

**Technical Advisory Committee
MINUTES | February 9, 2023**

A 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 11:03 a.m., Thursday, February 9, 2023, in the Aspen Room, Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN.

Present: James Soltis, Brooklyn Center; Mitchell Robinson, Brooklyn Park; Mark Ray, Crystal; Derek Asche, Maple Grove; Katie Kowalczyk, Minneapolis; Nick Macklem, New Hope; Amy Riegel and Ben Scharenbroich, Plymouth; Richard McCoy and Mike Sorensen, Robbinsdale; Diane Spector, Todd Shoemaker, and Katie Kemmitt, Stantec; and Judie Anderson, JASS.

Not represented: Champlin and Osseo.

Also present: Burt Orred, Jr., Crystal, and Andy Polzin, Plymouth.

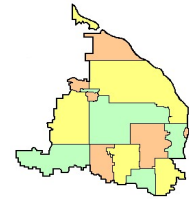
- I. Motion by Robinson, second by Ray to **approve the agenda**. * *Motion carried unanimously.*
- II. Motion by Ray, second by Robinson to **approve the minutes*** of the December 8, 2022, meeting with the deletion of highlighted item VII.A. *Motion carried unanimously.*
- III. The Minnesota Department of Transportation (MnDOT) released the **Highway 252/I-94 Environmental Impact Statement Draft Scoping Document*** for public agency comment on January 13, 2023. Stantec has reviewed the document and prepared comments to be shared with MnDOT on February 6, 2023.

During their review Stantec staff received comments from the Commissioners representing Minneapolis (Ray Schoch), Brooklyn Center (David Vlasin and David Mulla), and Brooklyn Park (Alex Prasch). This group met to discuss both the request from MnDOT for the Commissions to review the draft Scoping Decision Document (SDD) and the content within the document. The group issued four comments to Stantec. Below are the Commissioners' comments and Stantec's responses in *italics*.

1. We'd like Stantec to request an extension from MnDOT for review of the draft SDD in order to give the Commissioners a chance to discuss and weigh in on the draft SDD in their February meeting. *Stantec discussed this request with MnDOT's project consultant who did not recommend this approach. He noted that the 21-day informal agency review period was included in the process as a courtesy by MnDOT and not required by the Minnesota Environmental Policy Act (MEPA). Therefore, MnDOT does not anticipate extending the February 6, 2023, deadline, as there will be several more opportunities for agency and public comment.*

(The Commission's attorney concurs with Stantec's approach and can further explain the Commission role and responsibilities at the February 9, 2023, Commission meeting. A flow chart included as part of Stantec's February 2, 2023, memo shows that the project is currently in the second of six opportunities for agency comment. The second of four public comment periods will occur from March through May 2023 and be focused on the Draft Scoping Document.)

2. We'd like Stantec to work with the Commissioners in identifying the general outline and nature of review comments on the draft SDD before and at the February 9 meeting. To facilitate this, Commissioners should be given access to the draft SDD, should they wish it. *Given the deadline noted in #1, Stantec will submit initial*



technical comments to MnDOT by February 6, 2023, include those in the Commission packet for the February 9, 2023, meeting, and then review the initial technical comments at the TAC and Commission meetings.

3. We are concerned with the potential impact of stormwater runoff and infiltration, and pollution arising from alternatives recommended by MnDOT on ground and surface water resources and the wildlife and people that depend on them. *Noted. Stantec's review will focus on responsible watershed and stormwater management consistent with the limitations of its statutory authorities and in compliance with their JPAs.*

4. We would like MnDOT to expand the evaluation criteria they apply to each project alternative. It appears that MnDOT's criteria for evaluating project alternatives do not currently address the impacts of project alternatives on ground and surface water sources for drinking water. In particular, we are concerned about pollution of these water supplies due to salinity associated with an expansion in impervious surfaces and due to toxic pollution arising from crashes involving heavy freight trucks. Evaluation criteria should also be developed to estimate impact of project alternatives on terrestrial and aquatic wildlife in the Mississippi National Recreation and River Area (MNRRA). *Noted. Stantec will note receipt of this comment in their February 6, 2023, response.*

The comments listed below will be issued to MnDOT by Stantec on behalf of the SCWM Commissions. Per MnDOT instructions, these comments will be submitted via email on February 6, 2023, to Brett Danner at SRF Consulting Group, Mark Lindeberg at MnDOT, and Anna Varney USDOT.

General:

1. Since this is a transportation-focused project, we understand why the Purpose and Need Statement emphasizes transportation criteria such as traffic volume and transit time. However, this may have resulted in shortchanging environmental quality criteria such as stormwater runoff and groundwater protection.

Stormwater Management:

1. Section 9.2.25 references "A preliminary drainage design ... for Hwy 252 and I-94. The drainage design identified stormwater basins for water quality treatment and rate control consistent with current regulatory requirements."

a. Note that the Commission adopted revised rules in October 2022.

2. Page 9-30 states coordination with the DNR for public watercourse impacts. Also include SC/WMWMC in these discussions.

3. Page 9-30 states none of the proposed alternatives will include work in Shingle Creek. However, the following sentence suggests an outfall and pipe size increase to Shingle may be necessary for I-94 flood remediation.

a. Clarify if work is expected in Shingle Creek and the extent of the work. Coordinate design with the Shingle Creek Watershed Management Commission.

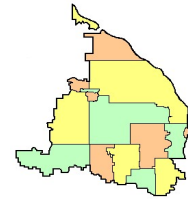
4. Note [that] Shingle Creek is under a TMDL for chloride and biotic integrity. The project should include plans to:

a. Minimize chloride concentrations to Shingle Creek through a chloride management plan.

b. Mitigate impacts to the biotic integrity of Shingle Creek.

5. Figure 9.6 of the report acknowledges potential impacts to wetlands and floodplains for alternatives. Note [that] the project is subject to the Minnesota Wetland Conservation Act and Commission wetland and floodplain alteration rules.

6. The project is within the Minneapolis-St. Paul-St. Cloud Priority A Drinking Water Supply Management Area (DWSMA) and the Brooklyn Center Groundwater Emergency Response Area. The project area



also bisects a “moderately” vulnerable DWSMA and is approximately 1,700 feet from a highly vulnerable DWSMA. The environmental review should include:

- a. Evaluation criteria related to impacts of the project on ground and surface water sources for drinking water.
- b. A comprehensive emergency response plan for hazardous spills that could threaten the drinking water supply and surface water resources.
- c. Stormwater design shall consider prohibition of infiltration within the Emergency Response Area.

IV. Scoping documents. * Included in the meeting packet are four proposed scopes of work for four projects that the TAC and the Shingle Creek Commission have discussed over the past year. Two are proposed to be funded from the Watershed-Based Implementation Funding (WBIF) Grants and two from the Closed Projects Account. Staff recommends reallocating funding from the City Cost Share Account to the Closed Projects Account to fund some of this work. The City Cost Share account balance is currently well over \$300,000, taking into account the 2022 encumbrance for the upcoming Minneapolis Shingle Creek Parkway rain garden demonstration project. The Commission has levied another \$100,000 in 2023 for this program. At this time there are no other pending cost-share projects.

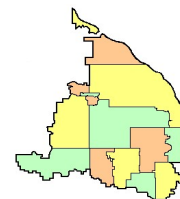
A. Gaulke Pond Subwatershed Assessment (SWA).* The primary objectives of this project are to identify stormwater volume reductions to the Memory Lane-Gaulke Pond system and develop 30-percent design plans, cost estimates, and a basis of design memo appropriate for grant funding requests for the selected location.

Gaulke Pond is located within the City of Crystal and bordered to the north by property owned by the City of Crystal, to the east by Fair School, and to the south and west by residential properties. Gaulke Pond is the most downstream in a series of four ponds, including Memory Pond, Brownwood Pond, and Hagemeister Pond. The Gaulke Pond chain collects runoff from a 905-acre mixed residential, institutional, and commercial watershed, draining portions of New Hope, Crystal, and Robbinsdale. The pond is land-locked and has no gravity outlet; water is pumped from the pond into municipal storm sewer that ultimately discharges into Lower Twin Lake. This study will focus on reducing the stormwater runoff volume before water enters the Gaulke Pond chain, with focus on areas that are highly impervious and have potential for redevelopment. The estimated cost to complete this scope is \$29,900, and would be funded by the 2023 WBIF grant (\$30,000).

Motion by Ray, second by Robinson to recommend this project to the Commission for funding. *Motion carried unanimously.*

B. Eagle Lake Subwatershed Assessment (SWA).* The primary objectives of this project are to identify and prioritize potential stormwater practices to reduce phosphorus and sediment loading to the Eagle Lake subwatershed and the evaluation of internal loading within Eagle and Pike Lakes including sediment cores and a survey of the submerged aquatic vegetation in the two lakes.

The Commission has previously studied the Eagle Lake subwatershed through the Cedar Island, Pike and Eagle Lakes Nutrient TMDL completed in 2010 and in the TMDL 5-year review. The TMDL concluded that internal load management, biologic management, and reduction of nonpoint sources of phosphorus in the watershed by retrofitting Best Management Practices (BMPs) would have the most impact on reducing phosphorus load and improving water quality. The 5-Year review identified TP reductions of 39% for Pike Lake and 29% for Eagle Lake. Pike Lake SWAs were completed in 2017 and 2019



and identified general practices to reduce the watershed load to the lake. The estimated cost to complete this scope of work is \$55,000, funded by the WBIF grant (\$30,000) and the Closed Project Account.

Motion by Riegel, second by Ray to recommend this project to the Commission for funding. *Motion carried unanimously.*

C. Brookdale Park Shingle Creek Re-meander Project.* The primary project objectives are to re-meander a previously straightened segment of the creek using natural channel design techniques, reduce soil loss to improve water quality and fish and wildlife habitat through biological enhancements, and integrate proposed improvements within the park for improved user educational and recreational opportunities.

This Brooklyn Park (City) community park is approximately 180-acres in size and contains active recreation and an extensive trail network along the creek that connects schools, natural areas, and regional trails. The project area is a segment of Shingle Creek approximately 5,500-feet in length, located from the terminus of the Connections 1 project 700' downstream of Noble Avenue to Xerxes Avenue, within Brookdale Park.

Stantec will update the water quality model, analyze and use their findings to inform design options and generate up to two feasible, conceptual design alternatives which will address bank stabilization, erosion, sediment, and water control practices, infrastructure impacts, visual quality and "fit" within the surrounding area. The estimated cost to complete this scope of work is \$39,000, and will be funded from the Commission's Closed Project Account.

Motion by Ray, second by Riegel to recommend this project to the Commission for funding. *Motion carried unanimously.*

D. Shingle Creek Regional Trail Bank Stabilization and Fishing Access Improvements Project.* The primary project objectives are to develop feasible solutions for bank stabilization and fishing access improvements along the Shingle Creek Regional Trail between Xerxes Avenue and the trail crossing north of Palmer Lake, a 2,000-foot segment. The final set of deliverables, in electronic format, will be sufficient for the Commission to submit for grant funding applications.

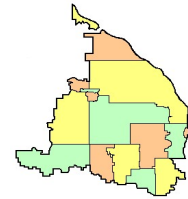
The estimated cost to complete this scope of work is \$25,000, funded from the Commission's Closed Project Account.

Motion by Ray, second by Robinson to recommend this project to the Commission for funding. *Motion carried unanimously.*

Motion by Riegel, second by Ray to recommend reallocating \$150,000 from the Cost Share Account to the Closed Project Account and funding the Eagle/Pike Lake project with an additional \$5,000 for Internal Loading & Aquatic Vegetation Evaluation. *Motion carried unanimously.*

V. During the development of the Fourth Generation Plan Staff noted that the current **Joint Powers Agreements (JPAs)*** would expire during the ten-year period covered by the plan. Staff proposed and the Commissioners agreed to wait until the plan was completed to start the process of amending and renewing the JPAs that enable and govern the Commissions.

The Commissions' Attorney Troy Gilchrist has estimated that the cost of updating the JPAs would be about \$7,000. If any controversial issues arise during development, the final cost may be more than that. However, the work required is mainly to refresh the documents by eliminating outdated or no longer relevant text, and clarifying authorities to incorporate current policies and practices, which have evolved



since the JPAs were first developed over 30 years ago.

Gilchrist proposes to draft a new JPA for Shingle Creek first, assuming West Mississippi will be largely a mirror of that document. That work should be complete by this spring/summer, depending on any unforeseen issues or complications. The revised JPAs would then be presented to the cities for their review and approval. The TAC should discuss and provide input on the desired process to obtain City Manager and City Council review and comment. There has been some turnover in City Managers in recent years, and it may be helpful to host a virtual informational meeting to help the managers understand the work and accomplishments of the Commissions so they can advise their City Councils. It was further suggested that the Minneapolis Park Board be included in this meeting.

Since the documents will be essentially the same, Gilchrist recommends splitting the cost of JPA development 50/50 between the two Commissions, or an estimated \$3,500 each. The Shingle Creek Commission set aside a contribution from the operating budget each year to help fund the work and accumulated \$62,000 in that restricted account, of which \$52,500 was used to fund its share of the Fourth Gen Plan development. West Mississippi did not set aside specific dedicated funding but funded its share of the work from its unrestricted cash reserves. Both sources are adequate to fund the proposed JPA update work. Staff recommends the Commissions authorize Attorney Gilchrist to begin this work.

Motion by Riegel, second by Ray to recommend that the Commissions authorize the Attorney to proceed based on his February 2, 2023, proposal.* *Motion carried unanimously.*

VI. Other Business.

A. Riegel reported that construction has started on the **Palmer Lake Estates project**. This project will stabilize the banks of a creek that flows directly into Bass Lake and remove accumulated sediment from a wetland. Tree clearing is completed, and grading work began today.

B. The **next meeting** of the Technical Advisory Committee is scheduled for Thursday, March 9, 2023 at 11:00.

There being no further business, the TAC meeting was adjourned at 12:04 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Judie A. Anderson". The signature is written in a cursive style.

Judie A. Anderson
Recording Secretary
JAA:tim

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