

# elm creek

## Watershed Management Commission

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### MINUTES

#### Regular Meeting | November 8, 2023

**I. CALL TO ORDER.** A meeting of the Elm Creek Watershed Management Commission was called to order at 11:32 a.m., Wednesday, October 11, 2023, in the Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN, by Chair Doug Baines.

Present: Bill Walraven, Champlin; Ken Guenthner, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Terry Sharp, Medina; Catherine Cesnik, Plymouth; and David Katzner, Rogers.

Also present: Derek Asche, Maple Grove; Ben Scharenbroich, Plymouth; Erik Megow and Diane Spector, Stantec; Kevin Ellis, Hennepin County Environment and Energy (HCEE); and Judie Anderson, JASS.

**II. AGENDA.** Motion by Walraven, second by Sharp to approve the Agenda. *Motion carried unanimously.*

**A.** Motion by Guenthner, second by Sharp to approve the **Minutes\* of the October 11, 2023, meeting.** *Motion carried unanimously.*

**B.** Motion by Guenthner, second by Sharp to approve the **November Treasurer's Report and Claims\*** totaling \$9,431.51. *Motion carried unanimously.*

**III. OPEN FORUM.**

**IV. PROJECT REVIEWS.**

**A. 2023-023 NORSQ, Maple Grove.\*** This project consists of a 23.2-acre development on a 78.9-acre site located on Garland Lane, east of Lawndale Lane and north of 95th Avenue North. The proposed development consists of an apartment building, a commercial building, and townhomes. Along with the buildings, there will be amenities and associated street and utility infrastructure. The project triggers Rules D, E, F, G, H, and I. A finding of facts memo dated October 31, 2023, included Staff's recommendation for approval conditioned on (1) escrow reconciliation, and (2) provision of a Stormwater Maintenance Agreement acceptable to the City and the Commission. Motion by Katzner, second by Trainor to approve Staff recommendations. *Motion carried unanimously.*

**B. 2023-024 Elm Creek Rest Area Sidewalk Reconstruction, Maple Grove.\*** The proposed project is located at the Elm Creek Rest Stop along I-94, directly west of Rice Lake. The proposed project will disturb 4.3 acres and consists of the reconfiguration/replacement of concrete walkways, parking area, and deck area. The project also includes the construction/relocation of a pet exercise area as well as various picnic areas. The project triggers Rules D and E. A finding of

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RULE I - BUFFERS

\*indicates enclosure

**CHAMPLIN - CORCORAN - DAYTON - MAPLE GROVE - MEDINA - PLYMOUTH - ROGERS**

facts memo dated November 1, 2023, included Staff’s recommendation for approval conditioned on escrow reconciliation. Motion by Trainor, second by Cesnik to approve Staff’s recommendation, and, additionally, recommended that the applicant provide a BMP (i.e., infiltration/biofiltration) and Plan (installation of pet waste pick-up bags and dispenser) for the pet area as it drains to an impaired water (Elm Creek). *Motion carried unanimously.*

**V. OLD BUSINESS.**

**VI. NEW BUSINESS.**

**TMDL Ten-year Review.\*** The Commission and Technical Advisory Committee (TAC) are in the process of developing a process by which to review the progress made toward achieving the goals of the Elm Creek Watershed TMDL (Total Maximum Daily Load) study. At the March and April meetings they reviewed the TMDL findings and a framework for potential approaches to such a review. Based on discussions at those meetings and subsequent Staff discussions, Staff have prepared the following proposed Scope of Work. They have also been in contact with local TMDL project coordinator Amy Timm at the Minnesota Pollution Control Agency (MPCA), and that agency is interested in participating in this analysis.

The Elm Creek Watershed TMDL was completed in phases between 2009 and 2014. The TMDL document and accompanying Watershed Restoration and Protection Strategies document (WRAPS) were finalized in 2015 and the reports were approved by the MPCA and the Environmental Protection Agency (EPA) in 2016.

**A.** The Elm Creek TMDL study addresses:

1. Seven lake *nutrient* impairments (Cowley, Sylvan, Henry, Rice, Fish, Diamond, and Goose);
2. Four stream *E. coli* impairments (lower South Fork Rush Creek, main stem Rush Creek, Diamond Creek and Elm Creek headwaters);
3. Three stream *DO* impairments (main stem Rush Creek, Diamond Creek and Elm Creek headwaters); and
4. Five stream *fish and macroinvertebrate* impairments (upper and lower South Fork Rush Creek, main stem Rush Creek, Diamond Creek and Elm Creek headwaters) with primary stressors *total phosphorus (TP) and total suspended solids (TSS)*.

**B.** Since completion of the Watershed TMDL, the following new or pending impairments have been identified:

1. Elm Creek and the lower reach of South Fork Rush Creek are impaired for excess chloride.
2. Two new impairments are pending: *TSS* in Elm Creek and *fish biotic integrity (F-IBI)* in Fish Lake.
3. The Fish Lake nutrient impairment is proposed for “delisting” as the lake now meets state standards.

The MPCA does not have a formal process or guidance for undertaking reviews of progress toward meeting TMDLs. Entities such as cities and counties that are MS4s are required to annually report certain TMDL implementation activities that they take in the watershed, but that is not a comprehensive assessment, and does not include actions taken within the waterbodies such as stream restorations, lake alum treatments, or rough fish management.

**C.** When Staff have undertaken other TMDL reviews of progress, they:

**1.** Update watershed runoff and pollutant loading and lake response modeling to reflect most current land use information and monitoring data. Updating the various models used to quantify pollutant loading can range from simple to very detailed. Generally, this step is considered only when there has been significant land use change or where new data is available. While there has been development in the watershed, we don't think it is significant enough to warrant updating the watershed pollutant loading models.

**2.** Collect new monitoring and other data to fill data gaps.

**a. Lakes.** The Commission has been annually monitoring four sentinel lakes – Fish, Weaver, Diamond, and Rice – and monitoring two other lakes per year on a rotating basis. Three Rivers is monitoring Sylvan and Cowley in 2023 as the “other” lakes. While the sentinel lakes have a good set of data available, it would be helpful to obtain more data on the non-sentinel impaired and other priority lakes: Sylvan, Cowley, Henry, Jubert, Dubay, Laura, and French, where there is very little data.

**b. Streams.** In addition to the partnership with the USGS to monitor flow and water quality on Elm Creek, the Commission currently routinely monitors flow and water quality at three sites on Elm, Rush, and Diamond Creeks. Some additional data is available at other sites in the watershed, most of it collected during the development of the TMDL or by the MPCA or DNR. There is also a good data set at Elm Creek at Hamel and Elm Creek at Elm Road in Plymouth.

**c. Stream Biology.** There is limited fish and macroinvertebrate data in the streams, mainly 2010 and 2020 data at a few sites on each stream completed by the MPCA and/or the DNR. Staff recommend that the Commission focus this review on quantifying chemical parameters and in the review develop a plan for more systematically undertaking biological monitoring for evaluation during the next progress review.

**3.** Collect data on BMPs undertaken since the TMDL baseline year(s) to estimate progress toward meeting the identified pollutant load reductions and non-numeric requirements. Cities and others undertake actions such as structural BMPs (infiltration practices, stream restoration, alum treatments, salt pre-wetting) or nonstructural actions (enhanced street sweeping, carp management, education and outreach). When land use conversion as part of development and redevelopment requires a Commission project review, that review includes an estimate of likely load reduction from adding new treatment and abstraction of runoff. Hennepin County assists property owners in undertaking ag and animal management practices and estimates the resulting pollutant load reduction. All this data can be collected, assembled, and geolocated to document and summarize load reductions by receiving water.

4. Evaluate monitoring data to determine water quality trends and progress toward meeting goals. Three Rivers has been collecting and maintaining lake and stream data for many years, and the annual report includes figures and tables showing water quality by year. For some sites there is enough data to run some trend analysis statistics to determine if there are any statistically significant trends.

5. Review implementation strategies and recommend any course corrections. The final step is compiling the information developed in the previous tasks to provide an overall summary of actions taken and progress made to date, including quantifying how much of the required load reductions has been achieved. The Watershed Restoration and Protection Strategies (WRAPS) report, which is the “implementation plan” of the TMDL, identified a universe of potential actions the various stakeholders could take to make progress toward the TMDL. This review identifies what has been successful and what not so successful and develops a prioritized action plan for the next several years.

D. Staff recommend the following scope of work:

1. **Task 1: Data Collection.**

**Lakes.** It has been the Commission’s practice to obtain at least two years’ worth of lake data in the event the first year is non-representative of conditions, so Staff recommend that Sylvan and Cowley be repeated in 2024 from the 2024 operating budget. They also recommend that Henry, Jubert and French be monitored in 2024 as a supplement to the routine 2024 monitoring, and that those lakes are repeated in 2025. In 2025 undertake the first year of monitoring Dubay and Laura from the 2025 operating budget. The CAMP program can fill in where volunteers are available on other lakes.

**Streams.** There are long-term routine monitoring sites on Elm (EC77), Diamond (DC), and Rush (RT) Creeks, and Plymouth contracts with Three Rivers for ongoing monitoring on upper Elm Creek at Hamel, Elm Road, and Peony Lane. North Fork and South Fork Rush Creek above their confluence were monitored during development of the TMDL, but there has been little monitoring since that time. These sites are downstream of ongoing development as well as previous and current subwatershed assessments. Staff recommend that the Commission monitor South Fork (RC101) and North Fork (RC116) in 2024 and 2025 to assess any change since they were last monitored prior to the TMDL. This monitoring would require an amendment to the contract with Three River which runs through 2024 as well as some adjustment to the costs for 2025 under a new contract.

**Cost.** Lakes: \$4,746 in 2024 and \$4,746+ in 2025. Streams, \$6,524 in 2024 and \$6,524 in 2025. TOTAL: \$11,270 in 2024 and \$11,270+ in 2025

2. **Task 2: Compile Load Reduction Data.** This task would be collecting and compiling information on load reductions completed in the watershed, and mapping and summarizing those reductions by drainage area. This includes three subtasks.

a. Obtain information from the cities, Three Rivers, and the County

regarding any structural and non-structural load reduction BMPs completed in the watershed, their locations and load reductions. If reductions are not available, Staff would prepare an estimate.

b. Compile load reductions and geo-referencing development in the watershed since the monitoring for the TMDL was completed. Data has been compiled since 2015, but project locations must be digitized. Pre-2015, only lists of project reviews exist, so Staff will have to compile that data for about 200 project reviews.

c. Partner with Hennepin County to compile and track ag projects completed in the watershed and update the animal unit counts in the watershed.

**Cost:** \$10,896, to be completed by August 1, 2024

**3. Task 3: Evaluate Monitoring Data.** This task has two subparts:

a. Work with Three Rivers to undertake statistical trend analysis where there is a good data set to determine if there are any statistically significant trends.

b. Compile, summarize, and document other data collected in the watershed by the MPCA, DNR, and others to add context and robustness to Three Rivers' dataset.

**Cost:** \$3,216, to be completed by December 31, 2024

**4. Task 4: Review Implementation Strategies.** The WRAPS report identified actions the various stakeholders could take to make progress toward the TMDL. This task includes at least two meetings of the TAC and Commission to review findings and discuss potential actions and strategies for their implementation.

**Cost:** \$7,220, to be completed by December 31, 2024

**5. Task 5: Final Report.** The final task is to summarize all the information collected, compiled, and developed during this process into a final report. The report will present the load reductions achieved and other actions completed within the drainage area to each Impaired Water by city. This will be the basis to determine how much progress has been made and how much additional work would be necessary to achieve water quality standards.

The report will set forth the revised, prioritized implementation strategies, their costs, potential sources of funding, and responsible parties. The final report will be available to incorporate into the Commission's Fourth Generation Watershed Management Plan that will be underway at about the same time, as well as the member cities' upcoming local water plans, and will be provided to the MPCA.

**Cost:** \$5,596, draft by April 1, 2025, final by December 31, 2025

Last spring, Staff estimated the cost of this review would be about \$40,000. As they have been able to review data availability more comprehensively and the scope of work involved, Staff's revised cost estimate is \$26,928 for Stantec analytical work and \$22,540 (potentially adjusted for new rates in 2025) for additional lake and stream monitoring by Three Rivers.

At the end of 2022 the Commission had a balance of \$181,817 in the fund account assigned for projects or studies. \$9,468 of that amount was encumbered in 2023 to match WBIF grant funds, leaving an available balance of about \$172,349. Staff recommend this as the funding source.

**Table 1. Estimated cost to complete the proposed scope of work.\***

Task	Three Rivers		Stantec	TOTAL
	2024	2025**		
1. Data Collection	\$11,270	\$11,270**		\$22,540*
2. Compile Data			\$10,896	\$10,896
3. Evaluate Monitoring Data			\$3,216	\$3,216
4. Review Implementation Strategies			\$7,220	\$7,220
5. Final Report			\$5,596	\$5,596
<b>TOTAL</b>	<b>\$11,270</b>	<b>\$11,270*</b>	<b>\$26,928</b>	<b>\$49,468*</b>

\*This fee estimate has been prepared on a time and materials basis, per the Terms and Agreements set forth in Stantec’s Professional Services Agreement dated March 5, 2021, and will not exceed the amount indicated without prior authorization from the Commission.

\*\*Cost may increase based on Three Rivers’ 2025-2026 contract.

Motion by Guenther, second by Cesnik to approve the scope of work at \$49,468 from the fund balance assigned for projects or studies and authorize Staff to prepare an amendment to the contract with Three Rivers to add \$11,270 to the 2024 services for additional lake and stream monitoring. *Motion carried unanimously.*

**VII. EDUCATION AND PUBLIC OUTREACH.**

The **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., November 14, 2023.

**VIII. GRANT OPPORTUNITIES.**

Applications are being accepted through November 14, 2023, for Hennepin County **Good Steward Grants**.\* Good Steward Grants are primarily for smaller projects that improve water quality, enhance natural areas and promote environmental stewardship to the community. All landowners are eligible to apply, including individuals, nonprofit and non-governmental organizations, local government agencies, and businesses.

**IX. COMMUNICATIONS.** The following communications have been received:

**A. Staff Report.\*** Staff reports provide updates on the development projects currently under review by Staff. The projects listed in the table beginning on page 8 of these minutes are discussed in the November 1, 2023, report.

**B. Hennepin County Staff Report.\***

**1. Bottema Wetland Restoration Update, Corcoran.** County staff are working on reimbursing the landowner for grant-eligible costs.

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\*indicates enclosure

**2. Mattila Manure Bunker, Corcoran.** Landowner has been reimbursed for BMP implementation. The manure bunker will be inspected in one year. Previous projects installed in 2022 (barn gutters and livestock waterers) will be inspected in November as part of the one-year review.

**3. Christian Settling Basin, Dayton.** Hennepin County staff completed an assessment of the wetland area directly to the east of the proposed BMP site. A Technical Evaluation Panel (TEP) is currently being assembled for review and recommendations. Installation of the settling basin is on-track for Winter 2023/2024.

**4. Stotts 1B.** County staff met with landowner, neighbor, and engineer to review proposed plans for a water and sediment control basin (WASCOB) and wetland restoration, making slight adjustments to the location of the WASCOB to allow for equipment crossing. The WASCOB will be moved closer to the property line with the neighbor at request of the landowner. The engineer is currently making edits to plans based on proposed feedback.

**5. Other County Programming.**

**a. Good Steward Grants.** (See VIII, above.)

**b. Become a Minnesota Water Steward.** Become a champion for clean water in your community! [Minnesota Water Stewards](#) is a program that certifies and supports community leaders to prevent water pollution and educate community members to conserve and protect our waterways. [Applications](#) to join the 2024 Hennepin County cohort of Minnesota Water Stewards are due November 30. Upcoming [virtual information sessions](#) are scheduled for Tuesday, November 7 at 5 p.m. and Tuesday, November 21 at noon. For more information, contact Alex Van Loh at [avanloh@freshwater.org](mailto:avanloh@freshwater.org).

**C. Hennepin County Green Notes.\*** Describes other programs being sponsored or promoted by the County.

**X. Other Business.**

**XI. Adjournment.** There being no further business, the meeting was adjourned at 12:50 p.m.

Respectfully submitted,



Judie A. Anderson  
Recording Secretary

JAA:tim

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Project No.	Project Name
W=wetland	
2014-015	Rogers Drive Extension, Rogers.
2015-030	Kiddiegarten Child Care Center, Maple Grove.
2016-005W	Ravinia Wetland Bank Plan, Corcoran.
2017-014	Laurel Creek, Rogers.
2017-050W	Ernie Mayers Wetland/floodplain violation, Corcoran.
2018-046	Graco, Rogers.
2020-009	Stetler Barn, Medina.
2020-017	Meadow View Townhomes, Medina.
2020-032	Enclave Rogers - Commerce Boulevard, Rogers.
2020-033	Weston Woods, Medina.
2021-020	Crew Carwash, Maple Grove.
2021-029	Tri-Care Grocery / Retail, Maple Grove
2021-034	BAPS Hindu Temple, Medina.
2021-036	D & D Service, Corcoran.
2021-044	Balsam II Apartments, Dayton.
2021-052	Norbella Senior Living, Rogers.
2022-006	Hamel Townhomes, Medina.
2022-011	Arrowhead Drive Turn Lane Expansion, Medina.
2022-013	Dayton 94 Industrial Site, Dayton.
2022-016	Rogers Activity Center, Rogers.
2022-017	City Center Drive, Corcoran.
2022-018	Big Woods, Rogers.
2022-020	Skye Meadows Extension, Rogers.
2022-022	Cook Lake Highlands, Corcoran.
2022-026	Archway Building, Rogers
2022-028	Elsie Stephens Park, Dayton.
2022-038	Tavera North Side, Corcoran.
2022-040	Karinieimi Meadows, Corcoran.
2022-043	Meander Park and Boardwalk, Medina.
2022-049	Connexus Energy South Dayton Substation.
2023-001	Chankahda Trail Reconstruction Phase 2, Plymouth.
2023-002	Lynde Greenhouse Fire Damage Repair, Maple Grove.
2023-004	Medina Industrial Site, Medina.
2023-008	Rush Creek Boulevard Interchange, Maple Grove.
2023-009	Magnifi Financial, Maple Grove.
2023-010	Rogers New Fire Station.
2023-011	Sundance Greens 9th, Dayton.
2023-013	River Valley Church, Maple Grove.
2023-014	Bottema Wetland, Corcoran.
2023-015	Sou517
2023-016	Rogers South Community Park.
2023-017	Veit Pit, Rogers.
2023-018	Brayburn Trails II, Dayton.
2023-019	23240 County Road 30, Corcoran.
2023-020	Dunkirk Square, Maple Grove.

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**CHAMPLIN - CORCORAN - DAYTON - MAPLE GROVE - MEDINA - PLYMOUTH - ROGERS**

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2023-021	Park Place Memory Care Phase II, Plymouth.
2023-022	Shores of Sylvan Lake, Rogers.
2023-023	NORSQ, Maple Grove.
2023-024	Elm Creek Rest Area Sidewalk Reconstruction, Maple Grove.

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