

# elm creek

## Watershed Management Commission

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### Regular Meeting Minutes June 12, 2024

**I. CALL TO ORDER.** A meeting of the Elm Creek Watershed Management Commission was called to order at 11:40 a.m., Wednesday, June 12, 2024, in the Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN, by Chair Doug Baines.

Present: Bill Walraven, Champlin; Ken Guenther, Corcoran; Doug Baines, Dayton; Dan Riggs, Maple Grove; Terry Sharp, Medina; Clark Gregor, Plymouth; and David Katzner, Rogers.

Also present: Derek Asche, Maple Grove; Erik Megow and Diane Spector, Stantec; Rebecca Carlson, Resilience Resources; Kevin Ellis, Hennepin County Environment and Energy (HCEE); Brian Vlach, Three Rivers Park District; Brad Wozney, Board of Water and Soil Resources (BWSR); Amy Timm, Minnesota Pollution Control Agency (MPCA); Amy Juntunen, JASS; and Carole Toohey, Centra Homes, for Project 2024-015.

**II. AGENDA.** Motion by Walraven., second by Sharp to approve the Agenda with a change to move Item 5, Action Items, and Item 6, Fourth Generation Plan, ahead of Item 4, Projects Reviews. *Motion carried unanimously.* (Approval of the Preliminary Audit was also added to the Agenda.)

**A.** Motion by Walraven., second by Sharp to approve the **Minutes\* of the May 8, 2024, meeting.** *Motion carried unanimously.*

**B.** Motion by Guenther, second by Walraven to approve the **June Treasurer's Report and Claims\*** totaling \$216,739.95. *Motion carried unanimously.*

**III. OPEN FORUM.**

**IV. ACTION ITEMS.**

**A. Set Maximum Levy 2024.\*** (Table 1 in Staff's June 5, 2024, memo in the meeting packet was corrected as shown below.)

At this meeting the Commission must set the maximum amount of capital projects levy it expects to certify to Hennepin County in 2024. The actual levy will be certified in September, after the Commission holds public hearings on the proposed projects. Brief descriptions of the projects follow and Table 1 shows the associated costs of the projects. The Maximum Levy sets the ceiling for the capital levy; the Commissions can certify a lesser levy but cannot increase it. In addition to the project cost, the Commission levies an additional 5% to cover administrative costs, and 1% to cover uncollected levies, based on the historical rates. These maximum levies must be reported to Hennepin County by June 21.

*CIP 2024-01 Rush Creek Stream Restoration-Rush Hollow.* Stream restoration and erosion repair from Orchid Lane to Fernbrook Lane, approximately 4,000 linear feet. Estimated

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phosphorus reduction of 200 lbs per year, improved riparian environment, improved floodplain connectivity, improved recreation and access to the creek, and improved education.

*CIP 2024-02 City Cost Share.* This annual project provides cost sharing to retrofit smaller BMPs on city property on a voluntary basis. The TAC developed policies and procedures to administer these funds and makes recommendations to the Commission on which projects should be funded.

*CIP 2024-03 Partnership Cost Share.* This program makes funds available to member cities to help fund the cost of Best Management Practices (BMPs) partnership projects with private landowners. Participating projects on private property must be for water quality improvement and must be for improvement above and beyond what would be required to meet Commission rules.

**Table 1: Elm Creek 2024 CIP Projects.**

Project	Total Estimated	City/ Other	Commission Share	Total Levy
Rush Creek Hollow Stream Restoration	\$1,600,000	\$1,400,000 \$1,200,000	\$400,000	\$424,200
City Cost Share	100,000	100,000	100,000	106,050
Partnership Cost Share	50,000	0	50,000	53,025
<b>Subtotal</b>	<b>\$1,750,000</b>	<b>\$1,500,000</b> <b>\$1,300,000</b>	<b>\$550,000</b>	<b>\$583,275</b>
<b>5% additional for legal/admin</b>			<b>27,500</b>	
<b>Subtotal</b>			<b>577,500</b>	
<b>TOTAL LEVY (101% for uncollectable)</b>			<b>\$583,275</b>	<b>\$583,275</b>

Motion by Guenther, second by Katzner to set the 2024 maximum levy for the three projects as shown above. Motion carried unanimously.

**B. 2025 Operating Budget.** Included in the meeting packet were three documents relating to the Commission’s 2025 Operating Budget: (1) Staff’s May 2, 2024, memo\* from last month’s TAC and regular meetings outlining a proposed draft budget for 2025, (2) Staff’s June 5, 2024, memo\* describing a final proposed 2025 budget, and (3) Staff’s June 5, 2024, memo\* with preliminary 2023 year-end fund balances.

The proposed budget shown in **Table 1** of the second memo reflects the discussion that occurred at the May TAC and Commission meetings.

**1.** The proposed 2025 budget is a continuation of the programs and activities undertaken in 2024, with some modifications. The final proposed 2025 operating budget is about a \$1,800 increase over the 2024 budget, with some modifications to the May proposed expenses:

**2.** The lake and stream monitoring costs for 2025 have been updated by Three Rivers Park District, adding about \$3,600 to the proposed budget expense. (USGS bills biannually but expects full payment at time of invoice, thus their erratic expenditure history.)

3. West Metro Water Alliance (WMWA) proposes to increase its budget in 2025 from \$44,000 to \$60,000, increasing each partner's share to \$15,000. The additional budget reflects the increased Watershed PREP activity as well as potential additional outreach, especially concerning chloride use.

4. The budget includes a proposed increase in the administrative budget, which has only been modestly increased in the past several years. The proposed increase has been reduced \$2,000 from the draft budget shown last month to partially offset the increase in monitoring and education costs.

5. The costs and revenues shown for project reviews in 2025 are based on the revised fee structure and Staff experience over the last few years.

6. Some adjustments have been made to individual line items based on past experience and the increasing cost of doing business.

7. One source of revenue that has, in the past, helped to subsidize the member assessments is investment interest. A combination of higher interest rates and a significant fund balance resulted in significant interest income in past years. As projects are completed and the Commission pays out levy and grant funds for those projects, interest earnings will fall.

The 2025 budget as proposed includes a 5.0% increase in city assessments, compared to the 4.7% increase proposed last month. There was no increase in 2024. The proposed 2025 budget assumes a \$20,000 contribution from cash reserves.

While the 2023 year-end balances are still under audit, it appears likely that the Commission currently maintains more than adequate cash reserves, especially since it appears at year end the budget ended with a \$58,000+ surplus due to interest earnings. Staff expect to have updated balance figures at the June meeting.

Table 2 details the proposed member **city assessments** for 2025 compared to previous years. The 2025 assessments are based on the revised legal boundary. It is not possible to do an apples-to apples comparison of 2024 to 2025 to evaluate the impact of the boundary change on the assessments. Table 3 shows the area by city before and after the boundary change. The percentage of watershed area changed slightly, most notably in Champlin, but that is still less than one-half percent.

Assessments are based on share of taxable market value. The table shows the taxable market value within each city's share of the watershed for 2024 compared to the 2023 value prior to the boundary change. While there is some variability year to year in market value and that variability is uneven across the cities, it is likely that a good share of the annual change this year was from the boundary revision.

**8. Discussion.**

Ashe noted that, at their meeting prior to this one, TAC members recom-

mended capping membership dues at 3% and adjusting interest income to offset the budget, keeping it more in line with past increases. The TAC’s recommendation is a 3% or less increase.

There was discussion about the role of the TAC regarding setting the budget and that perhaps there should be joint Commissioner-TAC discussion regarding the budget and what the proper use of “windfall” revenue such as significant interest earnings should be.

Motion by Guenther, second by Katzner to approve a 2025 Operating Budget of \$495,895, with membership dues set at \$257,000. *Motion carried unanimously.*

**C. 2023 Year-End Fund Balances.** Staff reviewed the amounts of levy held. Levies for the old projects need to be invoiced by the cities and paid by the Commission or transferred to the closed projects account. Same is true for the older cost share projects, making that money available for other capital and feasibility projects.

**D. 2023 Audit.\*** Staff will respond to questions from the Commissioners via email.

Motion by Guenther, second by Walraven to accept the 2023 Audit as presented. *Motion carried unanimously.*

**V. FOURTH GENERATION MANAGEMENT PLAN.**

Today’s regular meeting serves as the official “kick off” of the Commission’s Fourth Generation Plan. Minnesota Rule 8410, which governs Metropolitan Water Management, sets forth the process for undertaking a Metro watershed management plan update and specifies the minimum content of those plans.

**A.** The process began with the notification of interested planning parties and a request for information and input into priorities to consider during the planning process. Eight agencies replied to that notification and their responses\* are included in the meeting packet and summarized below. Their full submittals have been posted on the website, <https://www.elm-creekwatershed.org/watershed-management-plan.html>.

**1. Hennepin County** wants to address climate action plan, natural resources strategies, ditch management, and continue to work collaboratively on outreach projects.

**2. BWSR** suggested additional ag outreach – review and prioritize based on waters quality trends – doing trend analysis as part of TMDL 10-year review. Think about ways to incorporate DEI (diversity, equity, and inclusion) into plan. Emphasized measurable actions.

**3. MPCA** – incorporate TMDL actions, identify and prioritize geographies and waters. Reduce chloride, protect groundwater, increase climate resiliency. Timm congratulated Commission on getting Fish Lake delisted. She requested to be part of 10-year TMDL process.

**4. MDA and DNR** provided numerous resources for use in education, outreach and general information.

5. **MDH** noted Elm Creek watershed is source water protection area Twin Cities and identified actions to help protect the Mississippi River as a drinking water source. Not many private wells in the watershed. Identified actions to help protect groundwater quality.

6. Plan must be consistent with **Metropolitan Council's** policy plan. The Fish Lake, Elm Creek and Crow-Hassan Regional Parks are priorities.

7. **MnDOT** appreciates alignment of project review standards with most recent MS4 permit. Would like to be kept abreast of status of TMDL and given opportunities to coordinate on BMP load reduction projects.

These are comments, not requirements, and not all may be incorporated into the Plan.

**B.** Also included in the meeting packet is a draft summary\* of Third Generation Plan actions that will serve as self-assessment incorporated into the Plan. The first half of that document is a listing of actions and achievements, followed by a review of Third Generation priorities and goals and a Staff assessment of the Commission's success at achieving those objectives. Following the discussion today Staff will add any additional comments and information provided and complete the Assessment of Performance. This section should be an honest examination of the successes and challenges of the last ten years, and how that will inform the Fourth Generation Plan.

1. **Successes** mentioned included, delisting Fish Lake, creating a cost share program, the WB IF grant program, funding the Plymouth street sweeper (equipment), being part of WMTWA, ag BMP work with the County, hiring shared staff for education and outreach with the County, County development of relationships with landowners, increased information regarding use of salt/management, more simplified and accessible financial reporting.

2. **Less successful** – finding volunteers for CAMP, uncompleted FEMA mapping project, education for decision- and policy-makers, how to direct outcomes with view toward the net gain in water exiting the watershed – need to look at those potential impacts to evaluate kind of resilience. Not enough incentives for developers to think outside the box. Nonstructural practices like soil health, cover crops. Commissioners rarely have technical expertise. We don't have a process to educate Commissioners. How much effort should be spent trying to influence farming community when there's not much farming left in the county?

*[Gregor departed 1:01 p.m.]*

**C.** Table 1 of the June 5, 2024, memo\* shows the expected sequence of activities to be undertaken over the next 15 months. Plan development will take about a year, with the final three months being the informal and formal review and approval process. Commissioners will ask each city to designate an existing Citizen Advisory Commission or their City Council to serve as their CAC and Commission staff and the Commissioner/TAC member will meet with each once to facilitate discussion and obtain citizen input. Those meetings are likely to occur in September-October 2024.

The primary work of completing the plan will focus on the following:

1. Conduct a short self-analysis of the effectiveness of the Third Generation Plan, evaluate progress toward goals, and identify areas of success or less than success. (See above.)
  2. Review and update as necessary the Goals and Policies established in the Third Generation Plan.
  3. Review and update as necessary the Rules and Standards and monitoring programs.
  4. Both the TAC and Commission have expressed interest in enhancing education and outreach programming. Staff will spend some time on developing options to consider, not only for helping to meet NPDES requirements, but also to engage on other topics of interest.
  5. Discuss approaches the Commission could consider to address the impacts of the continued build-out of the watershed, and how to add climate resiliency and sustainability.
  6. Incorporate summaries of the findings of the TMDL and review process, subwatershed assessments, and other studies completed since the Third Generation Plan was adopted.
  7. Update the Capital Improvement Program (CIP) and Implementation Plan.
  8. Forecast future budget needs and financing options.
- D. Four “working meetings” would focus on the following topics:**
1. Review of progress to date and update vision, goals and policies.
  2. Identify and discuss options for enhancing education, outreach, and engagement in the watershed.
  3. Discuss future development, changing precipitation patterns, potential impacts to water resources and infrastructure. Discuss a framework for addressing those impacts.
  4. Review and discuss the proposed ten-year CIP and Implementation Plan and any special funding considerations that may arise.

**E. Schedule.**

The Fourth Generation Plan will not be a complete reinvention. Address key issues identified in scoping discussion such as increasing education and outreach. Discuss approaches to address impact of continued build-out of watershed, how to include climate resilience. More focus on implementation. The Plan should include things that have changed since the Third Generation Plan. Rest of it is in the background – appendix and references to Third Gen Plan.

1. Complete self-assessment and start goals process at July meeting.
2. Develop options for Education and Outreach, September – October.



3. October – February, develop and discuss resiliency/build-out approach.
4. January-February, develop proposed implementation plan.
5. Preliminary draft at March 12, 2025 meeting, followed by informal and formal review processes.
6. Commission adopt plan at its October 8, 2025, meeting.

## VI. PROJECT REVIEWS.

**A. 2024-003 Rogers Apartments, Rogers.\*** The project area is located along Commerce Boulevard on a 1.9-acre site and will disturb 2.2 acres on the project parcel and an adjacent project parcel under the same ownership to the north. The proposed project will construct two multi-unit townhouse buildings with parking and landscaping. The project triggers Rules D, E. and I. A finding of facts memo dated June 4, 2024, is included in the June packet for Commission approval with the standard conditions of escrow reconciliation and an approved operation and maintenance plan. Motion by Guenthner, second by Walraven to approve this project with the aforementioned conditions. *Motion carried unanimously.*

**B. 2024-013 Red Barn Pet Retreat, Corcoran.\*** This 14.89-acre parcel is located on the northwest corner of Steig Road and Brockton Lane. The border of the South Fork Rush Creek and the Rush Creek subwatersheds bisects the parcel with the east side draining to a wetland in South Fork Rush Creek, and the west side draining to the north and west wetlands. The applicant proposes to construct a building, fenced-in synthetic grass area and associated parking area and stormwater conveyance on 3.5 acres of the parcel for a pet care center. The proposed project disturbs 4.77 acres resulting in 1.58 acres of impervious area post project with no existing impervious. The existing site is grassland. In their May 31, 2024, findings, Staff recommends contingent approval with five conditions: (1) escrow reconciliation; (2) wetland delineation report and plan to meet buffer requirements for steep slopes and setback; (3) TSS removal computations showing BMPs meet Commission standards; (4) compliance with any outstanding city requirements; and (5) city-required operation and maintenance plan/agreement. Motion by Guenthner, second by Sharp to approve this project with the five conditions enumerated. *Motion carried unanimously.*

**C. 2024-014 Schmidt Woods Park, Plymouth.\*** The site is located north of MN State Highway 55 and west of I-494. Local streets bordering the park include railroad right-of-way to the north, Garland Lane to the east, private property to the west and south, and 47th Avenue North to the south. The proposed project consists of the reconstruction of an abandoned cul-du-sac into public trail, playground, and picnic areas with corresponding utilities and vegetation. The project triggers the Commission’s rules E and I. A finding of facts memo dated May 23, 2024, is included in the June packet for Commission approval with the standard condition of escrow reconciliation. Motion by Katzner, second by Sharp to approve this project with the single condition. *Motion carried unanimously.*

**D. 2024-015 Hennessey Grove, Maple Grove.\*** The 9.78-acre site is located south of Bass Lake Road and east of Lawndale Lane North. The proposed reconstruction project includes

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mass grading, utilities, and a storm basin with filtration bench. The project triggers Rules D E, and I. A finding of facts memo dated June 4, 2024, is included in the June packet for Commission approval with four conditions: (1) escrow reconciliation, (2) concurrence from the City that the proposed sidewalk will not require wetland mitigation, (3) sidewalk grading plan showing that the sidewalk along 68th Avenue North drains towards the street and not towards Wetland 2, and (4) confirmation that Storm Manholes (STMH) #2 and #12 have 4-foot sumps. Following discussion, a fifth condition was added, to wit, (5) developer must adjust the basement floor elevations on the buildings on Lots 12-14 to meet the two-foot freeboard from the HWL of the adjacent waterbody, or show that they are hydraulically disconnected. Motion by Guenthner, second by Katzner to approve this project with the five conditions. *Motion carried unanimously.*

**VII. OLD BUSINESS.**

**VIII. EDUCATION AND PUBLIC OUTREACH.**

**A. Grace Barcelow's June Update.\***

**-- What have we been working on since the May WMWA Meeting?**

1. Added partners to the WMWA SharePoint site.
2. Attended Rush Creek Elementary and taught the watershed prep program in five classrooms.
3. Released [media kit](#) about Aquatic Invasive Species, with a focus on encouraging folks to sign up for Lake Pledge.
4. Published a [newspaper article](#) highlighting what efforts contributed to delisting four lakes in WMWA territory, and what new projects WMWA has underway. The column was published in seven Sun papers, plus the *Osseo Maple Grove Press* and *Crow River News*.
5. Brought Metro Blooms under contract for facilitating workshops and completing lakeshore restoration designs for residents on Fish and Eagle Lakes in Maple Grove and for engagement and BMP design services at the multi-family housing project at Southgate Apartments in Bloomington.
6. Hosted first engagement event at Southgate Apartments. Residents seemed super excited about the project and Metro Blooms staff did a fantastic job introducing the project to residents
7. Held Hennepin County Chloride Initiative (HCCI) reconvene meeting. Laura Jester hosted this reunion meeting. The next meeting is scheduled to tentatively take place end of September 2024.
8. Drafted a grant application for the Pollinator Pathways Grant through BWSR to support water quality and pollinator-friendly projects in Maple Grove and Bloomington. Applications are due June 20.

**-- What work will be happening before the July WMWA meeting?**



9. Continue outreach to involve middle school classrooms in Adopt-a-Drain K12 program throughout WMWA watersheds.

10. Finish developing pet waste education campaign materials. Creating a pet waste media kit with two sets of news blurbs and social media posts. One will focus on pet waste and e. coli pollution, the other will have a seasonal focus. Also creating a mailer that cities can put into mailings to help expand pet waste education.

11. We are switching up the schedule - July will focus on pet waste media, and we plan to focus on water conservation in August (unless the rain continues – then we will switch gears to something that fits the weather).

12. Continue planning for fall 2024 workshops with Metro Blooms.

13. Continue engagement process for the Southgate Apartment project.

B. **West Metro Water Alliance (WMWA)** will meet via Zoom at 8:30 a.m., July 9, 2024.

## IX. COMMUNICATIONS.

A. **Staff Report.\*** Staff reports provide updates on the development projects currently under review by Staff. The projects listed in the table on page 10 of these minutes are discussed in the June 6, 2024, report.

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

1. **Bottema Wetland Restoration, Corcoran.** Staff have shared updated design concepts to address erosion with the landowner and have received feedback. Landowner notes will be incorporated into final designs which will be presented to the city.

2. **Van Asten Cover Crops, Dayton.** Final cover crop plan was approved and state cost share contract was fully executed. Landowner is now able to plant multispecies cover crop mix through the month of June. Staff are currently working with engineering to finalize manure bunker plans. NRCS will also restart potential EQIP application planning with Hennepin County staff.

3. **Christian Settling Basin, Dayton.** State cost share contract was fully executed. Engineering finalized plan set for the settling basin. Final plan set was approved by the city and has been received by the US Army Corps of Engineers for evaluation. Work on the sediment basin is still anticipated to begin later in June.

4. **Welcome Ranch, Dayton.** Hennepin County staff reestablished contract with owner and operators after personnel and engineering staff changes. Staff are currently working to finalize manure bunker plans for landowner approval.

5. The **Project Funding Table** has been updated to reflect activity that occurred last month.

6. The last two pages of the report describe other **County programming and legislative highlights**

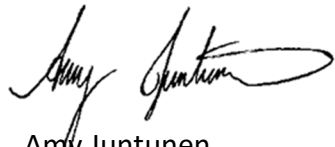
**X. GRANT OPPORTUNITIES.**

**Watershed-Based Implementation Funding (WBIF).** The Elm Creek allocation for fiscal year 2024-2025 is **\$373,590**, which will become available July 1, 2024. The next Convene meeting is scheduled for 10:30 a.m., July 15, 2024, via Zoom.

**XI. OTHER BUSINESS.**

**XII. ADJOURNMENT.** There being no further business, the meeting was adjourned at 1:48 p.m.

Respectfully submitted,



Amy Juntunen  
Recording Secretary

AAJ:tim

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Project No.	Project Name		Project No.	Project Name
2014-015	Rogers Drive Extension.		2023-022	Shores of Sylvan Lake, Rogers.
2016-005W	Ravinia Wetland Bank Plan, Corcoran.		2023-023	NORSQ, Maple Grove.
2017-050W	E Mayers Wetland/floodplain viola, Corc.		2023-025	Rogers Mixed Use Improvement.
2018-046	Graco, Rogers.		2023-028	Rush Creek Hollow, Maple Grove.
2020-009	Stetler Barn, Medina.		2023-029	Dayton Field 4th Addition.
2020-017	Meadow View Townhomes, Medina.		2023-030	Woodland Hill of Corcoran.
2020-033	Weston Woods, Medina.			
2021-020	Crew Carwash, Maple Grove.		2024-001	Saddle Ridge, Rogers.
2021-029	Tri-Care Grocery / Retail, Maple Grove		2024-002	The Meadows Park, Plymouth.
2021-034	BAPS Hindu Temple, Medina.	<b>A A</b>	2024-003	Rogers Apartments.
2022-006	Hamel Townhomes, Medina.		2024-004	Dayton River Road Turn Lane.
2022-011	Arrowhead Drive Turn Lane Expn, Medina.		2024-005	Rush Hollow North, Maple Grove.
2022-017	City Center Drive, Corcoran.		2024-007	Eagle Brook Church, Plymouth.
2022-018	Big Woods, Rogers.		2024-008	Rogers HS Stadium Improvements.
2022-022	Cook Lake Highlands, Corcoran.		2024-009	Heritage Christian Academy, Maple Grove.
2022-028	Elsie Stephens Park, Dayton.		2024-010	Corcoran Storage II.
2022-040	Kariniemi Meadows, Corcoran.		2024-011	Jaeger-Jordan Ditch Stabilization, Dayton.
2022-043	Meander Park and Boardwalk, Medina.		2024-012	Dayton Interchange.
2023-001	Chankahda Trail Recon Phase 2, Plymouth.	<b>A A</b>	2024-013	Red Barn Pet Retreat, Corcoran.
2023-009	Magnifi Financial, Maple Grove.	<b>A A</b>	2024-014	Schmidt Woods Park, Plymouth.
2023-010	Rogers New Fire Station.	<b>A A</b>	2024-015	Hennessy Grove, Maple Grove.
2023-011	Sundance Greens 9th, Dayton.			
2023-015	South Fork Rush Creek Evanswood, M			
2023-020	Dunkirk Square, Maple Grove.			

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