **MNDOT - I35W Bridge replacement**
No new information since last update.

Attachments

7369 Highway 13 - Valley Oil project review
Trunk Highway 169/Trunk Highway 41/CSAH 78 Interchange/147th Street Overpass (Project Review)
Resolution 18-04 APPROVING THE LOCAL SURFACE WATER MANAGEMENT PLAN FOR THE CITY OF BLOOMINGTON
Staff comments provided to the City of Bloomington
Hyatt House Hotel Project – Old Shakopee Road E & 86th Street E, Bloomington, MN
Resolution 18-02 APPROVING THE LOCAL SURFACE WATER MANAGEMENT PLAN FOR THE CITY OF CHASKA
Staff comments provided to the City of Chaska
Resolution 18-03 APPROVING THE LOCAL WATER MANAGEMENT PLAN FOR THE CITY OF CHANHASSEN
Staff comments provided to the City of Chanhassen
Resolution 18-05 APPROVING THE SURFACE WATER MANAGEMENT PLAN FOR THE CITY OF LILYDALE
Staff comments provided to the City of Lilydale
Xcel Energy email from Jim Bodensteiner

Recommended Action

Motion to adopt Resolution 18-02 APPROVING THE LOCAL SURFACE WATER MANAGEMENT PLAN FOR THE CITY OF CHASKA
Motion to adopt Resolution 18-03 APPROVING THE LOCAL WATER MANAGEMENT PLAN FOR THE CITY OF CHANHASSEN
Motion to adopt Resolution 18-04 APPROVING THE LOCAL SURFACE WATER MANAGEMENT PLAN FOR THE CITY OF BLOOMINGTON
Motion to adopt Resolution 18-05 APPROVING THE SURFACE WATER MANAGEMENT PLAN FOR THE CITY OF LILYDALE

Technical Memorandum

To: Linda Loomis, Administrator

From: Lisa Buchli, PE
Della Schall Young, CPESC, PMP

Date: April 13, 2018

Re: Valley Oil – Savage (Project Review)

The memorandum, No-Rise Certification, and HEC-RAS (Hydrologic Engineering Center- River Analysis System) model results for the Valley Oil – Savage project (Project) were reviewed as requested by the Lower Minnesota River Watershed District (District).

The proposed Project is located at 7369 Highway 13 West in Savage, Minnesota. The City of Savage intends removed the site from the 100-year floodplain by elevating it. Because this requires placing fill in the 100-year floodplain, it triggers the District Floodplain and Drainage Alteration Standard.

FLOODPLAIN AND DRAINAGE ALTERATION STANDARD

- A. No filling is allowed within the 100-year floodplain which causes a rise in the 100-year flood elevation without providing compensatory floodplain storage equal to or greater than the volume of fill.
- B. The lowest ground level of proposed structures must be a minimum of 2 feet above the 100-year high water level of nearby surface waters or 1 foot above the emergency overflow elevation, whichever is greater, unless they have protection through flood proofing or by another approved construction technique.
- C. No permanent structure, with the exception of drainage conveyance structures and monitoring equipment, may be constructed in the floodway.

Conclusions:

1. The HEC-RAS model adequately shows that adding fill to the floodplain at the Valley Oil site will not cause an increase in the 100-year flood elevation.
2. Floodplain and Drainage Alteration Standard:
 - a. As proposed, the Project does not cause a rise in the 100-year flood elevation; therefore, compensatory floodplain storage is not required per Criteria A of the Standard.
 - b. The proposed Project neither includes construction of any new structure nor is it located in the floodway; therefore, Criteria B and C do not apply.
3. No Rise Certification: The Flood Insurance Study (FIS) date entered on the No-Rise certification form is 4/10/18, which is incorrect. According to the FEMA Flood Map Service Center website, the effective FIS for the city of Savage is December 1979. There is also a revised preliminary study available, dated January 15, 2015. MnDNR staff may be able to determine if this study has become effective since the revision date. Although it does not change the outcome of the No Rise certification results, the date of the FIS that was used to develop the HEC-RAS modeling should be corrected.

The information provided sufficiently satisfies the District's floodplain requirements. Before any land disturbing activity takes place, it may be necessary to provide information showing that the District Construction Erosion Control Standard will be met. Additionally, 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: Jake Newhall, WSB
Jeff Thuma, Burns & McDonnell

Technical Memorandum

To: Linda Loomis, Administrator

From: Lisa Buchli, PE
Della Schall Young, CPESC, PMP

Date: April 12, 2018

Re: Trunk Highway 169/Trunk Highway 41/CSAH 78 Interchange/147th Street Overpass (Project Review)

The Final Drainage Design Report (Report) and the 90-percent construction drawings (site plan and profiles, utility and removal plans, drainage plans, erosion control plan, and site details) for the Trunk Highway 169 (TH 169)/Trunk Highway 41 (TH41)/County State Aid Highway 78 (CSAH 78) Interchange/147th Street Overpass Project (Project) was reviewed as requested by the Lower Minnesota River Watershed District (District).

The proposed Project extends from south of the TH 169/CSAH 41 intersection in Louisville Township to north of the TH 169/TH 41/CSAH 78 intersection in Jackson Township within Scott County. It consists of the following:

- A diverging diamond interchange at TH 169, TH41, and CSAH 78 and frontage roads
- 147th Street overpass (outside the District boundary)
- CSAH 78 improvements (outside the District boundary)

The Project impacts approximately 158 acres and adds approximately 24 acres of impervious area. There is a net increase of 1.1 acres of impervious area within the District boundary, per supplemental information provided by Earth Evans, Project Engineer with WSB & Associates, Inc. As a result, it triggers the following District Standards: Stormwater Management, Construction Erosion Control.

STORMWATER MANAGEMENT STANDARD

1. Rate Control:

- a. The proposed [development] activity will not increase the peak stormwater runoff rate from the site, under pre-development conditions, for anything less than a 24-hour precipitation event with a return frequency of 1- or 2-, 10- and 100-years. Predevelopment is defined as land use on a site immediately prior to the proposed alteration/activity.
- b. The Project must comply with the requirements of Minnesota Pollution Control Agency's (MPCA) National Pollutant Discharge Elimination System (NPDES) General for Construction Activities

2. Volume Control:

- a. Stormwater runoff volume retention shall be achieved onsite in the amount equivalent to the runoff generated from one-half (0.5) inch of runoff over new impervious surfaces of the redevelopment or development.
- b. To achieve the volume control regulation, infiltration must be used where practicable. Filtration is an acceptable alternative for hydrologic soil group C and D type soils or when infiltration is infeasible.

3. Water Quality: Water quality stormwater management must comply with the requirements of NPDES General Permit for Construction Activities

APPLICABLE EROSION CONTROL STANDARD CRITERIA

1. Erosion and sediment control measures shall meet the standard for the NPDES General Permit for Construction Activities, as amended, except where more specific requirements are provided.
2. All onsite stormwater conveyance channels shall be designed and constructed to withstand, after construction, the expected velocity of flow from a 10-year frequency storm without erosion.

Conclusions:

1. The portion of the project that drains to the Minnesota River is made up of four sub-watersheds, each with at least one wet pond and infiltration basin:
 - a. The existing TH 41 wet pond and infiltration basin, owned and maintained by MnDOT. The Project results in a net reduction of impervious area in this sub-watershed, so no additional modeling was done.
 - b. The existing Dem-Con pond and infiltration basin, owned by Dem-Con. The net increase in impervious area due to the Project is nominal, so no additional modeling was done.
 - c. The proposed Ventura and Marine wet ponds and Marine (County) and Marine (MnDOT) infiltration basins. This system discharges to the northeast into a large depression, which eventually discharges into the Upper Valley Drainageway in the City of Shakopee, which discharges to the Minnesota River.
 - d. The proposed Louisville wet pond and infiltration basin, which discharges to existing ditch east of TH 169 that eventually flows west under TH 169 to an existing channel that discharges to the Minnesota River.

2. Stormwater Management Standard Compliance:
 - a. Rate Control:
 - i. According to Tables 4 and 5 of the Report, for the 2-, 10-, and 100-year storm events there is no increase in the peak runoff rate from the Marine infiltration basin or the outlet point into Shakopee as compared to the pre-development condition. The 1-year storm event peak runoff rate is not included in the Report, but there is no discharge from either location for the 2-year event, so it can be assumed that the 1-year event is also contained on-site.
 - ii. According to Table 9 of the report, for the 10- and 100-year storm events there is no increase in the peak runoff rate flowing under TH 169. However, there is an increase in the 2-year peak runoff rate, from 11.3 cfs to 13.6 cfs. This does not meet the District's rate control requirement.
 - b. Volume Control:
 - i. The stormwater runoff volume retained onsite by the two proposed Marine infiltration basins and the Louisville Infiltration Basin is equal to (or greater than) the runoff generated from one-inch of runoff over the area of the new impervious surfaces, per Scott County requirements. This is more stringent than the District requirement and thereby, retains more water than required by the District.
 - c. Water Quality: The infiltration basins described above are intended to perform the required water quality function. This satisfies the water quality

requirements of the MPCA NPDES General Permit for Construction Activities for most of the project, except for the Louisville infiltration basin. The stormwater runoff volume retained onsite by the proposed Louisville infiltration basin is not included in the Report.

3. Construction Erosion Control Standard:

- a. The proposed erosion and sediment control measures meet the requirements of the MPCA NPDES General Permit for Construction Activities.
- b. The proposed stormwater conveyance channels are designed to remain stable for the 10-year frequency storm.

The information provided on the Project does not satisfy the District's rate control requirement for the 2-year event. Earth Evan was contacted about the rate control concern and she provided the following: "The 2-year rate increase is due to the offsite runoff that is tributary to the existing TH169 ditch. Several ditch checks are provided, but it wasn't feasible to reduce the 2-year rate any further and still meet freeboard requirements to TH169. Under existing conditions there are maintenance issues with the 3 – large diameter arch pipes under 169 downstream of Louisville pond. This is due to the large upstream tributary area (1,320 acres) that results in debris and sediment collecting at the inlets. The proposed pond system will greatly reduce the maintenance needs for the TH169 culverts." The explanation appears justified and reasonable.

Staff recommends approval. However, if significant changes are made to the Project, calculations must be updated, and a narrative sent to the District expressing how the Project will maintain compliance with applicable District standards.

CC: Earth Evans, WSB & Associates
Jeff Thuma, Burns & McDonnell

_____ introduced the following resolution and moved its adoption:

LOWER MINNESOTA RIVER WATERSHED DISTRICT

RESOLUTION 18-04

RESOLUTION APPROVING THE LOCAL SURFACE WATER MANAGEMENT PLAN FOR THE CITY OF
BLOOMINGTON

WHEREAS, the Lower Minnesota River Watershed District ("LMRWD") is a special purpose unit of government, established in accordance with Minnesota Statute 1013D; and

WHEREAS, On December 14, 2011, the LMRWD adopted a Watershed Management Plan (LMRWD Plan) under Minnesota Statutes 103B.231 subdivision 10, which as amended, details the existing physical environment, land use and development in the watershed and establishes as plan to manage water resources and regulate water resource use to improve water quality, prevent flooding and otherwise achieve goals of Minnesota Statutes Chapters 103B and 103D; and

WHEREAS, Minnesota Statute 103B.235 Local Water Management Plans require that local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program and official controls as necessary to bring local water management into conformance with the LMRWD Plan. Local Plans must meet the requirements of the LMRWD Plan as well as the general requirement of Minnesota Statutes 103B.235 and Minnesota Rules Chapter 8410; and

WHEREAS, the city of Bloomington ("City") lies partially within the LMRWD and therefore must meet the requirements of the LMRWD Plan; and

WHEREAS, the City prepared and submitted a draft Local Surface Water Management Plan (LSWMP) to the LMRWD on February 13, 2018; and

WHEREAS, the LMRWD has reviewed the LSWMP and hereby determines that the plan has been prepared in accordance with the requirements of Minnesota Statutes, Section 103B.235 and Minnesota Rules 840.0160 and 8410.0170, and contains the requirements for local plans; and

WHEREAS, Minnesota Statutes, Section 103B.235, Subdivision 3 authorizes the watershed district to review and approve local water management plans and to take other actions necessary to assure that the local plan is in conformance with the LMRWD's plan and standards set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Managers of the LMRWD hereby approves the Local Water Management Plan for the City of Bloomington, dated February 2018 with the conditional understanding that:

- A. This approval is conditional upon the following:
 1. Updates Section 2.3 Cooperative Partners. The web address for the Lower Minnesota River Watershed District (District) has changed to www.lowermnriverwd.org.
 2. Plan Goal 1, Strategies 1.3.3 and 1.3.4. The LSWMP should include information about the City's policy for regular assessment and review of its programs and progress. As part of the

effort to regularly assess and review the City's programs, the LSWMP should also provide some metrics to help evaluate the City's short- and long-term progress.

3. Plan Goal 2, Surface Water Management. These criteria should be included in the LSWMP or specifically referenced:
 - a. Strategy 2.2.2: Promote Disconnected Stormwater Management. Include information regarding the City's incorporation of disconnected stormwater management practices into its future stormwater management plans.
 - b. Strategies 2.2.3 and 2.2.4: Cost Share Incentive Program and Water Quality Restoration Program. Implementation of these programs is the District's responsibility. However, the City should reference them in its LSWMP.
 - c. Strategy 2.3.3: Complete Detailed Assessments of Data. Include information in the LSWMP about how the City assesses data and uses it to develop goals, policies, or strategies.
 4. Plan Goal 4, Unique Natural Resources Management. These criteria should be included in the LSWMP or specifically referenced:
 - a. Strategy 4.2.1: Data Acquisition and Management. Include information about the City's strategy for acquiring and managing data related to the protection, education, and monitoring of unique natural resources (like Ike's Creek).
 - b. Strategy 4.2.2: Provide Technical Assistance. Provide information about how the City assists non-government organizations and landowners interested in preserving unique natural resources.
 5. Plan Goal 7, Strategy 7.2.1: Develop Vegetation Management Standard/Plan. Over the past few months, the District has had the opportunity to hear from Bloomington residents about the invasion of buckthorn in steep-slope areas. Although removal of these invasive species is necessary, improper removal leaves steep slopes vulnerable to erosion and other instabilities. As a result, collaboration with the District on the development of a vegetation management plan for unique natural resources in the City should be included in the LSWMP as a policy.
 6. Plan Goal 8, Strategy 8.1.1: Promote Safety Education. Implementation of this effort is the District's responsibility. However, the City should reference them in its LSWMP.
 7. Policy 2.2 – Strategy 2.2.1:
 - a. Shoreline and Streambank Alteration Standard. The District's Shoreline and Streambank Alteration Standard is not addressed in the LSWMP. The LSWMP should include or reference this standard.
 - b. Stream and Lake Crossing Standard. The District's Stream and Lake Crossing Standard is not addressed in the LSWMP. The LSWMP should include or reference this standard.
 - c. Floodplain and Drainage Alteration Standard. The District's Floodplain and Drainage Alteration Standard is not fully addressed in the LSWMP. Regulations A and C and Criterion B of the District standard should be discussed in relation to the City's floodplain management efforts.
 - d. Water Appropriations Standard. The District's Water Appropriations Standard is not addressed in the LSWMP. The LSWMP should include or reference this standard.
 - e. Bluff Standard. The District's Bluff Standard is not fully addressed in the LSWMP, nor is the City's Bluff Protection Standard. There are areas outside of the City's Bluff Protection Overlay District that require protection under the District's Bluff Standard.
- B. The City's LSWMP does not acknowledge The LMRWD or other water management organization's water management plan amendments underway, nor does it provide a strategy for addressing changes in the future. After the LMRWD plan amendment is approved and adopted or otherwise

amended pursuant to Minnesota Statute 103B.231 the City shall bring its' LSWMP into conformance with the LMRWD Plan within the time period prescribed in the implementation program of the LMRWD Plan.

- C. The City's LSWMP does not acknowledge the Lower Minnesota River WRAPS and the TMDLS underway as part of the WRAPS. The LMRWD recommends the LSWMP be updated to reflect the finding of the WRAPS once it is finalized.
- D. In accordance with Minnesota Statutes, Section 103B.235, Subdivision 4, the Bloomington plan shall be adopted and implemented by the City within 120 days of this action, and the City shall amend its official controls in accordingly within 180 days.
- E. Pursuant to Minnesota Statutes, Section 103B.235, Subdivision 5 and consistent with the Lower Minnesota River Watershed Management Plan, the City shall submit amendments to the local water management plan to the LMRWD for review and approval in accordance with State Statutes and Minnesota Rules.
- F. The LMRWD Managers believe that regulation is most properly performed by the local governmental unit (LGU), provided that regulation by the LGU is consistent with the goals and policies of the LMRWD Plan. The city of Bloomington shall implement water management policies, standards and criteria as least as strict as those in the LMRWD Plan, as amended, on all projects within the boundaries of the LMRWD in the City of Bloomington.
- G. For properties that are split between the LMRWD and any other watershed management organization, the most restrictive water management policies, standards and criteria will be implemented.

The Motion was seconded by _____ and adopted by the Board of Managers of the Lower Minnesota River Watershed District this 18th day of April, 2018.

Yvonne Shirk, President

ATTEST:

David Raby, Secretary

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Lisa Buchli, PE
Della Schall Young, PMP, CPESC

Date: April 3, 2018

Re: City of Bloomington—Local Surface Water Management Plan Review

We have reviewed the City of Bloomington's draft Local Surface Water Management Plan (LSWMP), received February 13, 2018, for consistency with the District's Approved 2011 Watershed Management Plan (Plan) using the local water plan review document. We recommend approval of the LSWMP, contingent on satisfactory responses to the following comments:

1. Updates Section 2.3 Cooperative Partners. The web address for the Lower Minnesota River Watershed District (District) has changed to www.lowermnriverwd.org.
2. Plan Goal 1, Strategies 1.3.3 and 1.3.4. The LSWMP should include information about the City's policy for regular assessment and review of its programs and progress. As part of the effort to regularly assess and review the City's programs, the LSWMP should also provide some metrics to help evaluate the City's short- and long-term progress.
3. Plan Goal 2, Surface Water Management. These criteria should be included in the LSWMP or specifically referenced:
 - a. Strategy 2.2.2: Promote Disconnected Stormwater Management. Include information regarding the City's incorporation of disconnected stormwater management practices into its future stormwater management plans.
 - b. Strategies 2.2.3 and 2.2.4: Cost Share Incentive Program and Water Quality Restoration Program. Implementation of these programs is the District's responsibility. However, the City should reference them in its LSWMP.
 - c. Strategy 2.3.3: Complete Detailed Assessments of Data. Include information in the LSWMP about how the City assesses data and uses it to develop goals, policies, or strategies.
4. Plan Goal 4, Unique Natural Resources Management. These criteria should be included in the LSWMP or specifically referenced:

- a. Strategy 4.2.1: Data Acquisition and Management. Include information about the City's strategy for acquiring and managing data related to the protection, education, and monitoring of unique natural resources (like Ike's Creek).
 - b. Strategy 4.2.2: Provide Technical Assistance. Provide information about how the City assists non-government organizations and landowners interested in preserving unique natural resources.
5. Plan Goal 7, Strategy 7.2.1: Develop Vegetation Management Standard/Plan. Over the past few months, the District has had the opportunity to hear from Bloomington residents about the invasion of buckthorn in steep-slope areas. Although removal of these invasive species is necessary, improper removal leaves steep slopes vulnerable to erosion and other instabilities. As a result, collaboration with the District on the development of a vegetation management plan for unique natural resources in the City should be included in the LSWMP as a policy.
 6. Plan Goal 8, Strategy 8.1.1: Promote Safety Education. Implementation of this effort is the District's responsibility. However, the City should reference them in its LSWMP.
 7. Policy 2.2 – Strategy 2.2.1:
 - a. Shoreline and Streambank Alteration Standard. The District's Shoreline and Streambank Alteration Standard is not addressed in the LSWMP. The LSWMP should include or reference this standard.
 - b. Stream and Lake Crossing Standard. The District's Stream and Lake Crossing Standard is not addressed in the LSWMP. The LSWMP should include or reference this standard.
 - c. Floodplain and Drainage Alteration Standard. The District's Floodplain and Drainage Alteration Standard is not fully addressed in the LSWMP. Regulations A and C and Criterion B of the District standard should be discussed in relation to the City's floodplain management efforts.
 - d. Water Appropriations Standard. The District's Water Appropriations Standard is not addressed in the LSWMP. The LSWMP should include or reference this standard.
 - e. Bluff Standard. The District's Bluff Standard is not fully addressed in the LSWMP, nor is the City's Bluff Protection Standard. There are areas outside of the City's Bluff Protection Overlay District that require protection under the District's Bluff Standard.

The City should be commended for actively participating in the district's plan-amendment process as a member of the Technical Advisory Commission. However, the LSWMP does not acknowledge this or other water management organization's water management plan amendments underway, nor does it provide a strategy for addressing changes in the future.

cc: Bryan Gruidl, City of Bloomington
 Jeff Thuma, Burns & McDonnell

Technical Memorandum

To: Linda Loomis, Administrator

From: Lisa Buchli, PE
Della Schall Young, CPESC, PMP

Date: April 13, 2018

Re: Hyatt House Hotel – Bloomington (Project Review)

The Preliminary Stormwater Management Plan (Plan) and preliminary civil and landscape plan drawings for the Hyatt House Hotel – Bloomington Project (Project) were reviewed as requested by the Lower Minnesota River Watershed District (District).

The proposed Project is located northeast of the Old Shakopee Road East and 86th Street East intersection in Bloomington, Minnesota. The Project proposes to develop a 4.79-acre property into a Hyatt House Hotel with an adjacent parking lot and public and private sidewalks.

The existing site is undeveloped except for the southern end, which is used as a parking lot for a nearby business. The proposed Project will add 1.41 acres of new impervious area to the site. As a result, it triggers the following District Standards: Stormwater Management, Construction Erosion Control, and Bluff.

STORMWATER MANAGEMENT STANDARD

1. Rate Control:

- a. The proposed development activity will not increase the peak stormwater runoff rate from the site under predevelopment conditions for anything less than a 24-hour precipitation event with a return frequency of 1 or 2, 10, and 100 years. Predevelopment is defined as land use on a site immediately prior to the proposed alteration/activity.
- b. The Project must comply with the requirements of the Minnesota Pollution Control Agency's (MPCA) National Pollutant Discharge

Elimination System (NPDES) General Permit for Construction Activities.

2. Volume Control:
 - a. Stormwater runoff volume retention shall be achieved onsite in the amount equivalent to the runoff generated from one-half (0.5) inch of runoff over new impervious surfaces of the redevelopment or development.
 - b. To achieve the volume control regulation, infiltration must be used where practicable. Filtration is an acceptable alternative for hydrologic soil group C and D types soils or when infiltration is infeasible.
3. Water Quality: Water quality stormwater management must comply with the requirements of the NPDES General Permit for Construction Activities.

CONSTRUCTION EROSION CONTROL STANDARD

1. Erosion and sediment control measures shall meet the standard for the NPDES General Permit for Construction Activities as amended, except where more specific requirements are provided.
2. All onsite stormwater conveyance channels shall be designed and constructed to withstand, after construction, the expected velocity of flow from a 10-year frequency storm without erosion.

BLUFF STANDARD

1. All grading, clear cutting, removal of vegetation, and/or other land disturbing activities are prohibited in the Bluff Impact Zone and/or Bluff Face.
2. All new structures shall be set back a minimum 30 feet from the top of bluff.
3. All Subsurface sewage treatment systems (SSTS) or community sewage treatment systems (CSTS) shall be set back a minimum of 50 feet from the top of bluff.
4. All stormwater ponds, swales, infiltration basins, or other soil saturation-type features shall be set back a minimum of 50 feet from the top of bluff.

Conclusions:

1. Runoff from the proposed site will drain to three areas:
 - a. Most of the proposed building and parking lot runoff will be collected by storm sewer inlets and routed to an infiltration basin at the north end of the site. This pond will outlet to the south to oversized, perforated storage pipes under the parking lot. The runoff will continue south and east under

the parking lot through storm sewer pipes until it exits the southeast corner of the site and connects to the existing City of Bloomington storm sewer under 86th Street East, which flows east to Skywater Pond at the bottom of the hill.

- b. A small portion of the right-of way area along the northwest edge of the site drains directly to Old Shakopee Road East in both the existing and proposed scenarios.
 - c. The undeveloped areas of the existing site drain east over a bluff, eventually reaching Ike's Creek and the Minnesota River. In the proposed plan, greenspace areas behind (east) of the proposed building and along the east edge of the proposed parking surface will flow east in the same way, although the proposed runoff amount is between 40 and 57 percent less than the existing amount, depending on the design storm event.
2. Stormwater Management Standard Compliance:
- a. Rate Control:
 - i. According to the Report, there is no increase in the peak runoff rates to the Skywater Pond or offsite over the bluff for the 2-, 10-, and 100-year storm events.
 - ii. The proposed peak runoff rate to Old Shakopee Road is somewhat greater than the existing peak runoff rate for the 2-, 10-, and 100-year storm events because the proposed condition includes a new public sidewalk constructed in the right-of-way, which increases the sub-watershed's impervious surface. However, the total site runoff rate for the proposed condition does not exceed the existing rate for any of the storm events.
 - b. Volume Control: The stormwater runoff volume retained onsite by the infiltration basin and the oversized perforated pipes is equal to the runoff generated from one inch of runoff over the area of the new impervious surfaces, per City of Bloomington requirements. This is more stringent than the District requirement because it retains more water than the District requires.
 - c. Water Quality: The infiltration basin and oversized perforated pipes previously described are intended to perform the required water quality

function. This satisfies the water quality requirements of the MPCA NPDES General Permit for Construction Activities.

3. Construction Erosion Control Standard:

- a. The proposed erosion and sediment control measures meet the requirements of the MPCA NPDES General Permit for Construction Activities.
- b. The proposed onsite storm sewer is designed for a 10-year frequency design storm, per the City of Bloomington's requirements.

4. Bluff Standard: A field survey was completed to confirm the site bluff limits. The surveyed information was provided to the District for consideration (see the March 2018 Board packet and meeting minutes). The Project plan includes the bluff zone and lines representing the 30-foot structure and the 50-foot stormwater setbacks. The site plan avoids bluff areas as defined by the District.

The Project Summary states that the "Stormwater management facilities are anticipated to include a surface infiltration basin and possibly an underground chamber system, depending upon results of an upcoming geotechnical investigation." According to the volume control analysis described in the Plan, the oversized perforated pipes provide the infiltration volume required to meet the District's standard.

The information provided, which includes construction of oversized storage pipes, sufficiently satisfies the District's requirements. If significant changes are made to the Project, calculations must be updated, and a narrative must be sent to the District expressing how the Project will maintain compliance with applicable District standards.

CC: Ben Lucas, Sambatek
Jeff Thuma, Burns & McDonnell

_____ introduced the following resolution and moved its adoption:

LOWER MINNESOTA RIVER WATERSHED DISTRICT

RESOLUTION 18-02

RESOLUTION APPROVING THE LOCAL SURFACE WATER MANAGEMENT PLAN FOR THE CITY OF CHASKA

WHEREAS, the Lower Minnesota River Watershed District ("LMRWD") is a special purpose unit of government, established in accordance with Minnesota Statute 1013D; and

WHEREAS, On December 14, 2011, the LMRWD adopted a Watershed Management Plan (LMRWD Plan) under Minnesota Statutes 103B.231 subdivision 10, which as amended, details the existing physical environment, land use and development in the watershed and establishes as plan to manage water resources and regulate water resource use to improve water quality, prevent flooding and otherwise achieve goals of Minnesota Statutes Chapters 103B and 103D; and

WHEREAS, Minnesota Statute 103B.235 Local Water Management Plans require that local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program and official controls as necessary to bring local water management into conformance with the LMRWD Plan. Local Plans must meet the requirements of the LMRWD Plan as well as the general requirement of Minnesota Statutes 103B.235 and Minnesota Rules Chapter 8410; and

WHEREAS, the city of Chaska ("City") lies partially within the LMRWD and therefore must meet the requirements of the LMRWD Plan; and

WHEREAS, the City amended it's Local Surface Water Management Plan (LSWMP) in 2015, which was approved by LMRWD Resolution 15-04, and has now submitted an amended plan to the LMRWD for review on February 15, 2018. It appears the LSWMP has not changed since the 2015 update. The LMRWD considered the Metropolitan Council's March 15, 2018 comments in completing its review; and

WHEREAS, the LMRWD has reviewed the plan and hereby determines that the plan has been prepared in accordance with the requirements of Minnesota Statutes, Section 103B.235 and Minnesota Rules 840.0160 and 8410.0170, and contains the requirements for local plans; and

WHEREAS, Minnesota Statutes, Section 103B.235, Subdivision 3 authorizes the watershed district to review and approve local water management plans and to take other actions necessary to assure that the local plan is in conformance with the LMRWD's plan and standards set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Managers of the Lower Minnesota River Watershed District that the Chaska Local Surface Water Management Plan dated November 20, 2015 is hereby approved subject to the following:

- 1) This approval is conditional upon the following:
 - a. The City's LSWMP does not acknowledge the Lower Minnesota River WRAPS and the TMDLS underway as part of the WRAPS. The LMRWD recommends the LSWMP be updated to reflect the finding of the WRAPS once it is finalized.

- b. The City's LSWMP does not acknowledge the LMRWD or other water management organization's watershed management plan amendment currently underway, nor does it provide a strategy for addressing changes in the future. The LMRWD requires the City update its plan and official controls to conform to the LMRWD plan within the time frame specified in the LMRWD plan.
- 2) In accordance with Minnesota Statute 103B.235, Subdivision 4, the City shall adopt and implement its LSWMP within 120 of approval and shall amend its official controls in accordance with the LSWMP within 180 days.
- 3) Pursuant to Minnesota Statutes, Section 103B.235, Subdivision 5 and consistent with the Lower Minnesota River Watershed Management Plan, the City shall submit amendments to the local water management plan to the LMRWD for review and approval in accordance with State Statutes and Minnesota Rules.
- 4) The LMRWD Managers believe that regulation is most properly performed by the local governmental unit (LGU), provided that regulation by the LGU is consistent with the goals and policies of the LMRWD Plan. The city of Chaska shall implement water management policies, standards and criteria as least as strict as those in the LMRWD Plan, as amended, on all projects within the boundaries of the LMRWD in the City of Chaska.
- 5) For properties that are split between the LMRWD and any other watershed management organization, the most restrictive water management policies, standards and criteria will be implemented.

The Motion was seconded by _____ and adopted by the Board of Managers of the Lower Minnesota River Watershed District this 18th day of April, 2018.

Yvonne Shirk, President

ATTEST:

David Raby, Secretary



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Carver

Vacant

Dakota

Yvonne Shirk
President

Hennepin

David Raby
Secretary/Treasurer

Vacant

Scott

Jesse Hartmann
Vice President

Linda Loomis, Administrator
Home/Office: (763) 545-4659
Cell: (763) 568-9522

112 East 5th Street
Suite 102
Chaska, MN 55318

E-mail: lowermnriverwd.org

April 5, 2018

Matt Clark
City of Chaska
One City Hall Plaza
Chaska, MN 55318

Dear Mr. Clark,

The Lower Minnesota River Watershed District (LMRWD) has completed its review of the City of Chaska's (City) Local Surface Water Management Plan (LSWMP) submitted in February 2018. The LMRWD received and considered the Metropolitan Council's March 15, 2018 comments in completing its review. The City updated its LWMP in 2015 and it appears the plan has not changed since the 2015 LSWMP was approved. LMRWD comments were incorporated into the LSWMP at that time.

LMRWD's review was conducted pursuant to Minnesota Statutes chapter 103B.235, subdivision 3. Staff will recommend Board approval of the LSWMP at its April 18, 2018 meeting, contingent upon the City updating the capital improvement program to extend, by year, through the life of the plan (2028).

The LSWMP does not acknowledge the Lower Minnesota River WRAPS and the TMDLS underway as part of the WRAPS. The LMRWD recommends that the plan be updated to reflect the findings from the WRAPS once it is finalized.

The City should be commended for actively participating in the LMRWD plan amendment process as a member of the Technical Advisory Committee. However, the LSWMP does not acknowledge this or other water management organization's water management plan amendment underway, nor does it provide a strategy for addressing changes in the future.

The LMRWD Board Resolution approving the LSWMP will be sent to you once it has been adopted by the Board.

Sincerely,

Linda Loomis, Administrator
Lower Minnesota River Watershed District

CC: LMRWD Board of Managers
Della Young, Young Environmental Consulting Group, LLC
Claire Bleser, Riley/Purgatory/Bluff Creek Watershed District
Paul Moline, Carver County WMO
Dan Edgerton, Stantec Consulting Services, Inc.

_____ introduced the following resolution and moved its adoption:

LOWER MINNESOTA RIVER WATERSHED DISTRICT

RESOLUTION 18-03

RESOLUTION APPROVING THE LOCAL WATER MANAGEMENT PLAN FOR THE CITY OF CHANHASSEN

WHEREAS, the Lower Minnesota River Watershed District ("LMRWD") is a special purpose unit of government, established in accordance with Minnesota Statute 1013D; and

WHEREAS, On December 14, 2011, the LMRWD adopted a Watershed Management Plan (LMRWD Plan) under Minnesota Statutes 103B.231 subdivision 10, which as amended, details the existing physical environment, land use and development in the watershed and establishes as plan to manage water resources and regulate water resource use to improve water quality, prevent flooding and otherwise achieve goals of Minnesota Statutes Chapters 103B and 103D; and

WHEREAS, Minnesota Statute 103B.235 Local Water Management Plans (LWMPs) require that local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program and official controls as necessary to bring local water management into conformance with the LMRWD Plan. Local Plans must meet the requirements of the LMRWD Plan as well as the general requirement of Minnesota Statutes 103B.235 and Minnesota Rules Chapter 8410; and

WHEREAS, the city of Chanhassen ("City") lies partially within the LMRWD and therefore must meet the requirements of the LMRWD Plan; and

WHEREAS, the City prepared and submitted a draft LWMP to the LMRWD on February 1, 2018; and

WHEREAS, the LMRWD has reviewed the plan and hereby determines that the plan has been prepared in accordance with the requirements of Minnesota Statutes, Section 103B.235 and Minnesota Rules 840.0160 and 8410.0170, and contains the requirements for local plans; and

WHEREAS, Minnesota Statutes, Section 103B.235, Subdivision 3 authorizes the watershed district to review and approve local water management plans and to take other actions necessary to assure that the local plan is in conformance with the LMRWD's plan and standards set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Managers of the Lower Minnesota River Watershed District that the Chanhassen draft Local Water Management Plan dated January 2018 is hereby approved subject to the following:

- A. This approval is conditional upon the following:
 1. Flooding Problem Areas (District Plan Table 2-1), Old 212 near Moon Valley Gravel Pit. This issue is not identified or addressed in the LWMP. If this location is not in the City of Chanhassen (City), include a statement in the LWMP saying the City does not have any flooding problem areas that were addressed in the District Plan
 2. Plan Goal 2, Surface Water Management. These criteria should be included in the LWMP or specifically referenced:

- a. Strategy 2.2.2: Promote disconnected stormwater management. Include information about how the City will incorporate disconnected stormwater management practices into its future stormwater-management plans.
 - b. Strategies 2.2.3 and 2.2.4: Cost Share Incentive Program and Water Quality Restoration Program. Implementation of these programs is the District's responsibility. However, the City should reference them in its LWMP.
 - c. Strategy 2.3.3: Complete detailed assessments of data. Include information in the LWMP about how the City assesses data and uses it to develop goals, policies, or strategies.
3. Plan Goal 4, Unique Natural Resources Management. These criteria should be included in the LWMP or specifically referenced:
- a. Strategy 4.2.1: Data acquisition and management. Include information about the City's strategy for acquiring and managing data related to the protection, education, and monitoring of unique natural resources.
 - b. Strategy 4.2.2: Provide technical assistance. Provide information about how the City assists nongovernment organizations and landowners interested in preserving unique natural resources.
 - c. Strategy 4.4.1: Encourage wildlife connectivity projects. Provide information about how the City will encourage wildlife connectivity projects that will achieve multiple goals, such as water quality improvements and fen and bluff protection.
4. Plan Goal 7, Erosion and Sediment Control. These criteria should be included in the LWMP or specifically referenced:
- a. Strategy 7.2.1: Develop a vegetation management standard/plan. The City will be developing a Vegetation Management Plan as part of its Stormwater Inventory Inspection and Maintenance Plan. Development of the vegetation management plan should be included in the LWMP as a policy.
 - b. Strategy 7.3.1: Continue work of addressing gully erosion. The LWMP should be modified to include language referring to gully restoration in the City. Two projects are mentioned in Table 5.2 of the LWMP.
 - c. Strategy 7.4.1: Promote and encourage shoreland protection. The LWMP states that City Code includes shoreland management district ordinances. This information should be included in the LWMP as policies or goals
5. Plan Goal 8, Strategy 8.1.1: Promote safety education. Include information in the LWMP about how the City promotes safety education in its effort to promote the co-existence of commercial and recreational navigation on the Lower Minnesota River.
6. Plan Goal 9, Strategy 9.1.2: Develop an outreach program. The LWMP states that an education and outreach plan will be developed to achieve the City's long-term public education goals. This should be included as a goal or policy in the LWMP.
7. Policy 2.2, Strategy 2.2.1:
- a. Shoreline and Streambank Alteration Standard. The District's Shoreline and Streambank Alteration Standard is not addressed in the LWMP. The LWMP should include or reference this standard.
 - b. Stream and Lake Crossing Standard. The District's Stream and Lake Crossing Standard is not addressed in the LWMP. The LWMP should include or reference this standard.
 - c. Floodplain and Drainage Alteration Standard. The District's Floodplain Alteration Standard is not addressed in the LWMP. The LWMP should include or reference this standard.

- d. Water Appropriations Standard. The District's Water Appropriations Standard is not addressed in the LWMP. The LWMP should include or reference this standard.
 - e. The District's Bluff Standard is not fully addressed in the LWMP. The Bluff Standard Regulation and Criteria A, A-a, A-c, A-d, B, B-a.i.1, B-a.i.2, and C of the District standard should be discussed in relation to the City's bluff protection efforts.
8. Cost Share Incentive Program (District Plan Table 4-3), Bluff Creek Erosion Repair. The Lower Bluff Creek TMDL (total maximum daily load) Implementation Project is listed in the City's Capital Improvement Project (CIP) table. Does it encompass the District's Bluff Creek Erosion Repair Project? If not, the project should be identified and addressed in the LWMP
 9. Capital Improvement Projects (District Plan Table 4-4), Bluff Creek Restoration. The Lower Bluff Creek TMDL Implementation Project is listed in the City's CIP table. Does it encompass the District's Bluff Creek Restoration Project? If not, the project should be identified and addressed in the LWMP.
- B. The City's LWMP does not acknowledge the LMRWD or other water management organization's water management plan amendments underway, nor does it provide a strategy for addressing changes in the future. After the LMRWD plan amendment is approved and adopted or otherwise amended pursuant to Minnesota Statute 103B.231 the City shall bring its' LWMP into conformance with the LMRWD Plan within the time period prescribed in the implementation program of the LMRWD Plan.
 - C. The City's LWMP does not acknowledge the Lower Minnesota River WRAPS and the TMDLS underway as part of the WRAPS. The LMRWD recommends the LWMP be updated to reflect the finding of the WRAPS once it is finalized.
 - D. In accordance with Minnesota Statutes, Section 103B.235, Subdivision 4, the Chanhassen plan shall be adopted and implemented by the City within 120 days of this action, and the City shall amend its official controls in accordingly within 180 days.
 - E. Pursuant to Minnesota Statutes, Section 103B.235, Subdivision 5 and consistent with the Lower Minnesota River Watershed Management Plan, the City shall submit amendments to the local water management plan to the LMRWD for review and approval in accordance with State Statutes and Minnesota Rules.
 - F. The LMRWD Managers believe that regulation is most properly performed by the local governmental unit (LGU), provided that regulation by the LGU is consistent with the goals and policies of the LMRWD Plan. The city of Chanhassen shall implement water management policies, standards and criteria, as stated in the LWMP, as least as strict as those in the LMRWD Plan, as amended, on all projects within the boundaries of the LMRWD in the City of Chanhassen.
 - G. For properties within the City that are split between the LMRWD and any other watershed management organization, the most restrictive water management policies, standards and criteria will be implemented.

The Motion was seconded by _____ and adopted by the Board of Managers of the Lower Minnesota River Watershed District this 18th day of April, 2018.

Yvonne Shirk, President

ATTEST:

David Raby, Secretary

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Lisa Buchli, PE
Della Schall Young, PMP, CPESC

Date: April 3, 2018

Re: City of Chanhassen—Local Water Management Plan Review

We have reviewed the City of Chanhassen’s draft Local Water Management Plan (LWMP), received February 1, 2018, for consistency with the District’s Approved 2011 Watershed Management Plan (Plan) using the LWMP review document. We recommend approval of the LWMP, contingent on satisfactory responses to the following comments:

1. Flooding Problem Areas (District Plan Table 2-1), Old 212 near Moon Valley Gravel Pit. This issue is not identified or addressed in the LWMP. If this location is not in the City of Chanhassen (City), include a statement in the LWMP saying the City does not have any flooding problem areas that were addressed in the District Plan.
2. Plan Goal 2, Surface Water Management. These criteria should be included in the LWMP or specifically referenced:
 - a. Strategy 2.2.2: Promote disconnected stormwater management. Include information about how the City will incorporate disconnected stormwater-management practices into its future stormwater-management plans.
 - b. Strategies 2.2.3 and 2.2.4: Cost Share Incentive Program and Water Quality Restoration Program. Implementation of these programs is the District’s responsibility. However, the City should reference them in its LWMP.
 - c. Strategy 2.3.3: Complete detailed assessments of data. Include information in the LWMP about how the City assesses data and uses it to develop goals, policies, or strategies.
3. Plan Goal 4, Unique Natural Resources Management. These criteria should be included in the LWMP or specifically referenced:

- a. Strategy 4.2.1: Data acquisition and management. Include information about the City's strategy for acquiring and managing data related to the protection, education, and monitoring of unique natural resources.
 - b. Strategy 4.2.2: Provide technical assistance. Provide information about how the City assists nongovernment organizations and landowners interested in preserving unique natural resources.
 - c. Strategy 4.4.1: Encourage wildlife connectivity projects. Provide information about how the City will encourage wildlife connectivity projects that will achieve multiple goals, such as water quality improvements and fen and bluff protection.
4. Plan Goal 7, Erosion and Sediment Control. These criteria should be included in the LWMP or specifically referenced:
 - a. Strategy 7.2.1: Develop a vegetation management standard/plan. The City will be developing a Vegetation Management Plan as part of its Stormwater Inventory Inspection and Maintenance Plan. Development of the vegetation management plan should be included in the LWMP as a policy.
 - b. Strategy 7.3.1: Continue work of addressing gully erosion. The LWMP should be modified to include language referring to gully restoration in the City. Two projects are mentioned in Table 5.2 of the LWMP.
 - c. Strategy 7.4.1: Promote and encourage shoreland protection. The LWMP states that City Code includes shoreland management district ordinances. This information should be included in the LWMP as policies or goals.
5. Plan Goal 8, Strategy 8.1.1: Promote safety education. Include information in the LWMP about how the City promotes safety education in its effort to promote the co-existence of commercial and recreational navigation on the Lower Minnesota River.
6. Plan Goal 9, Strategy 9.1.2: Develop an outreach program. The LWMP states that an education and outreach plan will be developed to achieve the City's long-term public education goals. This should be included as a goal or policy in the LWMP.
7. Policy 2.2, Strategy 2.2.1:
 - a. Shoreline and Streambank Alteration Standard. The District's Shoreline and Streambank Alteration Standard is not addressed in the LWMP. The LWMP should include or reference this standard.
 - b. Stream and Lake Crossing Standard. The District's Stream and Lake Crossing Standard is not addressed in the LWMP. The LWMP should include or reference this standard.

- c. Floodplain and Drainage Alteration Standard. The District's Floodplain Alteration Standard is not addressed in the LWMP. The LWMP should include or reference this standard.
 - d. Water Appropriations Standard. The District's Water Appropriations Standard is not addressed in the LWMP. The LWMP should include or reference this standard.
 - e. The District's Bluff Standard is not fully addressed in the LWMP. The Bluff Standard Regulation and Criteria A, A-a, A-c, A-d, B, B-a.i.1, B-a.i.2, and C of the District standard should be discussed in relation to the City's bluff protection efforts.
8. Cost Share Incentive Program (District Plan Table 4-3), Bluff Creek Erosion Repair. The Lower Bluff Creek TMDL (total maximum daily load) Implementation Project is listed in the City's Capital Improvement Project (CIP) table. Does it encompass the District's Bluff Creek Erosion Repair Project? If not, the project should be identified and addressed in the LWMP.
9. Capital Improvement Projects (District Plan Table 4-4), Bluff Creek Restoration. The Lower Bluff Creek TMDL Implementation Project is listed in the City's CIP table. Does it encompass the District's Bluff Creek Restoration Project? If not, the project should be identified and addressed in the LWMP.

The City should be commended for actively participating in the District's Plan amendment process as a member of the Technical Advisory Commission, acknowledging regulatory changes underway and providing a strategy for addressing those changes in the future. As stated in the LWMP: *The City will undertake these ordinance revisions within six months after adoption of this Plan. It is expected that where the requirements of the individual watershed districts differ, the City will adopt the most stringent of the requirements for application citywide. The most stringent requirements the City will adopt are highlighted in Table 5.1.*

cc: Vanessa Strong, City of Chanhassen
Jeff Thuma, Burns & McDonnell

_____ introduced the following resolution and moved its adoption:

LOWER MINNESOTA RIVER WATERSHED DISTRICT

RESOLUTION 18-05

RESOLUTION APPROVING THE SURFACE WATER MANAGEMENT PLAN FOR THE CITY OF LILYDALE

WHEREAS, the Lower Minnesota River Watershed District ("LMRWD") is a special purpose unit of government, established in accordance with Minnesota Statute 1013D; and

WHEREAS, On December 14, 2011, the LMRWD adopted a Watershed Management Plan (LMRWD Plan) under Minnesota Statutes 103B.231 subdivision 10, which as amended, details the existing physical environment, land use and development in the watershed and establishes as plan to manage water resources and regulate water resource use to improve water quality, prevent flooding and otherwise achieve goals of Minnesota Statutes Chapters 103B and 103D; and

WHEREAS, Minnesota Statute 103B.235 Local Water Management Plans require that local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program and official controls as necessary to bring local water management into conformance with the LMRWD Plan. Local Plans must meet the requirements of the LMRWD Plan as well as the general requirement of Minnesota Statutes 103B.235 and Minnesota Rules Chapter 8410; and

WHEREAS, the city of Lilydale ("City") lies partially within the LMRWD and therefore must meet the requirements of the LMRWD Plan; and

WHEREAS, the City prepared and submitted a draft Surface Water Management Plan (SWMP) to the LMRWD on February 5, 2018; and

WHEREAS, the LMRWD has reviewed the SWMP and hereby determines that the plan has been prepared in accordance with the requirements of Minnesota Statutes, Section 103B.235 and Minnesota Rules 840.0160 and 8410.0170, and contains the requirements for local plans; and

WHEREAS, Minnesota Statutes, Section 103B.235, Subdivision 3 authorizes the watershed district to review and approve local water management plans and to take other actions necessary to assure that the local plan is in conformance with the LMRWD's plan and standards set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Managers of the LMRWD hereby approves the Surface Water Management Plan for the City of Lilydale, dated February 2018 with the conditional understanding that:

A. This approval is conditional upon the following:

1. Plan Goal 1, Strategies 1.3.3 and 1.3.4. The SWMP should include information about the City's policy for regular assessment and review of its programs and progress. As part of the effort to regularly assess and review the City's programs, the SWMP should also provide metrics to help evaluate the City's short- and long-term progress.
2. 2. Plan Goal 2, Surface Water Management. These criteria should be included in the SWMP or specifically referenced:

- a. Strategy 2.2.2: Promote Disconnected Stormwater Management. Include information about how the City will incorporate disconnected stormwater management practices into its future stormwater management plans.
 - b. Strategies 2.2.3 and 2.2.4: Cost Share Incentive Program and Water Quality Restoration Program. Implementation of these programs is the District's responsibility; however, the City should reference these programs in its SWMP.
 - c. Strategy 2.3.1: Modify and Continue the Monitoring Program. Include information about any monitoring programs the City has been a part of or potential monitoring programs that could occur in the future.
 - d. Strategy 2.3.3: Complete Detailed Assessments of Data. Include information in the SWMP about how the City assesses data and uses it to develop goals, policies, or strategies
3. Plan Goal 3, Groundwater Management. It is assumed that Lilydale does not have any public drinking water supply wells that require wellhead protection. If this is true, this should be included in the SWMP. Similarly, if there is no groundwater modeling taking place in the City, provide reasons groundwater monitoring is not necessary.
4. Plan Goal 4, Unique Natural Resources Management. These criteria should be included in the SWMP or specifically referenced:
- a. Strategy for acquiring and managing data related to the protection, education, and monitoring of unique natural resources (such as the bluffs and steep slopes).
 - b. Strategy 4.2.2: Provide Technical Assistance. Provide information about how the City assists nongovernment organizations and landowners interested in preserving unique natural resources.
 - c. Strategy 4.2.3: Provide Educational Opportunities. Provide information about any educational opportunities the City has related to unique natural resources management.
5. Plan Goal 7, Erosion and Sediment Control. These criteria should be included in the SWMP or specifically referenced:
- a. Strategy 7.2.1: Develop Vegetation Management Standard/Plan. Development of (or partnership with the District to develop) a vegetation management plan should be included in the SWMP as a policy.
 - b. Strategy 7.3.1: Continue Work of Addressing Gully Erosion. The SWMP should include language referring to gully restoration in the City. If there are no gully restoration projects in the City, include that information in the SWMP.
6. Plan Goal 8 – Strategy 8.1.1: Promote Safety Education. Include information in the SWMP about how the City promotes safety education in its effort to promote the coexistence of commercial and recreational navigation on the Minnesota and the Mississippi Rivers.
7. Plan Goal 9 – Public Education and Outreach Program:
- a. Strategy 9.1.3: Engage and Utilize Volunteers. The SWMP should include information about ways the City engages with and utilizes volunteers to help with water quality monitoring.
 - b. Strategy 9.2.1: Produce Scientific Studies and Work Products. The SWMP should address ways the City can encourage and collaborate on scientific studies and produce outreach materials written specifically for the public.
8. Policy 2.2 – Strategy 2.2.1:
- a. Shoreline and Streambank Alteration Standard. Criterion 2 of the District's Shoreline and Streambank Alteration Standard is not addressed in the SWMP. The SWMP should include or reference this standard.

- b. Stream and Lake Crossing Standard. The District's Stream and Lake Crossing Standard is not addressed in the SWMP. The SWMP should include or reference this standard.
 - c. Floodplain and Drainage Alteration Standard. The District's Floodplain and Drainage Alteration Standard is not addressed in the SWMP. The SWMP should include or reference this standard.
 - d. Water Appropriations Standard. The District's Water Appropriations Standard is not addressed in the SWMP. The SWMP should include or reference this standard.
 - e. Bluff Standard. Neither the district's Bluff Standard nor the city's implementation of the Mississippi River Critical Corridor Area Rule is fully addressed in the SWMP. The SWMP should include or reference this standard.
- B. The City's SWMP does not acknowledge The LMRWD or other water management organization's water management plan amendments underway, nor does it provide a strategy for addressing changes in the future. After the LMRWD plan amendment is approved and adopted or otherwise amended pursuant to Minnesota Statute 103B.231 the City shall bring its' SWMP into conformance with the LMRWD Plan within the time period prescribed in the implementation program of the LMRWD Plan.
 - C. The City's SWMP does not acknowledge the Lower Minnesota River WRAPS and the TMDLS underway as part of the WRAPS. The LMRWD recommends the SWMP be updated to reflect the finding of the WRAPS once it is finalized.
 - D. In accordance with Minnesota Statutes, Section 103B.235, Subdivision 4, the Lilydale plan shall be adopted and implemented by the City within 120 days of this action, and the City shall amend its official controls in accordingly within 180 days.
 - E. After the LMRWD plan amendment is approved and adopted or otherwise amended pursuant to Minnesota Statute 103B.231 the City shall bring it's LWMP into conformance with the LMRWD Plan within the time period prescribed in the implementation program of the LMRWD Plan.
 - F. Pursuant to Minnesota Statutes, Section 103B.235, Subdivision 5 and consistent with the Lower Minnesota River Watershed Management Plan, the City shall submit amendments to the local water management plan to the LMRWD for review and approval in accordance with State Statutes and Minnesota Rules.
 - G. The LMRWD Managers believe that regulation is most properly performed by the local governmental unit (LGU), provided that regulation by the LGU is consistent with the goals and policies of the LMRWD Plan. The city of Lilydale shall implement water management policies, standards and criteria as least as strict as those in the LMRWD Plan, as amended, on all projects within the boundaries of the LMRWD in the City of Lilydale.
 - H. For properties that are split between the LMRWD and any other watershed management organization, the most restrictive water management policies, standards and criteria will be implemented.

The Motion was seconded by _____ and adopted by the Board of Managers of the Lower Minnesota River Watershed District this 18th day of April, 2018.

Yvonne Shirk, President

ATTEST:

David Raby, Secretary

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Lisa Buchli, PE
Della Schall Young, PMP, CPESC

Date: April 3, 2018

Re: City of Lilydale—Surface Water Management Plan Review

We have reviewed the City of Lilydale’s draft Surface Water Management Plan (SWMP), received February 5, 2018, for consistency with the District’s Approved 2011 Watershed Management Plan (Plan) using the local water plan review document. We recommend approval of the SWMP, contingent on satisfactory response to the following comments:

1. Plan Goal 1, Strategies 1.3.3 and 1.3.4. The SWMP should include information about the City’s policy for regular assessment and review of its programs and progress. As part of the effort to regularly assess and review the City’s programs, the SWMP should also provide metrics to help evaluate the City’s short- and long-term progress.
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 - c. Strategy 2.3.1: Modify and Continue the Monitoring Program. Include information about any monitoring programs the City has been a part of or potential monitoring programs that could occur in the future.
 - d. Strategy 2.3.3: Complete Detailed Assessments of Data. Include information in the SWMP about how the City assesses data and uses it to develop goals, policies, or strategies.

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- e. Bluff Standard. Neither the district's Bluff Standard nor the city's implementation of the Mississippi River Critical Corridor Area Rule is fully addressed in the SWMP. The SWMP should include or reference this standard.

The SWMP does not acknowledge this or other water management organizations' water management plan amendments underway or provide a strategy for addressing changes in the future.

cc: Mary Schultz, City of Lilydale
Jeff Weiss, Barr Engineering Co.

Black Dog Gas Pipeline HDD Restoration Work - Seep Closure Plan Outline

Bodensteiner, James J <james.j.bodensteiner@xcelenergy.com>

Wed, Apr 4, 2018 at 3:45 PM

To: "Richter, Joe G (DNR)" <joe.richter@state.mn.us>, "Jennie.Skancke@state.mn.us" <Jennie.Skancke@state.mn.us>, "Brandon.E.Smith@state.mn.us" <Brandon.E.Smith@state.mn.us>, "Wright, Cara (MPCA)" <Cara.Wright@state.mn.us>, Deb Garross <Deb.Garross@burnsvillemn.gov>, "Kara.dennis@state.mn.us" <Kara.dennis@state.mn.us>, Daryl Jacobson <Daryl.Jacobson@burnsvillemn.gov>, "Malterud, Ryan M CIV USARMY CEMVP (US)" <Ryan.M.Malterud@usace.army.mil>

Cc: Linda Loomis <naiadconsulting@gmail.com>, "Jeremy J. Gacnik" <JGacnik@barr.com>, "Butler, David W" <David.W.Butler@xcelenergy.com>, "Miller, Conrad A" <conrad.a.miller@xcelenergy.com>, "Gundry, Jacob R" <jacob.r.gundry@xcelenergy.com>, "Kusilek, Luke I" <Luke.I.Kusilek@xcelenergy.com>, "Heine, Ellen L" <Ellen.L.Heine@xcelenergy.com>, "Rogers, Timothy G" <RGRT07@xcelenergy.com>

As an update, as of this week, our contractor (Veit) with oversight by Xcel Energy and our consultant Barr Engineering has primarily completed implementation of the Seep Closure Plan as outlined in January. With completion of plan work, the active seepage/upwelling of lower regional aquifer to the ground surface was discontinued as of last Monday, March 26. With rising river and lake levels, the project is demobilizing with any follow up work (e.g. seeding) to be done later this summer after river and lake levels recede.

The basic steps in closure were as follows: 1. installation of the sheetpile wall in late January/early February which did eliminate the seepage up and out of the plant's flood berm; 2. Grouting starting mid-February on the curtain wall and on some of the borepath intercepts (Boring to intercept borepath 4 provided relief from seepage into the plant yard at the end of February); 3. Grouting the borepath 1 through 3 intercepts was targeted (with two rigs) in early March for completion mid-March while lake ice was still good; 4. Grouting the curtain wall resumed later in March to completion with secondaries at the end of March; 5. While grouting the curtain wall and seep 2 area, remaining seepage/upwelling (which at the time was in the vicinity of the sheetpile wall) stopped on March 26; 6. Grouting the few remaining borepath 4 intercepts was completed at the end of March; and 7. Clean-up and demobilization was conducted this week.

We will begin monitoring per the plan after river/lake levels recede. After consultant review of work to date and of initial inspections, if any further follow-up items are identified, they will be completed later this summer or fall.

A construction report is being prepared for filing with the DNR.

If there are any questions in the meantime, please let me know.

THANKS. Also, thanks again for the earlier reviews and discussions (e-mail, phone, and otherwise) with a few of you.

Jim
