



Bassett Creek Watershed Management Commission

Regular Meeting & Plan Development Workshop

Wednesday, November 20, 2024

8:30 a.m.

Medicine Lake Room

Plymouth City Hall (3400 Plymouth Blvd.)

Listen via Zoom:

<https://plymouthmn.gov.zoom.us/meeting/register/tZcodOCvrj8rHtZJxg6hib82UqHHvF4lft3#/registration>

MEETING AGENDA

1. CALL TO ORDER and ROLL CALL

- 2. PUBLIC FORUM ON NON-AGENDA ITEMS** – *Members of the public may address the Commission 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 Commission will continue with the agenda. The Commission will take no official action on items discussed at the Forum, except for referral to staff or a Commissions Committee for a recommendation to be brought back to the Commission for discussion/action.*

3. APPROVAL OF AGENDA

4. CONSENT AGENDA (10 minutes)

- A. Approval of Minutes – October 17, 2024 Commission Meeting
- B. Acceptance of November Financial Report
- C. Approval of Payment of Invoices
 - i. Keystone Waters, LLC – October 2024 Administration
 - ii. Keystone Waters, LLC – October 2024 Administrative Expenses
 - iii. Barr Engineering – October 2024 Engineering Services
 - iv. Triple D Espresso – Meeting Catering
 - v. City of Plymouth – October Accounting Services
 - vi. Kennedy and Graven – September and October Legal Services
 - vii. Stantec – Watershed Outlet Monitoring Program (WOMP) Services
- D. Approval of Second Amendment to Watershed Map Design Contract

5. BUSINESS

- A. Approval of Resolution of Appreciation for Michael Welch (5 min)
- B. Elect Vice Chair of the Commission (5 min)
- C. Consider Approval of 90% Design for Ponderosa Woods Stream Restoration Project (ML-22) (20 min)
- D. Approval of Agreement with City of Golden Valley for Construction of Bassett Creek Restoration Project Regent Ave. to Golden Valley Rd. (2014CR-M) (10 min)
- E. Appoint Delegates to Minnesota Watersheds Annual Meeting (5 min)
 - i. Annual Business Meeting Packet (resolutions in 5F)
 - ii. Region III Caucus Meeting Materials
- F. Review Minnesota Watersheds Resolutions (20 min)
- G. Receive Update on Four Seasons Area Water Quality Improvement Project (10 min)
- H. Discuss Process for Evaluating Staff and Soliciting Proposals for Engineering & Legal Services (5 min)

6. COMMUNICATIONS (10 minutes)

- A. Administrator's Report
 - i. Report on Upcoming TMDL Projects – Northwood and Lost Lakes
 - ii. JPA Approval Updates
- B. Engineer
- C. Legal Counsel
- D. Chair
- E. Commissioners
- F. TAC Members
 - i. Appoint Liaison to December 18th Meeting
- G. Committees
 - i. Education Committee

7. INFORMATION ONLY (Information online only)

- A. Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notices Plymouth and Minneapolis

8. PLAN DEVELOPMENT WORKSHOP (75 min)

- A. Plan Development Background and Status
- B. Small Group Breakout Discussions
- C. Whole Group Feedback

9. ADJOURNMENT

Upcoming Meetings & Events

- Minnesota Watersheds Annual Conference and Meeting: December 3 – 6, 2024, Grand View Lodge, Nisswa MN
- BWCMC Plan Steering Committee Meeting: Wednesday, December 11, 8:30 a.m., Wirth Lake Room, Brookview
- BCWMC TAC Meeting: Wednesday, December 18, 10:00 a.m., Wirth Lake Room, Brookview
- BCWMC Commission Meeting: Thursday, December 19, 8:30 a.m., Golden Valley City Hall



Bassett Creek Watershed Management Commission

AGENDA MEMO

Date: November 12, 2024

To: BCWMC Commissioners

From: Laura Jester, Administrator

RE: Background Information for 11/20/24 BCWMC Meeting and Public Hearing

1. **CALL TO ORDER and ROLL CALL**
2. **PUBLIC FORUM ON NON-AGENDA ITEMS**
3. **APPROVAL OF AGENDA – ACTION ITEM with attachment**

4. **CONSENT AGENDA**
 - A. Approval of Minutes – October 17, 2024 Commission Meeting- **ACTION ITEM with attachment**

 - B. Acceptance of November Financial Report - **ACTION ITEM with attachment**

 - C. Approval of Payment of Invoices - **ACTION ITEM attachments available upon request – I reviewed the following invoices and recommend payment.**
 - i. Keystone Waters, LLC – October 2024 Administration
 - ii. Keystone Waters, LLC – October 2024 Administrative Expenses
 - iii. Barr Engineering – October 2024 Engineering Services
 - iv. Triple D Espresso – Meeting Catering
 - v. City of Plymouth – October Accounting Services
 - vi. Kennedy and Graven – September and October Legal Services
 - vii. Stantec – Watershed Outlet Monitoring Program (WOMP) Services

 - D. Approval of Second Amendment to Watershed Map Design Contract – **ACTION ITEM with attachment – Development of the watershed map is nearing completion but the map designer has expended the hours approved in the contact and the first amendment to the contract. The map redesign project has taken more time than originally planned due to significant changes from the original map and the “back of the map” educational content. The Education Committee and I have been working closely with the map designer who has been patient and flexible and who has worked diligently on the map throughout this process. The Education Committee met on November 12th to make final recommendations for the map; the final map will be presented at the December Commission meeting. I recommend approval of a second amendment to the contract to add hours needed to make final edits and coordinate printing.**

5. **BUSINESS**
 - A. Approval of Resolution of Appreciation for Michael Welch (5 min) – **ACTION ITEM with attachment – After nearly 25 years representing Minneapolis on the Commission, Michael resigned his appointment effective October 22nd. Michael’s impact on the Commission has been significant. His insight, expertise, and energy will certainly be missed. The attached resolution offers a brief glimpse into Michael’s deep commitment to improving water resources and the function of the Commission. Staff recommends approval.**

 - B. Elect Vice Chair of the Commission (5 min) – **ACTION ITEM no attachment –Michael Welch’s resignation leaves a vacancy among Commission officers. A new vice chair should be elected at this meeting. (The vice chair role must be filled by a commissioner and not an alternate commissioner.)**

- C. Consider Approval of 90% Design for Ponderosa Woods Stream Restoration Project (ML-22) (20 min) – ACTION ITEM with attachment – *The city of Plymouth is designing and constructing this project per an agreement between the city and the BCWMC approved in September 2023. The Commission approved the 60% design plans for the project with some conditions at the October meeting. The Commission Engineer reviewed the city’s responses to the 60% design comments along with 90% design plans. The Commission Engineer’s review memo is attached here and includes recommendations for conditional approval by the Commission.*

- D. Approval of Agreement with City of Golden Valley for Construction of Bassett Creek Restoration Project Regent Ave. to Golden Valley Rd. (2014CR-M) (10 min) – ACTION ITEM with attachment – *The Commission ordered this CIP project at their meeting in September 2023. Please see the attached memo with additional background information. Staff recommends approval of the agreement which includes provisions for the Commission to design the project and the city to construct and maintain the project.*

- E. Appoint Delegates to Minnesota Watersheds Annual Meeting (5 min) – ACTION ITEM with attachments – *The Commission should appoint two delegates and one alternate to the MN Watershed annual meeting. Ideally delegates would attend the Region III caucus on Thursday morning. Delegates must attend the business meeting on Friday morning. The business meeting packet and caucus meeting materials are attached. The resolutions section of the business meeting materials was moved to Item 5F.*
 - i. Annual Business Meeting Packet (resolutions in 5F)
 - ii. Region III Caucus Meeting Materials

- F. Review Minnesota Watersheds Resolutions (20 min) – DISCUSSION ITEM with attachment – *The Commission should review and discuss the proposed resolutions. Delegates to the MN Watersheds business meeting will be voting on these resolutions on behalf of the Commission.*

- G. Receive Update on Four Seasons Area Water Quality Improvement Project (10 min) – INFORMATION ITEM with attachment – *In July 2023, the Commission approved an agreement with the City of Plymouth to design and construct this [CIP project](#). (Additional background on the project is included in the attached memo.) The Commission approved 90% design plans for the project at its September 2023 meeting. Since then, the city has been working with permitting agencies in order to finalize designs. The project will result in more than 100 lbs of total phosphorus removal but design plans have changed in order to address permitting requirements. The Commission Engineer reviewed the updated plans and is providing the attached memo as an informational item.*

- H. Discuss Process for Evaluating Staff and Soliciting Proposals for Engineering and Legal Services (5 min) – DISCUSSION ITEM no attachment – *Near the end of each year the Commission evaluates my performance and that of the Commission Engineers. Evaluations have been accomplished in a variety of ways over the years usually including commissioners and TAC members providing feedback through quantitative evaluation forms and review by the Administrative Committee. The Commission should decide how to evaluate staff this year. Following evaluation, the Commission must solicit proposals or letters of interest proposals for at least legal and engineering services.*

6. COMMUNICATIONS (10 minutes)

- A. Administrator’s Report – **INFORMATION ITEM with attachment**
 - i. Report on Upcoming TMDL Projects – Northwood and Lost Lakes
 - ii. JPA Approval Updates

- B. Engineer
- C. Legal Counsel
- D. Chair
- E. Commissioners
- F. TAC Members
 - i. Appoint Liaison to December 18th Meeting
- G. Committees

7. INFORMATION ONLY (Information online only)

- A. Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notices, Plymouth

8. PLAN DEVELOPMENT WORKSHOP (75 min) – DISCUSSION ITEM with attachment

- A. Plan Development Background and Status
- B. Small Group Breakout Discussions
- C. Whole Group Feedback

9. ADJOURNMENT

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- BCWMC Commission Meeting: Thursday, December 19, 8:30 a.m., Golden Valley City Hall



Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting
Thursday, October 17, 2024
8:30 a.m.
Golden Valley City Hall, 7800 Golden Valley Road

1. CALL TO ORDER and ROLL CALL

On Thursday October 17, 2024 at 8:33 a.m. Chair Cesnik called the Bassett Creek Watershed Management Commission (Commission) to order.

Commissioners, city staff, and others present

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Joan Hauer	Terri Schultz	<i>Absent</i>
Golden Valley	Paula Pentel	<i>Absent</i>	Eric Eckman
Medicine Lake	Clint Carlson (partial attendance)	<i>Absent</i>	<i>Absent</i>
Minneapolis	<i>Absent</i>	Jodi Polzin	Liz Stout
Minnetonka	Maryna Chowhan (partial attendance)	<i>Absent</i>	Leslie Yetka
New Hope	Jere Gwin-Lenth	<i>Absent</i>	Nick Macklem
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Absent</i>	Richard McCoy, Jenna Wolf
St. Louis Park	RJ Twiford	<i>Absent</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters, LLC		
Engineers	Karen Chandler, Stephanie Johnson – Barr Engineering Co.		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Guests/Public	Lucius Jonett, Midwest Wetland Improvements		

2. PUBLIC FORUM ON NON-AGENDA ITEMS

None.

3. APPROVAL OF AGENDA

MOTION: Commissioner Pentel moved to approve the agenda. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 7-0 with the cities of Medicine Lake and Minnetonka absent from the vote.

4. CONSENT AGENDA

Commissioner Pentel requested the removal of **Item 4D Approval of Spring Valley Rd. Landscape Project, Golden Valley** from the consent agenda.

MOTION: Commissioner Pentel moved to approve the consent agenda as amended. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 7-0 with the cities of Medicine Lake and Minnetonka absent from the vote

The following items were approved as part of the consent agenda.

- Approval of Minutes – September 19, 2024 Commission Meeting
- Acceptance of October Financial Report
- Approval of Payment of Invoices
 - Keystone Waters, LLC – September 2024 Administration
 - Keystone Waters, LLC – September 2024 Administrative Expenses
 - Barr Engineering – September 2024 Engineering Services
 - Triple D Espresso – Meeting Catering
 - City of Plymouth – September Accounting Services
 - Kennedy and Graven – Legal Services
 - Stantec – Watershed Outlet Monitoring Program (WOMP) Services
 - Finance and Commerce – Public Hearing Notice Publication
 - U.S. Bank – Final Transfer from Wells Fargo Account
 - Indigenous Education Design – Watershed Map Content Development
 - HDR, Inc. – Website Service
- Approval of Reimbursement to City of Golden Valley for Medley Park Water Quality Improvement Project (ML-12)

4D. Approval of Spring Valley Rd. Landscape Project, Golden Valley

Commissioner Pentel noted that the project appears to already be under construction and is wondering the status of permit approvals. Golden Valley TAC member Eric Eckman indicated that no construction work should be happening in the floodplain area but that some mobilization of construction equipment may be apparent in the yard of the project location. He noted he would have city staff check on the project site to ensure compliance with permits.

MOTION: Commissioner Pentel moved approval of the Spring Valley Rd. Landscape Project. Commissioner Twiford seconded the motion. Upon a vote the motion carried 7-0 with the cities of Medicine Lake and Minnetonka absent from the vote.

5. BUSINESS

A. Consider Approval of 60% Design for Ponderosa Woods Stream Restoration Project (ML-22)

Commission Engineer Chandler reminded commissioners that this CIP project was ordered in September 2023 and at the same meeting, the BCWMC entered into an agreement with the City of Plymouth to design and construct the project. She reviewed a map with the project location, noting it's a 1,000-foot-long, small tributary to Plymouth Creek just upstream of Plymouth Creek's inflow to Medicine Lake. She showed photos of existing conditions including eroded banks and a significant amount of fallen trees in the channel. She reviewed that alternative 1.5 from the feasibility study was chosen by the Commission, which includes streambank restoration and expanded buckthorn removal in about 2 acres of floodplain area on the downstream end of the project area.

Engineer Chandler noted the 60% design plans were completed by the city's consultant (Midwest Wetland Improvements) and reviewed by Commission Engineers. She presented a revised review memo from Commission Engineers (slightly different from the one in the meeting packet.) She reported that the 60% designs are mostly in line with the feasibility study and she reviewed some minor differences including the addition of a settling basin to better control and treat runoff from a side channel entering the stream. She noted the feasibility study calls for removal of several trees (mostly dead, dying, and undesirable trees) in order to open the canopy and allow for more sunlight. She noted the discovery of some contaminated soils at the outfalls of the storm sewer pipes that will be disposed of properly. Plymouth TAC member Scharenbroich noted that it's assumed the contamination is from sealcoating on private driveways. He noted the contaminant is no longer a legal component of sealcoating products. Mr. Scharenbroich also reported that a public open house is scheduled for this project on October 23rd.

Engineer Chandler reviewed the Commission Engineer's recommendations for conditional approval of the 60% plans

(including revised comments #4 and #11). She reported that design plans are still in development and that 90% plans will likely be presented at the November Commission meeting.

MOTION: Commissioner Hauer moved to conditionally approve the 60% plans as outlined in the Commission Engineer's revised review memo. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 7-0 with the cities of Medicine Lake and Minnetonka absent from the vote.

B. Consider Approval of Plan Steering Committee Recommendation for Street Sweeping Prioritization Study

Administrator Jester reviewed the history of this item noting that at the August meeting, the Commission received a presentation on a TAC-recommended street sweeping prioritization study. She reported that the Plan Steering Committee (PSC) reviewed the proposed study at their meeting on October 2nd and discussed how the study could help address goals in the 2025 watershed plan, including water quality improvements in Medicine Lake, Lost Lake, and Northwood Lake. She noted that the PSC, TAC, and staff recommend approval of the proposed study, which would be funded by the Commission's special projects fund (comprised of investment income).

Commission Engineer Johnson reviewed goals from the current 2015 watershed management plan related to the proposed street sweeping study, along with more recent BCWMC policies on cost sharing the purchase of street sweepers (or other equipment) as CIP projects. She noted that goals in the draft 2025 watershed management plan include water quality improvements (including for nutrient and chloride) and completing subwatershed assessments to target implementation activities. She indicated that the street sweeping study is similar to a subwatershed assessment in that it can help target and prioritize water quality improvement activities where they will benefit priority waters the most. Engineer Johnson walked through the components of the proposed study.

Commissioner Pentel asked how the study would benefit cities with only small portions of their cities in the watershed. And, she noted that Golden Valley already seems to have a good idea where sweeping is most beneficial. She wondered about the value of the study. Engineer Johnson noted that cities with smaller areas in the watershed could request (and pay for) the study to be expanded to their whole city. Golden Valley TAC member Eckman said the study would be very valuable for the city of Golden Valley because it would be a data-driven approach to a street sweeping program to help refine the city's work. He noted his excitement about potential improvements in street sweeping and he noted he would share the results with private properties that manage large impervious surface areas.

Plymouth TAC member Scharenbroich also voiced support for the study, noting it would be useful information for the public works staff. There was discussion about the potential for the study to help reduce winter salt and on the ever-changing, often unpredictable, climate and winter conditions. Engineer Johnson said that while the study doesn't explicitly take climate variability into account, it will acknowledge the need for sweeping operations to consider year-to-year changes and should still result in operational recommendations to benefit water quality. She also noted that the study will include a survey of cities to understand barriers, challenges, and opportunities which may also help inform future chloride reduction strategies. Engineer Johnson also reported that the study will include a review of research related to sweeping and winter deicers.

MOTION: Alternate Commissioner Polzin moved to approve the street sweeping prioritization study as presented. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 7-0 with the cities of Medicine Lake and Minnetonka absent from the vote.

C. Consider Updating Monthly Financial Reporting Method

Administrator Jester noted that the Commission's Deputy Treasurer recommends that the Commission follow the League of Minnesota Cities' advice not to post invoices from vendors on the website due to concerns for potential fraud and to hide payment terms in contracts posted within meeting materials. She proposed that invoices would be listed on the agenda but would not be posted on the website. Instead, she would combine all invoices into one PDF and send it to commissioners/alternates with the meeting notice email that goes out ahead of each month's meeting. There was agreement that Administrator Jester's proposed approach was acceptable and that she could also look at how other watersheds handle invoices.

[Commissioner Chowhan arrives.]

D. Consider Administrator and Commissioner Attendance at MN Watersheds Conference

Administrator Jester reviewed the agenda for the MN Watersheds Conference including activities on Dec 3rd through Dec 6th. She noted her request to attend the whole conference, including the MN Association of Watershed Administrators meeting. She noted the new location (Grand View Lodge in Nisswa) and that she reserved lodging for herself and three others and that lodging can be updated. She recommended that commissioners and alternates consider attending and noted that delegates will be selected at the November Commission meeting. Commissioner Twiford indicated that he cannot attend the conference this year but recommended it to others as he learned a lot at last year's conference. Commissioner Sicora also recommended the conference to even seasoned commissioners/alternates. Chair Cesnik, Commissioner Hauer, and Commissioner Chowhan noted their interest in attending.

MOTION: Commissioner Twiford moved to approve Administrator Jester's attendance at the conference and reimbursement of registration and travel costs for any commissioners or alternates who wished to attend. Commissioner Chowhan seconded the motion. Upon a vote the motion carried 8-0 with the City of Medicine Lake absent from the vote.

[Chair Cesnik called for a 5-minute break.] [Commissioner Carlson arrives.]

E. Review Plan Process Tracker

Administrator Jester briefly reviewed the work of the Plan Steering Committee and progress on the watershed plan development. She noted that the November Commission meeting will include a plan development workshop on issues and goals related to education and organizational effectiveness.

6. COMMUNICATIONS**A. Administrator's Report**

- i. Reminder of WEDNESDAY November 20th BCWMC Meeting
- ii. Reminder of Low Salt, No Salt Minnesota Campaign – Reminder that tools and materials are available for reaching out to groups (particularly groups with property management responsibilities) on low salting techniques. There was discussion about how the industrial stormwater permit includes chloride-impaired waters and how cities could potentially use these permits to search for properties that could use low salt education.

B. Engineer – Engineer Chandler reported results of recent carp capture and removal activities on Sweeney Lake. A total of 191 carp (approximately 42% of the carp in the lake) were removed, resulting in a carp density of 31.3 kg/hectare, less than the 100 kg/hectare threshold for water quality problems. She also reported on learning at the Water Resources Conference about the St. Croix River Research Stations's metro chloride research that cited Parkers Lake and Medicine Lake data.**C. Legal Counsel – no report****D. Chair – no report****E. Commissioners**

- i. Report on Ĥaĥá Wakpádaŋ Water Blessing – Chair Cesnik reported on the water blessing event noting there were several news outlets present along with dozens of people. She reported that she read the BCWMC Land and Water Acknowledgement statement and recounted the activity led by Alternate Commissioner Gould.

F. TAC Members

- i. Report on JPA Approval Processes – Administrator Jester noted that she received the signed JPAs from Robbinsdale and Medicine Lake. Other city representatives around the room reported on when they expect to have the JPA approved by their city councils. No issues were reported.

G. Committees – Education Committee is meeting November 12th with the goal of finalizing the watershed map.**7. INFORMATION ONLY (Information online only)**

- a. Administrative Calendar
- b. CIP Project Updates www.bassettcreekwmo.org/projects
- c. Grant Tracking Summary and Spreadsheet
- d. WCA Notice, Minneapolis

8. ADJOURNMENT – The meeting adjourned at 10:26 a.m.

Bassett Creek Watershed Management Commission
Statement of Financial Position as of 9/30/2024

Unaudited		400	100	
		Capital Improvement Projects	General Fund	TOTAL
ASSETS				
Current Assets				
Checking/Savings				
·	101 · Wells Fargo Checking	0.00	0.00	0.00
·	102 · 4MP Fund Investment	3,501,986.62	400,717.80	3,902,704.42
·	103 · 4M Fund Investment	3,306,772.27	846,448.98	4,153,221.25
	104 · US Bank Checking	-0.00	-934.55	-934.55
Total Checking/Savings		6,808,758.89	1,246,232.23	8,054,991.12
Accounts Receivable				
·	111 · Accounts Receivable	0.00	0.00	0.00
·	112 · Due from Other Governments	0.00	0.00	0.00
·	113 · Delinquent Taxes Receivable	22,306.08	0.00	22,306.08
Total Accounts Receivable		22,306.08	0.00	22,306.08
Other Current Assets				
·	114 · Prepays	0.00	3,294.00	3,294.00
·	116 · Undeposited Funds	0.00	0.00	0.00
Total Other Current Assets		0.00	3,294.00	3,294.00
Total Current Assets		6,831,064.97	1,249,526.23	8,080,591.20
TOTAL ASSETS		6,831,064.97	1,249,526.23	8,080,591.20
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Accounts Payable				
·	211 · Accounts Payable	56,563.05	81,195.19	137,758.24
Total Accounts Payable		56,563.05	81,195.19	137,758.24
Other Current Liabilities				
·	212 · Unearned Revenue	150,000.00	0.00	150,000.00
·	251 · Unavailable Rev - property	22,306.08	0.00	22,306.08
Total Other Current Liabilities		172,306.08	0.00	172,306.08
Total Current Liabilities		228,869.13	81,195.19	310,064.32
Total Liabilities		228,869.13	81,195.19	310,064.32
Equity				
·	311 · Nonspendable prepays	0.00	3,294.00	3,294.00
·	312 · Restricted for improvements	4,562,582.00	0.00	4,562,582.00
·	314 · Res for following year budget	0.00	149,700.00	149,700.00
·	315 · Unassigned Funds	0.00	256,519.07	256,519.07
·	32000 · Retained Earnings	2,191,053.30	467,695.43	2,658,748.73
Net Income		-151,439.46	291,122.54	139,683.08
Total Equity		6,602,195.84	1,168,331.04	7,770,526.88
TOTAL LIABILITIES & EQUITY		6,831,064.97	1,249,526.23	8,080,591.20

Bassett Creek Watershed Management Commission						
Statement of Revenues, Expenditures, and changes in Fund Balance - General Fund						
9/30/2024						
Unaudited						
	Annual Budget	October	November	Year to Date	Budget Balance	
Ordinary Income/Expense						
Income						
410 · Special Projects Fund	0.00	0.00		0.00	0.00	
411 · Assessments to Cities	622,500.00	0.00		622,500.00	0.00	
412 · Project Review Fees	77,000.00	8,500.00		43,726.13	33,273.87	
413 · WOMP Reimbursement	5,000.00	0.00		4,500.00	500.00	
414 · State of MN Grants	0.00	0.00		387.50	-387.50	
415 · Investment earnings	0.00	31,149.03		288,601.54	-288,601.54	
416 · TRPD Reimbursement	5,000.00	0.00		0.00	5,000.00	
417 · Transfer from LT & CIP	227,840.00	0.00		0.00	227,840.00	
418 · Property Taxes	0.00	0.00		0.00	0.00	
419 · Insurance Dividend	0.00	0.00		0.00	0.00	
420 · Hennepin County Grant Funds	0.00	0.00		0.00	0.00	
Total Income	937,340.00	39,649.03	0.00	959,715.17	-22,375.17	
Expense						
1000 · Engineering						
1010 · Technical Services	145,000.00	6,968.50	8,937.00	115,471.60	29,528.40	
1020 · Development/Project Review	90,000.00	2,506.50	7,977.00	50,380.00	39,620.00	
1030 · Non-fee and Preliminary Re	30,000.00	841.50	1,520.00	32,460.50	-2,460.50	
1040 · Commission and TAC Meeti	15,000.00	758.50	804.50	12,159.39	2,840.61	
1050 · Surveys and Studies	15,000.00	0.00	0.00	0.00	15,000.00	
1060 · Water Quality / Monitoring	186,900.00	12,894.00	19,127.42	128,366.48	58,533.52	
1070 · Water Quantity	9,000.00	495.00	495.00	5,960.00	3,040.00	
1080 · Annual Flood Control Inspe	85,000.00	942.00	8,707.85	15,267.85	69,732.15	
1090 · Municipal Plan Review	2,000.00	0.00	0.00	0.00	2,000.00	
1100 · Watershed Monitoring Prog	26,500.00	2,508.74	1,450.75	24,091.12	2,408.88	
1110 · Annual XP-SWMM Model Up	3,000.00	0.00	0.00	148.00	2,852.00	
1120 · TMDL Implementation Repo	0.00	0.00	0.00	0.00	0.00	
1130 · APM/AIS Work	40,000.00	0.00	0.00	16,621.95	23,378.05	
1140 · Erosion Control Inspections	0.00	0.00	0.00	0.00	0.00	
1000 · Engineering - Other	0.00	0.00	0.00	0.00	0.00	
Total 1000 · Engineering	647,400.00	27,914.74	49,019.52	400,926.89	246,473.11	
2000 · Plan Development						
2010 · Next Gen Plan Developmen	47,650.00	11,846.50	18,155.25	98,778.50	-51,128.50	
2000 · Plan Development - Other	0.00	0.00	0.00	0.00	0.00	
Total 2000 · Plan Development	47,650.00	11,846.50	18,155.25	98,778.50	-51,128.50	
3000 · Administration						
3010 · Administrator	78,750.00	4,050.00	4,162.50	45,731.25	33,018.75	
3020 · MAWD Dues	7,500.00	0.00	0.00	0.00	7,500.00	
3030 · Legal	26,520.00	934.55	3,116.10	20,567.83	5,952.17	
3040 · Financial Management	17,000.00	1,376.28	1,334.00	12,477.74	4,522.26	
3050 · Audit, Insurance & Bond	18,700.00	0.00	0.00	27,133.00	-8,433.00	
3060 · Meeting Catering	2,400.00	197.53	197.53	1,934.52	465.48	
3070 · Administrative Services	2,570.00	491.03	605.87	3,530.31	-960.31	
3000 · Administration - Other	0.00	0.00	0.00	0.00	0.00	
Total 3000 · Administration	153,440.00	7,049.39	9,416.00	111,374.65	42,065.35	
4000 · Education						
4010 · Publications / Annual Report	1,200.00	0.00	0.00	1,008.50	191.50	
4020 · Website	1,600.00	912.53	0.00	1,606.50	-6.50	
4030 · Watershed Education Partn	18,350.00	0.00	0.00	18,850.00	-500.00	
4040 · Education and Public Outre	28,000.00	2,000.00	375.32	5,030.55	22,969.45	
4050 · Public Communications	1,000.00	68.64	0.00	273.44	726.56	
4000 · Education - Other	0.00	0.00	0.00	0.00	0.00	
Total 4000 · Education	50,150.00	2,981.17	375.32	26,768.99	23,381.01	
5000 · Maintenance						
5010 · Channel Maintenance Fund	25,000.00	0.00	0.00	0.00	25,000.00	
5020 · Flood Control Project Long	35,000.00	0.00	0.00	0.00	35,000.00	
5000 · Maintenance - Other	0.00	0.00	0.00	0.00	0.00	
Total 5000 · Maintenance	60,000.00	0.00	0.00	0.00	60,000.00	
6000 · Special Projects						
6010 · Medicine Lake TMDL Asses	85,400.00	3,804.00	3,985.10	30,499.60	54,900.40	
6020 · Street Sweeping Prioritizat	0.00	0.00	244.00	244.00	-244.00	
Total 6000 · Special Projects	85,400.00	3,804.00	4,229.10	30,743.60	54,656.40	
Total Expense	1,044,040.00	53,595.80	81,195.19	668,592.63	320,790.97	

Bassett Creek Watershed Management Commission						
Statement of Revenues, Expenditures, and changes in Fund Balance - Construction Fund						
9/30/2024						
Unaudited						
		Project Budget	November	Year to Date	Date Expense	Remaining Budget
Expense						
·	1000 · Engineering	0.00	0.00	0.00	0.00	0.00
·	2024CR-M · CIP-BS Main Stem Restore	1,941,000.00	63.00	1,834.00	87,329.39	1,853,670.61
·	2026CR-P · Plymouth Creek Restor Dunk 38	0.00	0.00	65,807.71	108,261.58	-108,261.58
·	BC-12 · CIP-CostShare Pur High Eff St S	150,000.00	0.00	0.00	0.00	150,000.00
·	BC-14 · CIP-Sochacki Pk Wter Quality Im	600,000.00	0.00	0.00	0.00	600,000.00
·	BC-238 · CIP-DeCola Ponds B&C	1,600,000.00	0.00	0.00	1,507,985.31	92,014.69
·	BC-2381 · CIP-DeCola Ponds/Wildwood Pk	1,300,000.00	0.00	0.00	77,749.39	1,222,250.61
·	BC-5 · CIP-Bryn Mawr Meadows	1,835,000.00	0.00	9,217.58	755,689.56	1,079,310.44
·	BC-7 · CIP-Main Stem Lagoon Dredging	2,759,000.00	0.00	197.50	1,589,533.34	1,169,466.66
·	BCP-2 · CIP- Basset Cr Pk & Winnetka	1,123,351.00	0.00	0.00	1,075,698.32	47,652.68
·	ML-12 · CIP-Medley Park Stormwater	1,500,000.00	0.00	1,121,028.11	1,219,246.72	280,753.28
·	ML-20 · CIP-Mount Olive Stream Restore	178,100.00	0.00	0.00	178,100.00	0.00
·	ML-21 · CIP-Jevne Park Stormwater Mgmt	500,000.00	0.00	0.00	56,390.75	443,609.25
·	ML-22 · CIP-Ponderosa Wood Strm Restora	352,000.00	8,377.50	12,074.00	55,863.81	296,136.19
·	NL-2 · CIP-Four Seasons Mall	990,000.00	1,936.00	1,936.00	206,151.06	783,848.94
·	PL-7 · CIP-Parkers Lake Stream Restore	485,000.00	0.00	3,313.50	237,566.62	247,433.38
·	SL-3 · CIP-Schaper Pond	612,000.00	30,580.76	44,358.00	532,499.96	79,500.04
·	SL-8 · CIP-Sweeney Lake WQ Improvement	568,080.00	0.00	0.00	568,064.13	15.87
·	TW-2 · CIP-Twin Lake Alum Treatment	163,000.00	0.00	0.00	91,037.82	71,962.18
·	CL-4 · CIP-Crane Lake Chloride Reduction F	0.00	15,605.79	19,900.81	19,900.81	-19,900.81
Total Expense		16,656,531.00	56,563.05	1,259,766.40	8,367,068.57	8,289,462.43

Bassett Creek Watershed Management Commission										
Long Term Accounts - General Fund										
Unaudited										
		Total					Year			Inception
		Project Alloc.		October	November	to-Date	Prior Years	to-Date		to Date
										Remaining Project Funds
Income	Fid1 · Flood Control Long Term Maint		0.00	0.00	0.00	0.00	189,421.90	189,421.90		
Expense	Fid2 · Flood Control Long Term Exp	699,980.00	0.00	0.00	0.00	0.00	442,776.41	442,776.41		
Total		699,980.00	0.00	0.00	0.00	0.00	-253,354.51	-253,354.51		446,625.49
Income	Flood1 · Emergency FCP Income		0.00	0.00	0.00	0.00	-	0.00		
Expense	Flood2 · Emergency FCP Expense	500,000.00	0.00	0.00	0.00	0.00	-	0.00		
Total		500,000.00	0.00	0.00	0.00	0.00	-	0.00		500,000.00
Income	Gen · Next gen Plan Development Income		0.00	0.00	0.00	0.00	38,000.00	38,000.00		
Expense	Gen1 · Next gen Plan Development Exp	0.00	0.00	0.00	0.00	0.00	20,000.00	20,000.00		
Total		0.00	0.00	0.00	0.00	0.00	18,000.00	18,000.00		18,000.00
Income	Qual · Channel Maintenance Fund		0.00	0.00	0.00	0.00	570,000.00	570,000.00		
Expense	Qual1 · Channel Maintenance Expense	0.00	0.00	0.00	0.00	0.00	265,837.70	265,837.70		
Total		0.00	0.00	0.00	0.00	0.00	304,162.30	304,162.30		304,162.30
Income	410 · Special Projects Fund	0.00	31,149.03	0.00	0.00	288,601.54	339,620.56	628,222.10		
Expense	410 · Special Projects Fund	0.00	3,804.00	4,229.10	0.00	30,743.60	4,541.95	35,285.55		
Total		0.00	34,953.03	4,229.10	0.00	257,857.94	335,078.61	592,936.55		592,936.55

**SECOND AMENDMENT TO
MAP DESIGN/PRINTING AGREEMENT**

Bassett Creek Watershed Management Commission, a Minnesota joint powers organization (the “Commission”), and INCase, LLC, a Minnesota limited liability company (“Consultant”), hereby enter into this Second Amendment (the “Second Amendment”) to the Map Design/Printing Agreement, entered into by the parties on September 9, 2023 and amended on March 23, 2024 (the “Agreement”). The sole purpose of this Second Amendment is to authorize payment of additional compensation to Consultant under the Agreement, at the hourly rate contemplated therein, due to the Services requiring more time than previously anticipated.

1. Section 2 of the Agreement, entitled “Performance; Compensation”, is hereby amended to increase the total not-to-exceed compensation from \$9,680.00 to \$11,660.00 for all Services to be provided under the Agreement. For the avoidance of doubt, all such Services will be billed at the original hourly rate established in the Agreement (\$110/hour).
2. Except with regard to the amendment set forth above, all other terms and conditions of the Agreement shall remain unchanged.

IN WITNESS WHEREOF, the parties have executed this Second Amendment effective as of the date of the last party to execute below.

THE COMMISSION:

CONSULTANT:

By: _____
Its: Chair

By: _____

Its: _____

By: _____
Its: Secretary

Date: _____

Date: _____



BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

A RESOLUTION OF APPRECIATION FOR THE SERVICES OF MICHAEL WELCH TO THE BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

WHEREAS, the Bassett Creek Watershed Management Commission (the "Commission") is a joint powers organization formed by the cities of Crystal, Golden Valley, Medicine Lake, Minneapolis, Minnetonka, New Hope, Plymouth, Robbinsdale and St. Louis Park; and

WHEREAS, the Commission serves as the duly constituted watershed management organization for the Bassett Creek watershed pursuant to the Metropolitan Surface Water Management Act); and

WHEREAS, under the Act and the Commission's joint powers agreement the Commission is charged with responsibility for the management of storm water to protect persons and property from flooding and to protect and preserve the water quality of lakes, streams and wetlands of the Bassett Creek Watershed and downstream receiving waters; and

WHEREAS, Michael Welch served as a representative from the City of Minneapolis for nearly 25 years from January 2000 to October 2024; and

WHEREAS, Michael provided leadership to the Commission over the course of many years by serving as vice chair 2003 – 2005 and 2019 – 2024, serving as chair 2006 – 2009, and serving as treasurer 2010 – 2011; and

WHEREAS, Michael served extensively on various committees over the years including the Budget Committee, Administrative Services Committee, CIP Prioritization Committee, and the Aquatic Invasive Species/Aquatic Plant Management Committee; and

WHEREAS, Michael's advocacy and leadership was critical to the development of the Commission's robust and successful capital improvement program and corresponding levy process; and

WHEREAS, Michael provided significant time and energy as an active member of the Plan Steering Committees for both the 2015 Watershed Management Plan and the 2025 Watershed Management; and

WHEREAS, Michael lent his vast expertise and experience in legal and policy aspects of watershed management throughout his tenure, including working diligently to seek solutions to address chloride pollution, bring regional improvements to the Bassett Creek Valley, and advance policies and ideas for improving diversity, equity, and inclusion in watershed work; and

WHEREAS, Michael worked diligently to ensure that adequate resources were available and processes were in place for proper inspection and maintenance of the Bassett Creek Flood Control Project; and

WHEREAS, Michael actively participated in education and outreach efforts with residents, and advocated for the advancement of best practices and innovations in water management through participation with other entities, partners, and planning initiatives; and

WHEREAS, for nearly 25 years Michael worked tirelessly on behalf of the natural resources in the Bassett Creek watershed and generously gave his time and talents, without compensation, to protect and improve the environment and to serve the public with integrity, vision, and respect for others.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Bassett Creek Watershed Management Commission, its member cities, and the public hereby express their sincere and grateful appreciation to Michael Welch for his distinguished service to the public.

Adopted by the Board of Commissioners of the Bassett Creek Watershed Management Commission this 20th day of November 2024.

Chair

Memorandum

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Co. (Karen Chandler, P.E., and Jessica Olson, P.E.)
Subject: Item 5C – Consider Approval of 90% Plans for 2024 Ponderosa Woods Stream Restoration Project (CIP 2024 ML-22) – BCWMC November 20, 2024 Meeting Agenda
Date: November 13, 2024
Project: 23270051.62-6000-648

5C. Consider Approval of 90% Plans for 2024 Ponderosa Woods Stream Restoration Project, Plymouth (CIP 2024 ML-22)

Summary:

Proposed Work: 2024 Ponderosa Woods Stream Restoration Project, Plymouth (CIP 2024 ML-22)

Basis for Commission Review: 90% Plans Review

Change in Impervious Surface: N.A.

Recommendations:

- 1) Conditional approval of 90% drawings
- 2) Authorize the City of Plymouth to provide administrative approval after final plans have been revised and comments have been sufficiently addressed

At their meeting in September 2023, the BCWMC ordered this BCWMC CIP project and entered into an agreement with the City of Plymouth to design and construct the project. The BCWMC is funding the 2024 Ponderosa Woods Stream Restoration (CIP 2024 ML-22) through its ad valorem levy (via Hennepin County). The agreement requires submittal of the 50% and 90% plans and specifications to the Commission for approval, in accordance with the Commission's CIP project review process.

At their meeting last month, the BCWMC reviewed and approved the 60% design plans for this project. The City of Plymouth provided the 90% design plans and specifications to the BCWMC for review and comment.

Feasibility Study Summary

The BCWMC completed the Feasibility Report for Ponderosa Woods Stream Restoration Project (Barr, June 2023) to examine the feasibility of restoration within the project area in the City of Plymouth. The Ponderosa Woods stream channel begins northeast of the intersection of Kirkwood Lane North and 18th Avenue North and flows northeast under West Medicine Lake Drive into West Medicine Lake Park, where it meets up with Plymouth Creek, flows through two water quality ponds, and then flows into Medicine Lake (Figure 1). The Ponderosa Woods Stream Restoration project area extends 1,045 feet downstream from the upstream end of the channel. The feasibility report identified multiple locations where bank erosion repairs were needed, in addition to removal of debris, fallen trees, and invasive buckthorn.

The feasibility report identified 4 design options and a final recommendation for the project. The feasibility report included small, medium, and large footprint alternatives, incorporating bioengineering (or soft armoring) approaches combined with bank and channel grading, and in-stream channel controls using

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Co. (Karen Chandler, P.E., and Jessica Olson, P.E.)
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Date: November 13, 2024
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rock and other non-vegetative materials for each alternative. At their June 15, 2023 meeting, the Commission approved the implementation of "alternative 1.5" to stabilize streambanks, improve flow and reduce erosion in stormwater side channels, and remove buckthorn along the riparian buffer and within a 2-acre floodplain area at the downstream end of the project. Alternative 1.5 included stream stabilization with a combination of bioengineering and hard armoring, habitat improvement, including removal of dead and dying trees and buckthorn clearing, a stormwater sump structure for trapping sediment, and significant woody debris removal from the stream channel. Figure 1 from the June 8, 2023 memo to the BCWMC is included, highlighting the project area. Figure 5-1 from the Feasibility Study is also included, showing the design elements of the selected alternative.

The feasibility report estimated that this restoration project would require the removal of approximately 27 healthy trees, including 3 green ash and 7 box elders (less desirable trees) and 4 buckthorn (an invasive species).

To avoid impacts to nesting northern long-eared bats, the feasibility study recommended that tree removal should occur in the period from October 15 to early April, outside of the bat's active season (mid-April –October 14). If tree clearing would be required during the bat's active season, the feasibility study recommended additional consultation with the US Fish and Wildlife Service.

The feasibility study included a desktop (Level 1) wetland delineation that identified 3.57 acres of potential floodplain forest wetland (PFO1A) located around the Ponderosa Woods stream, and approximately 0.36 acres of riverine/stream bed aquatic resources (R4SB). The feasibility study noted that a field wetland delineation may be required to confirm the wetland delineation boundaries, but this would be confirmed with the LGU (City of Plymouth) during design. .

The feasibility study estimated that project implementation would reduce the total phosphorus load from the site by 7.4 pounds per year and the total suspended sediment load by 14,700 pounds per year.

90% Plans

The 90% plans follow many of the recommendations from the feasibility study and include the use of slope grading with seeding and blanketing, stabilizing stormwater outlets, installing cross vanes, clearing debris, restoring aquatic and riparian habitats, removing invasives, and replacing a sediment trap sump structure on 18th Avenue North. Notable differences between the design plans and the feasibility study were noted during the 60% review. The 90% design plans incorporate modifications that are noted below. Based on the 90% design plans, the Commission Engineer does not consider any of the changes noted during the 60% review nor those noted below to represent a significant departure from the intent of the project as evaluated in the feasibility study.

- The 60% design proposed less bank grading, using more cross vanes instead to help re-establish the floodplain. The 90% design updated bank regrading areas that roughly align with the regrading proposed in the feasibility study.
- The 60% design proposed to remove 28 healthy trees and the feasibility study proposed to remove 27 healthy trees. The 90% design includes the removal of 87 healthy trees, including 32 green ash and 12 box elder (less desirable) and 20 buckthorn (invasive). In summary, the 90% design calls for removing 23 desirable, healthy trees compared to the 60% design calling for removing 13 desirable, healthy trees. The City's consultant noted that 2 new trees proposed for removal are within the footprint of a revised construction access route that avoids delineated

wetlands. Other new healthy tree removals include trees near some of the new bank grading areas in the 90% design and trees identified by the City as posing a risk to City infrastructure. Similar to the 60% design, no tree plantings are proposed, based on the City’s desire to revegetate these areas with native grasses and flowers and remove undesirable species and failing/diseased trees. The BCWMC Engineer recommends the final design include 10 or more replacement tree plantings.

Sheets C-102 and C-103 show the trees within the project area and those that will be removed. Sheet C-104 lists in a table the trees in the project area that will remain, and sheet C-105 lists in a table the trees that will be removed. The table below provides information about the trees proposed for removal.

Tree Species	Healthy	Dying / Dead	Removal Total
Amur Chokecherry	1	0	1
Ash/Green	32	12	44
Basswood/American	1	2	3
Birch/River	1	0	1
Box Elder	12	24	36
Buckthorn	20	0	20
Cottonwood	6	9	15
Elm/American	10	6	16
Hackberry	1	0	1
Maple/Sugar	3	1	4
Willow/Black	0	1	1
Totals	87	55	142

For the 90% submittal, the City’s consultant calculated annual pollutant reduction estimates of 14,690 pounds of total suspended solids and 7.3 pounds total phosphorous, which is a slightly lower reduction than calculated for the feasibility study (14,770 pounds of total suspended solids and 7.4 pounds total phosphorus). This difference is related to a slight difference in total bank restoration length and average bank height; the feasibility study assumed a higher stabilized average bank height (2 to 4.5 feet vs. 2 feet) and a shorter stabilized bank length (940 linear feet vs. 1,005 linear feet) than in the 90% plans. As a project moves further along in design, it is reasonable for there to be small changes in the pollutant load reduction estimates.

The City’s consultant included National Wetland Inventory boundaries on the 90% design drawings provided for review on November 5th and replaced those with delineated wetland boundaries on the revised 90% design drawings submitted for review on November 11th. Wetland boundaries are awaiting TEP approval before they can be finalized. The 90% design includes an altered construction access route that avoids wetland impacts.

The City hosted an open house on October 23, 2024 to give residents the opportunity to review proposed plans, provide feedback and ask questions.

90% Specifications

The BCWMC Engineer reviewed the following technical specifications and noted the following comments:

Specification Section	Comments
Section 01100, Mobilization	Suggest adding Demobilization to this specification title and language
Section 01300, Application of Water	No comments
Section 01400, Erosion Control	No comments
Section 01500, Air, Land and Water Pollution	No comments
Section 01900, Maintenance and Final Cleanup	No comments
Section 02000, Removing Pavement and Miscellaneous Structures	No comments
Section 02010, Clearing and Grubbing	No comments
Section 02020, Excavation and Embankment	Recommend updating “embankment” language to “earth fill” or other to reflect the design plan’s proposed placement of fill rather than embankments
Section 02500, Streambank Stabilization	No comments
Section 02900, Turf Establishment	No comments
Section 02910, Plant Installation	No comments

Previous Reviews

The City of Plymouth submitted the 60% design plans for this project, and the BCWMC conditionally approved the 60% plans at its October 16, 2024 meeting. Following the conditional approval of the 60% design plans, the City’s consultant revised and submitted the 90% design drawings along with responses to the comments from the BCWMC’s review of the 60% design plans. The 90% design drawings and associated submittals sufficiently addressed the BCWMC Engineer’s comments on the 60% design plans. The Commission Engineer’s October 18, 2024 60% design comment letter requested the following additional information. The Commission Engineer’s October 18, 2024 comments are noted below, followed by the City’s consultant’s (Midwest Wetland Improvements) responses dated November 1, 2024 in *italics*, and the Commission Engineer’s comments regarding the City’s consultant’s responses, with remaining comments to be addressed underlined..

- 1) The Plymouth Creek 100-year floodplain elevation is 893.64 NAVD88 in the project area. The BCWMC floodplain elevation should be shown and called out on the plans. If the project results in fill below the BCWMC floodplain, floodplain fill, and mitigation computations must be provided to demonstrate no net fill in the floodplain.

Midwest Wetland Improvements Response:

- a. *100-year floodplain contour added to plan view sheets of the construction plan set.*

- b. *Almost all of the project is within the floodplain. Only small portions of the tributary side channels are above the floodplain. Floodplain excavation and fill calculations are provided in the final design memo.*

Commission Engineer comment: The version of the 90% design provided on November 5th includes a plunge pool with a normal water level. Storage that is below the normal water level of the proposed plunge pool does not count towards compensatory floodplain storage (because it will be permanently filled with water). The revised version of the 90% design provided on November 11th includes a plunge pool with a “Class III berm” to allow outflow from the basin and eliminate permanent ponding. Call-out label in plan drawing should be updated to reflect whether the berm is Class III fieldstone granite or Class III angular riprap. The revised 90% design memo also includes additional exported excavation that results in a net cut balance (additional floodplain storage) of 7.3 cubic yards below the 100-year floodplain.

- 2) The Plymouth Creek 100-year floodplain extends along the downstream portion of the Ponderosa Woods stream channel. The consultant’s modeling of the existing and proposed conditions, as currently designed, shows no increase in the Plymouth Creek 100-year flood elevation of 893.64 NAVD88. As the design progresses, the revised model will need to be provided to demonstrate the Plymouth Creek 100-year flood elevation is not impacted.

Midwest Wetland Improvements Response:

- a. *Revised model results are summarized in the final design memo showing no increase in the flood elevation. Revised model will be sent separately.*

Commission Engineer comment: The version of the 90% design provided November 5th resulted in a 0.01 to 0.02 feet rise in three cross sections during the 100-year event with backwater conditions. The design and model were updated to increase the cross-sectional area of the 3rd cross-section and a revised version of the 90% design memo provided on November 11th shows a no rise of 0.00 feet for the 100-year event with backwater conditions.

- 3) The design memo notes that the shear stresses in the channel during the 100-year flood event do not exceed 0.5 pounds per square foot (psf), falling within the range of permissible shear stresses for bank protection with native grasses. In some cases, maximum shear forces are associated with more frequent events than the 100-year. Modeled shear stress values and velocities must be provided for more frequent flood events that document peak shear stresses and velocities for proposed riprap and vegetated bank areas.

Midwest Wetland Improvements Response:

- a. *As discussed, we re-ran the models with updated design cross-sections that matched the existing 2-year elevations. Models run include a 2-year, 20-year, and 100-year events with and without Plymouth Creek tailwater influence.*

Commission Engineer comment: Comment addressed. Proposed stabilization methods meet velocity and shear stress design criteria.

- 4) Information must be provided that demonstrates how the proposed design cross-sectional areas align with the bankfull cross-section.

Midwest Wetland Improvements Response:

- a. *Flow depth elevations added to the channel cross-sections on sheets C-120 and C-121.*

Commission Engineer comment: Comment addressed.

- 5) The drawings must include a typical riprap toe cross section that shows proposed riprap sizes, thickness, filter, and side slopes.

Midwest Wetland Improvements Response:

- a. *Detail added to sheet C-804*

Commission Engineer comment: Comment addressed.

- 6) The drawings must include a typical bank reshaping cross section that shows proposed maximum slope and stabilization extents (erosion control blanket or other stabilization) and/or a note call-out if grading will be as directed in the field by the inspector.

Midwest Wetland Improvements Response:

- a. *Detail added to sheet C-803*

Commission Engineer comment: Comment addressed.

- 7) The drawings must call out and include details about the settling basin where the southern tributaries merge.

Midwest Wetland Improvements Response:

- a. *We updated the geometry of the settling basin and added control labels, side slope labels, and control spot elevations.*

Commission Engineer comment: Comment addressed.

- 8) On sheet G-102 of the drawings, erosion control notes must be modified to clarify timing of exposed soil stabilization, per Barr's October 8, 2024 emailed comment.

Midwest Wetland Improvements Response:

- a. *Updated. City provided same comment.*

Commission Engineer comment: Comment addressed.

- 9) Sheets C-110 and C-1111 of the drawings must be revised to show erosion and sedimentation control measures, per Barr's October 8, 2024 emailed comment.

Midwest Wetland Improvements Response:

- a. *Added per comment.*

Commission Engineer comment: Comment addressed.

- 10) The drawings must be revised to correlate the tree removals identified in the table on sheet C-103 with trees identified on the sheet C-101 that will be removed as part of the project.

Midwest Wetland Improvements Response:

- a. *Expanded the tree removal plan sheet with two new zoomed in sheets, C-102 and C-103. Removed trees are labeled with their ID numbers. Saved tree and removed tree tables were updated and include the summaries as discussed in earlier emails.*
- b. *Additional trees have been designated for removal based on City desire to remove existing ash trees, moving all buckthorn trees to the removal table, removing additional trees needed for construction access, and removing trees growing on or near storm sewer pipes*

Commission Engineer comment: Comment addressed. As stated above, the BCWMC Engineer recommends the final design include 10 or more replacement tree plantings. Also, as part of final design, the City must consult with residents in the project area to review potential tree removals and consider modifying the design to avoid removing specific trees slated for removal.

- 11) The drawings must show the restoration areas and the proposed seed mixes for the restoration areas.

Midwest Wetland Improvements Response:

- a. *Added sheets C-130 and C-131 to show this information.*

Commission Engineer comment: Comment addressed.

- 12) The drawings and specifications must include details regarding the management of contaminated soil materials.

Midwest Wetland Improvements Response:

- a. *Drawing C-110 updated to call out the area requiring contaminated soil management. Specification 02020 – Excavation and Embankment will be updated to discuss how contaminated soil must be managed and disposed.*

Commission Engineer comment: Update specification to include details related to disposing contaminated soil at a municipal solid waste facility, per applicable rules and regulations.

- 13) The drawings must show the delineated wetland boundary, and the design must be modified (as required) to comply with applicable wetland rules.

Midwest Wetland Improvements Response:

- a. *Desktop boundaries from the MN DNR National Wetland Index (NWI) are included on all plan view drawings. Field delineation is scheduled for the week of November 4, 2024.*

Commission Engineer comment: Revised 90% design drawings issued Nov. 11 include delineated wetland boundary, and the design access route and construction limits were modified so there is no impact to wetlands with this project. Drawings should be updated so that wetland boundaries are easily visible; we recommend shading the wetland areas in addition to showing the boundary line.

- 14) Updated pollutant reduction estimates must be provided for total phosphorus and total suspended sediment that reflect the current design.

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Co. (Karen Chandler, P.E., and Jessica Olson, P.E.)
Subject: Item 5C – Consider Approval of 90% Plans for 2024 Ponderosa Woods Stream Restoration Project (CIP 2024 ML-22) – BCWMC November 20, 2024 Meeting Agenda
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Midwest Wetland Improvements Response:

- a. *These estimates are provided in the final design memo.*

Commission Engineer comment: Comment addressed.

- 15) A summary of the expected permitting requirements must be provided.

Midwest Wetland Improvements Response:

- a. *A permitting summary is provided in the final design memo.*

Commission Engineer comment: Comment addressed.

- 16) Revised (90%) plans must be submitted to the BCWMC engineer for review and BCWMC approval at a future Commission meeting.

Midwest Wetland Improvements Response:

- a. *90% design drawings are attached for review.*

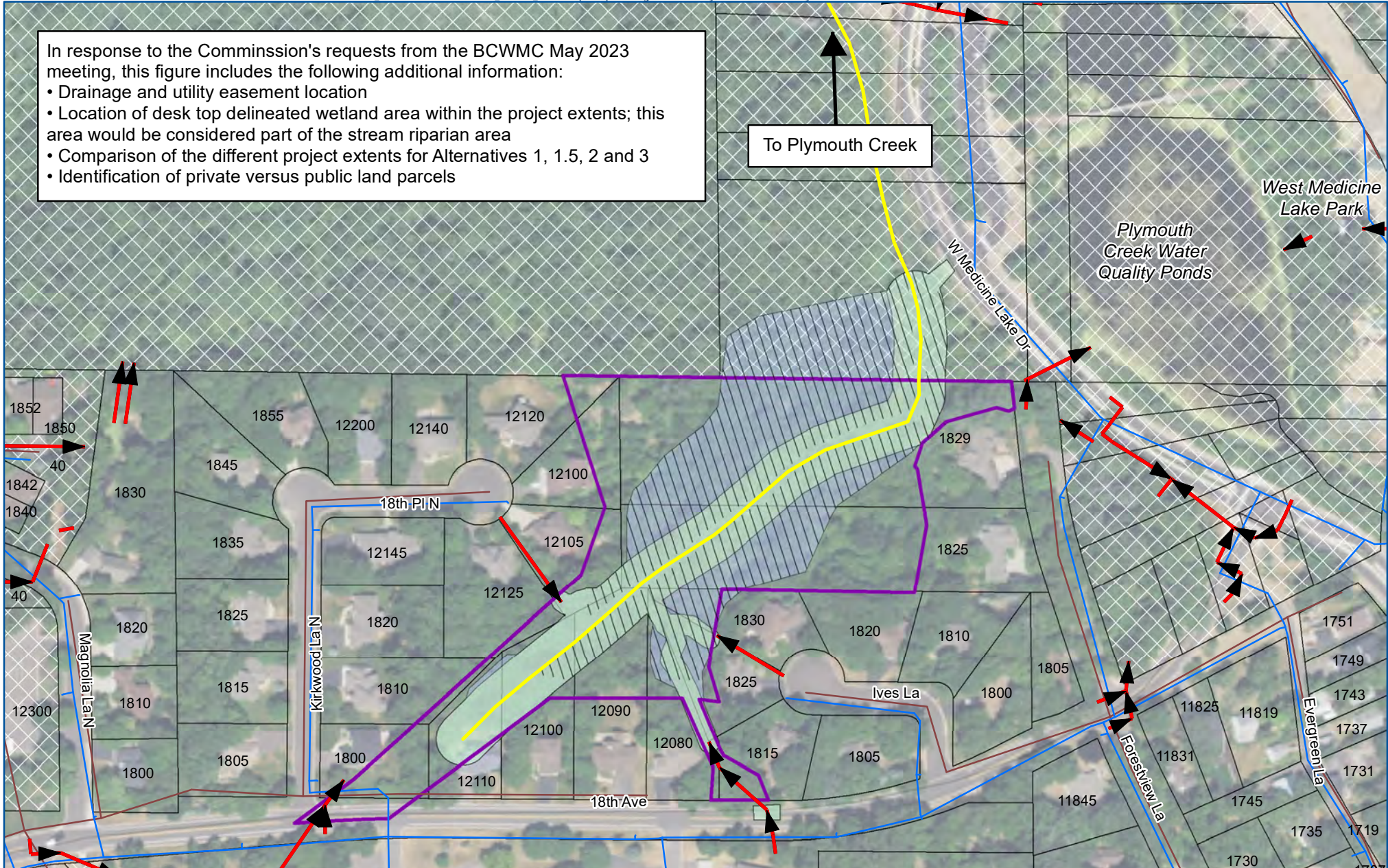
Commission Engineer comment: Comment addressed.

Recommendations

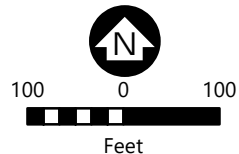
- A) Conditional approval of 90% drawings and specifications based on the following comments:
 - 1) The final plans and specifications must be submitted to the BCWMC Engineer for review and approval after modifications underlined in the engineer's comments above have been completed.
- B) Authorize BCWMC Engineer to provide administrative approval after final plans have been revised and comments have been sufficiently addressed.

In response to the Commission's requests from the BCWMC May 2023 meeting, this figure includes the following additional information:

- Drainage and utility easement location
- Location of desk top delineated wetland area within the project extents; this area would be considered part of the stream riparian area
- Comparison of the different project extents for Alternatives 1, 1.5, 2 and 3
- Identification of private versus public land parcels



- Main Stream Path
- ▶ Storm Sewer
- Watermain
- Sanitary Sewer
- ▨▨▨ Floodplain Forest Wetland
- Drainage and Utility Easement
- Small Project Extents (Alternative 1)
- Large Project Extents (Alternatives 1.5, 2, 3)
- Private Parcel
- Public Parcel



Note: The Commission Engineer performed a desktop evaluation for where the Floodplain Forest Wetland may exist within the project area. A field wetland delineation will be necessary to determine actual extents.

Imagery: USDA, 2021

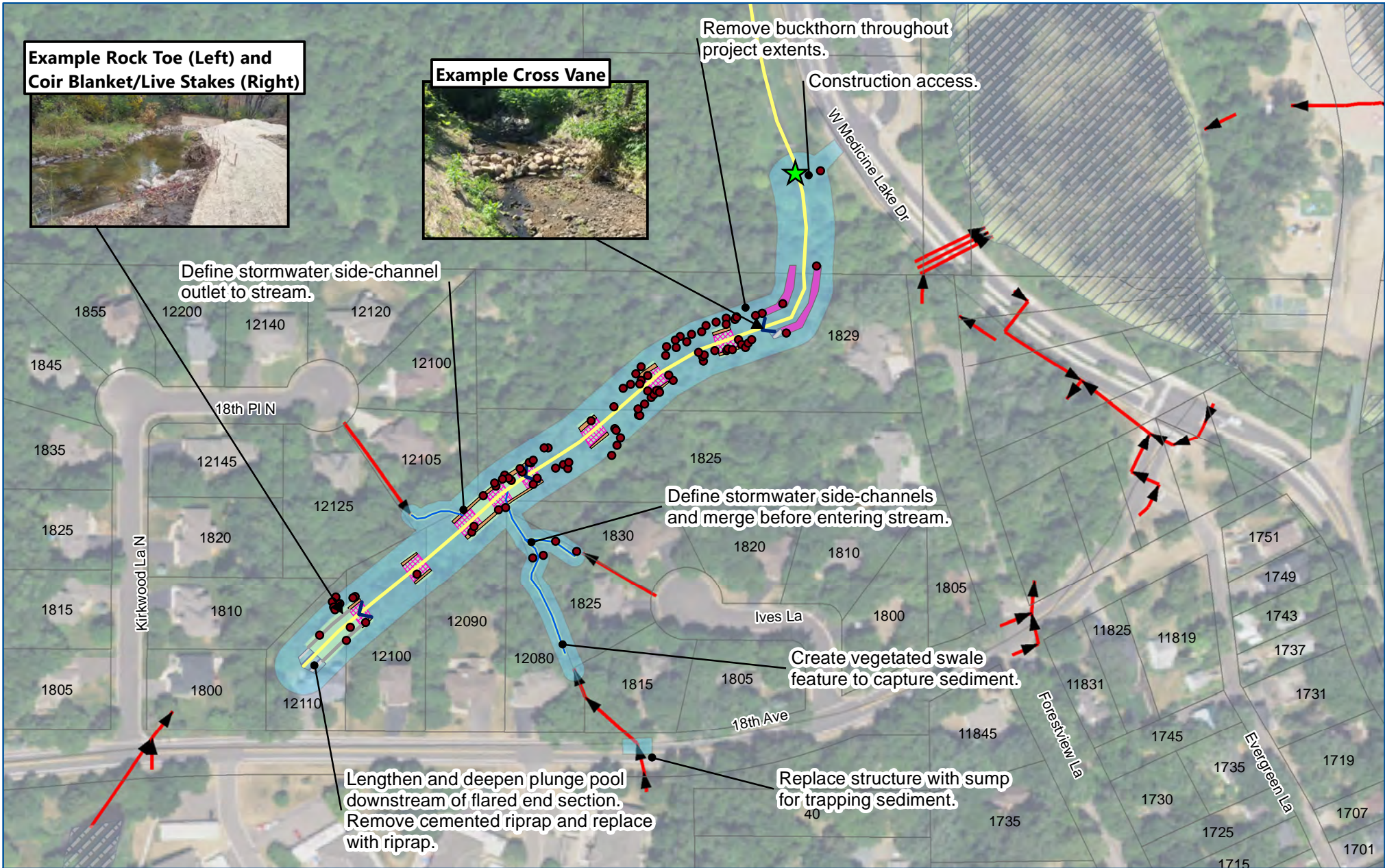
Additional Project Information
 Ponderosa Woods Stream
 Restoration Feasibility Study
 BCWMC

FIGURE 1

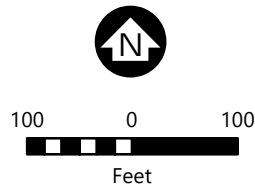
Example Rock Toe (Left) and Coir Blanket/Live Stakes (Right)



Example Cross Vane



- Ponds and Wetlands
- Storm Sewer
- Main Channel
- Project Extents
- Side Channels
- Bank and Channel Grading
- Cross Vanes
- Rock Toe
- Riprap
- Protect and Reinforce Existing Riprap
- Coir Blanket with Live Stakes and Planting
- Debris Removal
- Construction Access
- Remove Tree



Project extents: 2.3 acres

Imagery: USDA, 2021

DESIGN ALTERNATIVE 1
Ponderosa Woods Stream
Restoration Feasibility Study
 BCWMC

FIGURE 5-1



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners/Alternates
From: Administrator Jester
Date: November 11, 2024

RE: Agreement with Golden Valley for Bassett Creek Restoration Project (2024CR-M)

At their meeting in September 2023, the Commission officially ordered the [Bassett Creek Main Stem Restoration Project Regent Ave. to Golden Valley Rd \(2024CR-M\)](#). This project will restore streambanks and reduce erosion along a 7,000-foot section of the creek as described in the feasibility study as "alternative 3" (stabilize streambanks in all high, medium, and low priority areas).

Typically, the BCWMC enters an agreement with the city where the project is located to both design and construct the project. In this case, the City of Golden Valley requests that the Commission design the project, and that the city construct the project. As such, in cooperation with the city, the Commission Engineers would perform the necessary engineering services including project design, preparation of bid documents, assisting with community engagement, preparation of exhibits for necessary property rights, permitting and environmental review, construction observation, environmental oversight, and inspections. (See Recital D in the attached agreement.)

The attached agreement was drafted by the Commission Attorney and has been reviewed and revised through several iterations between me, Commission Engineers, the Commission Attorney, the city attorney, and city staff. The agreement outlines expenses that would be eligible for reimbursement to the city after Commission expenses are paid (Section 4). Commission expenses include development of the feasibility study, project design and engineering as described above, and project administration. City expenses that are eligible for reimbursement include items listed in Table 5-1 of the 2015 Watershed Management Plan (both left and right columns) (see table on next page). While the city will not seek reimbursement for "city improvements," all other items in Table 5-1 could be a real project expense and eligible for reimbursement. Estimated construction expenses will be presented for Commission approval with 50% and 90% design plans.

Staff recommends approval of the attached agreement with the City of Golden Valley.

Table 5-1 Project Costs Eligible for BCWMC Reimbursement

Project costs eligible for reimbursement from BCWMC:	Other project costs that will be considered for whole or partial reimbursement on a project by project basis*:
Feasibility study costs	Easement acquisition
Pre-project planning, monitoring (e.g., fish surveys, feasibility study review/follow-up)	Property acquisition
Plan amendment costs	Utility relocation
Grant application & administration costs	City improvements associated with the project but not directly tied to the goals of the BCWMC (e.g. trails, pedestrian bridges, signage)
Permitting costs and fees	Contaminated soils/groundwater remediation
Engineering and design costs (plans & specs)	City staff time and expenses (if not requested prior to levy certification)
Construction costs	Wetland mitigation or replacement
Project bidding & advertising fees	Art/aesthetic improvements directly associated with the project
Construction administration & observation costs	
Warranty period monitoring costs – e.g., wetland monitoring, vegetation monitoring, post-construction inspection	
City staff time and expenses (if requested prior to levy certification)	
Other BCWMC administration and engineering time, including tracking CIP project budget, engineering plan review and reviewing reimbursement requests	
Transfer to BCWMC administrative fund for CIP administrative expenses, as designated by the Commission	

*The BCWMC will consider the cost effectiveness of the project including the cost per pound of pollutant removal relative to guidance to be established by the BCWMC (for water quality projects), along with partnerships, grant opportunities, and other factors in determining reimbursement of other project costs.

COOPERATIVE AGREEMENT
(Bassett Creek Main Stem Restoration Project 2024CR-M)

This Cooperative Agreement (“**Agreement**”) is made as of this ____ day of _____, 2024 by and between the Bassett Creek Watershed Management Commission, a joint powers watershed management organization (“**Commission**”), and the City of Golden Valley, a Minnesota municipal corporation (“**City**”). The Commission and the City may hereinafter be referred to individually as a “**party**” or collectively as the “**parties**.”

RECITALS

- A. The Commission adopted the Bassett Creek Watershed Management Commission Watershed Management Plan on September 17, 2015 (“**Plan**”), a watershed management plan within the meaning of Minnesota Statutes, section 103B.231.
- B. The Plan, as amended by the Commission from time to time, includes a capital improvement program (CIP) that lists several capital improvements including the Bassett Creek Main Stem Restoration Project Regent Ave. to Golden Valley Road 2024CR-M (“**Project**”).
- C. The Project is in the City of Golden Valley and will be designed and constructed as described in the feasibility report for the Project prepared by the commission engineer, Barr Engineering Co. (the “**Commission Engineer**”), entitled *Feasibility Report for Bassett Creek Main Stem Restoration, Regent Avenue to Golden Valley Road (2024 CR-M)*, dated June 2023 (“**Feasibility Report**”), which is attached hereto as Exhibit A. The Project, as more specifically described in section 1 below, generally consists of the work identified in the Feasibility Report as Option 3 – restoring all proposed restoration areas.
- D. On September 21, 2023, the Commission adopted a resolution ordering the Project and directing that it be constructed by the City. Although the City will directly contract for the Project’s construction, the parties desire for the Commission Engineer to perform all customary engineering services related to designing and administering the Project, including, but not necessarily limited to, Project design, preparation of bid documents, assisting with community engagement, preparation of exhibits for necessary property rights, permitting and environmental review, construction observation, environmental oversight, if needed, and inspections (collectively, the “**Engineering Services**”). Engineering Services will be defined for the Project, in cooperation with the City, and memorialized by the Commission Engineer in a scope of work that will be reviewed by the City and presented to the Commission for its approval.
- E. The estimated planning level opinion of cost of the Project, including the feasibility study, all additional Engineering Services, and actual construction, is \$2,241,000.
- F. To fund the Project, including all services provided by the Commission Engineer and reimbursement of all eligible costs incurred by the City, the Commission will utilize up to \$1,741,000 available to the Commission through a Hennepin County levy on watershed taxpayers

and up to \$200,000 from its Closed Project Account. The additional \$300,000 of estimated total Project costs will be funded using \$200,000 from the City's portion of BCWMC channel maintenance funding and up to \$100,000 from the City's own capital improvement program.

- G. In accordance with the Plan, the first portion of Project costs were certified to Hennepin County, which levied taxes throughout the watershed for Project costs in 2023 for collection and settlement in 2024, and the Commission intends to certify the remaining portion of Project costs to Hennepin County in 2024 and 2025 for collection and settlement in 2025 and 2026, respectively, all pursuant to Minnesota Statutes, section 103B.251.
- H. Accordingly, and pursuant to the authority provided in Minnesota Statutes, section 471.59, the parties desire to cooperate and implement the Project in accordance with the terms and conditions hereinafter set forth.

AGREEMENT

In consideration of the mutual covenants and agreements hereinafter set forth, and intending to be legally bound, the parties hereby agree as follows:

1. Project. The Project will consist of the work identified in the Feasibility Report as Option 3 – stabilizing all proposed restoration areas, as provided in Sections 6, 7, and 8 of the Feasibility Report, plus appendices, which includes restoring the streambanks in all high, medium, and low priority areas, to the extent that property rights and Project funding will accommodate, along a 7,000 foot section of Bassett Creek (known as Ĥaĥá Wakpádaŋ in the Dakota language) between Regent Avenue and Golden Valley Road. The Project is expected to annually reduce pollution in Ĥaĥá Wakpádaŋ/Bassett Creek and downstream in the Mississippi River by an estimated 82 pounds of total phosphorus and 136,000 pounds of total suspended solids.
2. Design and Plans; Property Rights. The Commission Engineer, in cooperation with the City, will design the Project and prepare plans and specifications for construction of the Project. The 50% and 90% plans and specifications shall be submitted to the Commission for approval in accordance with the Commission's CIP project review process. Throughout development of the plans, the City will use its best efforts to obtain all property rights necessary for implementation of the Project in the form of right-of-entry agreements, easements, or other instruments, as it deems appropriate, which will be based upon the Commission Engineer's design and exhibits provided as part of the Engineering Services. Said instruments will run in favor of the City and, accordingly, the drafting and recording of such instruments will be the sole responsibility of the City. At the time of the Commission's review of the 90% plans, the City will provide a comprehensive update regarding its efforts to obtain such property rights and any impacts such efforts have on the scope of the Project, if any, which will be reviewed by the Commission when determining whether to proceed with its approval of the 90% plans.

Any changes to the Commission-approved 90% plans and specifications must be submitted to the Commission for subsequent approval. Minor changes, however, may be approved by the City, at the recommendation of the Commission Engineer, without requiring additional approval by the Commission. For purposes of this paragraph, "minor changes" shall mean those

changes to the approved plans that do not materially change either the effectiveness of the Project to meet its intended purposes, the aesthetics, form, or function of the Project, or the environmental impacts of the Project. For the avoidance of doubt, any changes to the Commission-approved 90% plans and specifications that are not considered minor changes require Commission review and approval.

3. Contract Administration and Requirements. The Commission Engineer, in cooperation with the City and as part of the Engineering Services, will prepare bidding documents. The City will advertise for bids and award contracts for all Project work in accordance with the requirements of applicable law. The City will award such contracts and, with the assistance of the Commission Engineer, will administer the construction of the Project to be completed in accordance with the approved plans and specifications. The contract may only be let to a responsible contractor in accordance with Minnesota Statutes, section 16C.285 and the City will require the contractor to provide all payment and performance bonds required by law. The City will pay its contractor(s) along with all other expenses related to the Project, and the City will keep and maintain complete records of all costs incurred. During construction, any project change orders that are not considered minor changes, as defined in section 2 above, must be submitted to the Commission for review and approval.

The City will further require the contractor to name the Commission and Commission Engineer as additional insureds on all liability policies required by the City and the Commission shall be given the same notification of cancellation or non-renewal as is given to the City. The City will require the contractor to defend, indemnify, protect and hold harmless the Commission, the Commission Engineer, and the City, including all of said parties' agents, officers, and employees, from all claims or actions arising from negligent acts, errors or omissions of the contractor. The City will display a sign at the construction site stating, "Paid for by the Taxpayers of the Bassett Creek Watershed."

4. Commission Reimbursement. In addition to up to \$200,000 of Closed Project Account funding and up to \$200,000 of the City's portion of BCWMC channel maintenance funding, the Commission used or will use its best efforts to secure payment from Hennepin County in accordance with Minnesota Statutes, section 103B.251 in the amount of \$434,000 by tax levy in 2023 for collection in 2024 and an additional \$1,307,000 by tax levy in 2024 and 2025 for collection in 2025 and 2026, respectively. Accordingly, the total reimbursement paid by the Commission to the City for the Project will not exceed \$400,000 plus the total amount levied, which is anticipated to be \$1,741,000, for a total of up to \$2,141,000, less the Commission's out-of-pocket Project expenses. The Commission's out-of-pocket Project expenses include, but are not necessarily limited to, all Engineering Services as defined in Recital D above, feasibility studies, publication of Commission notices, legal expenses, grant administration, and up to a 2.5% administrative charge from funds received in the aforementioned tax settlements from Hennepin County. All available funds in excess of such expenses are available for reimbursement to the City for eligible costs incurred by the City for construction of the Project, which shall include costs associated with all items in Table 5-1 of the Plan including, but not limited to, costs associated with acquisition of property rights and City staff time and expenses. Reimbursement to the City will be made as soon as funds are available, provided a request for payment has been received from the City that contains such detailed information as may be

requested by the Commission to substantiate costs and expenses. The City shall complete and submit with its final reimbursement request to the Commission a final report on the Project using the Commission's final reporting form and providing such other information as may be requested by the Commission.

5. Limits on Reimbursement. Reimbursement to the City will not exceed the amount specified above (up to \$2,141,000), depending on the total amount received from the County for the Project, less any amounts used or retained by the Commission for its out-of-pocket expenses, as detailed in section 4. The above amounts will not be increased by grants or other revenues received by the Commission for the Project. Reimbursement will not exceed the costs and expenses incurred by the City for the Project, less any amounts the City receives for the Project as grants from other sources. All costs of the Project incurred by the City in excess of such reimbursement shall be borne by the City or secured by the City from other sources.
6. Audit. All books, records, documents, and accounting procedures related to the Project will remain subject to examination by both parties and either the State Auditor or the Legislative Auditor for at least six years after completion of the Project.
7. Environmental Review. As part of the Engineering Services, the Commission Engineer, with the City's cooperation, will discuss the potential need for environmental investigation and planning and, if requested, will perform all necessary investigations of site contamination and assist the City in securing all necessary local, state, or federal permits required for the construction of the Project. The City will not proceed with the Project until any required environmental review and remediation of site contamination is completed or a plan for remediation is approved by appropriate regulatory agencies.
8. Ongoing Maintenance. Upon completion of the Project, the City shall be responsible for any ongoing maintenance in areas owned by the City or subject to City easement allowing for such maintenance. In said areas, the City agrees to perform, at its cost, such maintenance as may be required to sustain the proper functioning of the improvements constructed as part of the Project for their useful life. In areas not owned by the City or not subject to City easement, the City agrees to provide property owners with a letter outlining recommended best practices and guidance for maintaining any improvements on their property (i.e. native vegetation buffers, trees, and streambank stabilization measures).
9. Data Practices. Both parties will retain and make available data related to the letting of contracts and construction of the Project or any other such data determined to be public in accordance with the Minnesota Government Data Practices Act.
10. Term. This Agreement shall be in effect as of the date first written above and shall terminate once the Project is completed and the parties have performed all obligations provided herein, except for ongoing maintenance required of the City which will survive termination.
11. Liability; Indemnification. This Agreement does not create a joint powers board or organization within the meaning of Minnesota Statutes, section 471.59. Additionally, each party agrees that it will be responsible only for its own acts and the results thereof to the extent authorized by the

law and will not be responsible for the acts or omissions of the other and the results thereof. Furthermore, each party shall indemnify, defend and hold harmless the other against all claims, losses, damage, liability, suits, judgments, costs and expenses, including reasonable attorneys' fees, resulting from the actions or inactions of the indemnifying party, its officers, employees, or agents. Any party seeking to be indemnified, defended, and held harmless as required herein shall provide timely notice to the indemnifying party when a claim is brought. The party undertaking the defense shall retain all rights and defenses available to the party or parties indemnified and no immunities are hereby waived that are otherwise available to the parties under law. Nothing in this Agreement shall constitute or be construed as a waiver of any exemptions or limitations on liability available to the parties under Minnesota Statutes, chapter 466 or any other law. For purposes of this Agreement and the cooperative activities contemplated herein, the parties hereto are considered a single governmental unit for purposes of total liability for damages pursuant to Minnesota Statutes, section 471.59, subd. 1a(b). This Agreement creates no right in and waives no immunity, defense or liability limitation with respect to any third party. As between the parties, only contract remedies are available for a breach of this Agreement. This section 11 will survive termination of this Agreement.

12. Entire Agreement. The above recitals and the exhibits attached hereto are incorporated in and made part of this Agreement. This Agreement contains the entire understanding between the parties regarding this matter and no amendments or other modifications of its terms are valid unless reduced to writing and signed by both parties.
13. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

[signature page to follow]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on behalf of the parties as of the day and date first above written.

BASSETT CREEK WATERSHED
MANAGEMENT COMMISSION

By: _____
Its Chair

And by: _____
Its Secretary

Date: _____

CITY OF GOLDEN VALLEY

By: _____
Its Mayor

And by: _____
Its City Manager

Date: _____

EXHIBIT A
Feasibility Report

[attached hereto]

**Minnesota Watersheds
2024 Annual Conference
December 3 - 6
Grand View Lodge, Nisswa, Minnesota**

Member Meeting Materials

Enclosed are the following items:

1. Notice of Annual Meeting
2. Delegate Appointment Form
3. Annual Business Meeting Agenda
4. 2023 Annual Business Meeting Minutes
5. Proposed Fiscal Year 2025 Budget
6. Proposed Strategic Plan Revisions
7. Proposed Legislative Platform Updates
8. Proposed Bylaws Changes
9. Resolutions Packet
10. Active Resolutions

Please note that the Delegate Appointment Forms are **REQUIRED**. For the annual business meeting to be held, **a quorum of 44 delegates MUST be present**. Please return your Delegate Appointment Forms to Maddy Bohn at mnwatershed@gmail.com at your earliest convenience.

This packet has been distributed to administrators and managers via email. No paper copies of this packet will be sent via the U.S. Postal Service.

We are looking forward to seeing you at this year's conference!

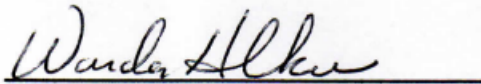
**PLEASE BRING THIS INFORMATION PACKET WITH YOU TO THE CONVENTION.
EXTRA COPIES WILL NOT BE AVAILABLE ON SITE. THANK YOU!!**

Minnesota Watersheds 2024 Annual Meeting Notice

NOTICE IS HEREBY GIVEN that the 2024 Annual Meeting of Minnesota Watersheds will be held at the Grand View Lodge, Nisswa, Minnesota beginning at 9:00 a.m. on Friday, December 6, 2024 for the following purposes:

1. To receive and accept the reports of the President, Secretary, and Treasurer regarding the business of the association of the past year;
2. To receive the report of the auditor;
3. To consider and act upon the Fiscal Year 2025 budget;
4. To consider and act upon proposed Strategic Plan revisions;
5. To consider and act upon proposed Legislative Platform updates;
6. To consider and act upon proposed Bylaws changes;
7. To consider and act upon proposed Resolutions;
8. To elect three directors, one from each region, for terms ending in 2027; and
9. To consider and act upon any other business that may properly come before the membership.

Sincerely,



Wanda Holker
Secretary

Minnesota Watersheds 2024 Delegate Appointment Form

The _____ hereby certifies that it is

name of watershed organization

a watershed district or watershed management organization duly established and in good standing pursuant to Minnesota Statutes 103B or 103D and is a member of Minnesota Watersheds for the year 2024.

The _____ hereby further certifies

name of watershed organization

the following individuals have been appointed as delegates, or as an alternate delegate, all of whom are managers in good standing with their respective watershed district or watershed management organization.

Delegate #1: _____

Delegate #2: _____

Alternate: _____

Authorized by: _____

Signature

Date

Title

** Please return this form to mnwatershed@gmail.com at your earliest convenience. **



Minnesota Watersheds
2024 Annual Conference
Grand View Lodge, Nisswa, MN

Annual Business Meeting
AGENDA
Friday, December 6, 2024 | 9 a.m.

GENERAL BUSINESS

- 9:00 a.m. Call to Order
9:01 a.m. Approval of Agenda (Action)
9:02 a.m. Approval of 2023 Annual Business Meeting Minutes (Action) – Linda Vavra
9:05 a.m. Treasurer’s Reports – Linda Vavra
- 2024 Year End Financial Report (Action)
 - 2024 Review of Financial Procedure Report (Action)
 - 2025 Proposed Budget (Action)

REPORTS

- 9:30 a.m. President’s Report – Linda Vavra
9:40 a.m. Caucus Election Results Report – Linda Vavra
9:45 a.m. Executive Director’s Report – Jan Voit
10:05 a.m. Board of Water and Soil Resources Report – Assistant Director Justin Hanson

ACTION ITEMS

- 10:20 a.m. **STRATEGIC PLAN** (Action) – Linda Vavra
10:35 a.m. **LEGISLATIVE PLATFORM** (Action) – Linda Vavra
10:50 a.m. **BYLAWS HEARING** (Action) – Linda Vavra
11:05 a.m. **RESOLUTIONS HEARING** (Action) – Linda Vavra

Note: There will be two microphones in the room – One to use if you are “FOR” an amendment and one if you are “AGAINST” an amendment. If you wish to testify on a resolution, please proceed to the appropriate microphone and limit your comments to 2 minutes.

Resolution 1 – Regulatory Approaches to Reducing Chloride Contamination

Resolution 2 – Allowing Alternative Notice of Watershed District Proceedings by Publication on District’s Website

Resolution 3 – Providing for Watershed Management Organization Representation on Wetland Technical Evaluation Panels in Seven-County Metropolitan Area

Resolution 4 – Seeking the Ability to Allow Resale of Acquisition Buyout Property

Resolution 5 – Seeking the DNR to Establish a “Comprehensive Guideline for Calcareous Fen Management”

Resolution 6 – Seeking Clarification of Minn. Rule 8420.0935, Subp. 1

Resolution 7 – Seeking the DNR to Adopt a Program to Incentive Calcareous Fen Management on Private Lands

Resolution 8 – Seeking the Removal of the Water Resource Enforcement Officer

Resolution 9 – Seeking the Amendment of Minn. Rule 8420.0935, Subp. 3.A.

Resolution 10 – Seeking a Formal Process to Distribute a Complete List of Calcareous Fens Annually

Resolution 11 – Seeking Regular Reevaluation of the Designated Species List

Resolution 12 – Seeking the Development of a Calcareous Fen Work Group

Resolution 13 – Requesting Minnesota Watersheds Support to Request New Legislation to Set Permit Review Time Limits upon the Department of Natural Resources

12:00 p.m. **ADJOURNMENT**

Region III Caucus

Thursday, December 5 @ 7:00 a.m.

Caucus location: Gull Lake Center – Lake Edward

AGENDA

- 7:00 a.m. Welcome and Call to Order (Convener Don Pereira)
- 7:03 a.m. Appointment of a Secretary (Pereira)
- 7:05 a.m. Election of Caucus Chairperson (Pereira)
- 7:10 a.m. Nominations of a Region Director to Minnesota Watersheds Board (Caucus Chair)
Current Region 3 Minnesota Watersheds Board Members:
- Don Pereira – term expires December 2024
 - David Ziegler – term expires December 2025
 - Shaun Kennedy – term expires December 2026
- Vote for one open position, currently held by Don Pereira, for a term to expire in 2027.***
- 7:15 a.m. Candidate Remarks - 5 minutes each (Caucus Chair)
- 7:30 a.m. Voting (Caucus Chair)
Election results should be reported to the Minnesota Watersheds President and Executive Director so they can be presented to the members at the annual business meeting.
- 7:45 a.m. Call for Committee Members (Caucus Chair)
One manager or commissioner is needed for each committee, who is committed to attending meetings and fulfilling responsibilities, no alternates, please. In the past, not all regions have been able to fill the committee positions, let alone designate an alternate. Having alternates also makes representation lopsided, with more representation from one region over another. It is more efficient to designate one individual who is willing to commit to attending meetings. If the person is unable to attend a scheduled meeting, it is his/her responsibility to contact the committee co-chair(s). (See table on page 2.)
- 8:15 a.m. Open Forum (Caucus Chair)
Review delegate checklist
Discussion of proposed resolutions, regional hot topics, etc.
- 9:00 a.m. Adjournment (Caucus Chair)

Region III		
Bassett Creek WMC	Brown's Creek	Capitol Region
Carnelian Marine St. Croix	Comfort Lake-Forest Lake	Coon Creek
Minnehaha Creek	Mississippi WMO	Nine Mile Creek
Ramsey-Washington Metro	Rice Creek	Riley-Purgatory-Bluff Creek
South Washington	Vadnais Lake Area WMO	Valley Branch

Minnesota Watersheds Committees – Region III

Representatives

December 2024

Committee*	Region	2024 Members	2025	Responsibilities
Legislative	III	Shawn Mazanec, Capitol Region		To provide focus and direction to the lobbyist(s) and Executive Director on annual priority legislative efforts and to keep members informed of the Association's efforts and progress.
Co-Chairs: Gene Tiedemann, Michelle Overholser		Linda Vavra, Bois de Sioux*		
Governance				
<i>Bylaws & MOPP</i>	III	Mike Bradley, Rice Creek		The By-Laws/MOPP committee is responsible for the annual review of these documents to ensure that they meet the needs and operating procedures of the organization.
Co-Chairs: David Ziegler, Jamie Beyer		Linda Vavra, Bois de Sioux*		
<i>Strategic Plan</i>	III	Benjamin Karp, Ramsey Washington Metro		This Strategic Plan Committee is responsible for the review and annual prioritization of the organization's strategic plan.
Co-Chairs: David Ziegler, Andy Henschel		Linda Vavra, Bois de Sioux*		
Resolutions	III	Don Pereira, Valley Branch		The Resolutions/Policy committee is responsible for the annual solicitation and review of resolutions and policy changes to be acted upon at the Annual Meeting and any petitioned special meetings.
Co-Chairs: Linda Vavra, Jamie Beyer		Linda Vavra, Bois de Sioux*		
Finance	III	Jackie Anderson, Comfort Lake Forest Lake		The purpose of the Finance Committee is to make financial recommendations to the Board on items such as the annual budget and dues.
Co-Chairs: David Ziegler, Tera Guetter		Linda Vavra, Bois de Sioux*		
Events/Education	III	Rick Sanders, Capitol Region		The purpose of the Events/Education Committee is to ensure Minnesota Watersheds events provide high quality educational and networking opportunities for members and non-members.
Co-Chairs: Gene Tiedemann, Tina Carstens		Linda Vavra, Bois de Sioux*		
Awards	I	Joe Collins, Capitol Region		The purpose of the Awards Committee is to promote, manage and present the annual Minnesota Watersheds Project and Program of the Year Awards.
Co-Chairs: Dennis Kral, Karen Kill		Linda Vavra, Bois de Sioux*		
				*The Minnesota Watersheds President is a member of all committees.

How Minnesota Watersheds Committees Work

Information about upcoming committee meetings is developed by the Minnesota Watersheds Executive Director and committee co-chairs. The information is distributed to committee members and is available to members upon request. Meeting summaries are created and shared with members through the monthly newsletter, as well as the pertinent committee page on the Minnesota Watersheds website.

In the past, not all regions have been able to fill the committee positions, let alone designate an alternate. Having alternates also makes representation lopsided, with more representation from one region over another. It is more efficient to designate one individual who is willing to commit to attending meetings. If the person is unable to attend a scheduled meeting, it is his/her responsibility to contact the committee co-chair(s).

Executive Governance

The Executive Governance Committee works together to ensure daily operations align with the Bylaws, Manual of Policy and Procedures (MOPP), and Strategic Plan. The committee meets as needed.

By-Laws-MOPP

The purpose of the Bylaws-MOPP Committee is to ensure the Bylaws and MOPP are kept up to date and adequately guide the organization. The committee meets annually or as needed.

Strategic Plan Committee

The purpose of the Strategic Plan Committee is to ensure the Strategic Plan adequately guides the organization. The committee meets annually to prioritize the work plan for the Executive Director and to review the Strategic and Communication Plans.

Executive Finance and Finance Committee

The Executive Finance Committee will handle the day-to-day financial decisions. The Finance Committee will deal with the larger picture issues, such as preparing an annual budget and making recommendations on the annual dues structure.

Events-Education Committee

The purpose of the Events-Education Committee is to ensure Minnesota Watersheds events provide high quality educational and networking opportunities for members and non-members. The committee annually reviews the education work plan, provides input before and after events, and sets the convention presentation schedule, including recommendations for the staff development workshop. This committee is supported by the Executive Director and the Program Manager. The committee meets in January, February, April, June, July, September, and December.

Resolutions Committee

The purpose of the Resolutions Committee is to oversee the resolutions process. The committee meets in October to review and recommend resolutions.

Legislative Committee

The purpose of the Legislative Committee is to provide focus and direction to the Minnesota Watersheds lobbyist and Executive Director. They annually review the legislative program work and make recommendations to the Board of Directors on a legislative platform. The committee meets in June and December.

Awards Committee

The purpose of the Awards Committee is to promote, manage, and present the annual Minnesota Watersheds Project and Program of the Year Awards. The committee conducts its business almost exclusively by email.

Region 3 Caucus Meeting
11-30-2023

Attendees:

Nine Mile Creek: Grace Butler and Peggy Kvam
Riley Purgatory Bluff Creek: Jill Crafton, Tom Duevel, and David Ziegler
Minnehaha Creek: Bill Olson, Sherry White, and Steve Sando
Bassett Creek WMC: Shaun Kennedy, R. J. Wiford, and Michael Welch
Ramsey Washington Metro: Benjamin Karp
Capitol Region: Joe Collins, Shawn Mazanec, and Mary Texer
Valley Branch: Don Pereira
South Washington: Brian Johnson
Comfort Lake Forest Lake: Jackie Anderson
Rice Creek: Mike Bradley and John Waller
Mississippi WMO: Kevin Reich
Brown's Creek: Celia Wirth

The meeting was called to order by David Ziegler at 7:03 a.m. David Ziegler was elected caucus chair. Benjamin Karp volunteered to take notes.

Minnesota Watersheds Board Nominations

Don Pereira was nominated to continue serving in the seat to which he was appointed. The term expires in December 2024. Nominations were made for the open seat that will expire in December 2026. Joe Collins and Shaun Kennedy were nominated. All three candidates introduced themselves and provided background information. The question was called for the seat currently occupied by Don Pereira and passed unanimously. Ballots were cast for the open seat and Shaun Kennedy was elected by majority vote.

Minnesota Watersheds Committees

It was noted that not everyone that volunteers will get to serve on a committee. The Minnesota Watersheds Board of Directors makes the appointments.

Legislative

- Grace Butler was nominated by David Ziegler. Others interested in serving include Don Pereira, Shawn Mazanec, and Benjamin Karp.

Bylaws-Manual of Policy and Procedure

- Mike Bradley

Strategic Plan

- Michael Welch plans to step down from this committee. Benjamin Karp and Jill Crafton volunteered.

Resolutions

- Don Pereira, Joe Collins, and Sherry White volunteered.

Finance

- David Ziegler and Jackie Anderson volunteered.

Events-Education

- Rick Sanders and Don Pereira volunteered.

Awards

- Joe Collins volunteered.

Discussion items:

- Concerns were expressed about One Watershed One Plan funding and whether it should be based on population or land area.
- How voting should occur and what has transpired in the past was discussed.
- Resolutions
 - Resolution #1 asks to require Minnesota Department of Natural Resources (DNR) to apply for watershed district permits. Consensus was that the language should be all state agencies rather than specifically listing the DNR. Michael Welch plans to address this at the resolutions hearing.
 - Resolution #5 seeks increased flexibility in the open meeting law. Consensus was to process this through the legislative committee.
- Chloride issue
 - Fears were expressed regarding issue fatigue and that this may be the last opportunity for legislative action. It was asked that everyone be aware of this issue as assistance may be necessary during the legislative session.
- Plumbing board ruling
 - The decision by the plumbing board states that stormwater management and infiltration design are illegal. This is a Department of Labor and Industry issue.
- Metro Watersheds meeting
 - The next Metro Watersheds meeting will be held virtually on January 16. Meeting information will be distributed by email.

Resolutions Committee Meeting



MINNESOTA WATERSHEDS
Connecting People. Protecting Water.

DATE: October 8, 2024
 TO: Minnesota Watersheds Board of Directors
 FROM: Linda Vavra and Jamie Beyer, Resolutions Committee Co-Chairs
 RE: Resolutions Committee Recommendations

The Resolutions Committee met on October 8 to review and discuss the resolutions submitted by Minnesota Watersheds members. Their recommendations are as follows.

Resolutions Committee Recommendations

#	Resolution Title	Committee Recommendation
1	Regulatory Approaches to Reducing Chloride Contamination	Recommends adoption
2	Allowing Alternative Notice of Watershed District Proceedings by Publication on District’s Website	Recommends adoption
3	Providing for Watershed Management Organization Representative on Wetland Technical Evaluation Panels in Seven-County Metropolitan Area	Recommends adoption as amended
4	Seeking the Ability to Allow Resale of Acquisition Buyout Property	Recommends adoption
5	Seeking the DNR to Establish a “Comprehensive Guideline for Calcareous Fen Management”	Recommends adoption
6	Seeking Clarification of the Statutory and Rule Language Regarding the Alteration of Calcareous Fens	No recommendation, more research needed
7	Seeking the DNR to Adopt a Program to Incentivize Calcareous Fen Management on Private Lands	Recommends adoption
8	Seeking the Removal of the Water Resource Enforcement Officer	No recommendation, more research needed
9	Seeking Identification of Calcareous Fens on All State Wetlands by December 31, 2030	No recommendation, more research needed
10	Seeking a Formal Process to Distribute a Complete List of Calcareous Fens Annually	Recommends adoption
11	Seeking Regular Reevaluation of the Designated Species List	No recommendation, more research needed
12	Seeking the Development of a Calcareous Fen Work Group	No recommendation, more research needed
13	Requesting Minnesota Watersheds Support to Request New Legislation to Set Permit Review Time Limits upon the Department of Natural Resources	Recommends adoption

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2024-01

Resolution to Develop Regulatory Approaches to Reducing Chloride Contamination

Proposing District: Nine Mile Creek Watershed District
Contact Name: Erica Sniegowski, Administrator
Phone Number: 952-358-2276
Email Address: esniegowski@ninemilecreek.org

Background that led to submission of this resolution:

Overuse of chloride compounds (primarily for removal of snow and ice from roads, parking lots and sidewalks) is degrading lakes, creeks, and wetlands in the metropolitan Twin Cities area and throughout Minnesota. The Minnesota Pollution Control Agency has designated 68 impairments in 42 waterbodies in the state – numbers that are steadily increasing. Salt persists in the environment, making chloride contamination one of the most pressing concerns in watershed management; reduction in the amount used is critical.

Ideas for how this issue could be solved:

For several years, Minnesota Watersheds and others have pursued an incentive-based approach to reducing chloride use by supporting legislation that would provide a liability limitation for property owners and maintenance companies who are certified by the Minnesota Pollution Control Agency as applicators trained to apply the correct amount of salt to achieve safe surface conditions and who document their practice of protective low-salt maintenance techniques. During the 2024 session, Minnesota Watersheds worked with several metro-area watersheds to secure the endorsement of the Minnesota Center for Environmental Advocacy, Freshwater Society, Minnesota Association for Justice (which represents trial lawyers) and Stop Over Salting on a legislative approach that provided owners and applicators with protection to the extent of negligence. The Minnesota Nursery and Landscape Association, which represents property-maintenance providers, would not join the coalition, arguing for a bill that provided more extensive liability protection, less frequent training and certification, and looser trainer controls. The trial lawyers’ lobbyist has indicated they would strongly oppose the more extensive liability protection; in addition, allowing for protection when a provider is in fact negligent is contrary to sound public policy.

Nine Mile Creek Watershed District (NMCWD) reasons that regulatory approaches to reducing salt use must be developed. The proper vehicle for such an approach – state, county, city, watershed organization – has yet to be determined; multiple options can and should be explored.

Efforts to solve the problem:

NMCWD and other watershed organizations have conducted and sponsored training in smart-salting practices and other efforts to reduce chloride use (and resultant contamination). NMCWD and others have actively supported the incentive-based legislative approach discussed above, and have communicated with legislators, county commissioners, city staff, and numerous others on the impacts of chlorides on water resources. In addition, NMCWD and a few others have already adopted rule provisions that require permit applicants to include chloride best practices in stormwater-management plans. Initial conversations about chloride have taken place, but concerted efforts have yet to commence.

Anticipated support or opposition:

Minnesota Nursery and Landscape Association is likely to oppose any regulatory approach. Property owners likely will oppose any approach that applies directly to them. Many cities and counties will likely support a regulatory approach, but some may argue that they lack the resources to implement regulatory approaches such as licensing salt applicators if that is the approach taken.

This issue (check all that apply):

Applies only to our district:	<input type="checkbox"/>	Requires legislative action:	<input type="checkbox"/>
Applies only to 1 or 2 regions:	<input type="checkbox"/>	Requires state agency advocacy:	<input checked="" type="checkbox"/>
Applies to the entire state:	<input checked="" type="checkbox"/>	Impacts MW bylaws or MOPP:	<input type="checkbox"/>

MINNESOTA WATERSHEDS RESOLUTION 2024-01

Resolution to Develop Regulatory Approaches to Reducing Chloride Contamination

WHEREAS, chloride contamination of the state’s water resources has been identified not only in urban waters, but in waters throughout the state; and

WHEREAS, the Minnesota Pollution Control Agency has designated 68 impairments for chlorides in 42 waterbodies in the state; and

WHEREAS, the Twin Cities Metro Area Chloride Management Plan and Total Maximum Daily Load studies on Nine Mile Creek and Shingle Creek have indicated that the largest chloride source to our lakes and streams is the application of chloride compounds on roads, parking lots, sidewalks, and other hard surfaces for winter maintenance practices; and

WHEREAS, Minnesota Watersheds and its allies have advocated for and continue to support enactment of state law that provides limited liability protection to commercial salt applicators and property owners using salt applicators who are certified through the established state salt-applicator certification program and follow best management practices, but such efforts have failed so far to result in adoption of new law; and

WHEREAS, chlorides are a metal, and once deposited in a water body do not degrade, making prevention critical; and

WHEREAS, a few watershed organizations in Minnesota have developed, adopted, and implemented regulatory approaches to reduce chloride use and contamination, charting one path forward for such efforts.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports development, adoption, and implementation of regulatory approaches to reducing chloride contamination in waters of the state.

Notes: Committee recommends adoption.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-02

Resolution Allowing Alternative Notice of Watershed District Proceedings by Publication on the District’s Website

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Terry Jeffery, Administrator
Phone Number: 952-607-6512
Email Address: tjeffery@rpbcwd.org

Background that led to submission of this resolution:

Minnesota Statutes chapter 103D, known as the Watershed Law, requires notice by publication in a local newspaper for various watershed district proceedings, specifically publication in a legal newspaper published in the counties affected by the watershed district; such proceedings include boundary changes, changing the district’s principal place of business, consideration of ordering projects, and annual budget and tax levy. Notice by publication is one notice requirement in addition to mailed notice requirements. Some watershed districts are finding it increasingly difficult to publish notice in local newspapers because many have ceased publication. In an age of search engines and electronic communications, more citizens are likely to learn about watershed district proceedings through the internet than through publication in a legal newspaper.

Ideas for how this issue could be solved:

An alternative to publication in a newspaper is publication on the watershed district’s web site. For example, Minnesota Statutes section 103E.806, subdivision 3 provides that notice of a hearing on partial abandonment of a drainage system by mail to the owners of all property benefited by the drainage system, and either in a newspaper of general circulation within the affected drainage area or by publication on a website of the drainage authority.

Efforts to solve the problem:

Until there is a legal alternative, the only option is to publish in the newspapers that are still in business, often at increased prices.

Anticipated support or opposition:

This is an issue that may find growing support among other local units of government with publication requirements. Newspapers will likely not be supportive of decreased revenue from legal notice publications.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-02

Resolution Allowing Alternative Notice of Watershed District Proceedings by Publication on the District's Website

WHEREAS, Minnesota Statutes chapter 103D, known as the Watershed Law, requires notice by publication in a local newspaper for various watershed district proceedings, specifically publication in a legal newspaper published in the counties affected by the watershed district; such proceedings include boundary changes, changing the district's principal place of business, consideration of ordering projects, and public hearings on the district's annual budget and tax levy; and

WHEREAS, notice by publication is one notice requirement in addition to mailed notice requirements; and

WHEREAS, some watershed districts are finding it increasingly difficult to publish notice in local newspapers because many have ceased publication; and

WHEREAS, an alternative to publication in a newspaper is publication on the watershed district's web site; for example, Minnesota Statutes section 103E.806, subdivision 3 provides that notice of a hearing on partial abandonment of a drainage system by mail to the owners of all property benefited by the drainage system, and *either* in a newspaper of general circulation within the affected drainage area *or* by publication on a website of the drainage authority.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports amending the Watershed Law to provide for publication on a watershed district's website as an alternative to publication in a legal newspaper.

Notes: Committee recommends adoption.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2024-03

Resolution Providing for Watershed Management Organization Representative on Wetland Technical Evaluation Panels ~~in Seven-County Metropolitan Area~~

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Terry Jeffery, Administrator
Phone Number: 952-607-6512
Email Address: tjeffery@rpbcwd.org

Background that led to submission of this resolution:

Minnesota Statutes section 103G.2242, subdivision 2 provides for Technical Evaluation Panels to address questions concerning the public value, location, size, or type of a wetland under the Wetland Conservation Act (WCA). Pursuant to this statute, a Technical Evaluation Panel (TEP) “shall be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, a technical professional with expertise in water resources management appointed by the local government unit (LGU), and a technical professional employee of the Department of Natural Resources for projects affecting public waters or wetlands adjacent to public waters.” Watershed management organizations may serve as the “local government unit” under WCA, but in many cases local municipalities elect to serve as the WCA LGU, which means there is no watershed management organization representation on the TEP.

Ideas for how this issue could be solved:

Amend Minnesota Statutes section 103G.2242, subdivision 2 to include a watershed management organization representative on TEPs that are convened within the seven-county metropolitan area. (This provision could easily be expanded to cover the entire state if watershed districts outside the metropolitan area so desire.)*

Efforts to solve the problem:

TEPs will often contact the watershed management organization for comments, but they are not required to do so, and the watershed management organization is not currently a voting member of the TEP when the municipality is the WCA LGU.

Anticipated support or opposition from other governmental units?

Support will vary depending upon the audience. Numerous LGUs appreciate having a member that represents the watershed district while many may feel this is an attempt to usurp WCA administration from them. Metropolitan area watershed districts typically have someone knowledgeable in WCA but may feel this is added responsibility.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____ X* _____	Requires state agency advocacy:	_____ _____
Applies to the entire state:	_____ X* _____	Impacts MW bylaws or MOPP:	_____ _____

MINNESOTA WATERSHEDS RESOLUTION 2024-03

Resolution Providing for Watershed Management Organization Representative on Wetland Technical Evaluation Panels ~~in Seven-County Metropolitan Area~~

WHEREAS, Minnesota Statutes section 103G.2242, subdivision 2 provides for Technical Evaluation Panels to address questions concerning the public value, location, size, or type of a wetland under the Wetland Conservation Act (WCA); and

WHEREAS, pursuant to this statute, a Technical Evaluation Panel (TEP) “shall be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, a technical professional with expertise in water resources management appointed by the local government unit (LGU), and a technical professional employee of the Department of Natural Resources for projects affecting public waters or wetlands adjacent to public waters;” and

WHEREAS, watershed management organizations may serve as the “local government unit” under WCA, but in many cases local municipalities elect to serve as the WCA LGU, which means there is no watershed management organization representation on the TEP; and

WHEREAS, watershed management organizations in the seven-county metropolitan area are required to develop watershed management plans that include an inventory of surface water resources including wetlands, establish goals for wetland management that recognize the fundamental relationship between wetland management and land use, and many metropolitan watershed management organizations have undertaken detailed wetland inventories and assessments of their function and value to develop local wetland management controls with maps or inventories of wetlands, existing comprehensive wetland protection and management plans, descriptions of existing local wetland banking programs, and procedures used in determining replacement of wetland functions and values for evaluating wetland replacement proposals; and

WHEREAS, metropolitan watershed management organizations typically have technical professionals with expertise in water resources management generally and wetlands management specifically.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports amendment of Minnesota Statutes section 103G.2242, subdivision 2 to include a watershed management organization representative on TEPs that are convened ~~within the seven-county metropolitan area~~ in cases where the organization is not the WCA LGU.

Notes: Committee recommends adoption as amended.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-04

Resolution Seeking the Ability to Allow Resale of Acquisition Buyout Property

Proposing District: Wild Rice Watershed District
Contact Name: Tara Jensen, Administrator
Phone Number: 218-784-5501
Email Address: tara@wildricewatershed.org

Background that led to the submission of this resolution:

Buyout properties are allowed to be gifted to another government entity but not allowed to be sold to private individuals and put back on the tax rolls and into private ownership with restriction of future construction on the property.

When real property is acquired by a Local Governmental Unit (LGU) regarding a flood buyout, the property goes off the tax rolls for the county and, per FEMA requirements, cannot be resold except to a public entity or to a qualified conservation organization. See "The Stafford Act, 42 U.S.C. 5121 et seq., Hazard Mitigation Grant Program, and FEMA Model Deed Restrictions at Exhibit A. WRWD desires the FEMA requirements/model deed restrictions be amended to permit either the conveyance to a public entity or to a qualified conservation organization of the acquired interest, or alternatively a resale by an LGU of acquired real property to private taxpayers - subject to the FEMA Model Deed Restrictions (excepting re: a sale to a private party).

Ideas for how this issue could be solved:

Changes in FEMA regulations to allow property to be transferred back into private ownership, lessening government expense long term for maintenance of the property. Although it cannot be constructed on, it is a good open space for parties interested.

If LGUs were allowed to sell the flood buyout property(ies) to private taxpayers, the property would go back on the local tax rolls, thereby benefiting the local (especially) county. Any sale by the LGU could provide for the net sale proceeds to be paid back to FEMA and any sale would remain subject to the FEMA Model Deed Restrictions at Exhibit A. All the remaining restrictions/covenants contained in the FEMA Model Deed Restrictions would continue to apply to the private party.

Efforts to solve the problem:

The Wild Rice Watershed District has requested federal legislators address this issue in the past, but to date nothing has come of those requests.

Anticipated support or opposition:

Most LGUs would likely support being allowed to sell flood buyout property to private taxpayers, subject to the FEMA Model Deed Restrictions. It is unknown whether FEMA would oppose.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-04

Resolution Seeking the Ability to Allow Resale of Acquisition Buyout Property

WHEREAS, when a LGU acquires real property as part of a flood buyout, such property goes off the county tax rolls and per FEMA deed restrictions, can be resold only to a public entity or qualified conservation organization (See Exhibit A attached re: FEMA Model Deed Restrictions); and

WHEREAS, flooding also has severe and repeated impacts to water quality from erosion, sedimentation, nutrient loading, raw sewage discharges, and chemical spillage; and

WHEREAS, real property acquired by a flood buyout, but resold to a private taxpayer subject to the FEMA Model Deed Restrictions would be beneficial to the county as such property would be back on the tax rolls, and such resale would reduce maintenance obligations by the LGU re the flood buyout property, plus the property would continue to be subject to the remaining FEMA restrictions/covenants as stated in Exhibit A; and

WHEREAS, the Wild Rice Watershed District Board of Managers desires Minnesota Watersheds pass a resolution supporting federal legislation to allow either the conveyance of flood acquisition property by an LGU to a public entity or to a qualified conservation organization, or alternatively allow resale of flood acquisition buyout real estate by an LGU to a private party, subject to the remaining FEMA Model Deed Restrictions as stated in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds seeks federal legislation to allow the conveyance by an LGU of flood acquisition buyout real estate to a public entity or to a qualified conservation organization, or alternatively a resale to a private taxpayer, subject to the FEMA Model Deed Restrictions as stated in Exhibit A.

Notes: Committee recommends adoption.

Exhibit "A"
FEMA Model Deed Restrictions

In reference to the property or properties ("Property") conveyed by the Deed between _____
(marital status), participating in the federally-assisted acquisition
project ("the Grantor") and _____, ("the Grantee"), its successors
and assigns:

WHEREAS, The Robert T. Stafford Disaster Relief and Emergency Assistance Act, ("The Stafford Act"), 42 U.S.C. § 5121 et seq., identifies the use of disaster relief funds under § 5170c, Hazard Mitigation Grant Program, including the acquisition and relocation of structures in the floodplain;

WHEREAS, the mitigation grant program provides a process for a local government, through the State, to apply for federal funds for mitigation assistance to acquire interests in property, including the purchase of structures in the floodplain, to demolish and/or remove the structures, and to maintain the use of the Property as open space in perpetuity;

WHEREAS, the _____ has applied for and been awarded such funding from the Department of Homeland Security, Federal Emergency Management Agency and has entered into a mitigation grant program Grant Agreement dated _____ with FEMA and herein incorporated by reference; making it a mitigation grant program grantee.

WHEREAS, the Property is located in _____ County, and _____ County participates in the National Flood Insurance Program and is in good standing with NFIP as of the date of the Deed;

WHEREAS, the _____, acting by and through the _____, has applied for and been awarded federal funds pursuant to an agreement with Minnesota dated _____ ("State-Local Agreement"), and herein incorporated by reference, making it a mitigation grant program subgrantee;

WHEREAS, the terms of the mitigation grant program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant Agreement, and the State-local Agreement require that the Grantee agree to conditions that restrict the use of the land to open space in perpetuity in order to protect and preserve natural floodplain values.

NOW, THEREFORE, the grant is made subject to the following terms and conditions:

1. Terms. Pursuant to the terms of the “Stafford Act” program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant Agreement, and the State Local Agreement, the following conditions and restrictions shall apply in perpetuity to the Property described in the attached deed and acquired by the Grantee pursuant to FEMA program requirements concerning the acquisition of property for open space:

a. Compatible uses. The Property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. Such uses may include: parks for outdoor recreational activities; wetlands management; nature reserves; cultivation; grazing; camping (except where adequate warning time is not available to allow evacuation); unimproved, unpaved parking lots; buffer zones; and other uses consistent with FEMA guidance for open space acquisition, Hazard Mitigation Assistance, Requirements for Property Acquisition and Relocation for Open Space.

b. Structures. No new structures or improvements shall be erected on the Property other than:

- i. A public facility that is open on all sides and functionally related to a designated open space or recreational use;
- ii. A public rest room; or
- iii. A structure that is compatible with open space and conserves the natural function of the floodplain, including the uses described in Paragraph 1.a., above, and approved by the FEMA Administrator in writing before construction of the structure begins.

Any improvements on the Property shall be in accordance with proper floodplain management policies and practices. Structures built on the Property according to paragraph b. of this section shall be floodproofed or elevated to at least the base flood level plus 1 foot of freeboard, or greater, if required by FEMA, or if required by any State, Tribal, or local ordinance, and in accordance with criteria established by the FEMA Administrator.

c. Disaster Assistance and Flood Insurance. No Federal entity or source may provide disaster assistance for any purpose with respect to the Property, nor may any application for such assistance be made to any Federal entity or source. The Property is not eligible for coverage under the NFIP for damage to structures on the property occurring after the date of the property settlement, except for pre-existing structures being relocated off the property as a result of the project.

d. Transfer. The Grantee, including successors in interest, shall convey any interest in the Property only if the FEMA Regional Administrator, through the State, gives prior written approval of the transferee in accordance with this paragraph:

- i. The request by the Grantee, through the State, to the FEMA Regional Administrator must include a signed statement from the proposed transferee that it acknowledges and agrees to be bound by the terms of this section, and documentation of its status as a qualified conservation organization if applicable.
- ii. The Grantee may convey a property interest only to a public entity or to a qualified conservation organization. However, the Grantee may convey an easement or lease to a private individual or entity for purposes compatible with the uses described in paragraph (a), of this section, with the prior approval of the FEMA Regional Administrator, and so long as the conveyance does not include authority to control and enforce the terms and conditions of this section.
- iii. If title to the Property is transferred to a public entity other than one with a conservation mission, it must be conveyed subject to a conservation easement that shall be recorded with the deed and shall incorporate all terms and conditions set forth in this section, including

the easement holder's responsibility to enforce the easement. This shall be accomplished by one of the following means:

- a) The Grantee shall convey, in accordance with this paragraph, a conservation easement to an entity other than the title holder, which shall be recorded with the deed, or
 - b) At the time of title transfer, the Grantee shall retain such conservation easement, and record it with the deed.
- iv. Conveyance of any property interest must reference and incorporate the original deed restrictions providing notice of the conditions in this section and must incorporate a provision for the property interest to revert to the State, Tribe, or local government in the event that the transferee ceases to exist or loses its eligible status under this section.

2. Inspection. FEMA, its representatives and assigns including the state or tribe shall have the right to enter upon the Property, at reasonable times and with reasonable notice, for the purpose of inspecting the Property to ensure compliance with the terms of this part, the Property conveyance and of the grant award.

3. Monitoring and Reporting. Every three years on July 1, the Grantee (_____), in coordination with any current successor in interest, shall submit through the State to the FEMA Regional Administrator a report certifying that the Grantee has inspected the Property within the month preceding the report, and that the Property continues to be maintained consistent with the provisions of 44 C.F.R. Part 80, the property conveyance, and the grant award.

4. Enforcement. The Grantee (_____), the State, FEMA, and their respective representatives, successors and assigns, are responsible for taking measures to bring the Property back into compliance if the Property is not maintained according to the terms of 44 C.F.R. Part 80, the property conveyance, and the grant award. The relative rights and responsibilities of FEMA, the State, the Grantee, and subsequent holders of the property interest at the time of enforcement, shall include the following:

- a. The State will notify the Grantee and any current holder of the property interest in writing and advise them that they have 60 days to correct the violation:
 - i. If the Grantee or any current holder of the property interest fails to demonstrate a good faith effort to come into compliance with the terms of the grant within the 60-day period, the State shall enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to bringing an action at law or in equity in a court of competent jurisdiction.
 - ii. FEMA, its representatives, and assignees may enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to 1 or more of the following:
 - a) Withholding FEMA mitigation awards or assistance from the State or Tribe, and Grantee; and current holder of the property interest.
 - b) Requiring transfer of title. The Grantee or the current holder of the property interest shall bear the costs of bringing the Property back into compliance with the terms of the grant; or
 - c) Bringing an action at law or in equity in a court of competent jurisdiction against any or all of the following parties: the State, the Tribe, the local community, and their respective successors.

5. Amendment. This agreement may be amended upon signatures of FEMA, the state, and the Grantee only to the extent that such amendment does not affect the fundamental and statutory purposes underlying the agreement.

6. Severability. Should any provision of this grant or the application thereof to any person or circumstance be found to be invalid or unenforceable, the rest and remainder of the provisions of this grant and their application shall not be affected and shall remain valid and enforceable.

Signed by Grantors and Grantee, witnesses and notarization in accordance with local law.

Date: _____
Grantor, _____

Date: _____
Grantor, _____

STATE OF _____)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____
(marital status), Grantor(s).

(NOTARIAL STAMP/SEAL)

NOTARY PUBLIC
My Commission Expires: _____

Date _____
Grantee, _____
By: _____
_____ Its _____

STATE OF _____)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____
_____, the _____ of the _____
_____, Grantee.

(NOTARIAL STAMP/SEAL)

NOTARY PUBLIC
My Commission Expires: _____

This instrument drafted by:

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2024-05

Resolution Seeking the DNR to Establish a “Comprehensive Guideline for Calcareous Fen Management”

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project’s PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the “Least Environmentally Damaging Practicable Alternative” (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE’s LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district’s request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district’s consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party’s report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency’s type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR’s processes. MSTRWD has started a review of the statutes and rules related to RNC’s, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some, or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors, and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-05

Resolution Seeking the DNR to Establish a “Comprehensive Guideline for Calcareous Fen Management”

WHEREAS, some of the stated purposes of government pursuant to Minn. Stat. § 14.001 are to:

- “(2) to increase public accountability of administrative agencies;
- (3) to ensure a uniform minimum procedure;
- (4) to increase public access to governmental information;
- (5) to increase public participation in the formulation of administrative rules;
- (6) to increase the fairness of agencies in their conduct of contested case proceedings; and
- (7) to simplify the process of judicial review of agency action as well as increase its ease and availability,”

and to “strike a fair balance between these purposes and the need for efficient, economical, and effective government administration;” and,

WHEREAS, it is apparent that the DNR does not have any plan to improve the identified Calcareous Fens as currently identified, but rather intends to leave them to nature, which is essentially leaving this state asset to chance for its survival to degrade or improve naturally; and,

WHEREAS, under Minn. Stat. § 84.027, Subd. 14, it is part of the DNR’s mission that “within the department's resources the commissioner shall endeavor to: (1) prevent the waste or unnecessary spending of public money;” and,

WHEREAS, under Minn. Rule 8420.0935, the commissioner “must provide technical assistance to landowners or project sponsors in the development of management plans;” and

WHEREAS, under Minn. Stat. § 84.0895, Subd. 5. (a), “[N]otwithstanding any other law, the commissioner may undertake management programs, issue orders, and adopt rules necessary to bring a resident species of wild animal or plant that has been designated as threatened or endangered to a point at which it is no longer threatened or endangered;” and,

WHEREAS, based upon the DNR’s involvement in the Lilac Ridge project, it is clear that the agency sees its role to be that of the reviewer of the plan rather than technically assisting with development of the plan.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports DNR establishing a “Comprehensive Guide for Calcareous Fen Management” as a tool for project proposers to analyze a project’s feasibility or cost effectiveness.

Notes: Committee recommends adoption.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-06

Resolution Seeking Clarification of the Statutory and Rule Language Regarding the Alteration of Calcareous Fens

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-06

Resolution Seeking Clarification of the Statutory and Rule Language Regarding the Alteration of Calcareous Fens

WHEREAS, Minn. Stat. § 103G.223 authorizes the Commissioner to approve projects that may seasonally impact Calcareous Fens under an approved management plan; and

WHEREAS, under Minn. Rule 8420.0935, Subpart 1., “[C]alcareous fens, as identified by the commissioner, must not be impacted or otherwise altered or degraded, wholly or partially, by any action, unless the commissioner, under an approved management plan, decides some alteration is necessary”; and

WHEREAS, Minn. Stat. § 103G.223 could allow projects with minimal impacts to move forward, while Minn. Rule 8420.0935, in contravention of the statute, precludes that option;

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports Minn. Rule 8420.0935, Subp. 1, be amended as follows: Subpart 1. Purpose. The purpose of this part is to provide minimum standards and criteria for identifying, protecting, and managing calcareous fens as authorized by Minn. Stat. § 103G.223. Calcareous fens, as identified by the commissioner, must not be impacted or otherwise altered or degraded, wholly or partially, by any action, unless the commissioner, under an approved management plan, ~~decides some alteration is necessary.~~ determines that the proposed project may temporarily reduce ground water resources on seasonal basis. The exemptions under part 8420.0420 and the sequencing provisions under part 8420.0520 do not apply to calcareous fens.

Notes: No recommendation, more research needed.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-07

Resolution Seeking the DNR to Adopt a Program to Incentive Calcareous Fen Management on Private Lands

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
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MINNESOTA WATERSHEDS RESOLUTION 2024-07

Resolution Seeking the DNR to Adopt a Program to Incentivize Calcareous Fen Management on Private Lands

WHEREAS, Minn. Stat. § 103G.223 lacks any direction on how to maintain and protect the identified and listed Calcareous Fens; and

WHEREAS, Minn. Rule 8420.0935, does not set forth a process to maintain or improve the listed Calcareous Fens, but rather approaches the issue of maintaining and improving the fen from an enforcement and coercive power position; and

WHEREAS, under the same rule, the list is a growing list, meaning that in many cases neither landowners nor DNR employees know about the existence of Calcareous Fen on specific lands. In cases where Calcareous Fen has been identified by the agency but not made public, landowners are likely ignorant of the same; and

WHEREAS, it appears that the DNR does not have an effective incentive program to safeguard the Calcareous Fen communities which are located on private lands, but instead employs Water Resource Enforcement Officers (WREOs) to enforce fen preservation compliance; and

WHEREAS, it appears that the DNR lacks an established plan to pay landowners to maintain the Calcareous Fen on their land;

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the Minnesota Department of Natural Resources adopting a program through which a fee is paid to landowners to incentivize them to manage the quantity and quality of the Calcareous Fens on private lands, which program is made similar to the USDA Conservation Reserve Program or similar to a perpetual easement through the Board of Water and Soil Resources Reinvest In Minnesota.

Notes: Committee recommends adoption.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-08

Resolution Seeking the Removal of the Water Resource Enforcement Officer

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

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Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

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The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-08

Resolution Seeking the Removal of the Water Resource Enforcement Officer

WHEREAS, under Minn. Rule 84.027 Subd. 14, as part of the DNR’s mission “the commissioner shall endeavor to: (3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies”; and

WHEREAS, units of local government already employ environmental specialists of all kinds to perform various environmental assessments, including wetland law enforcement;

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the Minnesota Department of Natural Resources use of Wetland Conservation Act Local Government Units to manage wetlands including calcareous fens and thereby remove the Water Resource Enforcement Officer position.

Notes: No recommendation, more research needed.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-09

Resolution Seeking Identification of Calcareous Fens on All State Wetlands by December 31, 2030

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

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Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-09

Resolution Seeking Identification of Calcareous Fens on All State Wetlands by December 31, 2030

WHEREAS, under Minn. Stat. § 103G.223 the identification of Calcareous Fen is the Commissioners responsibility as it states: ... “(a) Calcareous fens, as identified by the commissioner by written order”; and

WHEREAS, Minn. Rule 8420.0935 Subp. 3. A. states that “[T]he commissioner must investigate wetlands to determine if the wetland is properly identified as a calcareous fen”; and

WHEREAS, it is apparent that the commissioner has failed to identify and list all of the Calcareous Fen found within the state; and

WHEREAS, the root cause of the serious waste of taxpayer dollars on the Lilac Ridge project was the failure of the DNR to accept the charge to identify Calcareous Fen and the policy of the DNR to wait until a project WCA review process or project EAW process commences before conducting exploration or disclosure; and

WHEREAS, the current process provides no incentive for the DNR to perform early investigation or disclosure for Calcareous Fen, since the DNR suffers no penalty for failing to investigate or disclose; and

WHEREAS, in the example of the Lilac Ridge project, the DNR was involved in the PWT since the beginning yet from 2016 until 2022 the agency did not spend its resources to identify Calcareous Fen in the vicinity of the project; and

WHEREAS, it appears that the DNR either does not have resources or do not prioritize the identification of Calcareous Fens in the state, but instead builds its database of Calcareous Fen on a reactive basis (by allowing third-party data to trickle in) instead of on a state-wide proactive basis (by actively searching for and gathering data);

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports Minn. Rule 8420.0935 Subp. 3. A. be amended as follows: The commissioner must investigate all State wetlands to determine if the wetland is properly and identified all as a calcareous fen within the state by no later than Dec. 31, 2030.

Notes: No recommendation, more research needed.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-10

Resolution Seeking a Formal Process to Distribute a Complete List of Calcareous Fens Annually

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-10

Resolution Seeking a Formal Process to Distribute a Complete List of Calcareous Fens Annually

WHEREAS, under Minn. Rule 8420.0935, under Subp. 3. C., “[T]he commissioner must provide an updated list of calcareous fens to the board (BWSR) for further distribution”; and

WHEREAS, Whereas DNR publication of “Identification List of Known Calcareous Fens” states “[S]ection legal descriptions in this list are necessarily vague due to the potential for protected species within calcareous fens”; and

WHEREAS, it is vital that accurate information regarding the location of Calcareous Fens be provided to units of local government in order to minimize waste and facilitate good planning;

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the Board of Water and Soil Resources establishing a formal process to distribute on an annual basis an accurate and complete list identifying Calcareous Fens to all watershed districts, watershed management organizations, and soil and water conservation districts.

Notes: Committee recommends adoption.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-11

Resolution Seeking Regular Reevaluation of the Designated Species List

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-11

Resolution Seeking Regular Reevaluation of the Designated Species List

WHEREAS, Calcareous Fen is a Rare Natural Community (RNC)/Threatened or Endangered Plant and; and

WHEREAS, under Minn. Rule 84.0895 Subd. 3. (c), “[T]he commissioner shall reevaluate the designated species list every three years after it is first adopted and make appropriate changes. The review must consider the need for further protection of species on the species of special concern list. Species may be withdrawn from designation in the same manner that species are designated”; and

WHEREAS, under Minn. Stat. § 103G.223 the commissioner must publish the list of Calcareous Fens in the State Register; and

WHEREAS, the updated list of Fens only appears in the State register in the years 2005, 2008, 2009, 2016, and 2019; and

WHEREAS, the DNR has failed to abide by the three-year process required under Minn. Rule 84.0895 Subd. 3. (c);

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the Commissioner initiating an internal review process to identify the cause of this failure to “reevaluate the designated species list every three years” and to develop a plan to prevent it in the future.

Notes: No recommendation, more research needed.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2024-12

Resolution Seeking the Development of a Calcareous Fen Work Group

Proposing District: Middle Snake Tamarac Rivers Watershed District
Contact Name: Morteza Maher, District Administrator
Phone Number: 218-230-5703
Email Address: morteza.maher@mstrwd.org

Background that led to the submission of this resolution:

Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) proposes that the rare natural communities/Calcareous Fen-related statutes and rules be streamlined so that early RNC screening can eliminate waste of public funds.

In 2016, MSTRWD began the project work team (PWT) process (a process under the 1998 Mediation agreement) on a capital project that was eventually referred to as Lilac Ridge. From the outset, the project's PWT involved representatives from the DNR. During the process, the DNR indirectly stated some concerns about the wetlands in the area but did not mention anything about the presence of Calcareous Fen (which is protected under Minn. Stat. § 103G.223). In December of 2020, USACE under Concurrence Point 3, reviewed alternatives analysis and accepted that the selected alternative was the "Least Environmentally Damaging Practicable Alternative" (LEDPA). By then, the preliminary engineering was mostly done, the PWT process was wrapping up, and the USACE's LEDPA determination triggered the project to move to the EAW process.

In response to the initiation of the EAW process, in July of 2021 the DNR provided a writing that suggested the potential of the existence of Calcareous Fen within the project footprint. (The document did not mention the Calcareous Fen by name, but instead referred to the potential for various types of fens, and only indirectly mentioned the ground water and minerals that feed some kinds of Calcareous Fens).

Knowing the designation of Calcareous Fen as protected, at this point MSTRWD started direct communication with DNR. In subsequent contacts, it was revealed that the DNR believed there was a high likelihood that Calcareous Fen would be found within the footprint of the planned project. Therefore, MSTRWD requested that the DNR make a prompt, solid determination regarding the existence of Calcareous Fen on the site before the district expended further funds and time on the project. In response, the DNR informed the district that it lacked staff to perform such a determination and could not accommodate the district's request but suggested that the district could hire an outside consultant to perform the same.

In response, the district retained a consultant to investigate the site and through coordination with DNR the consultant provided a report. Following submission of the report to the DNR, the agency insisted that it needed to send its experts to the site and confirm the findings of the report. This confirmation process took three more site visits (close to a whole year) due to snow on the ground and staff shortage. Eventually DNR provided a formal letter stating that the area has Calcareous Fen.

The report from the district's consultant did note that the quality of the Calcareous Fen on the site was not high. Since the Calcareous Fen quality based on the third party's report was not high, with the help of relevant professionals, MSTRWD developed solutions and proposed them to the DNR. In response, the DNR questioned the solutions by offering hypothetical risks. The agency's type of reaction caused MSTRWD to halt the project officially in 2024.

As of this writing, over \$800,000 in taxpayer funds was wasted on this proposed project.

MSTRWD is attempting to collect lessons learned from this project to share with the other interested parties and to apply in future projects. In the past, representatives from the DNR have declared an interest in any chance for improvement of the DNR's processes. MSTRWD has started a review of the statutes and rules related to RNC's, Calcareous Fens, and the disclosure of the existence and location of the same.

Ideas for how this issue could be solved:

In each of the resolutions 2024-05 to 2024-12, suggestions are provided.

Efforts to solve the problem:

MSTRWD has tried to utilize the Flood Damage Reduction Work Group processes to work with DNR on the Lilac Ridge Project specifically. However, after the project stoppage and through the collection of lessons learned process, MSTRWD figured the issue stems from deeper roots and perhaps is not project specific nor it relates to one specific group or Commissioner’s time. The issue roots back into incremental either statutory changes through “Rules” that happened in the past perhaps on a good faith, lack of clarity of some or time effect on getting by on things that can be addressed otherwise. Due to its importance and with the hope that this doesn’t happen to any other project again, MSTRWD believes this should be addressed in the Statute with a reporting/ accountability creation to it. So, it will not become routine again. In small scale, some concerns were shared with the DNR’s NW Region authorities and steps were taken to address them within DNR internally.

Anticipated support or opposition:

In general, all Calcareous Fen Related Stakeholders including the DNR, project Sponsors and landowners should be onboard with the proposed resolutions as they are meant to be fair, balanced and inclusive. Even the Environmental group should get onboard as the suggested solutions to safeguard the RNCs is more reliable and sustainable than the current method of enforcement and use of coercive power only.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-12

Resolution Seeking the Development of a Calcareous Fen Work Group

WHEREAS, the DNR recently requested (2/22/2024) and received public comments on how to designate threatened or endangered species; and

WHEREAS, on the Lilac Ridge project there was a disagreement between the DNR employee and the third-party consultant regarding the quality level of the Calcareous Fen community found within the proposed project footprint; and

WHEREAS, clear and measurable criteria for the identification and evaluation of Calcareous Fen would assist all parties in identifying, mapping, locating, avoiding, preserving, protecting, and enhancing the fen, and would help reduce inter-agency and inter-governmental disputes concerning the same;

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the relevant state agencies, together with relevant stakeholders (including watershed districts), convene a work group to develop by consensus clear, objective and measurable criteria for determining the presence and quality of Calcareous Fen, which criteria shall thereafter be used by all state and local units of government.

Notes: No recommendation, more research needed.

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

RESOLUTION 2024-13

Resolution Requesting Minnesota Watersheds Support to Request New Legislation to Set Permit Review Time Limits upon the Department of Natural Resources

Proposing District: Shell Rock River Watershed District
Contact Name: Andy Henschel, District Administrator
Phone Number: 507-391-2795
Email Address: andy.henschel@co.freeborn.mn.us

Background that led to the submission of this resolution:

Watershed districts are local, water-purposed, governmental units that intimately know the local region, waters, and water-related issues. Watershed districts, as political subdivisions of the state, are entrusted to monitor local waters, produce watershed management plans which are reviewed, commented on, and receive state agency approval, and implement projects that conserve the natural resources and protect the public health and welfare consistent with these approved watershed management plans.

Fountain Lake, in the heart of the SRRWD, is on the impaired waters list in large part due to total phosphorus levels. The SRRWD has experienced significant delays in obtaining Department of Natural Resources (DNR) water permits to dredge Fountain Lake, despite years of water monitoring, consistency with watershed management plan and other state agency support, and negative declaration by Responsible Government Unit (RGU) for the need for an Environmental Impact Statement (EIS).

Ideas for how this issue could be solved:

Minnesota Statute § 15.992 requires that state agencies have a 60-day deadline to take final action on a written permit request, except the statute excludes an application requiring one or more public hearings or an EIS or EAW. No other statutory timeframe is required in the later situations. The SRRWD seeks support in requesting implementation of a similar 60-day review deadline when the request is made by another political subdivision or governmental unit, specifically including watershed districts, whereby the state agency must issue the permit within 60 days after the public hearings, issuance of negative declaration of the need for an EIS.

Efforts to solve the problem:

In each phase of project permitting, the SRWWD has met with DNR staff regarding timing and lack of diligence in issuing permits.

Anticipated support or opposition:

We anticipate support from watersheds and opposition from DNR.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____

MINNESOTA WATERSHEDS RESOLUTION 2024-13

Resolution Requesting Minnesota Watersheds Support to Request New Legislation to Set Permit Review Time Limits upon the Department of Natural Resources

WHEREAS, under authority of State statute, Minn. Stat. § 103D.201 Minnesota watershed districts' purpose is "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"; and

WHEREAS, watershed districts are charged with implementing Watershed Management Plans (the "Plan"); and

WHEREAS, in implementing the Plan, a watershed district Board of Managers (the "Board") initiates projects consistent with the Plan and applicable law ("Projects"), and

WHEREAS, watershed districts have authority under state law to:

- (1) sue and be sued;
- (2) incur debts, liabilities, and obligations;
- (3) exercise the power of eminent domain;
- (4) provide for assessments and to issue certificates, warrants, and bonds;
- (5) perform all acts expressly authorized, and all other acts necessary and proper for the watershed district to carry out and exercise the powers expressly vested in it;
- (6) make necessary surveys or use other reliable surveys and data and develop projects and programs to acquire data to accomplish the purposes for which the watershed district is organized;
- (7) establish and maintain devices for acquiring and recording hydrological and water quality data;
- (8) initiate, undertake, and implement projects;
- (9) cooperate or contract with any state or subdivision of a state or federal agency, private corporation, political subdivision, or cooperative association;
- (10) construct, clean, repair, alter, abandon, consolidate, reclaim, or change the course or terminus of any public ditch, drain, sewer, river, watercourse, natural or artificial, within the watershed district;
- (11) acquire, operate, construct, and maintain dams, dikes, reservoirs, water supply systems, and appurtenant works;
- (12) regulate, conserve, and control the use of water within the watershed district;
- (13) acquire by gift, purchase, taking under the procedures of this chapter, or by the power of eminent domain, necessary real and personal property, including property outside the watershed district where necessary for a water supply system;
- (14) contract for or purchase insurance the managers find necessary for the protection of the watershed district;
- (15) enter into contracts of construction or implementation authorized by this chapter;
- (16) enter lands inside or outside the watershed district to make surveys and investigations to accomplish the purposes of the watershed district;
- (17) take over when directed by a drainage authority all joint county or county drainage systems within the watershed district, together with the right to repair, maintain, and improve them;
- (18) provide for sanitation and public health and regulate the use of streams, ditches, or watercourses to dispose of waste and prevent pollution;
- (19) borrow funds from an agency of the federal government, a state agency, a county where the watershed district is located in whole or in part, or a financial institution authorized under chapter 47 to do business in this state;
- (20) prepare a floodplain map of the lands of the watershed district that are in the floodplain of lakes and watercourses;
- (21) prepare an open space and greenbelt map of the lands of the watershed district that should be preserved and included in the open space and greenbelt land areas of the watershed district;
- (22) appropriate necessary funds to provide for membership in a state association of watershed districts whose purpose is to improve watershed governmental operations;

- (23) make contracts or other arrangements with the federal government, persons, railroads or other corporations, political subdivisions, and the state or other states, with drainage authorities, flood control, soil conservation, or other improvement districts in this state or other states, for cooperation or assistance in constructing, maintaining, and operating the projects of the watershed district, or for the control of its waters, or for making surveys and investigations or reports on them;
- (24) purchase, lease, or acquire land or other property in adjoining states to secure outlets, to construct and maintain dikes or dams or other structures for the purposes of this chapter; and
- (25) conduct studies and monitoring of water resources within the watershed district and implement water resource management programs; and

WHEREAS, watershed districts in the State are required to prepare Comprehensive Watershed Management Plans every 10 years. These plans are vetted by Board of Water and Soil Resources (BWSR) and provide thorough statement of watershed management priorities; and

WHEREAS, watershed districts desire efficient due diligence and progress on Projects; and

WHEREAS, under Minnesota Statute § 15.992, state agencies have a 60-day deadline to take final action on a written request, except the statute excludes an application requiring one or more public hearings or an environmental impact statement or environmental assessment worksheet; and

WHEREAS, watersheds districts in the State have experienced significant delay in the Minnesota Department of Natural Resources' (DNR) processing of permits; and

WHEREAS, under Minnesota Statutes, watershed districts are political subdivisions in the State of Minnesota and have authority to act as the Responsible Governmental Unit (RGU) on projects. As such, watershed districts, like other public entities, including DNR, must follow the rules related to environmental assessment works and environmental impact statements, including soliciting comments from the agencies on the Environmental Quality Board Distribution List, providing responses, and issuing findings; and

WHEREAS, watershed districts in the state are created for the purpose of conserving the natural resources and protecting the public health and welfare and does so by implementing best management practices; and

WHEREAS, as an authoritative political subdivision within the State of Minnesota with significant legislative authority and routine vetting and approval of comprehensive watershed management plans within a watershed, with similar goals and authority as the state to protect and preserve the natural resources within the watershed district, watershed district permit applications should be provided deference in the review process and be expedited.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports amending Minnesota Statutes to implement a 60-day permit review limit following a negative declaration on an EAW.

Notes: Committee recommends adoption.

Active Minnesota Watersheds Resolutions

December 1, 2023



FINANCE

Capacity

2021-01A: Support SWCD Capacity Fund Sources

Minnesota Watersheds supports SWCD capacity funds to come from county and state general funds.

2021-01B: Support Clean Water Funds for Implementation, Not Capacity

Minnesota Watersheds supports Clean Water Funds being used for implementation and not for capacity.

2021-02: Support Capacity Funding for Watershed Districts

Minnesota Watersheds supports capacity base funding resources directed to non-metro watershed district who request this assistance, to implement the activities as outlined in approved watershed district watershed management plans or comprehensive watershed management plans.

Grant Funding

2021-07: Support Metro Watershed-based Implementation Funding (WBIF) for Approved 103B Plans Only

Minnesota Watersheds supports BWSR distribution of metro WBIF among the 23 watershed management organizations with state-approved comprehensive, multi-year 103B watershed management plans. Those plans implement multijurisdictional priorities at a watershed scale and facilitate funding projects of any eligible local government unit (including soil and water conservation districts, counties, cities, and townships).

URBAN STORMWATER

Stormwater Quality Treatment

2022-02 Limited Liability for Certified Commercial Salt Applicators

Minnesota Watersheds supports enactment of state law that provides limited liability protection to commercial salt applicators and property owners using salt applicators who are certified through the established state salt-applicator certification program and follow best management practices.

Water Reuse

2022-01 Creation of a Stormwater Reuse Task Force

Minnesota Watersheds supports administratively or legislatively including at least one Minnesota Watersheds member on the Minnesota Department of Health's workgroup to move forward, prioritize, and implement the recommendations of the interagency report on reuse of stormwater and rainwater in Minnesota.

WATER QUANTITY

Drainage

2022-03: Seek Increased Support and Participation for the Minnesota Drainage Work Group (DWG)

- Minnesota Watersheds communications increase awareness of the DWG (meeting dates and links, topics, minutes, reports) amongst members.

- Minnesota Watersheds training opportunities strongly encourage participation in the DWG by watershed staff and board managers (for watersheds that serve as ditch authorities or work on drainage projects) – for e.g., add agenda space for DWG member updates, host a DWG meeting as part of a regular event.
- In preparation for Minnesota Watersheds member legislative visits, staff add a standing reminder for watershed drainage authorities to inform legislators on the existence, purpose, and outcomes of the DWG, and reinforce the legitimacy of the DWG as a multi-faceted problem-solving body.
- During Minnesota Watersheds staff Board of Water and Soil Resources (BWSR) visits, regularly seek updates on how facilitation of the DWG is leading to improvements for member drainage authorities and convey this information to members.

2023-03: Support New Legislation Modeled after HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs

Minnesota Watersheds supports the introduction of new legislation modeled after HF2687 and SF2419 and commits its lobbying efforts toward promoting the passage of the bills in subsequent sessions.

Funding

2022-05: Obtain Stable Funding for Flood Damage Reduction and Natural Resources Enhancement Projects

Minnesota Watersheds supports collaborating with the Red River Watershed Management Board and state agencies to seek funding from the Minnesota Legislature to provide stable sources of funding through existing or potentially new programs that provide flood damage reduction and/or natural resources enhancements. A suggested sustainable level of funding is \$30 million per year for the next 10 years.

Flood Control

2021-05: Support Crop Insurance to Include Crop Losses Within Impoundment Areas

Minnesota Watersheds supports expansion of Federal Multi-Peril Crop Insurance to include crop losses within impoundment areas.

2023-04 Seeking Action for Streamlining the DNR Flood Hazard Mitigation Grant Program

Minnesota Watersheds seeks action requiring the DNR to establish transparent scoring, ranking, and funding criteria for the Flood Hazard Mitigation Program (M.S. Chapter 103F) and asking the Minnesota Legislature to fully fund the state’s share of eligible projects that are on the DNR’s list within each two-year bonding cycle. Information regarding scoring, ranking, and funding should be provided annually to project applicants.

Regulation

2020-04 Temporary Water Storage on DNR Wetlands during Major Flood Events

Minnesota Watersheds supports the temporary storage of water on existing DNR-controlled wetlands in the times of major flood events.

WATER QUALITY

Lakes

2022-06: Limit Wake Boat Activities

Minnesota Watersheds supports working with the Minnesota Department of Natural Resources (DNR) to utilize the research findings from the St. Anthony Falls Laboratory and seek legislation to achieve one or more of the following:

- Limit lakes and areas of lakes in which wake boats may operate;
- Require new and existing wake boats to be able to completely drain and decontaminate their ballast tanks; and
- Providing funding for additional research on the effects of wake boats on aquatic systems.

WATERSHED MANAGEMENT AND OPERATIONS

Duties

2023-05: Support Increased Flexibility in Open Meeting Law

Minnesota Watersheds hereby supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location that is not noticed, without limit on the number of times such remote participation may occur; and allowing public participation from a remote location by interactive technology, or alternatively from the regular meeting location where interactive technology will be made available for each meeting, unless otherwise noticed under Minnesota Statutes Section 13D.021; and that Minnesota Watersheds supports changes to the Open Meeting Law requiring watershed district to prepare and publish procedures for conducting public meetings using interactive technology.

Watershed Planning

2020-03 Soil Health Goal for Metropolitan Watershed Management Plans

Minnesota Watersheds supports amending Minnesota Rule 8410.0080 to include a goal for soil health in watershed management plans and ten-year plan amendments.

2023-06 Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas

Minnesota Watersheds, in consultation with its membership, develop a framework for education and outreach intended to encourage petition and advocacy for the formation of watershed districts in areas of the state not presently served by watershed-based public agencies.

AGENCY RELATIONS

Advocacy

2021-06: Support 60-day Review Required for State Agencies on Policy Changes

Minnesota Watersheds supports requiring state agencies to provide a meaningful, not less than 60-day review and comment period from affected local units of government on new or amended water management policies, programs, or initiatives with a response to those comments required prior to adoption.

Regulation

2023-01 Require Watershed District Permits for all State Agencies

Minnesota Watersheds supports amending Minnesota Statutes § 103D.345, Subd. 5 to read as follows: **Subd. 5. Applicability of permit requirements to state.** A rule adopted by the managers that requires a permit for an activity applies to all state agencies, including the Department of Transportation.

REGULATIONS

2020-01 Appealing Public Water Designations

Minnesota Watersheds supports legislation that would provide landowners with a more formal process to appeal decisions made by the DNR regarding the designation of public waters including the right to fair representation in a process such as a contested case proceeding which would allow landowners an option to give oral arguments or provide expert witnesses for their case.

NATURAL RESOURCES

No current resolutions in this category.

Resolutions to Sunset

Effective December 31, 2024

It should be noted that in July the sunseting deadline was extended for resolutions expiring in 2017 by two years due to the pandemic and its influence on lobbying efforts. **All 2017 resolutions have a sunset date of 2024.**

2017-02 Temporary Lake Quarantine Authorization to Control the Spread of Aquatic Invasive Species (AIS)

Minnesota Watersheds supports legislation granting to watershed districts, independently or under DNR oversight, the authority, after public hearing and technical findings, to impose a public access quarantine, for a defined period of time in conjunction with determining and instituting an AIS management response to an infestation.

2019-01 Streamline the DNR permitting process

Minnesota Watersheds supports legislation, rules, and/or agency policies to streamline the DNR permitting process by increasing responsiveness, decreasing the amount of time it takes to approve permits, providing a detailed fee schedule prior to application, and conducting water level management practices that result in the DNR reacting more quickly to serious, changing climate conditions.

2019-02: Add a Classification for Public Drainage Systems that are Artificial Watercourses

Minnesota Watersheds supports removal of the default Class 2 categorization for public drainage systems that are artificial watercourses and supports a default Class 7 categorization for public drainage systems that are artificial watercourses.

2019-03 Support for Managing Water Flows in the Minnesota River Basin Through Increased Water Storage and Other Strategies and Practices

Minnesota Watersheds supports efforts to manage the flow of water in the Minnesota River Basin and the Minnesota River Congress in its efforts to increase water storage on the landscape; and Minnesota Watersheds supports the Minnesota River Congress in its efforts to secure state and federal programs targeted specifically to increase surface water storage in the Minnesota River Watershed.

2019-04: Clarify County Financing Obligations and/or Authorize Watershed District General Obligation Bonding for Public Drainage Projects

Minnesota Watersheds supports legislation to achieve one or both of the following:

- a) To clarify that an affected county must finance a watershed district drainage project on project establishment and request of the watershed district; and
- b) To authorize watershed districts to finance drainage project establishment and construction by issuance of bonds payable from assessments and backed by the full faith and credit of the watershed district; and further provide for adequate tax levy authority to assure the watershed district's credit capacity.

2019-05 Watershed District Membership on Wetland Technical Evaluation Panels

Minnesota Watersheds supports legislation to allow technical representatives of watershed districts to be official members of wetland technical evaluation panels (TEPs).

2019-06: Oppose Legislation that Forces Spending on Political Boundaries

Minnesota Watersheds opposes legislation that establishes spending requirements or restricts watershed district spending by political regions or boundaries.

2019-07 Chinese Mystery Snail Designation Change and Research Needs

Minnesota Watersheds supports Chinese Mystery Snail prevention and control research and to change the Chinese Mystery Snail designated status in Minnesota as a regulated species to a prohibited species.

Memorandum

To: Bassett Creek Watershed Management Commission (BCWMC)
From: Barr Engineering Co.
Subject: Item 5G: Update on Four Seasons Mall Area Water Quality Improvement Project (2013 CIP NL-2) – BCWMC November 20, 2024 Meeting Agenda
Date: November 14, 2024
Project: 23270051.62 6000 623

5G Update on Four Seasons Mall Area Water Quality Improvement Project, Plymouth (2013 CIP NL-2)

Summary:

Proposed Work: Above-and-beyond stormwater quality improvements and wetland restoration

Impervious Surface Area: No change

Recommendations: No action required - informational only. The estimated average annual total phosphorus removal decreased from 113.1 lbs/yr to 109.7 lbs/yr between the conditionally approved 2023 Project and revised plan set dated October 10, 2024 (i.e., the 2024 Project). The project will still achieve the above-and-beyond treatment goal of 100 pounds of total phosphorus removal annually. The project will be administratively reviewed and approved by the BCWMC Engineer.

Project Proposer: City of Plymouth

Project Schedule: Construction is planned during winter 2025 with restoration anticipated during spring 2025.

Background

The Four Seasons Mall area is located in the southwest corner of Highway 169 and Rockford Road as shown on the location map. This area drains into the North Branch of Bassett Creek which flows along the west side of the former Four Seasons Mall site, then through a degraded wetland before flowing under Highway 169 and into Northwood Lake on the east side of the highway. Northwood Lake is impaired due to high nutrients. Several proposed CIP projects have been designed and planned for this area dating back to 2013 including a stream restoration project upstream from this site, and two different private redevelopments (Agora and Dominion). After plans for the private redevelopment fell through for a second time, the city purchased the land and demolished the Four Seasons Mall. At its July 2023 meeting, the Commission approved an agreement with the City of Plymouth to design and construct the CIP components of the Four Seasons Area Water Quality Improvement Project with reimbursement from this project's BCWMC CIP funds. There is approximately \$783,000 remaining in the budget for this CIP project. (Find more information on the earlier proposed projects in the [memo from September 2023](#)).

2024 Four Seasons Mall Area Water Quality Improvement Project (2013 CIP NL-2): General Project Information

The City of Plymouth completed the demolition of the Four Seasons Mall (BCWMC 2022-18), as conditionally approved by the Commission at its November 2022 meeting. Building demolition was completed January 18, 2023. While the redevelopment planning process continues, the City would like to move forward with construction of the referenced "above and beyond" project to remove at least 100 pounds of total phosphorus annually.

At the September 13, 2023 BCWMC meeting, the Commission conditionally approved 90% design plans for the Four Seasons Mall Area Water Quality Improvement Project, 2013 CIP NL-2 (2023 Project). Since the Commission's conditional approval of the 2023 Project, the City of Plymouth has been working with the MN Department of Natural Resources (MNDNR) and U.S. Army Corps of Engineers (USACE) to address permitting requirements from those agencies. The 2023 Project plans and submittal were revised based on comments received from those permitting processes. The BCWMC Engineer received a revised plan set dated October 10, 2024 (i.e., the 2024 Project) and performed an administrative review. This memorandum highlights the differences between the proposed 2024 Project and the conditionally approved 2023 Project.

Floodplain Storage Modification

The proposed 2024 Four Seasons Mall Water Quality Improvement Project includes work within the Bassett Creek 100-year floodplain. The January 2023 BCWMC Requirements for Improvements and Development Proposals (Requirements) document states that *projects within the floodplain must maintain no net loss in floodplain storage and no increase in flood level at any point along the trunk system* (managed to at least a precision of 0.00 feet). The 100-year floodplain elevation of the North Branch of Bassett Creek (North Branch) in this reach is 892.9 feet NAVD88.

The conditionally approved 2023 Project plans would have resulted in a net increase in floodplain storage of approximately 0.70 acre-feet from the pre-demolition condition. The 2024 Project plans will result in an increase of 4.3 acre-feet of floodplain storage. This additional increase in floodplain storage is primarily due to the removal of a berm around the proposed South Pond (renamed as the North Wetland for the 2024 Project). The attached floodplain exhibits identify areas of cut and fill for the conditionally approved 2023 Project plans and the 2024 Project plans.

Wetlands

The City of Plymouth is the local government unit (LGU) responsible for administering the Wetland Conservation Act; therefore, BCWMC wetland review is not required for this project.

Rate Control

The proposed 2024 Project does not create one or more acres of new or fully reconstructed impervious surfaces; therefore, BCWMC rate control review is not currently required. Rate control requirements for the former mall area will be assessed as part of the future redevelopment submittal.

Above-and-Beyond Water Quality Treatment Changes

The 2024 Project will remove pollutants from the North Branch of Bassett Creek (including treating stormwater runoff from the former Four Seasons Mall site and sources upstream of the project site that discharge to the North Branch of Bassett Creek). The 2024 Project also treats runoff from approximately 186.4 acres (located generally west and south of the project site) that are conveyed via storm sewer directly to the Wetland and 14.5 acres (northwest of site) that are conveyed via storm sewer directly to the Northwest Pond. The 2024 Project BMP's include a relatively small stormwater pond (Northwest Pond), a larger stormwater pond (North Wetland), and a wetland restoration (Wetland), as shown in the attached Proposed BMPs figure provided by the applicant. Additional BMPs will be incorporated as part of the future development of the Four Seasons Mall site.

Primary differences between the BMPs proposed in the 2023 Project and the 2024 Project are listed below and shown on the attached BMP figures.

1. The North Wetland (denoted as South Pond on the 2023 Project plans) was decreased in volume and surface area.
2. The restored wetland grading area (Wetland) was altered and expanded.
3. The 2023 Project included a vegetative swale and pipe to convey flow from North Branch of Bassett Creek to the South Pond and restored wetland (Wetland). Instead of a vegetative swale and pipe, the 2024 Project includes a berm to direct flow from North Branch of Bassett Creek to the North Wetland and Wetland.

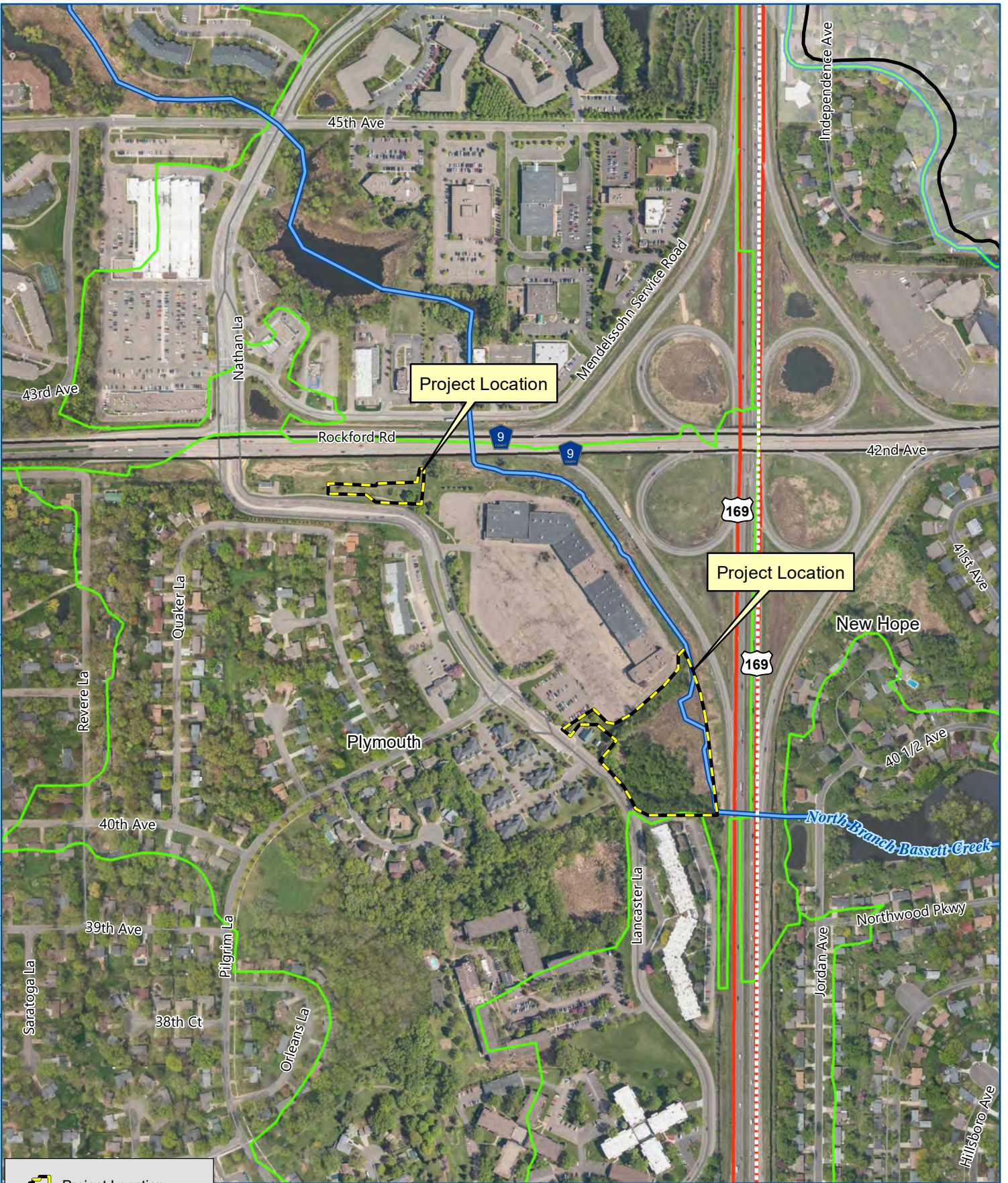
The total phosphorus loading and removals for the downstream BMPs changed between the 2023 Project and the 2024 Project, however, the site still achieves the treatment goal – 100 pounds or more of total phosphorus removal annually.

Table 1 summarizes the estimated average annual total phosphorus removal by each proposed BMP for the conditionally approved 2023 Project plans and the revised 2024 Project plans.

BMP	2023 Project Plans Total Phosphorus Removal (lbs/year)	2024 Project Plans Total Phosphorus Removal (lbs/year)
Northwest Pond (WP)	3.9	3.9
Vegetative Swale (CRSP)	6.2	-
South Pond/North Wetland (NP)	4.6	5.3
Wetland Restoration (Wetland/NB-07))	98.4	100.6
TOTAL	113.1	109.7







Erosion and Sediment Control

The proposed project results in more than 10,000 square feet of land disturbance; therefore, the proposed project must meet the BCWMC erosion and sediment control requirements. Proposed temporary erosion and sediment control features include rock construction entrances, silt fence, bioroll logs, and storm drain inlet protection. Permanent erosion and sediment control features include erosion control blanket and stabilization with seed and mulch.



Project Location

Project Location

-  Project Location
-  Municipality
-  BCWMC Legal Boundary
-  Major Subwatershed
-  BCWMC Hydrologic Boundary
-  Bassett Creek

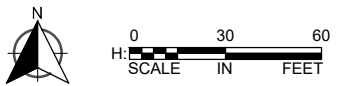


0 250 500 Feet



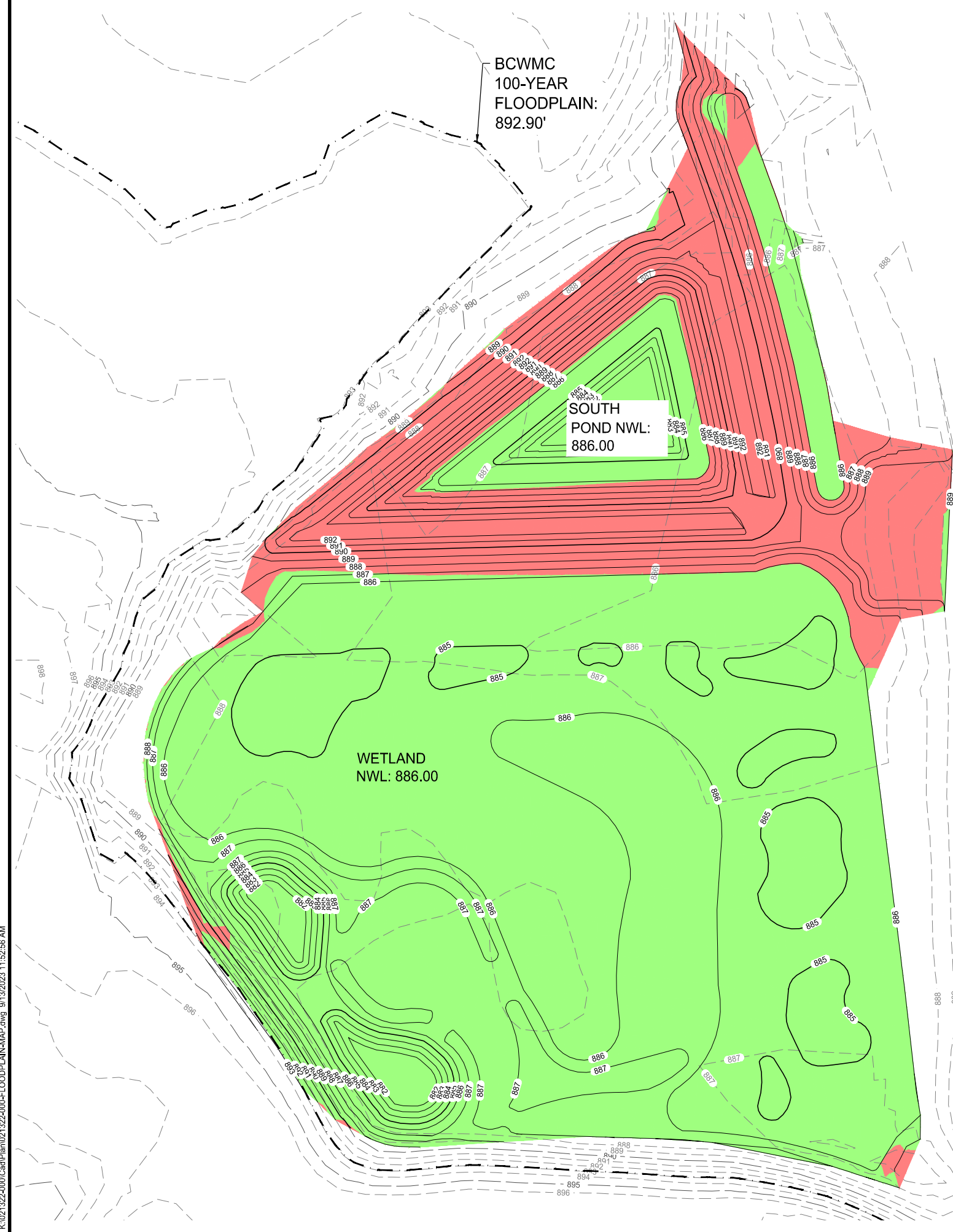
CIP NL-2
FOUR SEASONS
WATER QUALITY
IMPROVEMENT PROJECT
Plymouth, MN
LOCATION MAP

2023 Project



LEGEND

	FILL
	CUT
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	BCWMC 100-YR FLOODPLAIN



FLOODPLAIN EXHIBIT

FOUR SEASONS WATER QUALITY PROJECT
CITY OF PLYMOUTH, MN

FLOODPLAIN STORAGE	
STORAGE BELOW THE FLOODPLAIN ELEVATION (892.90) AND ABOVE RELEVANT WATERBODY NWLS	
CUT (CY)	4482
FILL (CY)	3355
NET CUT (CY)	1127

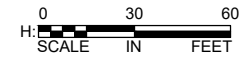
CLIENT PROJECT NO.
WR2200004

WSB PROJECT NO.
021322-000

SHEET
1 OF 1

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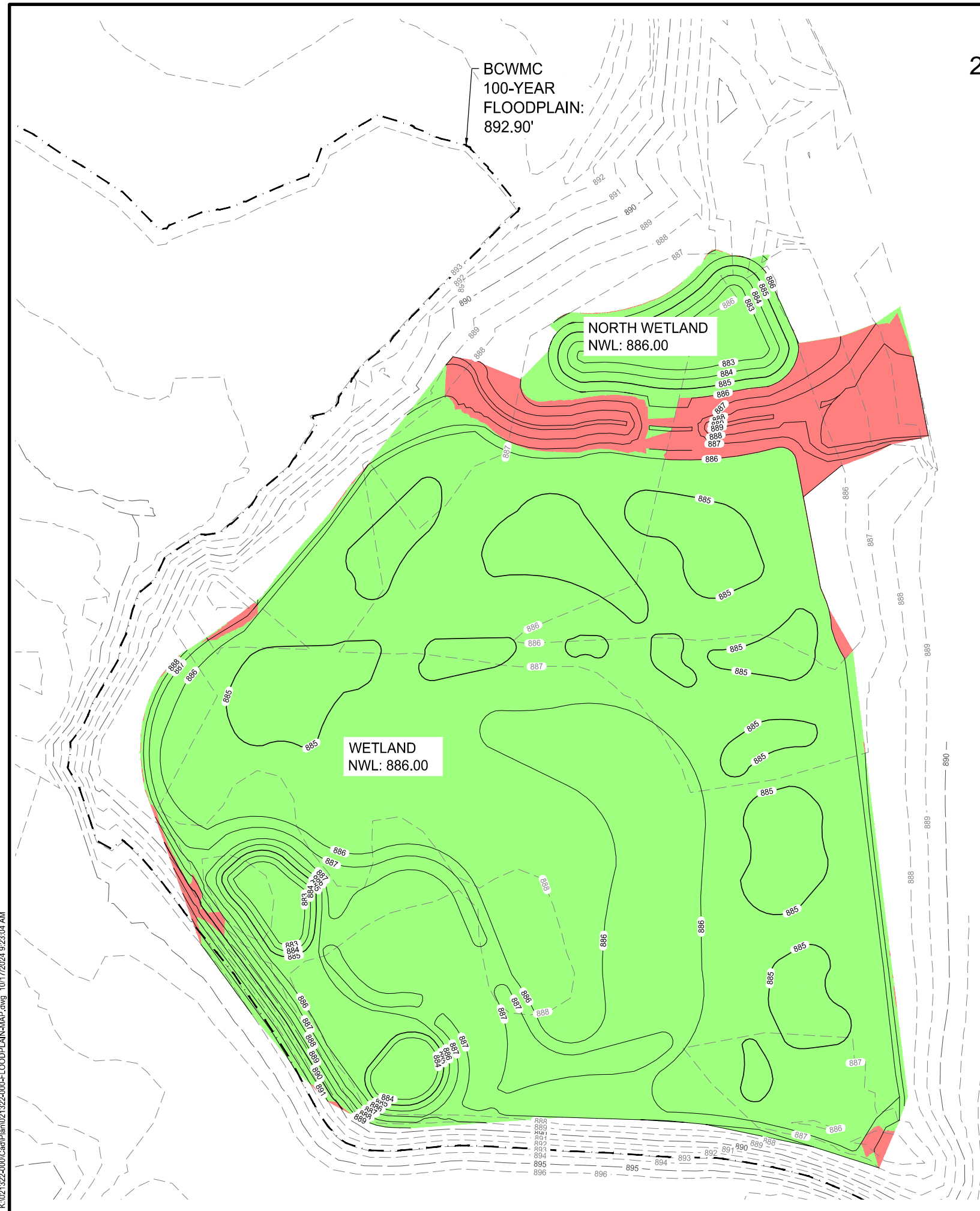
2024 Project



BCWMC
100-YEAR
FLOODPLAIN:
892.90'

LEGEND

- CUT
- FILL
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- BCWMC 100-YR FLOODPLAIN



FLOODPLAIN EXHIBIT

FOUR SEASONS WATER QUALITY PROJECT
CITY OF PLYMOUTH, MN

FLOODPLAIN STORAGE

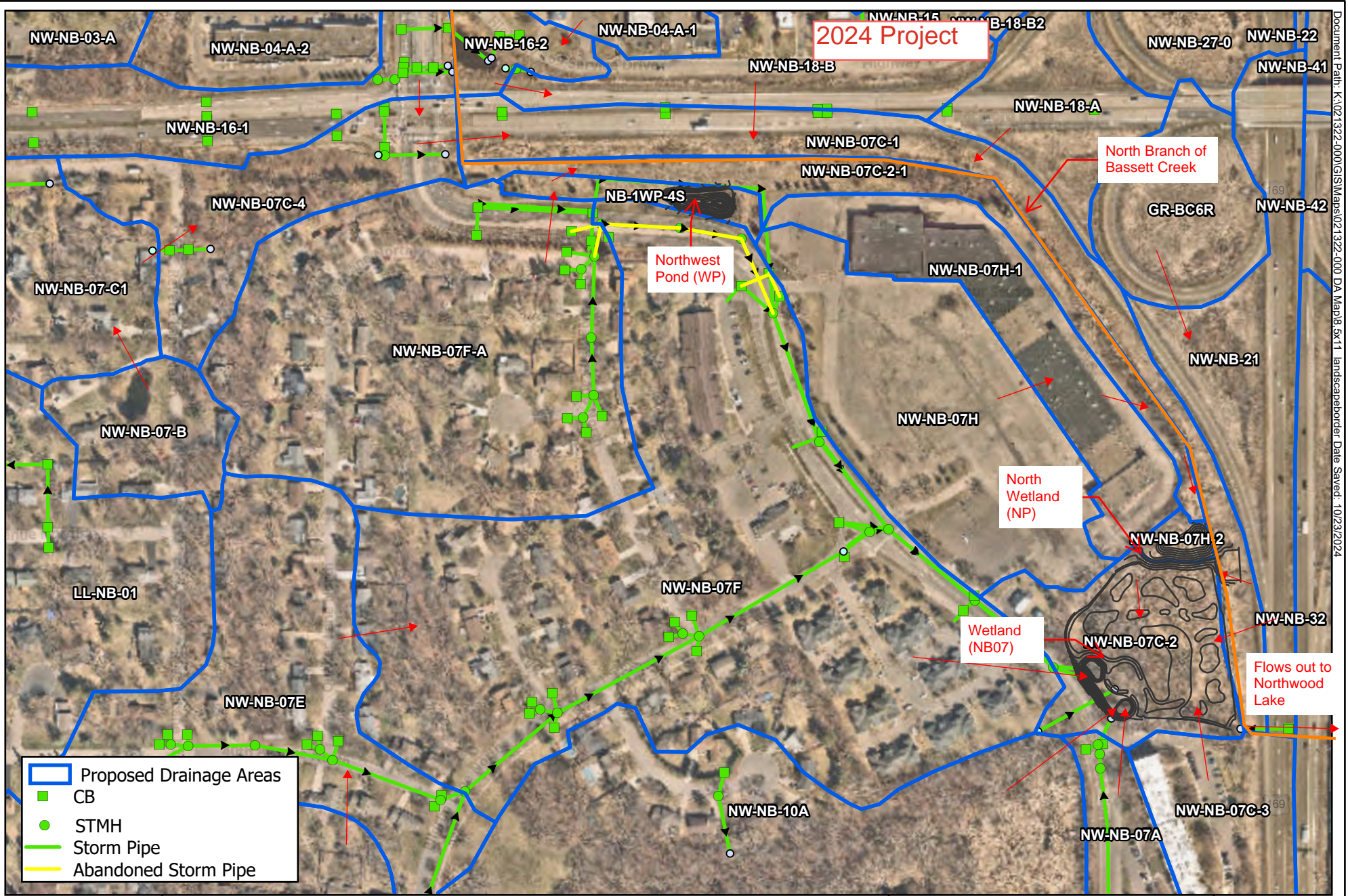
STORAGE BELOW THE FLOODPLAIN ELEVATION (892.90) AND ABOVE RELEVANT WATERBODY NWLS

CUT (CY)	7335
FILL (CY)	410
NET CUT (CY)	6925

CLIENT PROJECT NO.
WR2200004

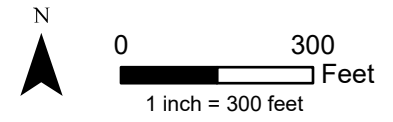
WSB PROJECT NO.
021322-000

SHEET
1 OF 1



Proposed BMPs

Four Seasons Water Quality Project
City of Plymouth, MN





Bassett Creek Watershed Management Commission MEMO

Date: November 14, 2024
From: Laura Jester, Administrator
To: BCWMC Commissioners
RE: **Administrator's Report**

Aside from this month's agenda items, the Commission Engineers, city staff, committee members, and I continue to work on the following Commission projects and issues.

CIP Projects (more resources at <http://www.bassettcreekwmo.org/projects.>)

2019 Medicine Lake Road and Winnetka Avenue Area Long Term Flood Mitigation Plan Implementation Phase I: DeCola Ponds B & C Improvement Project (BC-2, BC-3 & BC-8) Golden Valley (No change since Nov 2021): A feasibility study for this project was completed in May 2018 after months of study, development of concepts and input from residents at two public open houses. At the May 2018 meeting, the Commission approved Concept 3 and set a maximum 2019 levy. Also in May 2018, the Minnesota Legislature passed the bonding bill and the MDNR has since committed \$2.3M for the project. The Hennepin County Board approved a maximum 2019 levy request at their meeting in July 2018. A BCWMC public hearing on this project was held on August 16, 2018 with no comments being received. Also at that meeting the Commission officially ordered the project and entered an agreement with the City of Golden Valley to design and construct the project. In September 2018, the City of Golden Valley approved the agreement with the BCWMC. The [Sun Post](#) ran an article on this project October 2018. Another public open house and presentation of 50% designs was held February 6, 2019. An EAW report was completed and available for public review and comment December 17 – January 16, 2019. At their meeting in February 2019, the Commission approved the 50% design plans. Another public open house was held April 10th and a public hearing on the water level drawdown was held April 16th. 90% Design Plans were approved at the April Commission meeting. It was determined a Phase 1 investigation of the site is not required. The City awarded a contract to Dahn Construction for the first phase of the project, which involves earthwork, utilities, and trail paving and extends through June 2020. Dewatering began late summer 2019. Tree removal was completed in early winter; excavation was ongoing through the winter. As of early June 2020, earth work and infrastructure work by Dahn Construction is nearly complete and trail paving is complete. Vegetative restoration by AES is underway including soil prep and seeding. Plants, shrubs, and trees will begin soon along with placement to goose protection fencing to help ensure successful restoration. The construction phase of this project was completed in June with minor punch list items completed in September. The restoration and planting phase is complete except for minor punch list items and monitoring and establishment of vegetation over three growing seasons. A final grant report for BWSR's Watershed Based Implementation Funding was submitted at the end of January. City staff recently completed a site walk through to document dead or dying trees and shrubs in need of replacement (under warranty). This project (along with Golden Valley's Liberty Crossing Project) recently received the award for "Project of the Year" from the Minnesota Association of Floodplain Managers as part of the overall Project website: <http://www.bassettcreekwmo.org/index.php?CID=433> .

2020 Bryn Mawr Meadows Water Quality Improvement Project (BC-5), Minneapolis (No change since August): A feasibility study by the Commission Engineer was developed in 2018 and approved in January 2019. The study included wetland delineations, soil borings, public open houses held in conjunction with MPRB's Bryn Mawr Meadows Park improvement project, and input from MPRB's staff and design consultants. Project construction year was revised from 2020 and 2022 to better coincide with the MPRB's planning and implementation of significant improvements and redevelopment Bryn Mawr Meadows Park where the project will be located. A public hearing for this project was held September 19, 2019. The project was officially ordered at that meeting. In January 2020 this project was awarded a \$400,000 Clean Water Fund grant from BWSR; a grant work plan was completed and the grant with BWSR was fully executed in early May 2020. The project and the grant award was the subject of an article in the Southwest Journal in February: <https://www.southwestjournal.com/voices/green-digest/2020/02/state-awards-grant-to-bryn-mawr-runoff-project/>. In September 2020, Minneapolis and MPRB staff met to review the implementation agreement and maintenance

roles. BCWMC developed options for contracting and implementation which were presented at the November meeting. At that meeting staff was directed to develop a memorandum of understanding or agreement among BCWMC, MPRB, and city of Minneapolis to recognize and assign roles and responsibilities for implementation more formally. The draft agreement was developed over several months and multiple conversations among the parties. At the May 2021 meeting the Commission approved to waive potential conflict of the Commission legalcounsel and reviewed a proposal for project design by the Commission Engineer. The updated design proposal and the design agreement among all three parties were approved at the June 2021 meeting. Four public open houses were held in the park in 2021 to gather input on park concepts. Project partners met regularly throughout design to discuss schedules, planning and design components, and next steps. Concept designs were approved by the MRPB Board in late 2021. Staff met with MnDOT regarding clean out of Penn Pond and continue discussions. 50% design plans were approved by the Commission at the January 2022 meeting; 90% design plans were approved at the March 2022 meeting along with an agreement with MPRB and Minneapolis for construction. The agreement was approved by all three bodies. Commission Engineers finalized designs and assisted with bidding documents. Bids were returned in early August. At the meeting in August, the Commission approved moving forward with project construction (through MPRB), and approved a construction budget (higher than previously budgeted) and an amended engineering services budget. MPRB awarded the construction contract. In late November the contractor began the initial earthwork and started on portions of the stormwater pond excavations. By late December the 1st phase of construction was complete with the ponds formed and constructed. The contractor began driving piles in late January and began installing underground piping in early February. At the March meeting, the Commission approved an increase to the engineering services budget and learned the construction budget is currently tracking well under budget. The change order resulting from the City of Minneapolis' request to replace a city sewer pipe resulted in extra design/engineering costs that were approved by the Administrator so work could continue without delays. The MPRB will reimburse the Commission for those extra costs and will, in-turn, be paid by the city. In early May construction was focused in the Morgan / Laurel intersection. The right-of-way storm sewer work is complete including the rerouting of some of the existing storm infrastructure and installation of the stormwater diversion structures. Construction of the ponds is complete and stormwater from the neighborhood to the west is now being routed through new storm sewers to the ponds. Vegetation is currently being established around the ponds. At the October meeting the Commission approved an amendment to the agreement with MPRB and Minneapolis in order to facilitate grant closeout. At the December 2023 meeting the Commission approved a partial reimbursement to MPRB for \$400,000. Corrections to a weir that was installed at the wrong elevation were made in spring 2024. A final grant report was submitted to the MN Board of Water and Soil Resources in late January 2024 and the final grant payment was recently received. Project as-built drawings were recently completed and an operations and maintenance plan is being developed. Final reimbursement requests from MPRB and Minneapolis are expected later this year. Project website: <http://www.bassettcreekwmo.org/projects/all-projects/bryn-mawr-meadows-water-quality-improvement-project>

2020 Jevne Park Stormwater Improvement Project (ML-21) Medicine Lake (No change since July 2023): At their meeting in July 2018, the Commission approved a proposal from the Commission Engineer to prepare a feasibility study for this project. The study got underway last fall and the city's project team met on multiple occasions with the Administrator and Commission Engineer. The Administrator and Engineer also presented the draft feasibility study to the Medicine Lake City Council on February 4, 2019 and a public open house was held on February 28th. The feasibility study was approved at the April Commission meeting with intent to move forward with option 1. The city's project team is continuing to assess the project and understand its implications on city finances, infrastructure, and future management. The city received proposals from 3 engineering firms for project design and construction. At their meeting on August 5th, the Medicine Lake City Council voted to continue moving forward with the project and negotiating the terms of the agreement with BCWMC. Staff was directed to continue negotiations on the agreement and plan to order the project pending a public hearing at this meeting. Staff continues to correspond with the city's project team and city consultants regarding language in the agreement. The BCWMC held a public hearing on this project on September 19, 2019 and received comments from residents both in favor and opposed to the project. The project was officially ordered on September 19, 2019. On October 4, 2019, the Medicine Lake City Council took action not to move forward with the project. At their meeting in October 2019, the Commission moved to table discussion on the project. The project remains on the 2020 CIP list. In a letter dated January 3, 2022, the city of Medicine Lake requested that the Commission direct its engineer to analyze alternatives to the Jevne Park Project that could result in the same or similar pollutant removals and/or stormwater storage capacity. At the March meeting, the Commission directed the Commission Engineer to prepare a scope and budget for the alternatives analysis which were presented and discussed at the April 2022 meeting. No action was taken at that meeting to move forward with alternatives analysis. In May and June 2023, Commission staff discussed the possibility of incorporating stormwater management features into a redevelopment of Jevne Park currently being considered by the City of Medicine

Lake. After review of the preliminary park design plans, the Commission Engineer and I recommended implementation of the original CIP Project to the City. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=467>.

2014 Schaper Pond Diversion Project and Carp Management, Golden Valley (SL-3): Repairs to the baffle structure were made in 2017 after anchor weights pulled away from the bottom of the pond and some vandalism occurred in 2016. The city continues to monitor the baffle and check the anchors, as needed. Vegetation around the pond was planted in 2016 and a final inspection of the vegetation was completed last fall. Once final vegetation has been completed, erosion control will be pulled and the contract will be closed. The Commission Engineer began the Schaper Pond Effectiveness Monitoring Project last summer and presented results and recommendations at the May 2018 meeting. Additional effectiveness monitoring is being performed this summer. At the July meeting the Commission Engineer reported that over 200 carp were discovered in the pond during a recent carp survey. At the September meeting the Commission approved the Engineer's recommendation to perform a more in-depth survey of carp including transmitters to learn where and when carp are moving through the system. At the October 2020 meeting, the Commission received a report on the carp surveys and recommendations for carp removal and management. Carp removals were performed through the Sweeney Lake Water Quality Improvement Project. Results were presented at the February 2021 meeting along with a list of options for long term carp control. Commission took action approving evaluation of the long-term options to be paid from this Schaper Pond Project. Commission and Golden Valley staff met in March 2021 to further discuss pros and cons of various options. At the September 2021 meeting, the Commission approved utilizing an adaptive management approach to carp management in the pond (\$8,000) and directed staff to discuss use of stocking panfish to predate carp eggs. Commission Engineers will survey the carp in 2022. At the April meeting, the Commission approved panfish stocking in Schaper Pond along with a scope and budget for carp removals to be implemented later in 2022 if needed. Commission staff informed lake association and city about summer activities and plans for a fall alum treatment. Approximately 1,000 bluegills were released into Schaper Pond in late May. Carp population assessments by electroshocking in Sweeney Lake and Schaper Pond were completed last summer. A report on the carp assessment was presented in January. Monitoring in Schaper Pond in 2023 and a reassessment of carp populations in 2024 were approved in early 2023. Carp box netting in 2024 is also approved, as needed. A carp survey of Schaper Pond and Sweeney Lake were recently completed which found higher than expected carp numbers in Sweeney Lake. Carp Solutions completed box netting in Sweeney Lake in late September 2024. At the October meeting the Commission Engineer reported that 191 carp were removed bringing the carp density to about 31.3 kg/hectare, less than the 100 kg/hectare threshold for water quality problems. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=277>.

2014 Twin Lake In-lake Alum Treatment, Golden Valley (TW-2) (No changes since August): At their March 2015 meeting, the Commission approved the project specifications and directed the city to finalize specifications and solicit bids for the project. The contract was awarded to HAB Aquatic Solutions. The alum treatment spanned two days: May 18- 19, 2015 with 15,070 gallons being applied. Water temperatures and water pH stayed within the desired ranges for the treatment. Early transparency data from before and after the treatment indicates a change in Secchi depth from 1.2 meters before the treatment to 4.8 meters on May 20th. There were no complaints or comments from residents during or since the treatment.

Water monitoring continues to determine if and when a second alum treatment is necessary. Lake monitoring results from 2023 were presented at the July 2024 meeting. Results show continued excellent water quality. The CIP funding remains in place for this project as a 2nd treatment may be needed in the future. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=278>.

2013 Four Seasons Area Water Quality Project (NL-2) (See Item 5G): At their meeting in December 2016, the Commission took action to contribute up to \$830,000 of Four Seasons CIP funds for stormwater management at the Agora development on the old Four Seasons Mall location. At their February 2017 meeting the Commission approved an agreement with Rock Hill Management (RHM) and an agreement with the City of Plymouth allowing the developer access to a city-owned parcel to construct a wetland restoration project and to ensure ongoing maintenance of the CIP project components. At the August 2017 meeting, the Commission approved the 90% design plans for the CIP portion of the project. At the April 2018 meeting, Commissioner Prom notified the Commission that RHM recently disbanded its efforts to purchase the property for redevelopment. In 2019, a new potential buyer/developer (Dominium) began preparing plans for redevelopment at the site. City staff, the Commission Engineer and I have met on numerous

occasions with the developer and their consulting engineers to discuss stormwater management and opportunities with “above and beyond” pollutant reductions. Concurrently, the Commission attorney has been working to draft an agreement to transfer BCWMC CIP funds for the above and beyond treatment. At their meeting in December, Dominion shared preliminary project plans and the Commission discussed the redevelopment and potential “above and beyond” stormwater management techniques. At the April 2020 meeting, the Commission conditionally approved the 90% project plans. The agreements with Dominion and the city of Plymouth to construct the project were approved May 2020 and project designers coordinated with Commission Engineers to finalize plans per conditions. In June 2021, the City of Plymouth purchased the property from Walmart. The TAC discussed a potential plan for timing of construction of the stormwater management BMPs by the city in advance of full redevelopment. At the August 2021 meeting, the Commission approved development of an agreement per TAC recommendations. The city recently demolished the mall building and removed much of the parking lot. At the December meeting the Commission approved the 90% design plans and a concept for the city to build the CIP project ahead of development and allow the future developer to take credit for the total phosphorus removal over and above 100 pounds. At the July meeting, the Commission approved an agreement with the city to design, construct, and maintain the CIP project components and allow a future developer to use pollutant removal capacity above 100 pounds of total phosphorus. A fully executed agreement is now filed. The updated 90% project plans were approved at the September 2023 meeting. Since then, permitting requirements resulted in changes to the plans. Those changes will be presented at the November 2024 meeting. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=282>.

2021 Parkers Lake Chloride Reduction Project (PL-7) (No change since March): The feasibility study for this project was approved in May 2020 with Alternative 3 being approved for the drainage improvement work. After a public hearing was held with no public in attendance, the Commission ordered the project on September 17, 2020 and entered an agreement with the city of Plymouth to implement the project in coordination with commission staff. City staff and I have had an initial conversation about this project. The city plans to collect additional chloride data this winter in order to better pinpoint the source of high chlorides loads within the subwatershed. Partners involved in the Hennepin County Chloride Initiative (HCCI) are interested in collaborating on this project. A proposal from Plymouth and BCWMC for the “Parkers Lake Chloride Project Facilitation Plan” was approved for \$20,750 in funding by the HCCI at their meeting in March. The project will 1) Compile available land use data and chloride concentrations, 2) Develop consensus on the chloride sources to Parkers Lake and potential projects to address these sources, and 3) Develop a recommendation for a future pilot project to reduce chloride concentrations in Parkers Lake, which may be able to be replicated in other areas of Hennepin County, and 4) help target education and training needs by landuse. A series of technical stakeholder meetings were held last fall and winter to develop recommendations on BMPs. A technical findings report was presented at the July 2022 meeting. At the September 2022 meeting, the Commission approved a scope and budget for a study of the feasibility of in-lake chloride reduction activities which was presented at the November meeting. Following direction from the Commission, Commission staff are preparing a scope for a holistic plan for addressing chloride runoff from the most highly contributing subwatershed. Commission Engineers and Administrator recently met with city staff and the WMWA educator to discuss outreach, possibly highly contributing properties, data needs, and possible approaches to reducing chlorides. Project website: www.bassettcreekwmo.org/projects/all-projects/parkers-lake-drainage-improvement-project

2022 Medley Park Stormwater Treatment Facility (ML-12): The feasibility study for this project is complete after the Commission Engineer’s scope of work was approved last August. City staff, Commission Engineers and I collaborated on developing materials for public engagement over the fall/early winter. A project kick-off meeting was held in September, an internal public engagement planning meeting was held in October, and a Technical Stakeholder meeting with state agencies was held in November. A [story map of the project](#) was created and a survey to gather input from residents closed in December. Commission Engineers reviewed concepts and cost estimates have been reviewed by city staff and me. Another public engagement session was held in April to showcase and receive feedback on concept designs. The feasibility report was approved at the June meeting with a decision to implement Concept #3. At the July meeting the Commission directed staff to submit a Clean Water Fund grant application, if warranted. A grant application was developed and submitted. Funding decisions are expected in early December. A public hearing on this project was held in September with no members of the public attending. In September, a resolution was approved to officially order the project, submit levy amounts to the county, and enter an agreement with the city to design and construct the project. The city hired Barr Engineering to develop the project designs which are now underway. The BCWMC received a \$300,000 Clean Water Fund grant from BWSR in December 2021 and the grant agreement approved in March 2022. 50% design plans were approved in February 2022 and 90% plans were approved at the May 2022 meeting. Final plans and bid

documents were developed by the city's consultation (Barr Engineering). Construction began in November 2022 and winter construction was finished in late January 2023. Activities in spring 2023 included completing grading (topsoil adjustments); paving (concrete, bituminous); light pole and fixture install; benches install; site clean up and prep for restoration contractor. In late May 2023, Peterson Companies completed their construction tasks and the project transitioned to Traverse de Sioux for site restoration and planting. A small area of unexpected disturbance from construction was added to the overall area to be restored with native plants through a minor change order. Site restoration, planting, and seeding was completed in late June 2023. An interim grant report was submitted to the MN Board of Water and Soil Resources in late January 2024. Construction and vegetation establishment is largely complete. The Commission approved the first reimbursement request from Golden Valley at their October 2024 meeting. Additional reimbursement requests are forthcoming during the vegetation management phase of the project.

www.bassettcreekwmo.org/projects/all-projects/medley-park-stormwater-treatment-facility

2022 SEA School-Wildwood Park Flood Reduction Project (BC-2, 3, 8, 10) (No change since December): The feasibility study for this project is complete after the Commission Engineer's scope of work was approved last August. A project kick-off meeting with city staff was held in late November. Meetings with city staff, Robbinsdale Area School representatives, and technical stakeholders were held in December, along with a public input planning meeting. A virtual open house video and comment form were offered to the public including live chat sessions on April 8th. The feasibility study report was approved in June with a decision to implement Concept #3. A public hearing on this project was held in September with no members of the public attending. In September, a resolution was approved to officially order the project, submit levy amounts to the county, and enter an agreement with the city to design and construct the project. The city hired Barr Engineering to develop the project designs which are now underway. A virtual public open house was held February 3rd. 50% Design Plans were approved at the January meeting. A public open house was held September 29th. 90% were approved at the October Commission meeting. Six construction bids were received in late February with several of them under engineer's estimates. The city contracted with Rachel Contracting and construction got underway earlier this spring. By late June excavation was completed and the playground area was prepped and ready for concrete work to begin on July 5. Bids were open for the SEA School/Wildwood Park restoration project on June 20. Three bids were received and two came in right around our estimate. The city is recommending the low bidder (Landbridge Ecological). At the end of July utility crews lowered the watermain and installed the storm sewer diversions into the park from along Duluth Street. The hydrodynamic separator was also set (with a crane). Crews also worked on the iron-enhanced sand filter and the outlet installation, stone work on the steepened slopes, trail prep, bituminous paving, and concrete work (curb and gutter, pads, and ADA ramps). The preconstruction meeting for the restoration work was held with work to begin late August or early September. The city awarded the contract for the DeCola Pond D outlet work to Bituminous Roadways Inc. in August. The SEA School site construction is complete and restoration work is complete for the season. The DeCola Pond D outlet replacement and site restoration is also now complete.

Project webpage: www.bassettcreekwmo.org/projects/all-projects/sea-school-wildwood-park-flood-reduction-project.

Bassett Creek Restoration Project: Regent Ave. to Golden Valley Rd. (2024 CR-M), Golden Valley (See Item 5D):

A feasibility study for this project got underway in fall 2022. A public open house was held March 1st with 30 residents attending. The draft feasibility report was presented at the April meeting. A final feasibility report was presented at the June meeting where the Commission approved the implementation of Alternative 3: to restore all high, medium, and low priority sites. A Clean Water Fund grant application for \$350,000 was recently developed and submitted to BWSR. The Commission held a public hearing on this project at its September meeting and officially ordered the project and set the final levy. An agreement with the City of Golden Valley to implement the project was drafted by the Commission Attorney recently reviewed by city staff. Commission staff and city staff developed an agreement for design and construction which will be considered for approval at the November 2024 Commission meeting. Project website:

<https://www.bassettcreekwmo.org/projects/all-projects/bassett-creek-restoration-project-regent-ave-golden-valley-r>

Ponderosa Woods Stream Restoration Project, Plymouth (ML-22) (See Item 5C): A feasibility study for this project got underway in fall 2022. A public open house was held February 13th with 3 residents attending. The draft feasibility report was presented at the May meeting and additional information was presented at the June meeting where the Commission approved implementing Alternative 1.5. The Commission held a public hearing on this project at its September meeting and officially ordered the project, set the final levy, and approved an agreement with the City of Plymouth for project implementation. Plymouth hired Midwest Wetland Improvements to design the project. 60% designs were conditionally approved at the October meeting. A public open house was held on October 23rd. 90% design plans will be presented at this

meeting. Construction is likely to get underway in late fall/early winter. Project website:
<https://www.bassettcreekwmo.org/projects/all-projects/ponderosa-woods-stream-restoration-project>.

Sochacki Park Water Quality Improvement Project (BC-14) (No change since September): This project is proposed to be added to the CIP through a minor plan amendment as approved at the March Commission meeting with CIP funding set at \$600,000. The project involves a suite of projects totaling an estimated \$2.3M aimed improving the water quality in three ponds and Bassett Creek based on a subwatershed analysis by Three Rivers Park District (TRPD). A memorandum of understanding about the implementation process, schedules, and procedural requirements for the project was executed in April among BCWMC, TRPD, and the cities of Golden Valley and Robbinsdale. A feasibility study is underway for the project and is being funded by TRPD. The feasibility study kick off meeting was held June 5th. Information on the project and an update on the feasibility study was presented at the June meeting. A technical stakeholder meeting was held July 10th. A public open house was held July 26th and a Phase I Environmental Site Assessment was recently completed. The draft feasibility study was presented at the August meeting and the final feasibility study was approved at the September meeting. The Commission held a public hearing on this project at its September meeting and officially ordered the project and set the final levy. Project partners recently met to review a scope and budget for design and discuss construction sequencing, funding availability, and cooperative agreement provisions. TRPD was recently awarded \$1.6M in federal funding for this project and other facility investments in Sochacki Park. Staff provided a project update at the March meeting. A cooperative agreement with TRPD and Robbinsdale was approved at the April meeting. Three Rivers Park District contracted with Barr Engineering to develop project designs. A Phase II Environmental Assessment was recently completed. Preliminary results were presented at a recent project partner meeting. Soil contamination (including PCBs) was found in some areas to be above MPCA action levels. TRPD and their consultants (Barr Engineering) are developing response plans and considering applying for Hennepin County Environmental Response funds. The Sochacki Park Joint Powers Operations Committee is meeting soon. Project webpage: <https://www.bassettcreekwmo.org/projects/all-projects/sochacki-park-water-quality-improvement-project>.

Plymouth Creek Restoration Project Dunkirk Lane to 38th Ave. North (2026 CR-P) (No change since October): A scope and budget for a feasibility study was approved at the October meeting. A project kick off meeting was held November 3rd and a technical stakeholder meeting was held December 5th. Field investigations and desktop analyses are complete. Site prioritization ranking criteria are being developed and concept designs are being developed. A public open house was held on March 11th. Residents who attended are in favor of the project and had questions about impacts to trees, potential construction activities in specific reaches, and buckthorn removal. The feasibility study was approved at the May meeting with Option 3a being approved for implementation. At the June meeting the Commission approved a maximum levy for 2025 that includes funding for this project which was approved by the Hennepin County Board August 6th. A Clean Water Fund grant application for \$400,000 was submitted to the BWSR in August. At its September meeting, the Commission held a public hearing on this project and approved a resolution officially ordering the project, setting the 2025 levy, and entering an agreement with the City of Plymouth for design and construction. The city will hold a public open house on this project in spring 2025 after the city contracts with an engineering firm. Project webpage:
<https://www.bassettcreekwmo.org/projects/all-projects/plymouth-creek-restoration-dunkirk-lane-38th-ave-n>.

Crane Lake Chloride Reduction Demonstration Project, Minnetonka (CL-4) (No change since October): At the meeting in July, the Commission approved a scope and budget for the feasibility study for this project. The Commission Engineer is gathering background information. A project kick off meeting was held September 26th. Project webpage:
<https://www.bassettcreekwmo.org/projects/all-projects/crane-lake-chloride-reduction-demonstration-project>.

Administrator Activities October 10 – November 13, 2024

Subject	Work Progress
CIP and Technical Projects	<ul style="list-style-type: none"> • <u>Main Stem Bassett Creek Restoration Project, GV</u>: Reviewed and commented on latest version of agreement with Golden Valley; corresponded with city staff and Commission Attorney • <u>Crane Lake Chloride Reduction Demonstration Project</u>: Developed project webpage • <u>Ponderosa Woods Restoration Project</u>: Updated webpage with 60% designs; attended 10/23 public open house • <u>Bryn Mawr Meadows Water Quality Improvement Project</u>: Attended grand opening event • <u>Bassett Creek Valley</u>: Corresponded with Commission Engineers and city staff re: next steps; arranged meeting with various city departments on potential update to original study • <u>Lost and Northwood Lake TMDLs</u>: Continued correspondence with MPCA and Commission Engineers re: plans for TMDL development including roles, timeline, funding
Education and Outreach	<ul style="list-style-type: none"> • Developed agenda and meeting materials for Education Committee meeting; attended meeting • Corresponded with map design contractor and culture advisors on continued map edits • Reviewed and developed potential new BCWMC letterhead to incorporate Dakota name for creek • Developed presentation for and attended Sweeney Lake Association meeting • Participated in meetings and correspondence related to moving Low Salt, No Salt campaign to Metro Watershed Partners • Attended WMWA meeting
Administration	<ul style="list-style-type: none"> • Developed agenda; reviewed invoices and submitted expenses spreadsheet to Plymouth; reviewed financial report; drafted October meeting minutes; reviewed memos, reports, and documents for Commission meeting; printed and disseminated meeting information to commissioners, staff, and TAC; updated online calendar; drafted meeting follow up email; ordered catering for November Commission meeting • Coordinated meeting space for November meeting including correspondence with Golden Valley staff, Plymouth staff, and Commission Attorney • Participated in pre-meeting call for October with Commission Engineer and Chair Cesnik • Provided additional documents regarding JPA; gathered signatures for approved JPA; discussed and reviewed dissolution memo; attended MPLS committee meeting with JPA on the agenda • Created invoices to cities for 2025 assessments (to be sent Dec 2) • Sent email to commissioners with MN Watersheds Conference information • Drafted and submitted invoices to MDA (pesticide monitoring) and Hennepin County (AIS Prevention Grant) • Corresponded with Met Council, Golden Valley staff, Commission Engineers, and Golden Valley commissioners re: wastewater spill in creek, clean up plans, monitoring results • Developed resolution of appreciation for M. Welch with input from Commission Engineers and Alt. Commissioner Polzin • Met with Crystal staff and Commission Engineer to review BCWMC programs and processes
MN Watersheds	<ul style="list-style-type: none"> • Attended Metro Watersheds meeting; finalized meeting minutes • Attended in MN Association of Watershed Administrators Executive Committee meeting • Reviewed and registered for MN Watersheds conference; registered J. Hauer for conference
2025 Watershed Management Plan	<ul style="list-style-type: none"> • Met with Commission Engineers for bi-weekly check in meetings • Drafted meeting minutes for October PSC meeting • Updated plan progress tracker • Reviewed/commented on information related to linear projects and updated monitoring plan • Updated Education and Engagement Plan • Prepared agenda and materials for November PSC meeting; attended meeting • Met with NMCWD Administrator re: chloride reduction strategies



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners, Alternate Commissioners, TAC Members
From: BCWMC Plan Steering Committee (PSC)
Date: November 14, 2024

RE: November 20th Watershed Management Plan Development Workshop Agenda and Materials

During the regular BCWMC meeting on November 20th, we'll hold the third and final Commission workshop to review PSC-recommended issue statements and goals for the 2025 Watershed Management Plan (plan). This workshop includes review and discussion of issues/goals in two categories: education and organizational effectiveness. Future workshops will focus on potential tools and strategies for addressing issues and progressing toward goals.

The issue statements and goals provide the basis for developing the rest of the plan - where the BCWMC will prioritize its work, the actions and policies it will set in place, and the level of time, effort, and funding that will go into implementation of projects and programs.

Please review the following information ahead of the workshop:

- Commission-approved prioritized list of issues across four categories (Attachment A).
- Commission-approved issue statements, desired future conditions, and 10-year goals for fourteen goals in the [Waterbody and Watershed Quality](#) category and [Climate Resiliency and Flooding](#) category.
- NEW: PSC-recommended issue statements, desired future conditions, and 10-year goals for the Education and Engagement category (Attachment B).
- NEW: PSC-recommended issue statements, desired future conditions, and 10-year goals for the Organizational Effectiveness category (Attachment C).

All 2025 Watershed Planning materials can be found at: <https://www.bassettcreekwmo.org/document/2025-plan-update>.

Workshop Outline (approximately 75 minutes)

1. Introduction and background information
2. Small group discussions: review and discuss draft issue statements, desired future conditions, and 10-year goals for issues in Education and Engagement category (Attachment B) and all issues in Organizational Effectiveness category (Attachment C)
 - A. Review and discuss sections in orange:
 - i. Issue Statement: Brief statement defining the problem and why it should be addressed. (Additional context about the issue will be included in the narrative of the plan.)
 - ii. Desired Future Condition: This is the overarching, long-range goal related to the issue but not a goal that can likely be reached within the 10-year life of the plan.
 - iii. 10-year Goal: This is a measurable outcome that should be attainable within the life of the plan for distinct waterbodies, resources, or watersheds.
 - B. Some things to keep in mind:
 - i. A more detailed education and engagement plan will be included as an appendix in the plan. The PSC will review the draft plan at their meeting in December. The DRAFT plan can be viewed [here](#) if desired.
 - C. Consider these questions about the 10-year goals as you review and discuss:
 - i. Which goals are you most excited to get working on?
 - ii. Are there any goals that make you nervous or give you pause?
 - iii. What are you still curious about? Where do you need more information?
 - iv. Are there any local issues or goals missing?
 - v. If the goals are achieved, will they result in noticeable improvements for ecosystems and communities?
 - vi. Are there any goals that you believe are likely unachievable?
 - D. Columns titled “strategy, action, or task” won’t be discussed at this workshop - they include a non-exhaustive list of potential implementation activities that will be considered when the implementation section of the plan is developed. The PSC keeps a list of these possible activities as a placeholder for future discussions.
3. Whole group discussion: report out highlights, questions, key critiques

Attachment A

Issue Category	Item ID	Issue Title and Description	Priority Level
Waterbody & Watershed Quality	1	Impaired waters – Some lakes and streams within the Bassett Creek watershed do not meet State water quality standards; some are listed as impaired for aquatic life function and recreational use due to pollutants such as nutrients, chloride, bacteria, and other stressors.	High
	2	Chloride loading – High chloride loading from use of winter deicers across the Bassett Creek watershed negatively impacts lakes streams, and groundwater water quality.	High
	3	Streambank and gully erosion – Excessive erosion along streambanks and gullies negatively impacts stream geomorphology, water quality, aquatic habitat, and floodplain function.	Medium
	4	Lakeshore erosion – Erosion along lake shorelines degrades water quality and negatively impacts lake ecology.	Medium
	5	Wetland health and restoration – The function, value and quantity of wetlands within the Bassett Creek watershed have been negatively impacted by development and the changing climate.	Medium
	6	Aquatic invasive species – Aquatic invasive species (AIS) present in the Bassett Creek watershed negatively impact water quality, lake and stream ecology, and are exacerbated by climate trends.	Medium
	7	Ground-/surface water interactions – The uncertainty of groundwater and surface water interactions complicates our ability to protect, restore, and responsibly manage natural resources.	Medium
	8	Degradation of riparian areas – Degraded riparian areas allow excess pollutant loading to water resources, contribute to impairments (water quality and biological), and result in decreased ecological function and habitat.	Low
	9	Degradation of upland areas – Natural areas in uplands may be threatened by development pressure, lack of proper management, and negative impacts from climate change.	Low
	10	Groundwater quality – Groundwater quality impacts public health as a source of drinking water and may be threatened by infiltration of stormwater and associated pollutants.	Low
Flooding and Climate Resiliency	11	Impact of climate change on hydrology, water levels, and flood risk – Extreme fluctuations in precipitation amounts and intensities increase flood risk and prolonged drought cycles that contribute to significant changes to water level and stream flow and may negatively impact the natural and built environment, (e.g. ecology, water quality, public health and safety, economy, and recreation)	High
	12	Bassett Creek Valley flood risk reduction and stormwater management opportunities – Current conditions in the Bassett Creek Valley present significant challenges to sustainable development and resilient, healthy ecosystems and people due to floodplain extents, environmental hazards, and limited space for stormwater management.	High
	13	Groundwater quantity – Groundwater levels may be negatively impacted by overuse, loss of recharge, or extreme changes in precipitation.	Low
Education and Outreach	Newly Proposed	Public Awareness and Action - Ability and interest of watershed residents and stakeholders to be good caretakers of the BCWMC waterbodies and ecosystems may be limited by the lack of knowledge and resources for action.	Medium
	14	Engagement of diverse communities – Efforts are needed to engage and build relationships with communities that have been under-represented in past BCWMC planning, programs, and projects.	Medium
	15	Recreation opportunities – Opportunities to protect or enhance recreational use of, and access to, natural areas in the watershed may be lost without proactive consideration by the BCWMC and its partners in their activities.	Low
Organizational Effectiveness	16	Organizational capacity and staffing – Current BCWMC staff capacity and organizational structure are likely not sufficient to achieve intended goals and effectively execute projects and programs.	High
	17	BCWMC funding mechanisms – Funding sources and funding mechanisms for BCWMC administration and implementation are not adequate to achieve the most efficient, equitable, and robust outcomes.	High
	18	Progress assessment – Evaluation of progress toward achieving 10-year goals is critical to process improvement.	High
	19	Projects and programs implemented through a DEI lens – Additional focus is needed to ensure equity in the delivery of BCWMC projects, programs, and decision making.	Medium
	20	Public ditch management – The Plan must address management of the public ditches within BCWMC jurisdiction (per MN Statutes 103B)	Low
	21	Carbon footprint of BCWMC projects – Carbon released in the construction and ongoing maintenance of BCWMC projects is not currently considered and contributes to climate change	Low

Education and Engagement Category

Public awareness and action – Medium Priority			
Issue Statement: Ability and interest of watershed residents and stakeholders to be good caretakers of the BCWMC waterbodies and ecosystems may be limited by the lack of knowledge and resources for action.			
Desired Future Condition	Goal (10-year)	Strategy, Action, or Task (some potential examples; highlight = new activity)	
Watershed residents and stakeholders understand their relationship with and impact on waterbodies and ecosystems and are good caretakers of these ecosystems through their actions and behaviors.	Increase public participation of in programs of waterbody and ecosystem caretaking	<ul style="list-style-type: none"> - Participate as active member of West Metro Watershed Alliance - Collaborate and coordinate with member cities on creating and delivering education - Support implementation of small-scale BMP cost-share program (could be with some small amount of funding as incentive in conjunction with workshops?) [could be similar to channel maintenance fund where cities are implementing the cost share with residents or others] - Advertise existing grant programs maintained by partners - Utilize CIP projects to educate adjacent communities - Incorporate targeted outreach to watershed residents as part of CIP projects, where applicable - Events: creek clean ups, water ceremonies, trainings/workshops 	
	Increase the number of people who access watershed information and improve accessibility to information.	<ul style="list-style-type: none"> - Support development and distribution of educational materials through West Metro Watershed Alliance - Maintain the BCWMC website - Provide BCWMC communications in multiple languages - Incorporate targeted outreach to watershed residents as part of CIP projects, where applicable - Update BCWMC website and key documents in compliance with ADA requirements - \$20,000 estimate - Consider ADA accessibility during planning and design of CIP projects. 	
	Support citizen science and volunteer efforts	<ul style="list-style-type: none"> - Continue supporting CAMP program including recruiting and coordinating volunteers - Support volunteer activities such as native plantings, invasive species removals, clean ups, etc. 	

EDUCATION & ENGAGEMENT

PSC Recommendations for November 2024 Workshop

Engagement of diverse communities – Medium Priority

Issue Statement: Efforts are needed to engage and build relationships with communities that have been under-represented in past BCWMC planning, programs, and projects.

Desired Future Condition	Goal (10-year)	Strategy, Action, or Task (some potential examples; highlight = new activity)
All communities, and especially those historically and currently under-represented, are positively engaged in relevant BCWMC planning, programs, and projects.	Establish and maintain relationships and communication avenues with under-represented communities	<ul style="list-style-type: none"> - Identify diverse, minority, and underrepresented communities and their representative contacts - Develop and implement plans for an engagement, communication, and relationship building - Regularly submit communications to neighborhood newsletters or other publications - Annually attend meetings or events in diverse, minority, or underserved communities - Provide BCWMC communication materials in multiple languages - Cooperate with partners (e.g., Metro Blooms) on implementing projects and programs in environmental justice communities - Partner with cities already doing DEIA -related work.
	Seek, consider, and respond to input from all relevant communities as part of the BCWMC’s plans, programs, and projects.	
	Incorporate Dakota place names, history, culture, and Native knowledge into BCWMC projects and programs.	<ul style="list-style-type: none"> - Use both Dakota and English names for Bassett Creek on maps, documents, and signage. - Promote Háhá Wakpádaŋ oral history project and pronunciation video. - Learn about Native land and water care practices - Participate in annual water ceremony

Recreation Opportunities – Low Priority

Issue Statement: Opportunities to protect or enhance recreational use of, and access to, natural areas in the watershed may be lost without proactive consideration by the BCWMC and its partners in their activities.

Desired Future Condition	Goal (10-year)	Strategy, Action, or Task (some potential examples; highlight = new activity)
Recreational uses and access are maintained or enhanced, as appropriate, for priority waterbodies	Support recreational uses of, and access to, priority waterbodies, particularly in underserved communities.	<ul style="list-style-type: none"> - Inventory/list priority waterbody recreation access/functions (i.e., what will be maintained) - Provide technical and other support for city and partner projects impacting recreational access to/use of priority waterbodies. - Incorporate trails, parks, and natural areas into BCWMC watershed map or other BCWMC communications. (to be included with current map update) - Maintain interactive Bassett Creek paddling map in partnership with City of Golden Valley. (found here)
	Consider protecting and enhancing recreational functions of and access to waterbodies and natural areas during BCWMC planning and projects.	<ul style="list-style-type: none"> - Consider opportunities for recreation enhancement when designing BCWMC projects

ORGANIZATIONAL EFFECTIVENESS

Organizational capacity and staffing – High Priority			
Issue Statement: Current BCWMC staff capacity and organizational structure are likely not sufficient to achieve intended goals and effectively execute projects and programs.			
Desired Future Condition	Goal (10-year)	Strategy, Action, or Task (some potential examples; highlight = new activity)	
BCWMC organization exists in its most efficient and effective structure	In first year of Plan implementation, perform assessment of options, benefits, and challenges of various organizational structures for effective and efficient management of the Bassett Creek watershed.	<ul style="list-style-type: none"> - Complete comprehensive assessment of BCWMC organization structure and staffing options, benefits, and challenges. - \$50K estimate - Restructure organization, as needed, pending results of comprehensive assessment and as approved by the BCWMC. 	
	Achieve optimal organizational capacity, efficiency, and effectiveness.		

BCWMC funding mechanisms – High Priority			
Issue Statement: Funding sources and funding mechanisms for BCWMC administration and implementation are not adequate to achieve the most efficient, equitable, and robust outcomes.			
Desired Future Condition	Goal (10-year)	Strategy, Action, or Task (some potential examples; highlight = new activity)	
BCWMC operations are adequately funded for ongoing administration and robust implementation	In first year of Plan implementation perform assessment of all potential funding mechanisms for BCWMC work related to various organizational structures.	<ul style="list-style-type: none"> - In conjunction with assessment of organization structure options, complete comprehensive assessment of funding mechanisms available to BCWMC. - Establish maintenance levy through Hennepin County in accordance with MN Statute 103B.251. 	
	Expand potential funding streams through grants and partnerships with public and private entities.	<ul style="list-style-type: none"> - Develop a framework or process to streamline private-public funding partnerships - Apply for competitive project and planning grants, as appropriate 	
	Implement funding mechanisms appropriate to the organizational structure and functions of the BCWMC		

ORGANIZATIONAL EFFECTIVENESS
PSC Recommendations for November 2024 Workshop

Progress assessment – High Priority			
Issue Statement: Evaluation of progress toward achieving 10-year goals is critical to process improvement.			
Desired Future Condition	Goal (10-year)	Strategy, Action, or Task (some potential examples; highlight = new activity)	
BCWMC is effective in its implementation through evaluation and adaptive management.	Understand the effectiveness of implementation and progress towards reaching each of this plan’s 10-year goals	- Complete progress assessment biennially (every two years) (MN Rule 8410) and use assessment results to guide future policy decisions and implementation activities.	
	Adapt implementation activities to reflect changing conditions or pace of progress.	- Amend Watershed Plan, as needed, as new data become available or conditions, organizational structure, or priorities change	

Projects and programs implemented through a DEIA lens – Medium Priority			
Issue Statement: Additional focus is needed to ensure equity in the delivery of BCWMC projects, programs, and decision making.			
Desired Future Condition	Goal (10-year)	Strategy, Action, or Task (some potential examples; highlight = new activity)	
BCWMC work is equitably implemented.	Prioritize and implement programs and projects with guidance from social vulnerability metrics.	- Develop and use social vulnerability indices for project and program prioritization. - Incorporate equity metric in CIP prioritization table	
	Diversify representation on BCWMC Board of Commissioners, contractors, consultants and vendors such that they reflect community diversity	- Implement outreach, communication, and engagement activities in diverse communities - Seek contractors, vendors, etc. that represent diverse communities - Encourage cities to seek Commissioner applicants from diverse communities	

ORGANIZATIONAL EFFECTIVENESS
PSC Recommendations for November 2024 Workshop

Public ditch management – Low Priority			
Issue Statement: The Plan must address management of the public ditches within BCWMC jurisdiction (per MN Statutes 103B)			
Desired Future Condition	Goal (10-year)	Strategy, Action, or Task (some potential examples; highlight = new activity)	
Public ditches in the watershed are either transferred to municipal authority or abandoned, where appropriate.	Public ditches function in a manner that allows their current use as streams and altered waterways.	<ul style="list-style-type: none"> - Encourage member cities to petition Hennepin County to transfer authority over public ditches in the BCWMC to the member cities (per MN Statute 383B.61). - Support the efforts of other entities to pursue legislation abandoning public ditches on land zoned non-agricultural, in consideration for the original function of public ditches to provide drainage of agricultural lands. 	
	If ditch authority is transferred to the member cities, the BCWMC and cities will manage the ditches similar to other BCWMC waterways.	<ul style="list-style-type: none"> - Manage abandoned or transferred public ditches that are part of the BCWMC trunk system consistent with this Plan. Member cities will be responsible for management of abandoned or transferred public ditches that are not on the BCWMC trunk system, but are currently part of their municipal drainage system. 	

Carbon footprint of BCWMC projects – Low Priority			
Issue Statement: Carbon released in the construction and ongoing maintenance of BCWMC projects is not currently considered and contributes to climate change			
Desired Future Condition	Goal (10-year)	Strategy, Action, or Task (some potential examples; highlight = new activity)	
The BCWMC understands the carbon footprint or lifecycle impacts of its activities and considers mitigative measures during implementation.	Consider use of tools available to assess the impact and mitigate the effects of BCWMC activities on greenhouse gas emissions.	<ul style="list-style-type: none"> - When appropriate, use carbon footprint assessment tools when prioritizing projects or options. - Encourage use of renewable energy and carbon release reduction practices in projects and programs. - 	