

March 3, 2022

**Members**

Technical Advisory Committee  
Shingle Creek and West Mississippi  
Watershed Management Commissions  
Hennepin County, Minnesota

The agendas and meeting packets for both the TAC and regular meetings are available to all interested parties on the Commission's web site at  
<http://www.shinglecreek.org/tac-meetings.html> and  
<http://www.shinglecreek.org/minutes--meeting-packets.html>

Dear Commissioners and Members:

Regular meetings of the Shingle Creek and West Mississippi Watershed Management Commissions will be held **Thursday, March 10, 2022, at 12:45 p.m.**

The Joint SCWM Technical Advisory Committee will meet at **10:30 a.m.**, prior to the regular meetings.

The initial 2022-2023 WBIF Convene Meeting will take place during the TAC meeting, at 11:45.

To join a meeting: <https://us02web.zoom.us/j/834887565?pwd=N3MvZThacmNRVDFrOWM3cU1KRU5qQT09>, which takes you directly to the meeting.

OR, go to [www.zoom.us](http://www.zoom.us) and click Join A Meeting. Please use the regular meeting ID and passcode for both meetings. The meeting ID is **834-887-565**. The passcode for this meeting is **water**.

If your computer is not equipped with audio capability, you need to dial into one of these numbers:

+1 929 205 6099 US (New York)	+1 312 626 6799 US (Chicago)	+1 669 900 6833 US (San Jose)
+1 346 248 7799 US (Houston)	+1 253 215 8782 US	+1 301 715 8592 US

Meetings remain open to the public via the instructions above.

Please email me at [judie@jass.biz](mailto:judie@jass.biz) to confirm your attendance at the TAC meeting. Thank you.

Regards,

Judie A. Anderson  
Administrator

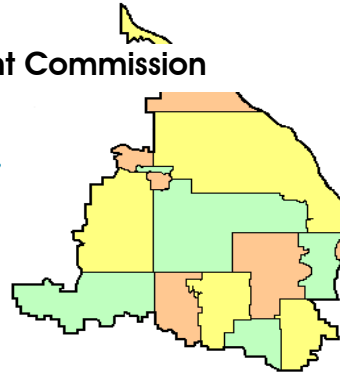
cc: Alternate Commissioners  
Stantec

Member Cites  
BWSR

Troy Gilchrist  
MPCA

TAC Members  
Met Council

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A meeting of the joint Technical Advisory Committee (TAC) of the Shingle Creek and West Mississippi Watershed Management Commissions is scheduled for **11:00 a.m., Thursday, March 10, 2022. This is a virtual meeting.**

To join the meeting, click <https://zoom.us/j/834887565> or go to [www.zoom.us](http://www.zoom.us) and click Join A Meeting. The meeting ID is **834-887-565**. The password is **water**. If your computer is not equipped with audio capability, you need to dial into one of these numbers:

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## March 10, 2022

### A G E N D A

1. Call to Order.
  - a. Roll Call.
  - b. Approve Agenda.\*
  - c. Approve Minutes of Last Meeting.\*
2. Fourth Generation Plan.
  - a. Update.\*
  - b. CAC Schedule.
    - 1) Maple Grove.\*
  - c. Rules Update.\*
    - 1) Appendix A.\*
  - d. Monitoring Program Framework – *presentation*.
  - e. Website Interactive Map – *presentation*..
3. Other Business.
4. 2022=2023 WBIF Convene Process – 11:45 a.m.
  - a. Process.\*
  - b. Guidance.\*
5. Next TAC meeting is scheduled for April 14, 2022.
6. Adjournment.

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**MINUTES**  
February 10, 2022

A virtual meeting of the Technical Advisory Committee (TAC) of the Shingle Creek and West Mississippi Watershed Management Commissions was called to order by Chair Richard McCoy at 11:05 a.m., Thursday, January 13, 2022.

Present: Andrew Hogg, Brooklyn Center; Mitchell Robinson, Brooklyn Park; Heather Nelson, Champlin; Mark Ray, Crystal; Derek Asche, Maple Grove; Katie Kowalczyk, Minneapolis; Nick Macklem, New Hope; Amy Riegel, Plymouth; Richard McCoy, Robbinsdale; Ed Matthiesen, Diane Spector, Katie Kemmitt, and Todd Shoemaker, Stantec; and Amy Juntunen and Judie Anderson, JASS.

Not represented: Osseo.

Also present: Burt Orred, Jr., Crystal.

- I. Motion by Riegel, second by Ray to **approve the agenda**.*\* Motion carried unanimously.*
- II. Motion by Ray, second by Riegel to **approve the minutes**\* of the January 13, 2022, meeting, with the second paragraph of III.B. being reworded for clarity. *Motion carried unanimously.*
- III. **Fourth Generation Watershed Management Plan.** Attached to Staff's February 4, 2022, memo are three items for discussion:

**A.** Revised **Maintenance Policy** that reflects the discussion held in January. The revised policy applies only to maintenance activities that are not already taken on by the member cities, either as part of a cooperative agreement with the Commission or as part of their NPDES requirements.

Motion by Riegel, second by Stout to recommend the revised policy to the Commissions for approval. *Motion carried unanimously.*

**B.** **Rules revisions.** An updated memo summarizes the need for and proposed language to bring the rules into conformance with the latest NPDES permit.

1. Revising the rules to replace the current Water Quality requirement of providing 60% TP and 85% TSS removal or infiltrating 1.3 inches, to the new standard of 1.1 inches of volume management through infiltration or abstraction, or a combination of abstraction and filtration.

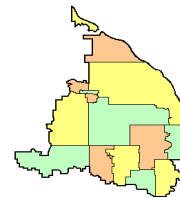
2. Adopting the new requirements for linear projects, potentially establishing an upper dollar limit per pound of TP removal to define "cost effective."

3. A marked-up version of the rules that addresses other housekeeping items.

**Discussion:**

a. Linear projects – must document the reason for not being able to meet requirement.

b. No cost cap at this time.



Motion by Riegel, second by Ray to recommend the revised Rules to the Commission for approval. *Motion carried, Maple Grove voting nay.*

**C. Monitoring program framework.** Members will begin discussing the existing monitoring program to see if it still meets the needs of the Commissions and the cities. For example, is there value to continuing monitoring outflow in West Mississippi? Can we adjust the frequency of monitoring in the lakes? Should we test for new parameters. Do targeted monitoring on outfalls into the creek? The members were requested to review the goals of the monitoring program in anticipation of discussion at the March meeting.

**IV. Bass Lake Vegetation Improvements.** At the January 2022 Commission meeting Staff was directed to move forward with a DNR Conservation Partners Legacy Grant application\* to fund aquatic vegetation transplants to Bass Lake. Conservation Partners Legacy Grants fund conservation projects that restore, enhance, or protect forests, wetlands, prairies, and habitat for fish, game, and wildlife in Minnesota. Staff have begun writing the application with a focus on the habitat improvements that will be made in the lake. Staff is also in the process of obtaining Letters of Support from the City of Plymouth and the Bass Lake Improvement Association to accompany the grant application. A 10% match will be required and will be provided by a combination of Bass Lake Improvement Association in-kind labor and cash match from the reserve funds left over from the Bass and Pomerleau Lakes alum treatment project. In their updated memo of February 9, 2022,\* Staff estimated the grant request will be \$22,890; a minimum of \$2,489 will be required for match.

Motion by Riegel, second by Stout to recommend to the Shingle Creek Commission that Staff proceed with this application. *Motion carried unanimously.*

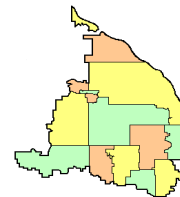
**V. 2022-23 WBIF Grants.\*** The Board of Water and Soil Resources (BWSR) biennially appropriates funding for a program called Watershed-Based Implementation Funding (WBIF). The WBIF funding is allocated to targeted watersheds to be distributed according to guidelines agreed upon by the eligible entities in the allocation area ("the Partnership"). The BWSR Board approved allocations for fiscal year 2022, including \$95,501 to the Shingle Creek allocation area and \$75,000 to the West Mississippi allocation area, which will become available July 1, 2022. A minimum 10% match is required.

The BWSR Funding Policy for the program specifies that each Partnership will include one decision-making representative from each watershed district and/or watershed management organization, soil and water conservation district, county with a current groundwater plan, and up to two decision-making representatives from municipalities within the allocation area. For these two allocation areas, that would include the respective commission, Hennepin County in its capacity as the county SWCD, and up to two cities. Other parties may participate in discussions regarding the use of the funding, but only the decision-making representatives may make the final recommendation to BWSR. The city and watershed representatives may be TAC members or Commissioners.

Riegel and Robinson volunteered to represent the cities. Kris Guentzel or Kevin Ellis will likely represent Hennepin County.

The first official convene meeting will be held at the end of the March 10, 2022, TAC meeting, just prior to the regular March meeting of the Commissions. At that meeting the group will begin discussing options for the use of the funds.

Staff recommends that the TAC and Commissioners start thinking about their priorities and objectives for the funding. Activities eligible for funding span a very wide range of options, but all



must be focused on prioritized and targeted cost-effective actions with *measurable water quality results*. Funding is not limited to capital projects; anything in the Third Generation Plan's Implementation Plan may be eligible as long as its end goal is the protection and improvement of water quality. The Implementation Plan included several broad areas, including:

1. Keeping the Rules and Standards up to date
2. Maintaining a robust monitoring program
3. Implementing an education and outreach program
4. Implementing TMDL management actions
5. Completing subwatershed assessments and follow-up implementation cost share
6. Matching grants
7. Maintaining an ongoing and periodically updated capital improvement program (CIP)

The Partnerships may choose to award the funds to one high-priority project or make numerous awards for varying objectives. Projects may be added to the CIP by Minor Plan Amendment for eligibility for the WBIF funding if that is approved prior to submitting a work plan.

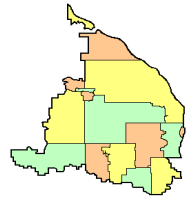
Along with designating the required representatives, the secondary purpose of this discussion is to provide some broad guidance and direction to the designees to consider during the Convene meeting. For example, the TAC may want to make it known to the Partnership its funding preference.

At the March 10 Convene meeting the Partnerships will complete some procedural details and then discuss the desired objectives and outcomes from the use of the funding before determining how fundable activities will be solicited and selected. Recommended activities approved by BWSR may then be detailed in a work plan starting approximately June 2022. Funding would be available July 1, 2022, following submittal and approval of the work plan. Recommended Convene meeting objectives include:

1. Choose a decision-making process.
2. Decide how to select activities for funding. Note that partnerships may also want to choose funding targets for various categories (e.g., projects, studies, education).
3. Partnerships may select activities by:
  - a. Developing a list of potential activities from eligible plans,
  - b. Dividing funding among eligible entities in an equitable manner,
  - c. Selecting a few priority waterbodies (lake, streams) and/or groundwater areas to prioritize activities,
  - d. Using agreed upon criteria to select activities, or
  - e. Using a process approved by the BWSR Central Region Manager.
4. Select the highest priority, targeted, measurable, and eligible activities to be submitted to BWSR as a budget request.
5. Confirm which entity will serve as grantee and/or fiscal agent for each selected activity and decide on the source of the 10% required match.

#### **VI. Other Business.**

Macklem indicated New Hope is withdrawing the Liberty Park project at this time.



**VII.** The next meeting is scheduled for 10:30 a.m., March 10, 2022, prior to the regular Commission meetings.

There being no further business, the meeting was adjourned at 12:45 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Judie A. Anderson".

Judie A. Anderson  
Recording Secretary  
JAA:tim

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**To:** Shingle Creek/West Mississippi WMO TAC

**From:** Diane Spector  
Katie Kemmitt  
Erik Megow, P.E.

**Date:** March 3, 2022

**Subject:** Fourth Generation Plan Update

Recommended TAC Action
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Discuss and provide direction on rules revision. Provide input into monitoring program review.
--

There are three items for discussion at the March 10, 2022 TAC Meeting:

1. Schedule for making the first presentation at the city Citizens' Advisory Committee (CAC) meetings. Maple Grove already held its first introductory meeting with its Lake Quality Commission (see attached).
2. Rules revisions. Attached is an updated memo summarizing the need for and proposed language bringing the rules into conformance with the latest NPDES permit and some other housekeeping changes. Please review and propose final edits. It is our intent to have a "clean" edited version at the April meeting, ready to initiate the Minor Plan Amendment process with the goal of adopting the revisions in May, to be effective June 1.
3. Monitoring program framework. We will take another crack at discussing the existing monitoring program to see if it still meets the Commissions' and cities' needs. For example, is there value to continuing monitoring outflow in West Mississippi? Can we adjust the frequency of monitoring in lakes? Should we test for new parameters, do targeted monitoring on outfalls into the creek?





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Shingle Creek and West Mississippi  
Watershed Management Commissions

Fourth Generation  
Watershed  
Management Plan



# Introduction

- Overview of Shingle Creek and West Mississippi watersheds
- Highlights of the past ten years
- Potential focal issues
- Communication and outreach
- Future partnerships

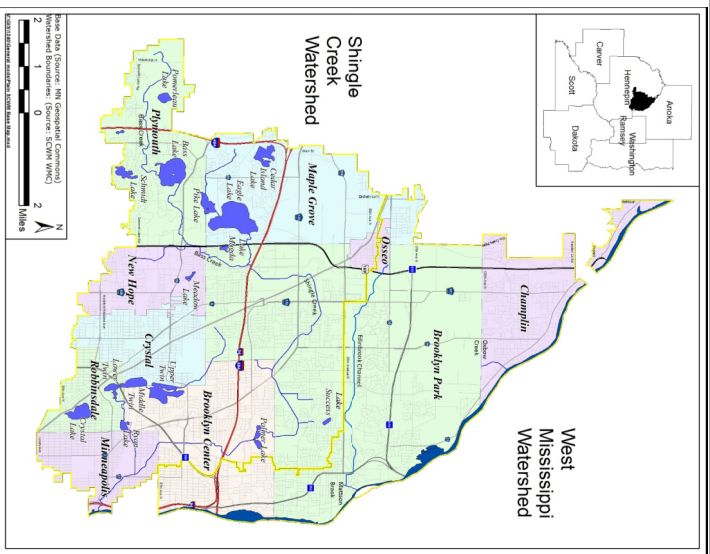


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## Background

- Two watersheds jointly plan
- 9 cities in SC, 5 in WM
- 67 square miles
- 16 lakes, 27 miles of stream
- Primary activities:
  - Review development and redevelopment for potential water resource impacts
  - Stream and lake monitoring
  - Education and outreach
  - Special studies and research projects
  - Grant applications and county funding
  - Lake internal load management
  - Stream restoration projects



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## Past Success

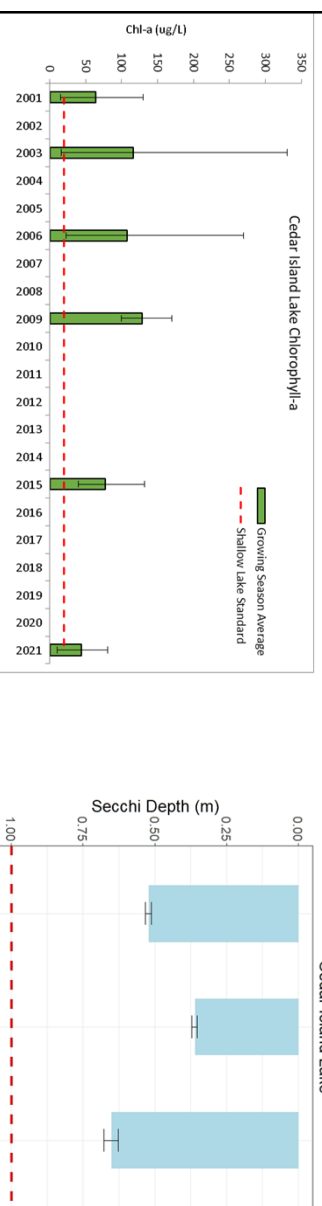
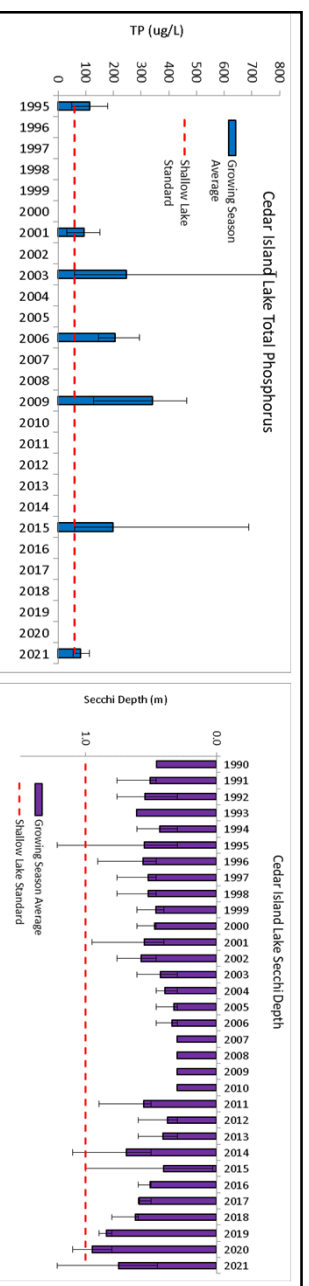
- Reviewed over 160 developments for conformance with rules
- Partnered with Elm and Bassett to sponsor in-classroom lessons on watersheds and the water cycle, reaching over 20,700 fourth graders since 2013
- Expanded lake monitoring to include lake sediment, aquatic vegetation, fish, carp, and other biological monitoring
- Completed subwatershed assessments
- Updated the watershed flood model
- Undertaken several research projects:
  - Modular green roofs feasibility
  - Paired intersection study of porous pavement
  - Public art reaturation
  - Biochar filters

4

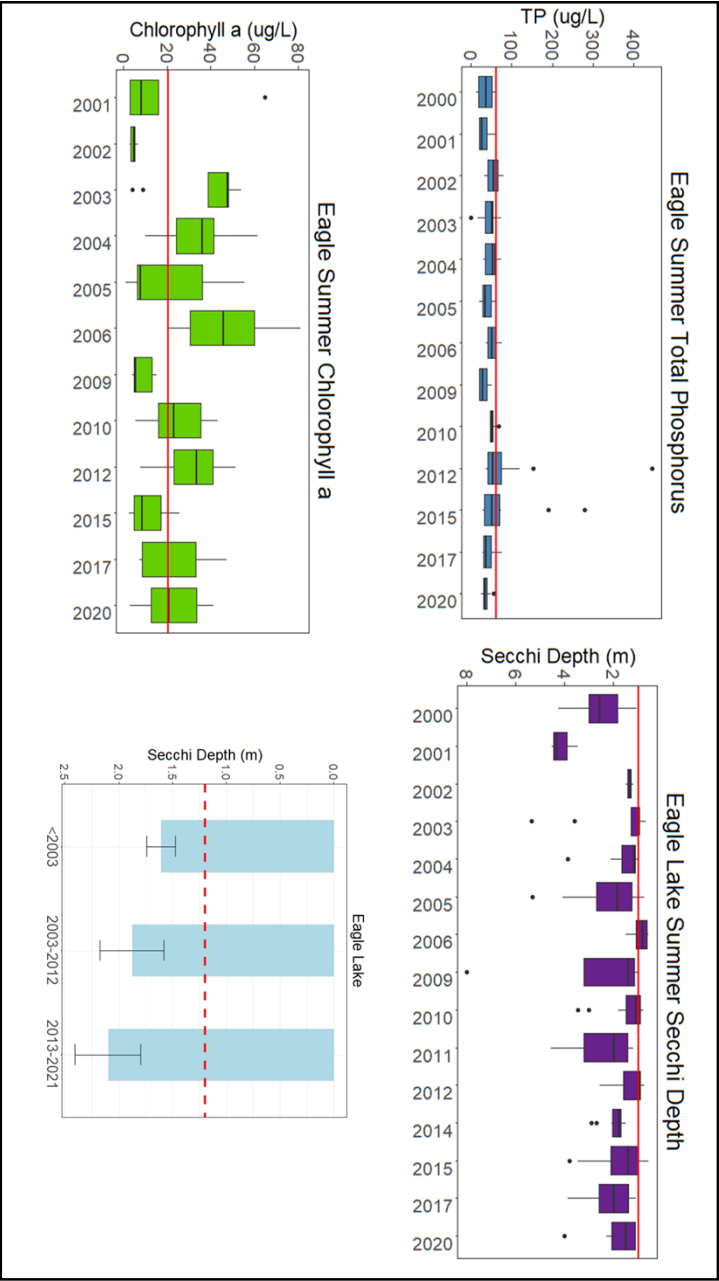
## Past Success

- Provided cost-share grants to cities for smaller projects
- Received over \$3 million in grant funding and \$4.2 million in county levy for city projects
- Restored over 3.2 miles of the 11.15 miles of Shingle Creek
- Completed alum treatments on Bass, Pomerleau, and Crystal Lakes, and a whole lake drawdown on Meadow Lake
- Three impaired lakes were improved and “delisted” from the Impaired Waters list (Schmidt Lake, Lower Twin, and Ryal Lake)
- Two additional lakes will be considered for delisting in 2024: Bass and Pomerleau
- Monitoring at the Shingle Creek outlet site shows TSS concentrations have decreased 25% since 2000 and TP by 35%

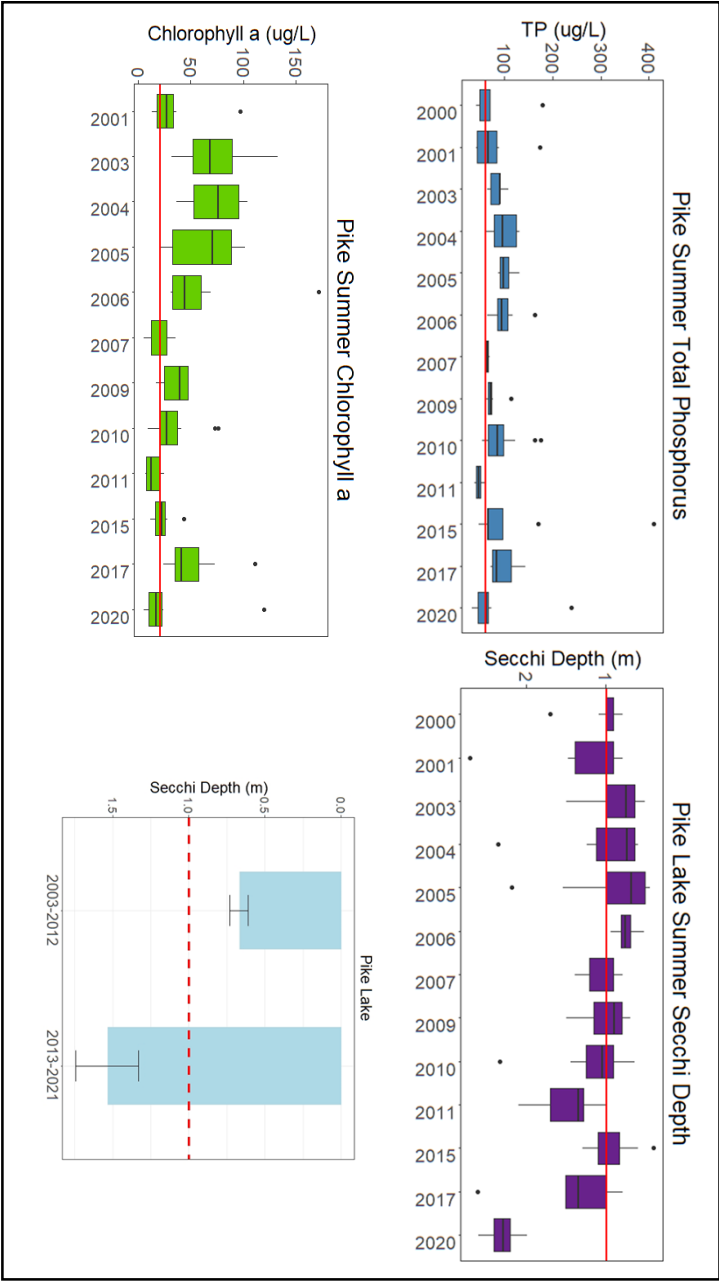
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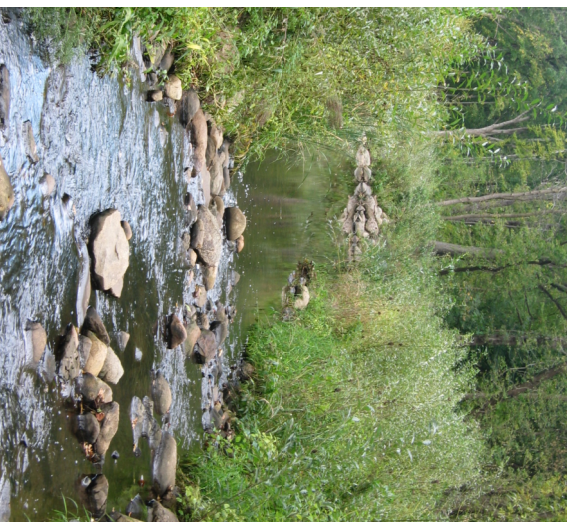
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## General Update

- Required every ten years
- Reviewing and updating development rules
- Evaluating monitoring plan
- Refreshing education and outreach plan
- Updating implementation and capital projects plan (CIP)



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## General Update

- Updating policies and goals as necessary
- Mini lake and stream management plans
- Addressing emerging issues
  - Non-static climate response
  - Reducing chloride use
- Inclusivity and outreach to underrepresented groups
- Enhancing outreach and communication

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Fourth  
Generation  
Watershed  
Plan

## Public Input

- Mini lake management plans: next meeting
- Implementation Plan: next meeting
- What are important issues to you as residents and property owners in the watersheds?
- How do we effectively communicate (2-way)?
- Would you use an online interactive forum?
- How can we better reach out to everyone in the watersheds?
- What do you as lake associations or representatives need from the watersheds, and how can we help you?

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Fourth  
Generation  
Watershed  
Plan

## Process

Activity	2021							2022							2023				
	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	J	J
Kickoff meeting																			
Self-assessment																			
Review WQ trends and TMDL implementation status																			
Priority setting and initial goal review																			
Discuss maintenance options and funding																			
Review monitoring program																			
Rules review																			
Sustainability discussion																			
CAC-education, communications, and outreach																			
PAC – JPA, budget and operations discussion																			
Goals and policies review																			
CIP and management actions review																			
CAC – review goals, management actions & CIP																			
Draft plan, available in August for informal review																			
Revise plan as necessary																			
60-day formal review																			
Public hearing																			
BWSR review and approval																			
Final adoption																			

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**To:** Shingle Creek/West Mississippi WMO TAC

**From:** Todd Shoemaker, P.E.  
Erik Megow, P.E.  
Diane Spector  
Ed Matthiesen, P.E.

**Date:** March 3, 2022

**Subject:** Fourth Generation Plan: Rules and Standards Update

**Recommended  
Commission Action**

For discussion and staff direction

## Background

As part of the 4<sup>th</sup> Generation Plan for the Shingle Creek and West Mississippi Watershed Management Commissions we will be updating the Rules and Standards and revising them as necessary to:

- Align with the 2020 MS4 general permit,
- Align with the latest guidance in the Minnesota Stormwater Manual, and
- Add clarity to how the Commissions will review certain project elements to align with City and surrounding Watershed requirements.

This memo provides a follow-up to the December 2021 and February 2022 TAC Meetings and Rules discussion. The agreed-upon aspects from those meetings have been incorporated into the marked-up 2013 Rules in the attached Appendix A. Appendix A also contains some minor language updates and clarification. We will be seeking TAC approval for the updates proposed in Appendix A at the March 10, 2022 TAC meeting.

From the from previous Rules Discussions, updates have been discussed and will be incorporated into a future update (Appendix A):

1. Simplification of the Water Quality requirements and alignment with surrounding Watersheds.
2. Navigation and enforcement of the MS4 Linear project stormwater treatment requirements.
3. Minor Rule Clarifications

## Discussion

### 1. Simplification of Water Quality requirements and alignment with surrounding Watersheds.

- **2013 Requirements:** Currently, the Commission has the following Water Quality (WQ) requirements:
  - Stormwater must be treated prior to discharge to:
    - Remove 60% of phosphorus and 85% of TSS, or
    - Both the WQ and Volume control requirements can be met if infiltration is provided from a 1.3-inch rain.
- **Proposed Update:** To align with surrounding watersheds, be consistent with MS4 requirements and MIDs, the following water quality requirements are proposed to simplify stormwater treatment and performance goals and tie them to the volume control requirements:



- The water quality requirement is met, if the project meets the volume control requirement of providing abstraction of 1.1" from the impervious surface.
- If 1.1" of volume control (abstraction) cannot be provided for the entire site's impervious surface, the applicant needs to provide a combination of BMPs to achieve no net increase in pollutant loads (TP and TSS) from the existing conditions.

The aim of this update is to simplify the design for the applicant, eliminate water quality modeling needs (when the volume control criteria is met), and have the requirement be consistent with Basset Creek, Elm Creek, Minnehaha Creek, and Capital Region Watersheds that have similar water quality and volume control requirements. Additional details for the Water Quality update can be found in Section 3(h) of Rule D – Stormwater Management, in Appendix A.

## 2. Navigation and enforcement of the MS4 Linear project stormwater treatment requirements.

- **2013 Requirements:** Linear projects that create one acre or more of new impervious surface must meet all Commission requirements for the net new impervious surface.
- **MS4 Requirements:** The new MS4 requirements state that the larger of 1.0" times the new impervious surface or 0.5" times the sum of the new and fully reconstructed impervious surface needs to be treated, greatly increasing the scope of impervious surface needed treatment. Following is the full language for MS4 Linear Requirements:
  - *For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a **reasonable attempt** to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in item 20.8. Volume reduction practices are not required if the practices cannot be provided **cost effectively**. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must **maximize the treatment of the water quality volume** prior to discharge from the MS4. [Minn. R. 7090]*
- **Proposed Updates:** The terms in **bold** above are MS4 requirement language that we believe should be further defined and clarified for the applicant. In our initial conversation with the TAC in December of 2021, we realized we needed a tiered approach to review Linear projects that are unable to meet the strict water quality requirements. Following is how we proposed these linear projects should be evaluated:
  - For Linear projects that are *able* to meet the 1.0- or 0.5-inch water quality requirement, the applicant does not need to provide any further volume control or water quality analysis.
  - For Linear projects that are *unable* to meet the 1.0- or 0.5-inch water quality requirement, the applicant needs to provide the following:
    1. *Show that a reasonable attempt was made to meet the water quality requirement by providing:*
      - a. *A summary of additional easements that could be acquired, if space and right-of-way is limiting the feasibility of constructing BMPs.*
      - b. *A detailed summary of alternatives that were considered.*
    2. *Maximize the treatment of the water quality volume*
      - a. *At a minimum, the project needs to provide BMPs that provide rate control and limit TSS/TP Loads to existing conditions*

3. Minor Rule Clarifications.

- a. Attached, as Appendix A, are updates to the rules that include language from above, along with some additional minor rule clarifications and revisions.
- b. One edit that should be highlighted is:
  - i. Table 2.1 and 2.2 note 'Site Area and Disturbed Area' thresholds. These were updated to clarify what projects qualify for Commission review. These clarifications are consistent with how the Commission has been classifying and interpreting what projects require Commission reviews in the past.

**Shingle Creek  
And  
West Mississippi**

**Watershed Management Commissions**

**Rules and Standards**

~~April 2013~~

Revisions Effective April 11, 2013  
Amended July 11, 2013  
[Revised xxxxxxxx, 2022](#)

**SHINGLE CREEK/WEST MISSISSIPPI  
WATERSHED MANAGEMENT COMMISSIONS  
RULES AND STANDARDS**

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## **POLICY STATEMENT**

The Shingle Creek and West Mississippi Watershed Management Commissions are Joint Powers Associations of the State under the Minnesota Watershed Act, and watershed management organizations as defined in the Metropolitan Surface Water Management Act. These acts provide the Commissions with power to accomplish their statutory purpose: the conservation, protection, and management of water resources in the boundaries of the watersheds through sound scientific principles.

The Commissions have adopted a water resources management plan pursuant to the Acts. These Rules implement the plan's principles and objectives.

Land alteration and utilization can affect the rate and volume and degrade the quality of surface water runoff within the watersheds. Sedimentation from ongoing erosion and construction activities will reduce hydraulic capacity of waterbodies and degrade water quality. Water quality problems already exist in many waterbodies in the watershed. Several of the waterbodies have been designated by the State of Minnesota as Impaired Waters, and do not meet state water quality standards.

Activities that increase the rate or volume of stormwater runoff will aggravate existing flooding problems and contribute to new ones. Activities that degrade runoff quality will cause quality problems in receiving water. Activities that fill floodplain or wetland areas will reduce flood storage and hydraulic capacity of waterbodies, and will degrade water quality by eliminating the filtering capacity of such areas.

These Rules and Standards protect the public health, welfare, and natural resources of the watershed by regulating the improvement or alteration of land and waters in the watershed to 1) reduce the severity and frequency of high water, 2) preserve floodplain and wetland storage capacity, 3) improve the chemical and physical quality of surface waters, 4) reduce sedimentation, 5) preserve the hydraulic and navigational capacities of waterbodies, 6) promote and preserve natural infiltration areas, and 7) preserve natural shoreline features. In addition to protecting natural resources, these Rules and Standards are intended to minimize future public expenditures on problems caused by the improvement or land and water alterations.

## **RELATIONSHIP WITH MUNICIPALITIES AND COUNTY**

The Commissions recognize that the control and determination of appropriate land use is the responsibility of the municipalities and the county. The Commissions will review projects involving land-disturbing activities as requested by the local municipalities. The Commissions intend to be active in the regulatory process to ensure that water resources are managed in accordance with its goals and policies. The Commissions will require a project review for developments and improvements in the watershed that meet the thresholds specified in the Rules.

The Commissions desire to provide technical advice to the municipalities in the preparation of local stormwater management plans and the review of projects that may affect water resources prior to investment of significant public or private funds.

## **RULE A - DEFINITIONS**

For the purposes of these Rules, unless the context otherwise requires, the following words and terms shall have the meanings set forth below. References in these Rules to specific sections of the Minnesota Statutes or Rules include amendments, revisions or recodifications of such sections. The words “shall” and “must” are mandatory; the word “may” is permissive.

**Abstraction.** Removal of stormwater from runoff, by such methods as infiltration, evaporation, transpiration by vegetation, and capture and reuse, such as capturing runoff for use as irrigation water.

**Agricultural Activity.** The use of land for the production of agronomic, horticultural or silvicultural crops, including nursery stock, sod, fruits, vegetables, flowers, cover crops, grains, Christmas trees, and grazing.

**Alteration or Alter.** When used in connection with public waters or wetlands, any activity that will change or diminish the course, current, or cross-section of public waters or wetlands.

**Applicant.** Any person or political subdivision that submits an application to the Commissions for a project review under these Rules.

**Best Management Practices (BMPs).** Techniques proven to be effective in controlling runoff, erosion and sedimentation including those documented in the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (BWSR 1988), Protecting Water Quality in Urban Areas (MPCA 2000), and the Minnesota Stormwater Manual (MPCA 2005) as revised.

**Biofiltration.** Using living material to capture and/or biologically degrade or process pollutants prior to discharging stormwater, such as directing runoff through a vegetated buffer or to a rain garden or vegetated basin with an underdrain.

**Bioretention.** A terrestrial-based (upland, as opposed to wetland) water quality and water quantity control process. Bioretention employs a simplistic, site-integrated design that provides opportunity for runoff infiltration, filtration, storage and water uptake by vegetation.

**Buffer Strip.** An area of natural, unmaintained, vegetated ground cover abutting or surrounding a watercourse or wetland.

**BWSR.** The Minnesota Board of Water and Soil Resources.

**Commission.** The Shingle Creek or West Mississippi Watershed Management Commission, as applicable.



**Commissioners.** The Board of Commissioners of the Shingle Creek or West Mississippi Watershed Management Commissions.

**Compensatory Storage.** Excavated volume of material below the floodplain elevation required to offset floodplain fill.

**County.** Hennepin County, Minnesota.

**Dead Storage.** The permanent pool volume of a water basin or the volume below the runout elevation of a water basin.

**Detention Basin.** Any natural or manmade depression for the temporary storage of runoff.

**Development.** The construction of any structure on or the subdivision of land.

**Drain or Drainage.** Any method for removing or diverting water from waterbodies, including excavation of an open ditch, installation of subsurface drainage tile, filling, diking, or pumping.

**Erosion.** The wearing away of the ground surface as a result of wind, flowing water, ice movement, or land disturbing activities.

**Erosion and Sediment Control Plan.** A plan of [best management practices \(BMPs\)](#) or equivalent measures designed to control runoff and erosion and to retain or control sediment on land during the period of land disturbing activities in accordance with the standards set forth in these Rules.

**Excavation.** The artificial removal of soil or other earth material.

**Fill.** The deposit of soil or other material by artificial means.

**Filtration.** A process by which stormwater runoff is captured, temporarily stored, and routed through a filter bed to improve water quality and slow down stormwater runoff.

**Floodplain.** The area adjacent to a waterbody that is inundated during a 100-year flood.

Fully Reconstructed Impervious. Areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed.

~~HCD. The Hennepin Conservation District.~~

**Impaired Water.** A waterbody that does not meet state water quality standards and that has been included on the MPCA Section 303(d) list of Impaired Waters of the state.

**Impervious Surface.** A surface compacted or covered with material so as to be highly resistant to infiltration by runoff. Impervious surface shall include roads, driveways and parking areas, whether or not paved, sidewalks greater than 3 feet wide, patios, tennis and basketball courts, swimming pools, covered decks and other structures. Open decks with joints at least ¼ inch wide, areas beneath overhangs less than 2 feet wide, and sidewalks 3 feet or less wide shall not constitute impervious surfaces under these Rules.

**Infiltration.** The passage of water into the ground through the soil.

**Infiltration Area.** Natural or constructed depression located in permeable soils that capture, store and infiltrate the volume of stormwater runoff associated with a particular design event.

**Interested Party.** A person or political subdivision with an interest in the pending subject matter.

**Land Disturbing Activity.** ~~Any change of the land surface to include removing vegetative cover, excavation, fill, grading, and the construction of any structure that may cause or contribute to erosion or the movement of sediment into waterbodies. Any activity on property that results in a change or alteration in the existing ground cover (both vegetative and non-vegetative) an/or the existing soil topography. Land disturbing activities include, but are not limited to: development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, stockpiling, excavation, and borrow pits. The use of land for agricultural activities shall not constitute a land disturbing activity under these Rules. Routine vegetation management, and pavement milling/overlay activities that do not disturb the material beneath the pavement base will not be considered land disturbance or fully reconstructed impervious surface. The use of land for agricultural activities shall not constitute a land disturbing activity under these Rules.~~

**Landlocked Basin.** A basin that is 1 acre or more in size and does not have a natural outlet at or below the 100-year flood elevation as determined by the 100-year, 10-day runoff event.

**Low Floor.** The finished surface of the lowest floor of a structure.

**Member City.** Any city wholly or partly within the Commission's boundary that has executed the Joint Powers Agreement.

**MnDOT.** The Minnesota Department of Transportation.

**MPCA.** The Minnesota Pollution Control Agency.

**Municipality.** Any city wholly or partly within the Commission's boundary.

**NPDES.** National Pollutant Discharge Elimination System.

**NRCS.** The Natural Resource Conservation Service.

**NURP.** The Nationwide Urban Runoff Program developed by the Environmental Protection Agency to study stormwater runoff from urban development.

**Ordinary High Water Level (OHW).** The elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high-water level is commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the OHW level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the OHW level is the operating elevation for the normal summer pool. For Public Waters and Public Waters Wetlands, the Minnesota Department of Natural Resources (DNR) determines the OHW. The boundary of waterbodies and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the OHW level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the OHW level is the operating elevation of the normal summer pool.

**Owner.** The owner of a parcel of land or the purchaser under a contract for deed.

**Parcel.** A parcel of land designated by plat, metes, and bounds, registered land survey, auditor's subdivision, or other accepted means and separated from other parcels or portions by its designation.

**Person.** Any individual, trustee, partnership, unincorporated association, limited liability company or corporation.

**Political Subdivision.** A municipality, county or other political division, agency or subdivision of the state.

**Project.** A space, parcel, or parcels of real property owned by one or more than one person which is being or is capable of being developed or redeveloped as a single project.

**Public Health and General Welfare.** Defined in Minnesota Statutes, Section 103D.011, Subdivisions 23 and 24.

**Public Waters.** Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivision 15.

**Public Waters Wetland.** Any wetland as defined in Minnesota Statutes, Section 103G.005, Subdivision 15a.

**Redevelopment.** Land-disturbing activity that creates or replaces impervious surface on a parcel that is fully or partially occupied by buildings and/or impervious surface with the exception of

~~Linear Transportation Projects. The rebuilding, repair, or alteration of a structure, land surface, or facility for which over 50% of the parcel involved is disturbed by a land-disturbing activity.~~

**Runoff.** Rainfall, snowmelt or irrigation water flowing over the ground surface.

**Sediment.** Soil or other surficial material transported by surface water as a product of erosion.

**Sedimentation.** The process or action of depositing sediment.

**Shoreland Protection Zone.** Land located within a floodplain or within 1,000 feet of the OHW of a public water or public waters wetland.

**Site.** A space, parcel, or parcels of real property owned by one or more than one person which is being or is capable of being developed or redeveloped as a single project.

**Standard.** A required level of quantity, quality, or value.

**Stormwater Management Plan.** A plan for the permanent management and control of runoff prepared and implemented in accordance with the standards set forth in these Rules.

**Structure.** Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, water and storage systems, drainage facilities and parking lots.

**Subdivision or Subdivide.** The separation of a parcel of land into two or more parcels.

**TMDL.** The Total Maximum Daily Load is the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards. "TMDL" can also refer to a study that calculates that load, or to the allocation of that allowable load to its various sources. An Implementation Plan may be part of the TMDL study or it may be a separate document that sets forth the steps that will be taken to achieve the TMDL.

**Volume Management.** The retention and abstraction of a certain volume of stormwater runoff onsite through techniques such as infiltration, evapotranspiration, and capture and reuse.

**Water Basin.** An enclosed natural depression with definable banks capable of containing water that may be partly filled with public waters.

**Waterbody.** All water basins, watercourses and wetlands as defined in these Rules.

**Watercourse.** Any natural or improved stream, river, creek, ditch, channel, culvert, drain, gully, swale, or wash in which waters flow continuously or intermittently in a definite direction.

**Water Resources Management Plan.** The watershed management plan for the Commission adopted and implemented in accordance with Minnesota Statutes, Section 103B.231.

**Watershed.** Region draining to a specific watercourse or water basin.

**Wetland.** Land transitional between terrestrial and aquatic systems as defined in Minnesota Statutes, Section 103G.005, Subdivision 19.

**Wetland Conservation Act (WCA).** Minnesota Wetland Conservation Act of 1991 as amended.

#### **RULE B - PROCEDURAL REQUIREMENTS**

1. **APPLICATION REQUIRED.** Any person, or political subdivision, undertaking an activity for which a project review is required by these Rules shall first submit to the applicable Commission a project review application, design data, plans, specifications, fees, and such other information and exhibits as may be required by these Rules. Project review applications shall be signed by the owner, or the owner's authorized agent, except for activities of a political subdivision which may be signed by either the owner or the general contractor. All project review applications must be authorized by the municipality where the proposed project is located.
2. **FORMS.** Project review applications shall be submitted on forms provided by the Commission. Forms are available at the Commission office or [Internet](#) Web site.
3. **ACTION BY COMMISSION.** The Commission shall act within 60 days after receipt of a complete application, including all required information, exhibits and fees. If a state or federal law or court order requires a process to occur before the Commission acts on an application, or if an application requires prior approval of a state or federal agency, the deadline for the Commission to act is extended to 60 days after completion of the required process or the required prior approval is granted. The Commission may extend the initial 60-day period by providing written notice of the extension to the applicant. The extension may not exceed 60 days unless approved by the applicant.
4. **SUBMITTAL.** A complete project review application with all required information and exhibits shall be filed with the Commission at least 14 calendar days prior to the scheduled meeting date of the Commission. Late or incomplete submittals will be scheduled to a subsequent meeting date.
5. **NOTIFICATION.** The Commission shall mail notice of the project review application to the owners of land located adjacent to the described activity, adjacent defined as located within the radius for which notice is required by the member city for review by its Planning Commission of site plan submittals, to a maximum of 300 feet (or 300 feet if the municipality does not require mailed notice of plan reviews), and to the member city or county with jurisdiction over the activity, at least 7 days prior to the scheduled meeting date of the Commission at which the application will be considered. The names and addresses of the owners to be notified shall be obtained by the applicant from the

Hennepin County Office of Taxpayer Services and furnished to the Commission on mailing labels or electronic file with the project review application. The project review application will not be processed until the list of owners has been submitted. Notice may be waived by the member city if such a notification has been made as a part of the Planning Commission review process. Neither the failure to give mailed notice to any owner nor any defect in the notice shall invalidate an action by the Commission on a project review application.

- 6. CONDITIONS.** A project review may be approved subject to reasonable conditions to assure compliance with these Rules. The conditions may include a requirement that the applicant and owner enter into an agreement with the member city in a form acceptable to the Commission to a) specify responsibility for the construction and future maintenance of approved structures or facilities, b) document other continuing obligations of the applicant or owner, c) grant reasonable access to the proper authorities for inspection, monitoring and enforcement purposes, d) affirm that the Commission or other political subdivisions can require or perform necessary repairs or reconstruction of such structures or facilities, e) require indemnification of the Commission for claims arising from issuance of the approved project review or construction and use of the approved structures or facilities, and f) reimburse the reasonable costs incurred to enforce the agreement. Project reviews and agreements may be filed for record to provide notice of the conditions and continuing obligations.

- 7. ISSUANCE OF PROJECT REVIEWS.** The Commission will issue a project review approval only after the applicant has satisfied all requirements of these Rules and paid all required fees.

- 7.8. PROJECT REVIEW APPROVAL RENEWALS AND TRANSFERS.** Approval for a reviewed project is valid for one year from the date the applicant is advised in writing that the Commission has approved the project. To renew or transfer project review approval, the applicant must notify the Commission in writing, prior to the project approval expiration date, of the reason for the renewal or transfer request. The Commission may impose different or additional conditions on a renewal or deny the renewal in the event of a material change in circumstances.

- 8-9. VALIDITY.** Issuance of a project review approval based on plans, specifications, or other data shall not prevent the Commission from thereafter requiring the correction of errors in the approved plans, specifications and data, or from preventing any activity being carried on thereunder in violation of these Rules.

- 9-10. MODIFICATIONS.** The applicant shall not modify the approved activity or plans and specifications on file with the Commission without the prior approval of the Commission.

- 10-11. INSPECTION AND MONITORING.** After issuance of a project review approval, the Commission may perform such field inspections and monitoring of the approved activity as the Commission deems necessary to determine compliance with the conditions of the project review and these Rules. Any portion of the activity not in compliance shall be



promptly corrected. In applying for a project review, the applicant consents to entry upon the land for field inspections and monitoring, or for performing any work necessary to bring the activity into compliance.

**11.12. SUSPENSION OR REVOCATION.** The Commission may suspend or revoke an approved project review issued under these Rules whenever the project review approval is issued in error or on the basis of incorrect information supplied, or in violation of any provision of these Rules, or if the preliminary and final project approvals received from the municipality or county are not consistent with the conditions of the approved project review.

**12.13. REGULAR MEETINGS.** Regular meetings of the Commission are held on the second Thursday of each month at 12:45 p.m., unless notice of a different date or time is given.

**13.14. SEVERABILITY.** If any provision of these Rules is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these Rules shall not be affected thereby.

#### **RULE C - GENERAL STANDARDS**

**1. POLICY.** It is the policy of the Commission to protect the water resources of the watershed by requiring that all activities within the watershed comply with minimum standards for the protection of water quality and the environment.

**2. REGULATION.**

- (a) All land disturbing activities, whether requiring a project review under these Rules or otherwise, shall be undertaken in conformance with BMPs and in compliance with the standards and criteria in these Rules.
- (b) Project reviews are required of any land disturbing activity meeting the review thresholds set forth in Rule D Section 2.
- (c) In areas that drain to Impaired Waters, TMDL Implementation Plans may include site-specific requirements for any land-disturbing activities that are in addition to these rules and standards.
- (d) No person shall conduct land-disturbing activities without protecting adjacent property and waterbodies from erosion, sedimentation, flooding, or other damage.
- (e) Development shall be planned and conducted to minimize the extent of disturbed area, runoff velocities, and erosion potential, and to reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on-site.
- (f) When possible, existing natural watercourses and vegetated soil surfaces shall be used to convey, store, filter, and retain runoff before discharge into public waters or a stormwater conveyance system.

- (g) When possible, runoff from roof gutter systems shall discharge onto lawns or other pervious surfaces to promote infiltration.
- (h) Use of fertilizers, deicers and pesticides in the shoreland protection zone shall be so done as to minimize runoff into public waters by the use of earth material, vegetation, or both. No phosphorus fertilizer shall be used unless a soil nutrient analysis shows a need for phosphorus or in the establishment of new turf.
- (i) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. The Commission encourages designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.
- (j) Whenever the Commission determines that any land disturbing activity has become a hazard to any person or endangers the property of another, adversely affects water quality or any waterbody, increases flooding, or otherwise violates these Rules, the Commission shall notify the member city where the problem occurs and the member city shall require the owner of the land upon which the land disturbing activity is located, or other person or agent in control of such land, to repair or eliminate such condition within the time period specified therein. The owner of the land upon which a land disturbing activity is located shall be responsible for the cleanup and any damages from sediment that has eroded from such land. The Commission may require the owner to submit a project review application under these Rules before undertaking any repairs or restoration.

#### **RULE D - STORMWATER MANAGEMENT**

1. **POLICY.** It is the policy of the Commission to control excessive rates and volumes of runoff, and protect water quality and biotic integrity by:
  - (a) Requiring that peak runoff rates not exceed existing conditions where stormwater discharges across the downgradient site boundary and does not exceed ~~or~~ the capacity of downstream conveyance facilities or contribute to flooding.
  - (b) Managing subwatershed discharge rates and flood storage volumes to be consistent with the goals of the Commission's water resources management plan and the local water resources management plans.
  - (c) Controlling runoff rates by the use of regional or on-site detention or infiltration facilities where feasible.
  - (d) Reviewing stormwater management structures based on the 100-year critical storm event for the drainage area.

- (e) Routing runoff to water treatment ponds or other acceptable facilities before discharging into waterbodies.
- (f) Promoting the use of natural resources for storing runoff and improving water quality and other amenities where appropriate.
- (g) Promoting natural infiltration of runoff.

**2. REGULATION.** No person or political subdivision shall commence a land disturbing activity or the development or redevelopment of land for the following types of projects without first submitting to and obtaining approval of a project review from the Commission or the city in which the project is located that incorporates a stormwater management plan for the activity, development or redevelopment:

- (a) Plans of any land development or site development as set forth in Tables 2.1 and 2.2 below:

**Table 2.1 Project review site size and disturbance area size thresholds for all land uses except detached single-family residential.**

All Land Uses Except Detached Single-Family Residential			
Development Projects			
City Project Review <u>(site size)</u>		Commission Project Review <u>(site size)</u>	
0.5 acres to < 1 acre	≥ 1 acre to < 5 acres		≥5 acres
<u>Development projects</u>	<u>Development projects</u>		<u>Development projects</u>
Abstract 1.1" runoff from all impervious surface	Meet Commission rate, <u>volume, and water</u> quality, <del>and volume</del> requirements for the entire site		Meet Commission rate, <u>volume, and water</u> quality, <del>and volume</del> requirements for the entire site
Redevelopment Projects			
City Project Review <u>(disturbance area)</u>		Commission Project Review <u>(disturbance area)</u>	
0.5 acres to < 1 acre	0.5 acres to < 1 acre		≥5 acres
<u>Redevelopment projects</u>	<u>Redevelopment projects</u>		<u>Redevelopment projects</u>
Incorporate permanent water quality BMPs	<50% disturbed	Meet Commission rate, <u>volume, and water</u> quality, and <del>volume</del> requirements for the disturbed area	Meet Commission rate, <u>volume, and water</u> quality, <del>and volume</del> requirements for the entire site
	≥50% disturbed	Meet Commission rate, <u>volume, and water quality</u> <del>quality, and volume</del> requirements for the entire site	

Table 2.2 Project review site size and disturbance area thresholds for detached single-family residential developments.

Detached Single-Family Residential Land Uses			
Development Projects			
City Project Review <u>(site size)</u>		Commission Project Review <u>(site size)</u>	
≥ 1 acre to < 15 acres		≥15 acres	
<u>Development projects</u>		<u>Development</u>	
Meet Commission rate, <u>volume, and water</u> quality, <del>and volume</del> requirements for the entire site		Meet Commission rate, <u>volume, and water</u> quality, <del>and volume</del> requirements for the entire site	
Redevelopment Projects			
City Project Review <u>(disturbance size)</u>		Commission Project Review <u>(disturbance area)</u>	
≥ 1 acre to < 15 acres		≥15 acres	
<u>Redevelopment projects</u>		<u>Redevelopment projects</u>	
<50% disturbed	Meet Commission rate, <u>volume and water</u> quality, <del>and volume</del> requirements for the disturbed area	Meet Commission rate, <u>volume, and water</u> quality, <del>and volume</del> requirements for the entire site	
≥50% disturbed	Meet Commission rate, <u>volume and water</u> quality, <del>and volume</del> requirements for the entire site		

(b) For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in item 20.8. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge to downstream waterbodies. ~~Linear projects that create one acre or more of new impervious surface must meet all Commission requirements for the net new impervious surface. Such projects will be reviewed by the commission or commissions in which the project is located.~~

(1) For Linear projects that are *able* to meet the 1.0- or 0.5-inch water quality requirement, the applicant does not need to provide any further volume control or water quality analysis.

(2) For Linear projects that are *unable* to meet the 1.0- or 0.5-inch water quality requirement, the applicant needs to provide the following:

(i) Show that a reasonable attempt was made to meet the water quality requirement by providing:

(a) A summary of additional easements that could be acquired, if space and right-of-way is limiting the feasibility of constructing BMPs.

(b) A detailed summary of alternatives that were considered.

(ii) Maximize the treatment of the water quality volume

(a) At a minimum, the project needs to provide BMPs that provide rate control and limit TSS/TP Loads to existing conditions.

~~(b)~~(c) Plans of any land development or individual site development adjacent to or within a lake, wetland, or a natural or altered watercourse as listed in the final inventory of Protected Waters and Wetlands for Hennepin County, as prepared by the DNR. Projects impacting wetlands where the Commission acts as LGU for Wetland Conservation Act administration must be reviewed by the respective Commission regardless of size.

~~(c)~~(d) Plans for any land development or site development within the 100-year floodplain as defined by the Flood Insurance Study for the member city.

~~(d)~~(e) Plans of any land development or site development regardless of size, if such review is requested by a member city.

~~(e)~~(f) Single family developments of more than 15 acres that drain to more than one watershed, for that portion of the site draining into the Shingle Creek or West Mississippi Watershed.

3. **CRITERIA.** Stormwater management plans shall comply with the following criteria regarding runoff **rate control** restrictions, landlocked basin requirements, detention pond design criteria, ~~water quality~~**volume control** requirements, and ~~volume~~**water quality** control requirements:

(a) A hydrograph method based on sound hydrologic theory will be used to analyze runoff for the design or analysis of flows and water levels.

(b) **Rate Control:** Runoff rates for the proposed activity shall not exceed existing runoff rates for the 2-year, 10-year, and 100-year, 24-hour, and 100-year, 10-day critical storm events ~~for the project location as set forth in NOAA Atlas 14 Volume 8, published June 2013, or its successor, using the online NOAA Precipitation Frequency Data Server or a similar data source~~using Atlas 14 precipitation depths and MSE-3 storm distributions. Applicant must document the location and event depths used. If an approved local water management plan requires more restrictive rate control, then the more restrictive rate shall govern. Runoff rates may be restricted to less than the existing rates when necessary for the public health and general welfare of the watershed. Member cities and project review applicants shall not exceed discharge rates at City boundaries as determined in the Commission's hydrologic model.

(c) Regional detention basins shall be utilized to manage peak flow rates and meet water quality objectives when feasible.

- (d) Analysis of flood levels, storage volumes and flow rates for waterbodies and detention basins shall be based on the range of rainfall and snow melt duration producing the critical flood levels and discharges.
- (e) Landlocked water basins may be provided with outlets that:
  - (1) Retain a hydrologic regime complying with floodplain and wetland alterations.
  - (2) Provide sufficient storage below the outlet run-out elevation to retain back-to-back 100-year, 24-hour rainfalls and runoff above the highest anticipated groundwater elevation and ~~prevent damage~~provide 2 feet of freeboard for ~~to~~ properties adjacent to the basin.
  - (3) Do not create adverse downstream flooding or water quality conditions.
- (f) If detention basins are used to control rate of runoff they shall be designed to provide:
  - (1) An outlet structure to control the 2-year, 10-year, and 100-year critical storm events to predevelopment runoff rates. Said outlet structure will be required to control critical storm events to less than predevelopment runoff rates if downstream facilities have insufficient capacity to handle the increased flow.
  - (2) Alternative to (1), runoff may be directed to a downstream facility within the same hydrologic subwatershed that has sufficient capacity to provide the required rate control. This means that no rate control may be required for an individual development provided there is a regional facility designed and constructed to accommodate the flow from this property.
  - (3) An identified overflow spillway sufficiently stabilized to convey a 100-year critical storm event.
  - (4) A normal water elevation above the OHW of adjacent waterbodies.
  - (5) Access for future maintenance.
  - (6) An outlet skimmer to prevent migration of floatables and oils for at least the two year storm event. Baffled weirs and wooden skimmers are not allowed.
  - (7) The member city's ordinance prescribing a minimum low floor elevation above the pond's high water level shall govern.
- (g) **Volume Control:** Volume control BMPs must be incorporated into the site design to minimize the creation of new impervious surface and reduce existing impervious surfaces, minimize the amount of directly connected impervious surface, preserve the infiltration capacity of the soil, and limit increases in runoff volume exiting the site to the extent feasible considering site-specific conditions.

~~(1) Examples of BMPs that preserve pervious areas and reduce runoff volume can be found in "Protecting Water Quality in Urban Areas" (MPCA, 2000, as amended); the "Minnesota Urban Small Sites BMP Manual" (Metropolitan Council 2001, as amended); the "Minnesota Stormwater Manual" (MPCA, 2005, as amended) and~~



~~other BMP guidance manuals.~~ Design and placement of volume control BMPs shall be done in accordance with the Minnesota Stormwater Manual guidance and requirements.

- ~~(2)~~(1) Stormwater runoff volume abstraction via infiltration shall be provided onsite in the amount equivalent to ~~one 1.1 inch~~ times the impervious surface required to be treated of runoff generated from impervious surface in accordance with Tables 2.1 and 2.2. The required stormwater runoff volume shall be calculated as follows:

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$$\text{Required Volume (ft}^3\text{)} = \text{Impervious surfaces (ft}^2\text{)} \times 1.1(\text{in}) \times 1/12 (\text{ft/in})$$

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- (i) If infiltration is prohibited or not feasible for the project, filtration BMPs can be used to meet the volume and water quality requirements.

(a) If infiltration of the water quality volume is deemed necessary through alternative compliance sequencing, the required stormwater runoff volume shall be multiplied by 1.82 (i.e. 55% filtration credit) and the filtration BMP shall provide this storage volume below the invert of the low overflow outlet of the BMP (perforated drain pipes for filtration will not be considered the low overflow outlet).

(b) If iron-enhanced sand is used as a filtration media, the required stormwater runoff volume shall be multiplied by 1.25 (i.e. 80% filtration credit), and the filtration BMP shall provide this storage volume below the invert of the low overflow outlet of the BMP pipes for filtration will not be considered the low overflow outlet).

(c) Iron-enhanced media shall include a minimum of 5% of iron filings by weight and shall be uniformly blended with filtration media.

(d) Other enhanced filtration media, including mechanical treatment devices (MTDs), may be considered and credited per guidance within the Minnesota Stormwater Manual.

- ~~(i)~~(ii) When using infiltration for volume reductionFor volume control BMPs, runoff must be infiltrated or filtrated within 48 hours using accepted BMPs for infiltration, such as infiltration trenches, rainwater gardens, or infiltration basins. Infiltration volumes and facility sizes shall be calculated based on the measured infiltration rate determined by a double-ring infiltrometer test(s) conducted to the requirements of ASTM Standard D3385 at the proposed bottom elevation of the infiltration area. Other testing methods may be used with the approval of the Commission's Engineer. The measured infiltration rate shall be divided by the appropriate correction factor selected from the Minnesota Stormwater Manual. This site investigation must be conducted by a licensed soil scientist or engineer.

- ~~(ii)~~(iii) A post-construction percolation test must be performed on each infiltration practice and must demonstrate that the constructed infiltration rate meets or exceeds the design infiltration rate prior to project acceptance by the city.
- (iii) Infiltration areas will be limited to the horizontal areas subject to prolonged wetting.
- (iv) Areas of permanent pools tend to lose infiltration capacity over time and will not be accepted as an infiltration practice.
- (v) Stormwater runoff must be pretreated to remove solids before discharging to volume control BMPs to maintain the long-term viability and effectiveness of the BMP. Additional information on sizing and approaches can be found within the Minnesota Stormwater Manual. ~~infiltration areas to maintain the long term viability of the infiltration areas. Examples of pretreatment BMPs can be found in "Protecting Water Quality in Urban Areas" (MPCA, 2000, as amended); the "Minnesota Urban Small Sites BMP Manual" (Metropolitan Council 2001, as amended); the "Minnesota Stormwater Manual" (MPCA, 2005, as amended) and other BMP guidance manuals.~~
- (vi) Design and placement of infiltration BMPs shall be done in accordance with the Minnesota Stormwater Manual and latest guidance from the Minnesota Department of Health, guidance "Evaluating Proposed Stormwater Infiltration Projects in Vulnerable Wellhead Protection Areas," as amended.
- ~~(vii)~~ Constructed bioretention and infiltration practices such as rain gardens, infiltration trenches, and infiltration benches shall be designed in accordance with the Minnesota Stormwater Manual. ~~not be used in:~~
  - ~~(viii)~~ Fueling and vehicle maintenance areas;
  - ~~(ix)~~ Areas with less than 3 feet separation from the bottom of the infiltration system to the elevation of seasonal high groundwater;
  - ~~(x)~~ Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than 5 feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater;
  - ~~(xi)~~ Areas within 400 feet of a community water well, within 100 feet of a private well, or within a delineated 1 year time of travel zone in a wellhead protection area;
- ~~(xii)~~(vii) Sites containing contaminated soils or groundwater.
- ~~(xiii)~~(viii) Where infiltration is not advisable or infeasible due to site conditions, biofiltration must be provided for that part of the abstraction volume that is not abstracted by other BMPs. Where biofiltration is infeasible, at a minimum filtration through a medium that incorporates organic material, iron ~~fillings~~filings, or other material to reduce soluble phosphorus must be provided.

~~(xiv)~~(ix) Alternative to (2), runoff may be directed to a downstream facility within the same hydrologic subwatershed that has sufficient capacity to provide the required volume management. This means that no volume management may be required for an individual development provided there is a regional facility designed and constructed to accommodate the volume from this property

~~(xv)~~(x) Credit towards compliance with the abstraction requirement in (2) may be achieved by meeting post construction soil quality and amendment depth requirements. Areas that will be subjected to clearing, grading, or compaction that will not be covered by impervious surface, incorporated into a drainage facility, or engineered as structural fill or slope may be included in the credit calculation if they meet post construction soil quality and amendment depth requirements. The applicant may compute a credit of 0.5 inches over the soil amendment area and apply that toward the abstraction volume requirement.

- (a) A minimum 8-inch depth of compost amended soil or imported topsoil shall be placed in all areas of the project site being considered for the abstraction credit. Before the soil is placed, the subsoil must be scarified (loosened) at least 4 inches deep, with some incorporation of the amended soil into the existing subsoil to avoid stratified layers.
- (b) Soil amendment may be achieved by either mixing 2 inches of approved compost into the 8 inches of soil depth, or by mixing a custom-calculated amount of compost to achieve 8 inches of compacted soil depth with a minimum organic content of five percent.
- (c) The amended areas must pass a 12-inch probe test during the site final inspection. Once amended, soil areas must be protected from recompaction.

(h) Water Quality Control: The water quality requirement is met, if the project meets the volume control requirement outlines in 3(g).

(1) Where infiltration is not advisable or infeasible due to site conditions, biofiltration must be provided for that part of the abstraction volume that is not abstracted by other BMPs. Where biofiltration is infeasible, at a minimum filtration through a medium that incorporates organic material, iron fillings, or other material to reduce soluble phosphorus must be provided.

(2) There shall be no net increase in total phosphorus (TP) or total suspended solids (TSS) from pre-development land cover to post-development land cover. Pre-development land cover is defined as the predominant land cover over the previous 10 years.

(i) Full abstraction of 1.1 inches of runoff from all impervious surface will satisfy (h).

(ii) If it is not feasible to achieve the full 1.1 inch abstraction requirement, a combination of BMPs may be used to achieve the no-net-increase requirement.

- (a) Acceptable water quality calculation methods as outlined in the Minnesota Stormwater Manual.
- (iii) If permanent sedimentation and water quality ponds are used they shall be designed to the standards set forth in the Minnesota Stormwater Manual.
- (iv) Runoff may be directed to a downstream facility within the same hydrologic subwatershed that has sufficient capacity to provide the required treatment. This means that no treatment may be required for an individual development provided there is a regional facility designed and constructed to accommodate the flow from this property.
- ~~(h) Stormwater must be treated prior to discharge to remove 60 percent of phosphorus and 85 percent of total suspended solids. Treatment may be provided by one or more permanent sedimentation and water quality ponds or a combination of BMPs that together will meet removal requirements.~~
- ~~(i)–~~
- ~~(j) If permanent sedimentation and water quality ponds are used they shall be designed to the Wet Pond Design Standards set forth on Appendix A to these Rules and provide:~~
- ~~(k)–~~
- ~~(l) Water quality features consistent with NURP criteria and best management practices.~~
- ~~(m) A permanent wet pool with dead storage of at least the runoff from a 2.5-inch storm event.~~
- ~~(n)–~~
- ~~(o) Alternative to (1), runoff may be directed to a downstream facility within the same hydrologic subwatershed that has sufficient capacity to provide the required treatment. This means that no treatment may be required for an individual development provided there is a regional facility designed and constructed to accommodate the flow from this property.~~
- ~~(p)–~~
- ~~(q) Alternative to (1) or (2), applicant may meet both the treatment requirement and the volume requirement set forth in D.3 (h) below by infiltrating all site runoff from a 1.3 inch rain event using the same criteria set forth in D.3 (h).~~

#### 4. WAIVERS.

- (a) The Commission may waive the on-site runoff rate, volume and water quality control design criteria as noted above, if a municipality has an off-site stormwater facility that provides equivalent control and treatment of runoff that conforms to Commission standards.
- (b) The design criteria for infiltration may be waived for sites with total impervious surface of less than one acre if infiltration BMPs have been incorporated to the maximum extent possible.

#### 5. EXHIBITS. The following exhibits shall accompany the project review application ~~{one set full size, one set reduced to a maximum size of 11" x 17", and one electronic set in electronic .pdf format}~~:

- (a) Property lines and delineation of lands under ownership of the applicant.
- (b) Delineation of the subwatershed contributing runoff from off-site, proposed and existing subwatersheds on-site, emergency overflows and watercourses.
- (c) Proposed and existing stormwater facilities location, alignment and elevation.
- (d) Delineation of existing on-site wetland, marsh, shoreland and floodplain areas.
- (e) For applications proposing infiltration or filtration as a stormwater management practice, identification, description, results of double-ring infiltrometer tests, and permeability and approximate delineation of site soils in both existing and proposed as-developed condition.
- (f) Existing and proposed ordinary high and 100-year water elevations on-site.
- (g) Existing and proposed site contour elevations at 2-foot intervals, referenced to NAGVD (198829 datum).
- (h) Construction plans and specifications of all proposed stormwater management facilities, including design details for outlet controls.
- (i) Runoff volume and rate analysis for the 2-year, 10-year, and 100-year critical storm events, existing and proposed.
- (j) All hydrologic, water quality and hydraulic computations made in designing the proposed stormwater management facilities.
- (k) Narrative addressing incorporation of volume management BMPs.
- (l) Applications requesting an abstraction credit must include a Soil Management Plan (SMP) that shall include an 11" x 17" or larger site map indicating areas where soils will be amended, and calculations for soil volumes to be stockpiled and amounts and specifications of amendment or topsoil to be imported to achieve specified minimum organic matter content.
- (m) Delineation of any ponding, flowage or drainage easements, or other property interests, to be dedicated for stormwater management purposes.

**6. MAINTENANCE.** All stormwater management structures and facilities shall be maintained in perpetuity to assure that the structures and facilities function as originally designed. The owner of any water quality treatment device if not a governmental unit shall provide to the member city, in a form acceptable to the Commission, a recordable agreement detailing an operations and maintenance plan that assures that the structure(s) will be operated and maintained as designed.

**7. EASEMENTS.** The member city shall obtain from the applicant, in form acceptable to the Commission, recordable temporary and perpetual easements for ponding, flowage and drainage purposes over hydrologic features such as waterbodies and stormwater basins. The easements shall include the right of reasonable access for inspection, monitoring, maintenance and enforcement purposes.

8. **COVENANTS.** The Commission may require as a condition of project review approval that the member city shall require that the land be subjected to restrictive covenants or a conservation easement, in form acceptable to the Commission, to prevent the future expansion of impervious surface and the loss of infiltration capacity.

#### **RULE E - EROSION AND SEDIMENT CONTROL**

1. **POLICY.** It is the policy of the Commission to control runoff and erosion and to retain or control sediment on land during land disturbing activities by requiring the preparation and implementation of erosion and sediment control plans.
2. **REGULATION.** No person or political subdivision shall commence a land disturbing activity or the development or redevelopment of land for which a project review is required under Rule D without first submitting to and obtaining approval of a project review from the Commission that incorporates an erosion and sediment control plan for the activity, development or redevelopment.
3. **CRITERIA.** Erosion and sediment control plans shall comply with the following criteria:
  - (a) Erosion and sediment control measures shall be consistent with best management practices as demonstrated in the most current version of the MPCA manual "Protecting Water Quality in Urban Areas," and shall be sufficient to retain sediment on-site.
  - (b) Erosion and sediment controls shall meet the standards for the General Permit Authorization to Discharge Storm Water Associated with Construction Activity Under the current National Pollutant Discharge Elimination System/State Disposal System Permit Program Permit ~~MN-R100001~~ (NPDES General Construction Permit) issued by the Minnesota Pollution Control Agency, except where more specific requirements are required.
  - (c) All erosion and sediment controls shall be installed before commencing the land disturbing activity, and shall not be removed until completion.
  - (d) The activity shall be phased when possible to minimize disturbed areas subject to erosion at any one time.
4. **EXHIBITS.** The following exhibits shall accompany the project review application ~~(one set full size, one set reduced to a maximum size of 11" x 17", and one electronic set in electronic .pdf format):~~
  - (a) An existing and proposed topographic map showing contours on and adjacent to the land, property lines, all hydrologic features, the proposed land disturbing activities, and the locations of all runoff, erosion and sediment controls and soil stabilization measures.

- (b) Plans and specifications for all proposed runoff, erosion and sediment controls, and temporary and permanent soil stabilization measures.
- (c) Detailed schedules for implementation of the land disturbing activity, the erosion and sediment controls, and soil stabilization measures.
- (d) Detailed description of the methods to be employed for monitoring, maintaining and removing the erosion and sediment controls, and soil stabilization measures.
- (e) Soil borings if requested by the Commission.

5. **MAINTENANCE.** The project review applicant shall be responsible for proper operation and maintenance of all erosion and sediment controls and soil stabilization measures, in conformance with best management practices and the NPDES permit. The project review applicant shall, at a minimum, inspect and maintain all erosion and sediment controls and soil stabilization measures daily during construction, weekly thereafter, and ~~after every rainfall event exceeding 0.5 inches, until vegetative cover is established~~ as required from the Minnesota Construction Permit.

#### **RULE F - FLOODPLAIN ALTERATION**

1. **POLICY.** It is the policy of the Commission to prevent and control flooding damage by:
  - (a) Preserving existing water storage capacity below the 100-year critical flood elevation on all waterbodies in the watershed to minimize the frequency and severity of high water.
  - (b) Minimizing development in the floodplain that will unduly restrict flood flows or aggravate known high water problems.
  - (c) Requiring compensatory storage for floodplain fill.
2. **REGULATION.** No person or political subdivision shall alter or fill land below the 100-year critical flood elevation of any public waters, public waters wetland or other wetland without first obtaining an approved project review from the Commission.
3. **CRITERIA.**
  - (a) Floodplain alteration or filling shall not cause a net decrease in flood storage capacity below the projected 100-year critical flood elevation unless it is shown that the proposed alteration or filling, together with the alteration or filling of all other land on the affected reach of the waterbody to the same degree of encroachment as proposed by the applicant, will not cause high water or aggravate flooding on other land and will not unduly restrict flood flows.
  - (b) All new structures shall be constructed with the low floor at the elevation required in the municipality's ordinance.

4. **EXHIBITS.** The following exhibits shall accompany the project review` application ~~(one set full size, one set reduced to a maximum size of 11" x 17", and one electronic set in electronic .pdf format);~~

- (a) Site plan showing boundary lines, delineation and existing elevation contours of the work area, ordinary high water level, and 100-year critical flood elevation. All elevations shall be referenced to NAGVD (192889 datum).
- (b) Grading plan showing any proposed elevation changes.
- (c) Preliminary plat of any proposed subdivision.
- (d) Determination by a registered professional engineer of the 100-year critical flood elevation before and after the proposed activity.
- (e) Computation of the change in flood storage capacity as a result of the proposed alteration or fill.
- (f) Erosion control and sediment plan which complies with these Rules.
- (g) Soil boring logs and report if available.

5. **EXCEPTIONS.** If a municipality or county has adopted a floodplain ordinance that prescribes an allowable degree of floodplain encroachment, the applicable ordinance shall govern the allowable degree of encroachment and no project review will be required under this Floodplain Alteration Rule.

#### **RULE G - WETLAND ALTERATION**

1. **POLICY.** It is the policy of the Commission to preserve and protect wetlands for their water quality, stormwater storage, habitat, aesthetic, and other attributes by:

- (a) Achieving no net loss in the quantity, quality and biological diversity of wetlands in the watershed.
- (b) Increasing the quantity, quality and biological diversity of wetlands in the watershed by restoring or enhancing diminished or drained wetlands.
- (c) Avoiding direct or indirect impacts from activities that destroy or diminish the quantity, quality and biological diversity of watershed wetlands.
- (d) Replacing affected wetlands where avoidance is not feasible and prudent.

2. **REGULATION.** No person or political subdivision shall drain, fill, excavate or otherwise alter a wetland without first obtaining the approval of a wetland replacement plan from the local government unit with jurisdiction over the activity. Mitigation of wetland impacts will be considered in the following sequence: 1) mitigated by enhancing the impacted wetland; 2) mitigated within the subcatchment of the impacted wetland; 3) mitigated in the drainage



area of the impacted wetland; 4) mitigated in the watershed of the impacted wetland; 5) mitigated through purchase of wetland bank credits.

### 3. CRITERIA.

- (a) Any drainage, filling, excavation or other alteration of a wetland shall be conducted in compliance with Minnesota Statutes, section 103G.245, the ~~wetland~~ Wetland ~~Conservation Act~~, and regulations adopted thereunder.
- (b) A wetland may be used for stormwater storage and treatment only if the use will not adversely affect the function and public value of the wetland as determined by the local government unit.
- (c) Other activities which would change the character of a wetland shall not diminish the quantity, quality or biological diversity of the wetland.

### 4. LOCAL GOVERNMENT UNIT.

The Commission intends to serve as the local government unit for administration of the Wetland Conservation Act for those cities that have designated the Commission to serve in that capacity, as noted in the Commission's annual report.

## RULE H - BRIDGE AND CULVERT CROSSINGS

- 1. **POLICY.** It is the policy of the Commission to maintain channel profile stability and conveyance capacity by regulating crossings of watercourses for driveways, roads and utilities.
- 2. **REGULATION.** No person or political subdivision shall construct or improve a road or utility crossing across Shingle Creek or any watercourse with a tributary area in excess of 100 acres without first submitting to the Commission and receiving approval of a project review.
- 3. **CRITERIA.** Crossings shall:
  - (a) Retain adequate hydraulic capacity, which for any crossing over Shingle Creek shall be based on the hydraulic model for the creek.
  - (b) Not adversely affect water quality.
  - (c) Represent the "minimal impact" solution to a specific need with respect to all reasonable alternatives.
  - (d) Allow for future erosion, scour, and sedimentation maintenance considerations.
- 4. **EXHIBITS.** The following exhibits shall accompany the project review application ~~(one set full size, one set reduced to a maximum size of 11" x 17", and one electronic set in electronic .pdf format):~~
  - (a) Construction plans and specifications.

- (b) Analysis prepared by a registered professional engineer showing the effect of the project on hydraulic capacity and water quality.
- (c) An erosion and sediment control plan that complies with these Rules.

**5. MAINTENANCE.**

- (a) The maintenance, reconstruction and stabilization of any public crossing shall be the responsibility of the political subdivision with jurisdiction over the crossing.
- (b) The maintenance, reconstruction and stabilization of any private crossing shall be the responsibility of the owner of the crossing.
- (c) If a crossing over the Shingle Creek is determined by the Commission to be causing significant erosion, the Commission may notify the member city where said crossing is located and the member city may order the owner of the crossing to make necessary repairs or modifications to the crossing and outlet channel.

**RULE I - BUFFER STRIPS**

- 1. POLICY.** It is the policy of the Commission to maintain the water quality and ecological functions provided by watercourses and wetlands by requiring the development of vegetated buffers around watercourses and wetlands where development and redevelopment occurs, and to encourage the installation of vegetated buffers around all watercourses and wetlands. Vegetative buffers reduce the impact of surrounding development and land use on watercourse and wetland functions by stabilizing soil to prevent erosion, filtering sediment from runoff, and moderating water level fluctuations during storms. Buffers provide essential habitat for wildlife. Requiring buffers recognizes that watercourse and wetland quality and function are related to the surrounding upland.
- 2. REGULATION.** No person or political subdivision shall commence a land disturbing activity or the development or redevelopment of land for: any single family detached housing project 15 acres or larger in size; projects in any other land use such as commercial/ industrial/institutional 5 acres or larger in size; or any land disturbing activity requested by a member city to be reviewed regardless of project size; on land that contains or is adjacent to a watercourse, lake or wetland without first submitting to and obtaining approval of a project review from the Commission that incorporates a vegetated buffer strip between the development or redevelopment and the watercourse or wetland.
- 3. GENERAL PROVISIONS.**
  - (a) This Rule shall apply to all lands containing or abutting watercourses or wetlands and lands within the buffer strips required by this Rule that are subject to a project review under these Rules. Watercourses and wetlands shall be subject to the requirements established herein, and other applicable federal, state and local ordinances and

regulations. If a municipality has a buffer strip requirement that has been reviewed and approved by the Commission, the municipal regulation shall have precedence over the Commission's Rules.

- (b) An applicant shall determine whether any watercourse or wetland exists on land or within the applicable buffer strip on adjacent land, and shall delineate the boundary for any wetland on the land. An applicant shall not be required to delineate wetlands on adjacent property, but must review available information to estimate the wetland boundary.
- (c) Documentation identifying the presence of any watercourse or wetland on the applicant's land, including wetland delineation and buffer strip vegetation evaluation, must be provided to the Commission with a project review application.
- (d) Wetland and buffer strip identifications and delineations shall be prepared in accordance with state and federal regulations.

**4. CRITERIA.** The following standards apply to all lands that contain or abut a watercourse or wetland:

- (a) BMPs shall be followed to avoid erosion and sedimentation during land disturbing activities.
- (b) When a buffer strip is required the applicant shall, as a condition to issuance of an approved project review:
  - (1) Submit to the member city, in a form acceptable to the Commission, a recordable conservation easement for protection of approved buffer strips. The easement shall describe the boundaries of the watercourse or wetland and buffer strips, identify the monuments and monument locations, and prohibit any of the alterations set forth in Paragraph 6(e) below and the removal of the buffer strip monuments within the buffer strip or the watercourse or wetland.
  - (2) Install the wetland monumentation required by Paragraph 8 below.
- (c) All open areas within the buffer strip shall be seeded or planted in accordance with Paragraph 8 below. All seeding or planting shall be completed prior to removal of any erosion and sediment control measures. If construction is completed after the end of the growing season, erosion and sediment control measures shall be left in place and all disturbed areas shall be mulched for protection over the winter season.

**5. BUFFER STRIPS.**

- (a) For any project review submitted after January 1, 2003, a buffer strip shall be maintained around the perimeter of all watercourses or wetlands. The buffer strip provisions of this Rule shall not apply to any parcel of record as of the date of this Rule until such parcel is developed or redeveloped. The Commission does, however, strongly encourage the installation of buffer strips on all parcels in the watershed.

- (b) Buffer strips shall be a minimum of 20 feet wide with an average width of 30 feet, measured from the ordinary high water level of the watercourse or wetland.
- (c) Buffer strips shall apply whether or not the watercourse or wetland is on the same parcel as a proposed development.
- (d) Buffer strip vegetation shall be established and maintained in accordance with Paragraph 9 below. Buffer strips shall be identified within each parcel by permanent monumentation in accordance with Paragraph 8 below.
- (e) Subject to Paragraph 5(f) below, alterations including building, storage, paving, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application, are prohibited within any buffer strip. Noxious vegetation may be removed as long as the buffer strip is maintained to the standards required by the Commission. Alterations would not include plantings that enhance the natural vegetation or selective clearing or pruning of trees or vegetation that are dead, diseased or pose similar hazards.
- (f) The following activities shall be permitted within any buffer strip, and shall not constitute prohibited alterations under Paragraph 5(e) above:
  - (1) Use and maintenance of an unimproved access strip through the buffer, not more than 20 feet in width, for recreational access to the watercourse or wetland and the exercise of riparian rights.
  - (2) Placement, maintenance, repair or replacement of utility and drainage systems that exist on creation of the buffer strip or are required to comply with any subdivision approval or building permit obtained from the municipality or county, so long as any adverse impacts of utility or drainage systems on the function of the buffer strip have been avoided or minimized to the extent possible.
  - (3) Construction, maintenance, repair, reconstruction, or replacement of existing and future public roads crossing the buffer strip, so long as any adverse impacts of the road on the function of the buffer strip have been avoided or minimized to the extent possible.

## **6. ALTERNATE BUFFER STRIPS.**

- (a) Because of unique physical characteristics of a specific parcel, narrower buffer strips may be necessary to allow a reasonable use of the parcel, based on an assessment of:
  - (1) The size of the parcel.
  - (2) Existing roads and utilities on the parcel.
  - (3) The percentage of the parcel covered by watercourses or wetlands.
  - (4) The configuration of the watercourses or wetlands on the parcel.
  - (5) The quality of the affected watercourses and wetlands.

(6) Any undue hardship that would arise from not allowing the alternative buffer strip.

(b) The use of alternative buffer strips will be evaluated as part of the review of a stormwater management plan under these Rules. Where alternative buffer strip standards are approved, the width of the buffer strips shall be established by the Commission based on a minimum width of 10 feet. Alternative buffer strips must be in keeping with the spirit and intent of this Rule.

**7. MONUMENTATION.** A monument shall be required at each parcel line where it crosses a buffer strip and shall have a maximum spacing of 200 feet along the edge of the buffer strip. Additional monuments shall be placed as necessary to accurately define the edge of the buffer strip. A monument shall consist of a post and a buffer strip sign. The signs shall include warnings about disturbing or developing the buffer strip.

**8. VEGETATION.**

(a) Where acceptable natural vegetation exists in buffer strip areas, the retention of such vegetation in an undisturbed state is required unless an applicant receives approval to replace such vegetation. A buffer strip has acceptable natural vegetation if it:

- (1) Has a continuous, dense layer of perennial grasses that has been uncultivated or unbroken for at least 5 consecutive years; or
- (2) Has an overstory of trees and/or shrubs that has been uncultivated or unbroken for at least 5 consecutive years; or
- (3) Contains a mixture of the plant communities described in Subparagraphs 8(a)(1) and (2) above that has been uncultivated or unbroken for at least 5 years.

(b) Notwithstanding the performance standards set forth in Paragraph 8(a), the Commission may determine existing buffer strip vegetation to be unacceptable if:

- (1) It is composed of undesirable plant species including but not limited to common buckthorn, reed canary grass, or species on the Minnesota State Noxious Weeds List; or
- (2) It has topography that tends to channelize the flow of runoff; or
- (3) For some other reason it is unlikely to retain nutrients and sediment.
- (4) Where buffer strips are not vegetated or have been cultivated or otherwise disturbed within 5 years of the project review application, such areas shall be replanted and maintained with native vegetation. The buffer strip plantings must be identified on the project review application. Acceptable buffer strip design and planting methods are detailed in the reference documents "Restoring and Managing Native Wetland and Upland Vegetation" (Jacobson 2006, prepared for BWSR and MnDOT).

- (c) Buffer strip vegetation shall be established and maintained in accordance with the requirements found in this Paragraph. During the first two full growing seasons, the owner must replant any buffer strip vegetation that does not survive. The owner shall be responsible for reseeding and/or replanting if the buffer strip changes at any time through human intervention or activities. At a minimum the buffer strip must be maintained as a “no mow” area.

#### **9. ENCROACHMENT.**

- (a) Buffer strips must be kept free of all materials, equipment and structures, including fences and play equipment. Buffer strips must not be grazed, cropped, logged or mown except as approved by the Commission. The topography of the buffer strips shall not be altered by any means, including paving, plowing, cutting, dredging, filling, mining, or dumping.
- (b) Variances.
  - (1) Only variances meeting the standards and criteria set forth in Rule K shall be granted.
  - (2) Variances shall not be granted that would circumvent the intent and purposes of this Rule.

#### **RULE J - FEES**

- 1. **POLICY.** The Commission finds that it is in the public interest to require applicants to pay the cost of administering and reviewing project review applications, and inspecting approved activities to assure compliance with these Rules, rather than using the Commission’s annual administrative levy for such purposes. The Commission shall by resolution establish a schedule of fees that may be amended from time to time to reflect the cost of providing each service.
- 2. **APPLICATION.** Each application for the issuance, transfer or renewal of a project review recommendation under these Rules shall be accompanied by an application fee to defray the cost of processing the application.
- 3. **REVIEW.** A project review applicant under these Rules shall pay a fee for the cost of the review and analysis of the proposed activity, including services of engineering, legal, and other consultants. The review fee shall be payable upon the submission of the project review application.
- 4. **VARIANCE.** A project review applicant requesting a variance from these rules shall pay a deposit for the cost of analyzing the request, including services of engineering, legal, and other consultants. The variance deposit shall be payable upon the submission of the project

review application. Should the cost of said variance review exceed the amount on deposit, the application shall deposit such additional sums as are needed to pay such costs. Failure to pay such costs is grounds to deny the application or suspend review. Funds not used shall be returned to the applicant.

5. **WETLAND MITIGATION PLAN.** A project review applicant under these rules shall pay a deposit for the cost of the review and analysis of a proposed activity involving a wetland mitigation plan in a municipality where the Commission is the LGU. The deposit is to cover the costs of engineering, legal, and other consultants. The wetland mitigation deposit shall be payable upon the submission of the project review application. Should the cost of said wetland mitigation plan review exceed the amount on deposit, the application shall deposit such additional sums as are needed to pay such costs. Failure to pay such costs is grounds to deny the application or suspend review. Funds not used shall be returned to the applicant.
6. **WETLAND MITIGATION PLAN MONITORING.** A project review applicant under these rules in a municipality where the Commission is the LGU shall deposit an escrow to cover the cost of Commission monitoring and annual monitoring plan review for the five-year period. The applicant may apply to the Commission to provide the field monitoring services and to supply to the Commission the annual monitoring report. In the event the applicant does not do the field monitoring the Commission will undertake the data collection. If the escrow amount is insufficient to cover the costs the Commission may require additional funds from the applicant.
7. **WETLAND MITIGATION SECURITY DEPOSIT.** A project review applicant under these rules in a municipality where the Commission is the LGU shall provide a security to assure that the replacement plan is followed. The amount of the security shall be calculated on a case-by-case basis based on the estimated cost of construction, follow up and contingency. The security may also include an amount determined by the Commission to be sufficient to protect the public in the event the replacement plan does not succeed.
8. **DEPOSITS.** The Commission will maintain an accounting for all deposits made under this Rule. No interest will be paid to applicants for funds held in deposit.

#### **RULE K - VARIANCES**

1. **WHEN AUTHORIZED.** The Commission may grant variances from the literal provisions of these Rules. A variance shall only be granted when in harmony with the general purpose and intent of the Rules in cases where strict enforcement of the Rules will cause practical difficulties or particular hardship, and when the terms of the variance are consistent with

the Commission's water resources management plan and Minnesota Statutes, chapter 103D.

2. **HARDSHIP.** "Hardship" as used in connection with the granting of a variance means the land in question cannot be put to a reasonable use if used under the conditions allowed by these Rules; the plight of the applicant is due to circumstances unique to the land and not created by the applicant; and the variance, if granted, will not adversely affect the essential character of the locality and other adjacent land. Economic considerations alone shall not constitute a hardship if a reasonable use for the land exists under the terms of these Rules. Conditions may be imposed in the granting of a variance to insure compliance and to protect adjacent land and the public health and general welfare of the Commission.
3. **PROCEDURE.** An application for a variance shall describe the practical difficulty or particular hardship claimed as the basis for the variance. The application shall be accompanied with such surveys, plans, data and other information as may be required by the Commission to consider the application.
4. **VIOLATION.** A violation of any condition imposed in the granting of a variance shall be a violation of these Rules and shall automatically terminate the variance.

#### **RULE L - ENFORCEMENT**

1. **ADMINISTRATION.** These Rules shall be administered by the Commission. The Commission shall consider applications required under these Rules and determine whether such applications should be approved, approved with conditions, or denied. Such determination shall be communicated to the member city in which the project lies and to the applicant.
2. **IMPLEMENTATION BY MEMBER CITIES.** It shall be the duty of each city to enforce and implement such determinations by the Commission under the various permitting processes and regulations of the city. Each city shall make such amendments to its official controls, regulations, and permitting processes as are necessary to provide it with the authority to enforce and implement the determinations of the Commission.
3. **FAILURE BY CITY TO IMPLEMENT.** Upon a determination by the Commission that a city has not enforced or implemented a decision of the Commission in the administration of these Rules, the Commission shall notify the city of such determination and direct that appropriate action be taken by the city. If the city does not take such action, the Commission may take such legal steps as are available to it to effect such enforcement or implementation.

#### **RULE M – AMENDMENT OF THESE RULES**



1. **AMENDMENT.** These rules may be amended from time to time by the Commission. Proposed amendments shall be reviewed by the member cities prior to adoption unless the Commission determines that said amendment is of a minor or technical nature. Minor or technical amendments include recodifying or streamlining the rules, clarifying policies, or other actions that do not adversely affect a member city or impact the Commission's or member cities' ability to meet their water management plan goals.
2. **PROCEDURE.** Proposed major amendments to these rules shall be first considered by the Commission and then forwarded to the member cities for a 45-day comment period. Following that comment period, the Commission shall consider the proposed amendment and the comments received for approval. All amendments shall be made by resolution.

**SHINGLE CREEK/WEST MISSISSIPPI  
WATERSHED MANAGEMENT COMMISSIONS**

**RULES  
APPENDIX A**

**WET POND DESIGN STANDARDS**

Permanent Pool Depth	4 to 10 feet
Permanent Pond Surface Area	Greater of 2% of watershed's impervious area and 1% of the watershed
Permanent Pool Length to Width Ratio	3:1 or greater with an irregularly shaped shoreline
Side Slopes	10:1 for 10 foot bench centered on the normal water elevation and between 3:1 and 20:1 elsewhere
Side Slope Stabilization	Native seed with mix 33-261 (MnDOT 310), 34-271 (BWSR W2) or equivalent between NWL and HWL, provide 10' buffer where possible with mix 35-221 (MnDOT 330 (dry)) or mix 35-241 (MnDOT 350 (mesic))
Floatable Removal	Skimming device discharging at no greater than 0.5 fps during the 1-year event or a submerged outlet with a minimum 0.5 feet from the normal water level to the crown of the outlet pipe
Sediment Accumulation Area	Provide maintenance pads to remove sediment deltas at inlets
Permanent Pool Volume	A 4-foot mean depth and equal to 2.5-inch rain over the watershed
Source	Protecting Water Quality in Urban Areas (MPCA 2000)

## Shingle Creek/West Mississippi Watershed Management Commissions

### Management Rules and Standards\*

	Standard	Purpose	Applicability
<b>Project Reviews Required</b>	A Stormwater Management Plan consistent with all applicable management rules and standards* must be reviewed and approved prior to commencement of land disturbing activities. Generally, the Commission reviews single family projects larger than 15 acres and all other land uses larger than 5 acres; linear projects; and projects with wetland impacts where the Commission is LGU for WCA. Cities generally review all other projects.	To control excessive rates and volumes of runoff; manage subwatershed discharge rates and flood storage volumes; improve water quality; protect water resources; and promote natural infiltration of runoff.	All development or redevelopment projects of the following types: <ul style="list-style-type: none"> <li>Single family detached housing project 1 acre or larger in size</li> <li>Projects in any other land use 0.5 acres or larger in size</li> <li>Projects within the 100-year floodplain</li> <li>Projects adjacent to or within a lake, wetland, or watercourse</li> <li>Any land disturbing activity requested by a member city to be reviewed regardless of project size</li> <li>Linear projects creating more than one acre of new impervious surface</li> </ul>
<b>Rate Control</b>	Peak runoff rates may not exceed existing rates for the 2-year, 10-year, and 100-year critical storm event; or the capacity of downstream conveyance facilities; or contribute to flooding	To control excessive rates and volumes of runoff; manage subwatershed discharge rates and flood storage volumes	All projects on more than one acre requiring a project review. Redevelopment projects disturbing less than 50 percent of the site must meet the requirement only for the disturbed area.
<b>Volume Management</b>	One inch of impervious surface runoff must be abstracted on site for at least 48 hours	To control excessive rates and volumes of runoff; manage subwatershed discharge rates and flood storage volumes; and promote natural infiltration of runoff.	All projects on more than one acre requiring a project review. Redevelopment projects disturbing less than 50 percent of the site must meet the requirement only for the disturbed area.
<b>Erosion and Sediment Control</b>	Erosion control plan using Best Management Practices (BMPs) and consistent with the NPDES General Construction Permit is required	To control erosion and sediment so as to protect conveyance systems and water quality	All projects requiring a project review
<b>Floodplain Alteration</b>	Compensating storage is required to mitigate floodplain fill	To prevent and control flooding damage	All development or redevelopment projects within the 100-year floodplain regardless of project size
<b>Water Quality</b>	Removal of 60% of TP and 85% of TSS, using either permanent sedimentation and water quality ponds consistent with NURP design standards, providing a permanent wet pool with dead storage of at least the runoff from a 2.5 inch event, or a combination of BMPs providing those removals	To protect water quality	All projects on more than one acre requiring a project review. Redevelopment projects disturbing less than 50 percent of the site must meet the requirement only for the disturbed area.
<b>Buffer Strips</b>	Vegetated buffer strips of a minimum 20 foot, average 30 foot width are required adjacent to wetlands and watercourses	To protect water quality; reduce erosion and sedimentation; reduce pollutants from runoff and debris; and provide habitat	All projects requiring a project review that contain or abut a wetland or watercourse
<b>Wetland</b>	Wetlands may not be drained, filled, excavated, or otherwise altered without an approved wetland replacement plan from the local government unit (LGU) with jurisdiction	To preserve and protect wetlands for their water quality, stormwater storage, habitat, aesthetic, and other attributes	All land disturbing activity impacting a wetland as defined by the Wetland Conservation Act (WCA)

\*Important Note: Approved TMDL Implementation Plans may have additional site-specific requirements.

April 2013

**Commented [ME1]:** Update per acceptance of proposed language changes

The Shingle Creek and West Mississippi Commissions approved two regional treatment systems that are incorporated into these Rules and Standards.

#### SC2010-04 Gravel Mining Area (GMA) Arbor Lakes Infiltration Credit: Maple Grove

The Gravel Mining Area (GMA) at Arbor Lakes in Maple Grove is developing in accordance with a Stormwater Master Plan reviewed and approved by the Shingle Creek Commission. This Master Plan was developed in accordance with the Commission's runoff rate and water quality rules and standards, but before an infiltration requirement was added. There is a large area of the GMA yet to be developed where regional ponds have already been built according to the pre-infiltration requirement. In 2010 the Commission reviewed and approved a plan by the City of Maple Grove to obtain infiltration credits for this new development by constructing biofiltration basins adjacent to four existing regional stormwater ponds. Stormwater from areas that developed prior to the infiltration rule is directed to these new basins. The Commission agreed that these new infiltration basins are adequate to provide regional infiltration for the 553 acres of undeveloped area shown on the attached infiltration credit map. New development in that area will not be required to meet the infiltration standard on site.

#### WM2007-02 Brooklyn Center Regional Treatment

In 2007 the City of Brooklyn Center constructed a regional treatment system for a large part of the area that is drained by the 65<sup>th</sup> Avenue trunk storm sewer that outlets to the Mississippi River. This drainage area has little or no treatment. The area is expected to redevelop in the future, and the regional underground treatment system was proposed to provide regional TSS treatment. The treatment device was sized to provide treatment for the equivalent of the runoff from 360 acres. The West Mississippi Commission agreed that future development within that area would not need to provide on-site TSS treatment, and that the TP requirement could be met by infiltrating 0.75 inches of runoff from impervious area. Within the ten year time-of-travel area infiltration is not required, but filtration of the equivalent volume is required if allowed by the Wellhead Protection Plan. Projects will still need to meet rate control, erosion control, and other Commission requirements.

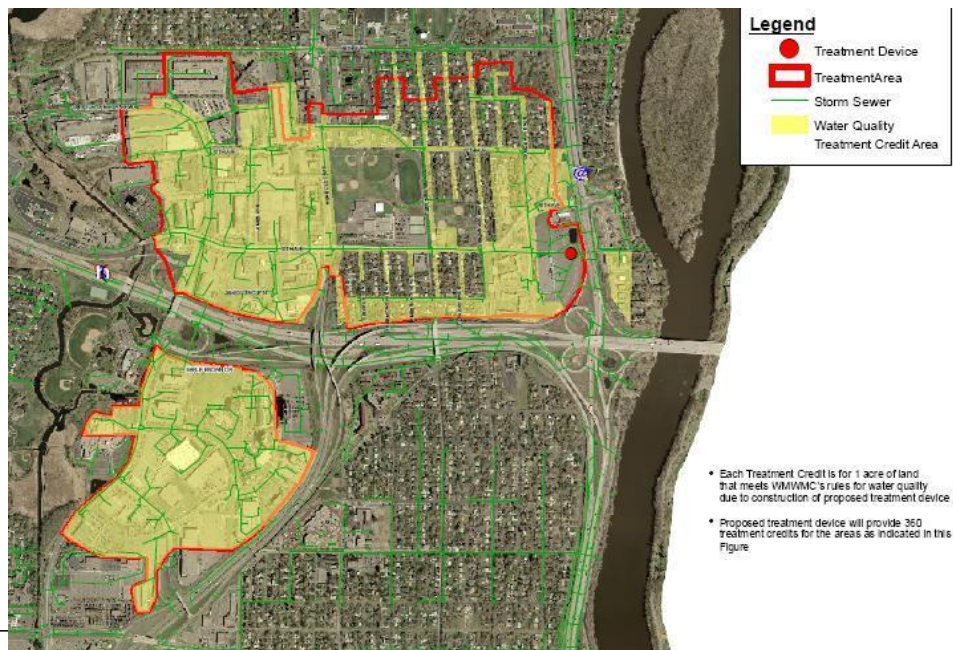
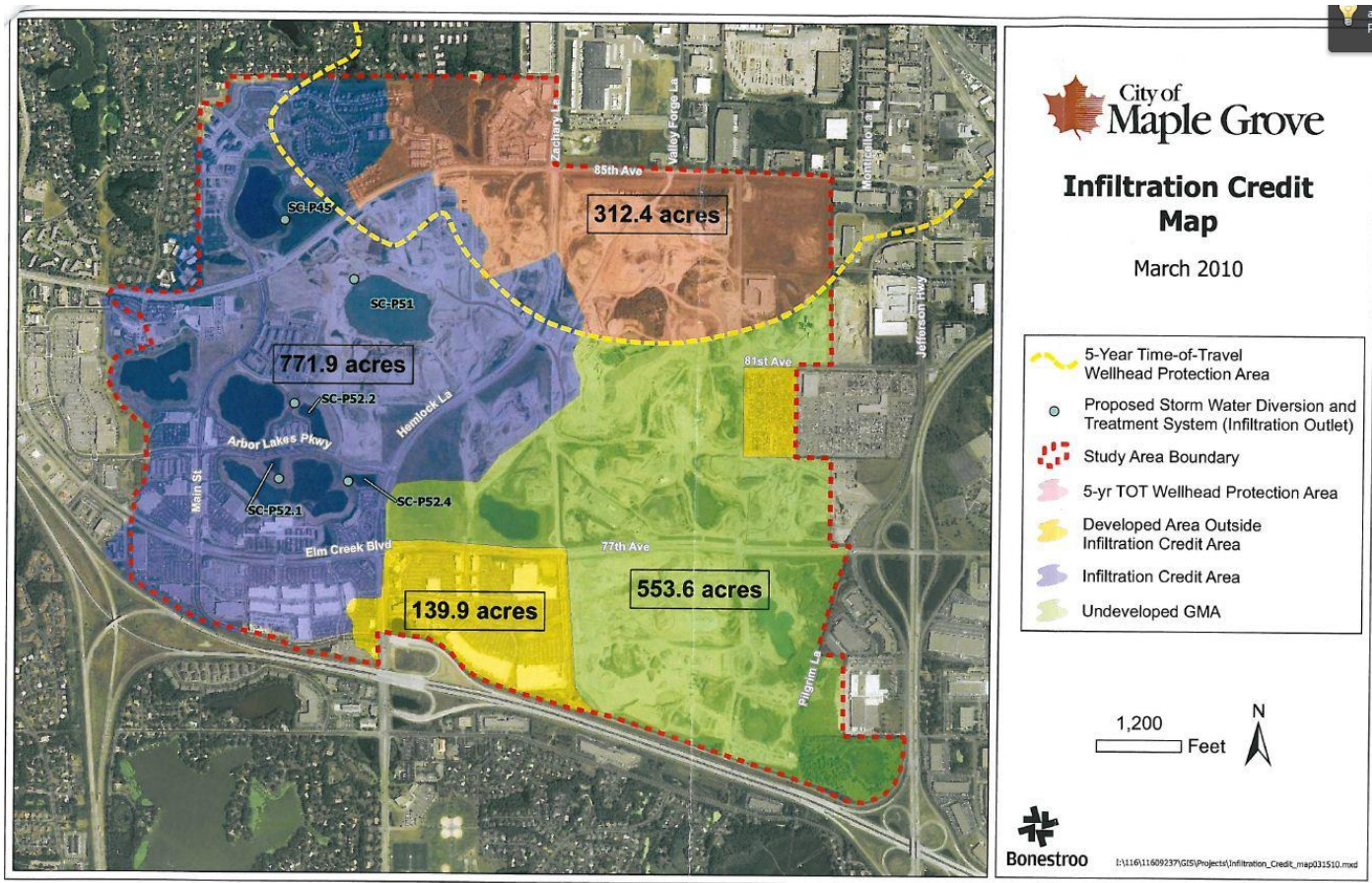


Figure 2. Brooklyn Center Regional Treatment area.







**To:** Shingle Creek/West Mississippi WMO Commissioners/TAC

**From:** Diane Spector

**Date:** March 3, 2022

**Subject:** Watershed-Based Implementation Funding  
Convene Process

**Recommended  
Commission Action**

Complete process steps 1-3 below and discuss options for step 4.

This Convene meeting is intended to kick off the Watershed-Based implementation Funding (WBIF) allocation process for the Shingle Creek and West Mississippi Watershed Allocation Areas. The Board of Water and Soil Resources (BWSR) approved allocations for fiscal year 2022, including **\$95,501** to the Shingle Creek allocation area and **\$75,000** to the West Mississippi allocation area, which will become available July 1, 2022. Funding must be focused on prioritized and targeted cost-effective actions with *measurable water quality results* that were identified in the implementation section of a state approved and locally adopted comprehensive watershed management plan. BWSR published a Convene Process Guidance document (attached) that the Partnership will be using to develop funding options and make decisions and recommendations to BWSR for funding.

At their February 10, 2022, meetings, the TAC selected Amy Riegel from Plymouth and Mitch Robinson from Brooklyn Park to represent the cities in the Shingle Creek and West Mississippi Partnerships. The Commissions selected Ray Schoch from Minneapolis as the Shingle Creek Watershed representative and Karen Jaeger from Maple Grove as the West Mississippi representative. Hennepin County designated Kris Guentzel to represent it as the county and SWCD.

**BWSR-Recommended Convene Meeting Process:**

1. Choose a facilitator.
2. Choose a decision-making process. (For example, consensus, parliamentary (Robert's Rules)).
3. Decide how to select activities for funding. Note that partnerships may also want to choose funding targets for different categories (e.g., projects, studies, education).
4. Partnerships may select activities by:
  - Developing a list of potential activities from eligible plans,
  - Dividing funding among eligible entities in an equitable manner,
  - Selecting a few priority waterbodies (lake, streams) and/or groundwater areas to prioritize activities,
  - Using agreed upon criteria to select activities, or
  - Using a process approved by the BWSR Central Region Manager.
5. Select the highest priority, targeted, measurable, and eligible activities to be submitted to BWSR as a budget request.
6. Confirm which entity will serve as grantee and/or fiscal agent for each selected activity and decide on the source of the 10% required match.

## Potential Funding Activities

Funding is not limited to capital projects; anything in the Third Generation Plan's Implementation Plan may be eligible as long as its end goal is the protection and improvement of water quality. As a reminder, the Implementation Plan included the following:

- Keeping the Rules and Standards up to date
- Maintaining a robust monitoring program
- Implementing an education and outreach program
- Implementing TMDL management actions
- Completing subwatershed assessments and follow-up implementation cost share
- Matching grants
- Maintaining an ongoing and periodically updated capital improvement program (CIP)

Tables 1 and 2 show the current CIPs for each Commission. You may add one or more projects to the CIP by Minor Plan Amendment for eligibility for the WBIF funding if that is approved prior to submitting a work plan.

## Discussion

The Partnership may choose to award the funds to one high-priority project or make numerous awards for varying objectives – for example dividing up the funds into an allocation for ag cost share, a lake internal load feasibility study, a priority subwatershed assessment, targeted resident outreach, and one or more projects. Or, you may decide to focus on one or two priority lakes and undertake a suite of activities focused on making a measurable improvement in water quality. As set forth in steps 3 and 4 above:

1. Discuss preference for funding:
  - a. Limit to one or two activities or fund several activities.
  - b. Focus on one or two specific resources (one or two lakes; a stream)
  - c. Fund an existing CIP project or projects.
  - d. Solicit new ideas.
  - e. Other
2. Discuss and generate specific options for funding.
  - a. Solicit new projects or ideas for funding.

## Next Steps

Depending on what is accomplished at the initial Convene meeting, the next steps at the next meeting(s) would be 1) to solidify the list of potential activities for funding, 2) determine how the Partnership will select activities for funding; 3) select the highest priority activities for funding.



**Table 1. Current Shingle Creek CIP, as amended 2021.**

CAPITAL IMPROVEMENT PROGRAM	2020	2021	2022	Comments
Cost Share Program	200,000	200,000	200,000	
Commission Contribution	100,000	100,000	100,000	
Local Contribution	100,000	100,000	100,000	
Partnership Cost-Share BMP Projects	100,000	100,000	100,000	
Commission Contribution	50,000	50,000	50,000	
Local Contribution	50,000	50,000	50,000	
Lake Internal Load Improvement Project	200,000		200,000	
Commission Contribution	200,000		200,000	
Local Contribution	0		0	
Palmer Creek Estates Bass Creek Restoration		600,000		
Commission Contribution		600,000		
Local Contribution		0		
Channel Modification with SRP Filter Phase 2		125,000		
Commission Contribution		125,000		
Local Contribution		0		
Maple Grove Pond P57			648,000	Moved to future
Commission Contribution			162,000	
Local Contribution			486,000	
Maple Grove Pond P33			574,000	Moved to future
Commission Contribution			143,500	
Local Contribution			430,500	
Shingle Cr Brookdale Park Habitat Enhancement			150,000	Nothing pending
Commission Contribution			150,000	
Local Contribution			0	
Minneapolis Webber Park Stream Restoration			500,000	Nothing pending
Commission Contribution			500,000	
Local Contribution			0	
Minneapolis Flood Area 5 Water Quality Projects			6,000,000	Nothing pending
Commission Contribution			250,000	
Local Contribution			5,750,000	
Maple Grove Pond P55			855,000	Moved to future
Commission Contribution			213,800	
Local Contribution			641,200	
<b>TOTAL PROJECT COST</b>	<b>1,750,000</b>	<b>1,025,000</b>	<b>9,227,000</b>	
<b>TOTAL COMMISSION SHARE</b>	<b>1,325,000</b>	<b>875,000</b>	<b>1,769,300</b>	
<b>TOTAL CITY SHARE</b>	<b>425,000</b>	<b>150,000</b>	<b>7,457,700</b>	

Table 2. Current West Mississippi CIP, as amended 2021.

CAPITAL IMPROVEMENT PROGRAM	2020	2021	2022	Comments
Cost Share Program	100,000	100,000	100,000	
Commission Contribution	50,000	50,000	50,000	
Local Contribution	50,000	50,000	50,000	
River Park Stormwater Improvements	485,000			
Commission Contribution	121,250			
Local Contribution	363,750			
Miss Crossings Phase B Infiltration Vault	400,000			Moved per Todd
Commission Contribution	100,000			
Local Contribution	300,000			
Partnership Cost Share Program		100,000	100,000	
Commission Contribution		100,000	100,000	
Local Contribution				
Champlin Woods Trail Rain Gardens			180,000	Moved per Todd
Commission Contribution			45,000	
Local Contribution			135,000	
Wetland Restoration Project			250,000	Nothing pending
Commission Contribution			62,500	
Local Contribution			187,500	
<b>TOTAL PROJECT COST</b>	<b>985,000</b>	<b>200,000</b>	<b>630,000</b>	
<b>TOTAL COMMISSION SHARE</b>	<b>271,250</b>	<b>150,000</b>	<b>257,500</b>	
<b>TOTAL CITY SHARE</b>	<b>713,750</b>	<b>50,000</b>	<b>507,500</b>	

11/19/21

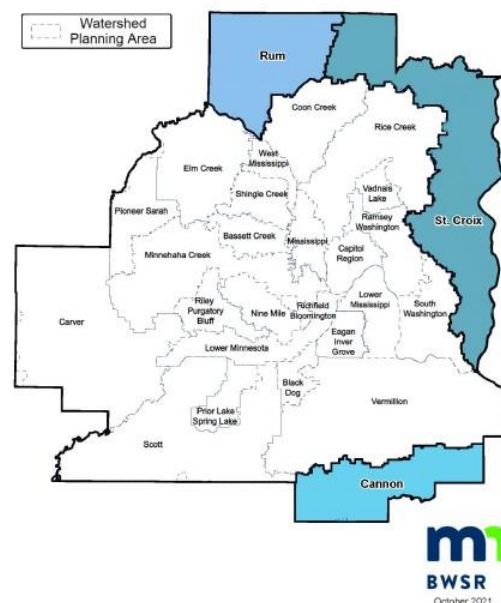
## Metro Area Watershed-Based Implementation Funding (WBIF) Program FY22-23 Convene Process Guidance

The purpose of WBIF is to supplement existing funding to accelerate clean water activities (practices, projects, and programs) toward advancing Minnesota's water resources goals through prioritized and targeted cost-effective actions with measurable water quality results.

In the seven-county Metropolitan Area (Metro), only activities identified in the *implementation* section of a state approved and locally adopted comprehensive watershed management plan developed under Minnesota statutes §103B.101, Subd. 14 or §103B.801, watershed management plan required under §103B.231, county groundwater plan authorized under §103B.255, or a Metro soil and water conservation district enhanced plan as described in the “*Metro SWCD Enhanced Comprehensive Plan Options Guidance Document*” (<https://bwsr.state.mn.us/watershed-based-implementation-funding-program>) and authorized under §103C.331 are eligible to be funded. Activities must also have a primary benefit towards water quality.

For purposes of this document, the group of participants in each watershed allocation area (see map) will be called a partnership (e.g., Rice Creek partnership or Rum partnership) and meetings will be referred to as convene meetings.

**Twin Cities Metro Area Allocation Map for the Watershed-based Implementation Funding Program**



## Convene Meeting Process

The convene meeting process allows the partnership to jointly coordinate on the development of a WBIF budget request for submittal to BWSR that is prioritized, targeted and measurable. Each partnership will include one decision-making representative (participant) from each watershed district and/or watershed management organization, soil and water conservation district, county with a current groundwater plan, and up to two decision-making representatives from municipalities within the allocation area.

Prior to the initial meeting, individual organizations must select one decision-making representative to the partnership. Municipalities in each allocation area must coordinate prior to the start of the convene process to self-select up to two decision-making representatives. Municipal representatives are expected to communicate with other municipalities on the solicitation and selection of projects and

activities during the process. The partnership can then either select a local government entity (or entities) to coordinate and facilitate the convene meeting(s) or request assistance from BWSR by contacting the Board Conservationist (BC). The BWSR BC and Clean Water Specialist (CWS) must be invited to convene meetings. Meeting notes that document the general discussion, decisions, and attendees will be taken by the facilitating entity and shared with the partnership soon after each meeting and be made available upon request.

Each partnership must meet at a minimum of one time prior to submitting a budget request. Ideally, partnerships will develop a shared understanding of proposed activities during the convene meeting process. In order to improve the efficiency of the convene meeting process, BWSR recommends the following meeting objectives.

#### Recommended Convene Meeting Objectives:

1. Choose a decision-making process.
2. Decide how to select activities for funding. Note that partnerships may also want to choose funding targets for different categories (e.g., projects, studies, education).  
Partnerships may select activities by:
  - Developing a list of potential activities from eligible plans,
  - Dividing funding among eligible entities in an equitable manner,
  - Selecting a few priority waterbodies (lake, streams) and/or groundwater areas to prioritize activities,
  - Using agreed upon criteria to select activities, or
  - Using a process approved by the BWSR Central Region Manager.
3. Select the highest priority, targeted, measurable, and eligible activities to be submitted to BWSR as a budget request (see submittal process below).
4. Confirm which entity will serve as grantee and/or fiscal agent for each selected activity and decide on the source of the 10% required match.

## Eligibility

To better understand the eligibility of proposed activities, BWSR recommends that you first refer to the FY22-23 WBIF Policy at <https://bwsr.state.mn.us/grant-program-policies>. If there are questions regarding eligibility, it is recommended that the BWSR BC be consulted as early as possible.

The partnership must send the BWSR BC a list of partnership-approved activities prior to submittal of an eLINK budget request when there will be multiple grantees per watershed allocation area to ensure funds are not being overextended. This list should include the project title and description, water resource(s), proposed measurable outcome(s), grant funds requested, plan reference(s), entity requesting funding (grantee), and fiscal agent (if different from grantee).

Even if your partnership will not have multiple grantees, it is still recommended that partnerships provide the BWSR BC this same list of project details prior to completion of a budget request in eLINK in order to accelerate the eligibility screening process. This step could reduce the need for additional meetings or the number of times an eLINK budget request is completed.

A template can be provided if requested. For plan references, please provide the title(s) to the eligible water management plan(s), page number where these are found in the *implementation section* of the

eligible plan(s), and weblink to the referenced plan(s).

## Submittal of the Budget Request

Once the activities have been agreed upon by the partnership, each grantee will then be responsible for submitting an eLINK (<https://bwsr.state.mn.us/elink>) budget request to BWSR. BWSR may deny the budget request for reasons such as activities are ineligible according to the WBIF Policy, activities are not identified in the implementation section of an eligible plan, requested amount is inaccurate, the request is incomplete, etc. Please save the budget request information outside of eLINK as this information is not retained in eLINK if a budget request is denied and a new budget request would need to be submitted.

Once the eLINK budget request is approved by BWSR, each grantee will be responsible for completing an eLINK work plan, which needs to be approved by BWSR **no later than March 30, 2023**. Note that if a work plan cannot be approved by this date, BWSR will reallocate these funds through the WBIF Program. Therefore, we highly recommend that eLINK budget requests are submitted no later than November 30, 2022 and the eLINK work plan is submitted by December 30, 2022. The work plan must be approved by BWSR prior to funds being distributed.

Guidance on the eLINK budget request and work plan can be found at <https://bwsr.state.mn.us/grant-profile-watershed-based-implementation-funding> under “Resources”.

## Timeline (hard deadlines are in bold font)

- BWSR holds informational meeting(s) (Jan. – Feb. 2022)
- Organizations select decision-making representatives for convene meetings (Jan. – March 2022)
- Partnerships select meeting coordinator/facilitator (Spring 2022)
- 1-2 convene meetings held (Spring 2022)
- Funding available (**July 1, 2022**)
- Send list of partnership-approved activities to BWSR – this is required for areas with multiple grantees and recommended for other areas (prior to the submittal of the eLINK budget request)
- Submit eLINK budget requests (July 2022 – Nov. 2022)
- eLINK Work Plan submittal deadline (Aug. 2022 – Dec. 2022)
- eLINK Work Plan approval deadline (**March 30, 2023**). Note that if a work plan cannot be approved by this date, BWSR will reallocate these funds through the WBIF Program.
- Grant expiration date (**Dec. 31, 2025**)

## Additional Information

- Please see the WBIF Policy, Allocation Table, FAQs and other guidance documents on our website at <https://bwsr.state.mn.us/watershed-based-implementation-funding-program>.
- More information about the terms “prioritize, target, and measure” can be found at [https://bwsr.state.mn.us/sites/default/files/2021-11/WP\\_1W1P\\_guidebook.pdf](https://bwsr.state.mn.us/sites/default/files/2021-11/WP_1W1P_guidebook.pdf).
- Partnerships should consider the high-level priorities of the Nonpoint Priority Funding Plan (<https://bwsr.state.mn.us/reports>).