



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners and Alternate Commissioners
From: Laura Jester, Administrator
Date: August 12, 2020

RE: Item 5C: Consider Adopting Minor Watershed Plan Amendment

BACKGROUND:

The proposed minor plan amendment for Commission consideration of approval includes the following components:

1. Capital Improvement Program Additions
 - Crane Lake Chloride Reduction Demonstration Project at Ridgedale Mall (CL-4)
 - Plymouth Creek Restoration Project Old Rockford Rd. to Vicksburg Ln. (2026-CRP)
 - Cost Sharing the Purchase of High Efficiency Street Sweeper (ML-23)

2. Revisions to Section [4.2.6 Wetland Management Policies](#)

After discussion at the February and April Commission meetings (as discussed later in this memo), the Commission approved the addition of the three projects to the CIP. However, the proposed changes to the wetland management policies were not fully discussed. To confuse matters, there were, unfortunately, two different versions of the proposed changes to wetland management policies presented to the Commission over the last few months. I apologize for this oversight and possible confusion!

This memo presents the proposed minor plan amendment story chronologically:

February Commission meeting: The meeting agenda included the following two items:

6B. Consider Approval of the Technical Advisory Committee Recommendations:

- i. Water Monitoring Program
- ii. 5-year Capital Improvement Program

6C. Set Public Hearing for Minor Plan Amendment

The Commission tabled and did not discuss Item 6C due to the Commission's request for more information on the TAC's recommendation to add a project to the CIP for the cost share of the Plymouth street sweeper. In the meeting packet, the part of the plan amendment related to proposed changes to wetland management policies in the Watershed Management Plan including the following language for Policy 66:

Policy 66. *The BCWMC requires member cities to develop and implement wetland protection ordinances that consider the results of wetland functions and values assessments, and are based on comprehensive wetland management plans, if available. For wetlands classified as Preserve or Manage 1 (or comparable*

classification if BWSR's Minnesota Rapid Assessment Method (MnRAM) is not used), member cities shall implementare encouraged to develop standards for bounce, inundation, and runout control that are similar to ~~BWSR guidanceMnRAM~~; member cities are encouraged to apply standards for other wetland classifications.

The changes to Policy 66 were proposed by staff to 1) update the text because the MnRAM is no longer supported by BWSR; and 2) allow flexibility in the implementation of certain wetland standards.

March Commission meeting: The meeting agenda was significantly scaled back due to the last-minute switch from an in-person meeting to a conference call in response to the pandemic. The only business agenda item was to set the public hearing for the minor plan amendment, acknowledging that there would be further discussion about the CIP additions. However, likely due to the meeting format, there was no discussion about the proposed changes to wetland management policies. In the meeting materials for that meeting, my memo on the plan amendment included the following language for the proposed changes to wetland management policy 66:

Policy 66. *The BCWMC requires member cities to develop and implement wetland protection ordinances that consider the results of wetland functions and values assessments, and are based on comprehensive wetland management plans, if available. For wetlands classified as Preserve or Manage 1 (or comparable classification if BWSR's Minnesota Rapid Assessment Method (MnRAM) is not used), member cities shall implement standards for bounce, inundation, and runout control that are similar to ~~BWSR guidanceMnRAM~~; member cities are encouraged to apply standards for other wetland classifications.*

If you read carefully, you'll note that while the February language proposes to change the policy from requiring to encouraging that cities implement certain standards, the language in March keeps the original requirement for cities. The change in language between the February and March meetings was in response to concerns voiced by some commissioners about the relaxation of requirements for wetland protection.

April Commission meeting: The Commission returned to the discussion from February regarding the TAC's recommended 5-year CIP and approved the addition of the Plymouth street sweeper cost share project.

With that Commission action, the pieces were in place for me to submit a minor plan amendment for its formal 30-day review. In late April, the BCWMC officially submitted a proposed minor plan amendment to the member cities, Hennepin County, the Metropolitan Council, and state review agencies. The amendment proposed to add three projects to the Commission's 10-year Capital Improvement Program (see below) and to update some wetland protection policies. Unfortunately, I inadvertently submitted the wetland policy language from the February meeting rather than the language from the March meeting materials. The complete proposed revisions submitted for review by agencies and cities are shown below.

Capital Improvement Program Additions

- Crane Lake Chloride Reduction Demonstration Project at Ridgedale Mall (CL-4)
- Plymouth Creek Restoration Project Old Rockford Rd. to Vicksburg Ln. (2026-CRP)
- Cost Sharing the Purchase of High Efficiency Street Sweeper (ML-23)

Revisions to Section 4.2.6 Wetland Management Policies

Policy 65. The BCWMC requires member cities to inventory, classify and determine the functions and values of wetlands, either through a comprehensive wetland management plan or as required by the Wetland Conservation Act (WCA).

Member cities shall maintain a database of wetland functions and values assessment results. The BCWMC encourages member cities to complete comprehensive wetland management plans as part of their local water management plan or as an implementation task identified in their local water management plan. Completed comprehensive wetland management plans shall be submitted to the BCWMC for review and comment.

Policy 66. The BCWMC requires member cities to develop and implement wetland protection ordinances that consider the results of wetland functions and values assessments, and are based on comprehensive wetland management plans, if available. For wetlands classified as Preserve or Manage 1 (or comparable classification if BWSR's Minnesota Rapid Assessment Method (MnRAM) is not used), member cities ~~shall implement~~ are encouraged to develop standards for bounce, inundation, and runout control that are similar to ~~BWSR guidance~~ MnRAM; member cities are encouraged to apply standards for other wetland classifications.

Policy 67. The BCWMC ~~adopts~~ recommends that cities use the Minnesota Rapid Assessment Method (MnRAM) (or similar) as the wetland assessment method and ~~the~~ wetland management classification system. Member cities are encouraged to use MnRAM such a method for all wetland assessment and classification, but are not required to perform reassessments ~~using the MnRAM~~ for wetlands already assessed.

Policy 68. Member cities shall maintain and enforce buffer requirements for projects containing more than one acre of new or redeveloped impervious area. Average minimum buffer widths are required according to the MnRAM classification (or similar classification system):

- An average of 75 feet and minimum of 50 feet from the edge of wetlands classified as Preserve (or comparable classification if BWSR's MnRAM is not used)
- An average of 50 feet and minimum of 30 feet from the edge of wetlands classified as Manage 1 (or comparable classification if BWSR's MnRAM is not used)
- An average of 25 feet and minimum of 15 feet from the edge of wetlands classified as Manage 2 or 3. (or comparable classification if BWSR's MnRAM is not used)

Allowable land uses and vegetative criteria for buffers are specified in the BCWMC's Requirements for Development and Redevelopment (BCWMC, 2015, as amended). Member cities may allow exemptions for public recreational facilities parallel to the shoreline (e.g. trails) up to 20 feet in width, with that width being added to the required buffer width.

Policy 72. The BCWMC requires that member cities annually inspect wetlands classified as Preserve (or comparable classification if MnRAM not used) for terrestrial and emergent aquatic invasive vegetation, such as buckthorn and purple loosestrife, and attempt to control or treat invasive species, where feasible.

COMMENTS ON PLAN AMENDMENT:

On May 21, 2020, the BCWMC held a public hearing regarding the minor plan amendment. No comments were received during the public hearing.

The Minnesota Board of Water and Soil Resources and the Department of Agriculture indicated they had no comments on the proposed minor plan amendment.

The Metropolitan Council indicated the three CIP projects are consistent with goals of the Watershed Management Plan and with Met Council policies, and that they have no substantive comments. The Met Council went on to note its interest in the Crane Lake Chloride Reduction Demonstration Project at Ridgedale Mall and requested early and active consultation with the Met Council to allow for adequate guidance from the Met Council. (See Met Council comment letter attached.)

The Hennepin County Board of Commissioners approved the minor plan amendment at their meeting on August 11th.

CONSIDER ADOPTING MINOR PLAN AMENDMENT:

At today's meeting, the Commission should discuss the two versions of the wetland management policy revisions and consider adopting a minor plan amendment. One option is for the Commission to adopt only part of the plan amendment (such as the addition of the three CIP projects) and to leave the current wetland management policies in place without any changes. Alternatively, the Commission could adopt the plan amendment with both the additions to the CIP projects, and either version of the wetland management policy revisions.

May 29, 2020

Laura Jester, Administrator
Bassett Creek Watershed Management Commission
c/o 16145 Hillcrest Lane
Eden Prairie MN 55346

RE: Bassett Creek Watershed Management Commission (BCWMC) Minor Plan Amendment
(Metropolitan Council Review File no. 21306-3)

Dear Ms. Jester:

The Metropolitan Council (Council) has completed its review of the proposed BCWMC minor amendment to its 2015 Watershed Management Plan (Plan). The amendment consists of minor, primarily wording changes to the Wetland Management Policy to ensure the policy is consistent with current state guidance, as well modifications and additions to the BCWMC 10-year Capital Improvement Program (CIP). The three added projects are consistent with the goals of the Plan and we support BCWMC's interest in supporting new projects that reflect the current needs of member communities. The proposed changes are consistent with Council policies and the 2040 Water Resources Policy Plan and we have no substantive comments.

We do want to note our specific interest in project CL-4: Crane Lake Chloride Reduction Demonstration Project at Ridgedale Mall. The Council has previously engaged in communication with the City of Minnetonka about innovative ways to reduce chloride entering Crane Lake and Bassett Creek. The fact sheet for this project specifically notes the City and BCWMC intend to continue dialogue with the Council about chloride contamination removal options in that watershed. We ask BCWMC to work with the City to ensure we are actively consulted on this project from an early date, allowing input and guidance from the Council to be included early in the process. It may be appropriate to convene a technical advisory committee around this project in which Council staff would willingly participant.

Thank you for the opportunity to comment on this plan amendment. If you would like to discuss items addressed in this letter, please contact Emily Resseger at 651-373-2999.

Sincerely,


for Judy Sventek

Judy Sventek
Manager, MCES, Water Resources Section

cc: Steve Christopher, Board of Water and Soil Resources
Judy Johnson, Metropolitan Council District 1
Christopher Ferguson, Metropolitan Council District 3
Lynnea Atlas-Ingebretson, Metropolitan Council District 6
Robert Lilligren, Metropolitan Council District 7
Freya Thamman and Michael Larson, Metropolitan Council Sector Representatives
Raya Esmaeili, Metropolitan Council Reviews Coordinator
Emily Resseger, Water Resources Section