



SEPTEMBER						
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RCWD BOARD OF MANAGERS WORKSHOP

Monday, September 9, 2024, 9:00 a.m.

Rice Creek Watershed District Conference Room
4325 Pheasant Ridge Drive NE, Suite 611, Blaine, Minnesota

or via Zoom Meeting:

<https://us06web.zoom.us/j/86333905746?pwd=ru4sTHYEeBu9MP6foZr82hi42MZtwJ.1>

Meeting ID: 863 3390 5746

Passcode: 867168

+1 312 626 6799 US (Chicago)

Meeting ID: 863 3390 5746

Passcode: 867168

Agenda

ITEMS FOR DISCUSSION

1. Anoka County Ditch 10-22-32 Alternative 4
2. Anoka Washington Judicial Ditch #3/Clearwater Creek Stabilization Feasibility Study – Final Memo
3. Ramsey County Ditch #4 Repair

Administrator Updates (If Any)

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BOARD OF
MANAGERS

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Anoka County

Steven P. Wagamon
Anoka County

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Ramsey County

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Ramsey County

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Washington County

ITEMS FOR DISCUSSION

1. Anoka County Ditch 10-22-32 Alternative 4

MEMORANDUM

Rice Creek Watershed District



Date: September 3, 2024
To: RCWD Board of Managers
From: Tom Schmidt, Drainage and Facilities Manager
Subject: Anoka County Ditch 10-22-32 Maintenance Alternative 4

Introduction

This agenda item provides an update on the development and evaluation of maintenance alternative #4 for Anoka County Ditch 10-22-32 (ACD 10-22-32) north of Pine Street.

Background

The RCWD has been systematically repairing/maintaining the ACD 10-22-32 public drainage system since 2008. This includes a comprehensive system repair south of Pine Street in 2013. A 2021 survey identified that only three locations on the portion of the system north of Pine Street are above the grade of the current adopted as constructed and subsequently improved condition (ACSIC), culverts at Pine Street, 137th Ave., and Jodrell St. At its workshop on November 6, 2023, the Board, by majority consensus, directed staff and engineers to continue the development and evaluation of the maintenance components in Alternative #4 (ACSIC Option) for ACD 10-22-32 north of Pine Street, per its motion of June 14, 2023, by:

1. Identifying and quantifying regulatory requirements.
2. Assessing the feasibility of the proposed alternative considering the regulatory requirements.
3. Engaging with municipal partners, DNR, and other regulatory land use and road authorities to evaluate the feasibility of maintenance Alternative #4.

One element of Alternative #4 (culvert lowering at Pine St.) is not subject to public waters law. Still, it can potentially result in non-exempt impacts to wetlands subject to the Wetland Conservation Act (WCA). HEI has developed and RCWD staff have submitted a replacement plan for this work. This component of Alternative #4 remains separate, feasible, and of independent value and benefit to the drainage system from the other elements. Once a replacement plan is approved, any potential threatened and endangered species obligations are sorted, and weather and hydrologic conditions are suitable, RCWD will look to complete this portion of the maintenance.

The other two components (lowering of culverts at 137th Ave. and Jodrell Street) have the potential to impact public waters and thus require DNR regulatory coordination. HEI and staff have engaged the DNR on multiple occasions to discuss potential impacts to public waters and how those impacts will be measured and might be mitigated. These discussions and correspondence with the DNR have clarified the feasibility and potential costs (in financial outlay, wetland bank withdrawal, and environmental impact) of those components of Alternative #4. The decision point for the board is to consider the cost versus benefit of pursuing the two remaining elements of alternative #4.

Staff Recommendation

Staff are seeking Board consensus direction on proceeding with the actions needed to lower culverts at 137th Ave. and Jodrell St.

Attachments

HEI Memo ACD 10-22-32 Repair alternative 4 update.

Technical Memorandum

To: Nick Tomczik, Administrator
Rice Creek Watershed District

Cc: Tom Schmidt

From: Chris Otterness, PE

Subject: ACD 10-22-32 Repair Alternative 4
Update on Regulatory Engagement

Date: September 3, 2024

Project #: R005555-0332

INTRODUCTION

The purpose of this memorandum is to summarize findings on the feasibility of proposed repairs to Anoka County Ditch (ACD) 10-22-32, specifically “Alternative 4” identified in the January 23, 2023 memorandum *Anoka County Ditch 10-22-32 Evaluation of Maintenance Alternatives*. On June 14, 2023, the RCWD Board of Managers directed staff to develop maintenance Alternative #4 by:

1. Identifying and quantifying regulatory requirements
2. Assessing the feasibility of the proposed alternative in light of the regulatory requirements; and
3. Engaging with municipal partners, DNR, and other regulatory land use and road authorities as necessary to evaluate the feasibility of maintenance Alternative #4.

BOARD CONSIDERATION OF REPAIRS¹

The Board’s consideration of repair options for ACD 10-22-32 involves several requirements of the drainage code and other law. Repair and maintenance obligations under the drainage code require the Board to consider whether “the repairs recommended are necessary for the best interests of the affected property owners”. (103E.705 and .715). Affected property owners include all owners of property benefitted by the drainage system and responsible for costs of the drainage system.

The Board must also consider “conservation of soil, water, wetlands, forests, wild animals, and related natural resources, and to other public interests affected, together with other material matters as provided by law in determining whether the project will be of public utility, benefit, or welfare”. (103E.015, subd. 2).

¹ The introductory comments in this section were provided by the District’s drainage attorney.

"Public welfare" or "public benefit" includes an act or thing that tends to improve or benefit the general public, either as a whole or as to any particular community or part, including works contemplated by [the drainage code], that drain or protect roads from overflow, protect property from overflow, or reclaim and render property suitable for cultivation that is normally wet and needing drainage or subject to overflow. (103E.005, subd. 27).

The phrase, "other material matters as provided by law" implicates environmental policies and procedures of the state. One requirement, in particular, is the least impact alternative requirement found in the Minnesota Environmental Policy Act (MEPA), statutes chapter 116D. No state action significantly affecting the quality of the environment shall be allowed, nor shall any permit for natural resources management and development be granted, where such action or permit has caused or is likely to cause pollution, impairment, or destruction of the air, water, land or other natural resources located within the state, so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety, and welfare and the state's paramount concern for the protection of its air, water, land and other natural resources from pollution, impairment, or destruction. (116D.04, subd. 6).

Another material consideration is the State's water policy -- it is in the public interest to preserve the wetlands of the state to conserve surface waters, maintain and improve water quality, preserve wildlife habitat, reduce runoff, provide for floodwater retention, reduce stream sedimentation, contribute to improved subsurface moisture, enhance the natural beauty of the landscape, and promote comprehensive and total water management planning. (103A.202).

Finally, in considering the scope and extent of repair, the courts recognize additional considerations and obligations. Drainage Authorities have an obligation to maintain ditches in a manner consistent with the policies established by the legislature in various environmental laws.

A clear articulation of this obligation was provided by the Court of Appeals in case brought by McLeod County, in its capacity as drainage authority, against the Minnesota Department of Natural Resources.

The Minnesota Supreme Court has stated: Once a ditch system is established, the order creating it constitutes a judgment in rem. * * * Thereafter, every owner of land who has recovered damages or been assessed for benefits has a property right in the maintenance of the ditch in the same condition as it was when originally established. *Fischer v. Town of Albin*, 258 Minn. 154, 156, 104 N.W.2d 32, 34 (Minn.1960) (quoting *Petition of Jacobson v. Kandiyohi County*, 234 Minn. 296, 299, 48 N.W.2d 441, 444 (1951)).

Thus, the landowners have a right to have the ditch maintained, and it is the [drainage authority] that must undertake the maintenance. However, as a political subdivision of the

state, the [drainage authority] has a greater duty than does a private individual to see that legislative policy is carried out. As a creature of the state deriving its sovereignty from the state, the [drainage authority] should play a leadership role in carrying out legislative policy. *County of Freeborn v. Bryson*, 309 Minn. 178, 188, 243 N.W.2d 316, 321 (Minn.1976). Therefore, when the [drainage authority] undertakes the maintenance of a ditch, pursuant to statute, “it must do so in a way that is consistent with the objectives of the statute and other announced state policies.” *Kasch v. Clearwater County*, 289 N.W.2d 148, 151 (Minn.1980).

The supreme court has stated that Aldo Leopold's “ ‘land ethic simply enlarges the boundaries of the community to include * * * the land.’ ” *In re Application of Christenson*, 417 N.W.2d 607, 615 (Minn.1987) (quoting *Bryson*, 309 Minn. at 189, 243 N.W.2d at 322). The court has reaffirmed that the state's environmental legislation had given this land ethic the force of law, and imposed on the courts a duty to support the legislative goal of protecting our state's environmental resources. Vanishing wetlands require, even more today than in 1976 when *Bryson* was decided, the protection and preservation that environmental legislation was intended to provide. *Id.* Thus, the county has an obligation to maintain the ditch in a manner consistent with the policies established by the legislature in the Act.

McLeod Cnty. Bd. of Com'rs as Drainage Authority for McLeod Cnty. Ditch No. 8 v. State, Dept. of Natural Resources, 549 N.W.2d 630, 633–34 (Minn.App.,1996)

In the process of applying all of the above considerations and obligations, courts have concluded that the drainage authority, has discretion to determine the manner in which the ditch will be maintained – including the scope and extent of repair. *Slama v. Pine Cnty.*, No. A07-1091, 2008 WL 1972914 (Minn. Ct. App. May 6, 2008).

In reviewing this memorandum, the Board is strongly encouraged to consider the utility of any proposed action in the context of the above considerations and obligations.

ALTERNATIVE 4 COMPONENTS

Maintenance Alternative #4 includes three components:

- a) Lowering of the culvert under Pine Street at the ACD 10-22-32 Main Trunk;
- b) Lowering of the culverts at a driveway west of Jodrell Street (referred to as “137th Ave.”); and
- c) Lowering of the culverts at Jodrell Street.

Lowering of the 137th Ave. culverts and Jodrell Street culverts requires regulatory engagement with the Minnesota Department of Natural Resources (DNR) since the culverts serve as the runoff for public waters basins and thus changes at the culverts have the potential to impact these basins. Lowering of the Pine Street culvert does not have the potential to impact public waters but does have the potential to impact wetlands regulated under the state Wetland Conservation Act (WCA) and RCWD Rule F.

A memorandum dated October 31, 2023 by Houston Engineering, Inc. (HEI) provided an update on regulatory coordination complete to that date. Since then, additional coordination has occurred including RCWD application for a wetland replacement plan under WCA and DNR review of potential impacts to public waters.

This memorandum describes information gathered for addressing the Board-directed actions and points of consideration when evaluating the viability of maintenance options including balancing benefit and function versus cost and impact.

PINE STREET CULVERT

HEI completed a field delineation of wetlands along ACD 10-22-32 Main Trunk from Pine Street to 137th Ave. in September 2023. RCWD staff submitted the delineation report to the local government unit (LGU) in October 2023 for concurrence review. The technical evaluation panel (TEP) concurred with the delineation and RCWD approved the application.

HEI then prepared a wetland replacement plan which was submitted by RCWD staff to the LGU on May 17, 2024. The replacement plan includes mitigating 1.018 acres of wetland impact by withdrawing 2.036 acres of wetland credits from the Browns Preserve wetland bank. During the comment period, DNR staff provided correspondence indicating that rare plants have been identified within the vicinity of the project, and that a rare plant survey would be required.

The proposed work is entirely within the roadway and ditch which are exempt from endangered species permitting requirements per Minnesota Statute 84.0895 subd. 2(a)(1). The associated wetland drainage does not have the potential for a rare plant takings. Therefore, a rare plant survey is unnecessary and is not a reasonable use of public dollars. RCWD staff and its consultants are in discussion with DNR to address their concerns. The RCWD as LGU will then consider the wetland replacement plan prior to proceeding with culvert lowering. RCWD staff intends to complete this work once the replacement plan is complete and as soon as lowered water levels are conducive to the work.

137TH AVE. AND JODRELL STREET CULVERTS

DNR ENGAGEMENT

RCWD and HEI staff have had multiple interactions with DNR staff including meetings and exchanges of information (including modeling with additional detail) to inform DNR's consideration of the Alternative 4 repair and associated Public Waters regulation. DNR summarized its review within a letter dated July 10, 2024 (attached). The following is a summary of DNR's conclusions from this letter and other DNR correspondence related to this matter:

- A Letter of Permission from the DNR is required to complete the lowering of the 137th Ave. and Jodrell Street culverts as described in Alternative 4.

- A Letter of Permission will only be granted if the repair plan includes actions by the RCWD to mitigate impacts to the public waters.
- The state statute and rules are not prescriptive on how “impact” is to be evaluated for the proposed lowering of the culverts, and due to the rarity of such requests DNR does not have policy or substantial case history on the quantification of impacts. For this repair, DNR has considered the extent of inundation from the 2-, and 10-year rainfall events under existing and proposed (repaired conditions). Based on the model data and comparison to available storage, DNR has predicted 7.3 acres of impacts to wetlands resulting from Alternative 4.
- Likewise, state public waters laws are not specific on how public waters are to be mitigated. However, DNR staff has indicated that a starting point for mitigation is to utilize WCA requirements, though they may consider alternative mitigation approaches. Under WCA requirements, impacts to wetlands at this location would require replacement at a 2:1 ratio, or 14.6 acres in total. This could potentially be mitigated using the District’s Browns Preserve wetland bank.
- As impacts within a public water are predicted to exceed 1 acre, an Environmental Assessment Worksheet (EAW) would be required. The responsible government unit (RGU) for considering the EAW could either be the District or DNR. Prior to proceeding with development of an EAW, the DNR recommends a meeting for concurrence on process and which entity is best situated to serve as RGU.

COSTS AND IMPACTS OF LOWERING 137TH AND JODRELL STREET CULVERTS

A Preliminary Opinion of Probable Construction Cost (POPCC) was developed for the recommended repairs and is included as **Appendix B. Table 1** displays a summary of project costs.

Table 1: Anticipated Costs for Lowering 137th and Jodrell St. Culverts

Category	Cost
Construction	\$80,000
Construction Engineering	\$25,000
EAW	\$25,000
Rare species survey	\$20,000
DNR Regulatory coordination	\$20,000
Legal/staff time	\$5,000
Total	\$175,000

1. Notes on Cost
Construction cost includes salvaging of four culverts, reinstalling the culverts, and extending the culverts to match the road slope. Also includes curb and gutter replacement, road pavement restoration, turf restoration, and traffic control
2. Engineering cost includes plan development, staking, and contract management.

3. EAW costs include cultural resource review, EAW text preparation, and response to comments.
4. DNR regulatory coordination includes preparation of a request for letter of permission; accompanying justification, and one meeting with DNR staff

In addition to these monetary costs, the work may require up to 14.6 credits of banked wetland credits from the District's Browns Preserve wetland bank. These credits cost roughly \$12,000 per acre to generate, though the present-day value of the credits is likely substantially greater as the cost of developing wetland banks continues to rise. Market value of wetland credits in the north metro is as high as \$100,000 / acre. Based on this range of credit cost, the value of the wetland credits needed for the lowering of these culverts ranges from \$175,000 to \$1,400,000.

Note that the cost estimate includes a rare species survey (which likely will be a required component of an EAW and/or DNR approval) but does not include the cost of a rare species taking permit (which may or may not be required depending on where and what type of rare species are identified).

BENEFITS OF LOWERING 137TH AND JODRELL STREET CULVERTS

Lowering the 137th St. and Jodrell St. culverts consistent with Alternative 4 will restore drainage function in the ACD 10-22-32 Main Trunk as close as possible to the condition as it was originally constructed in 1898 (as constructed and subsequently improved condition – ACSIC), noting that climatic variations and land use has placed additional burdens on the system that did not exist at the time of original establishment.

However, this work is not anticipated to convert wetland into non-wetland or significantly change the potential uses of adjacent lands. The peak water levels for the 2- and 10-year rainfall events on the properties potentially affected by the lowering of these culverts is wholly contained within a designated Public Water (see **Figures 1 and 2**). As such, most modifications to these lands that would enable a different land use would require a permit from the DNR. Further, given the position of these wetlands within a much larger wetland complex, numerous other complexities exist that make modification of these lands for a different land use expensive and improbable. As such, it is unlikely that any significant changes to land values or uses will result from the lowering of these culverts.

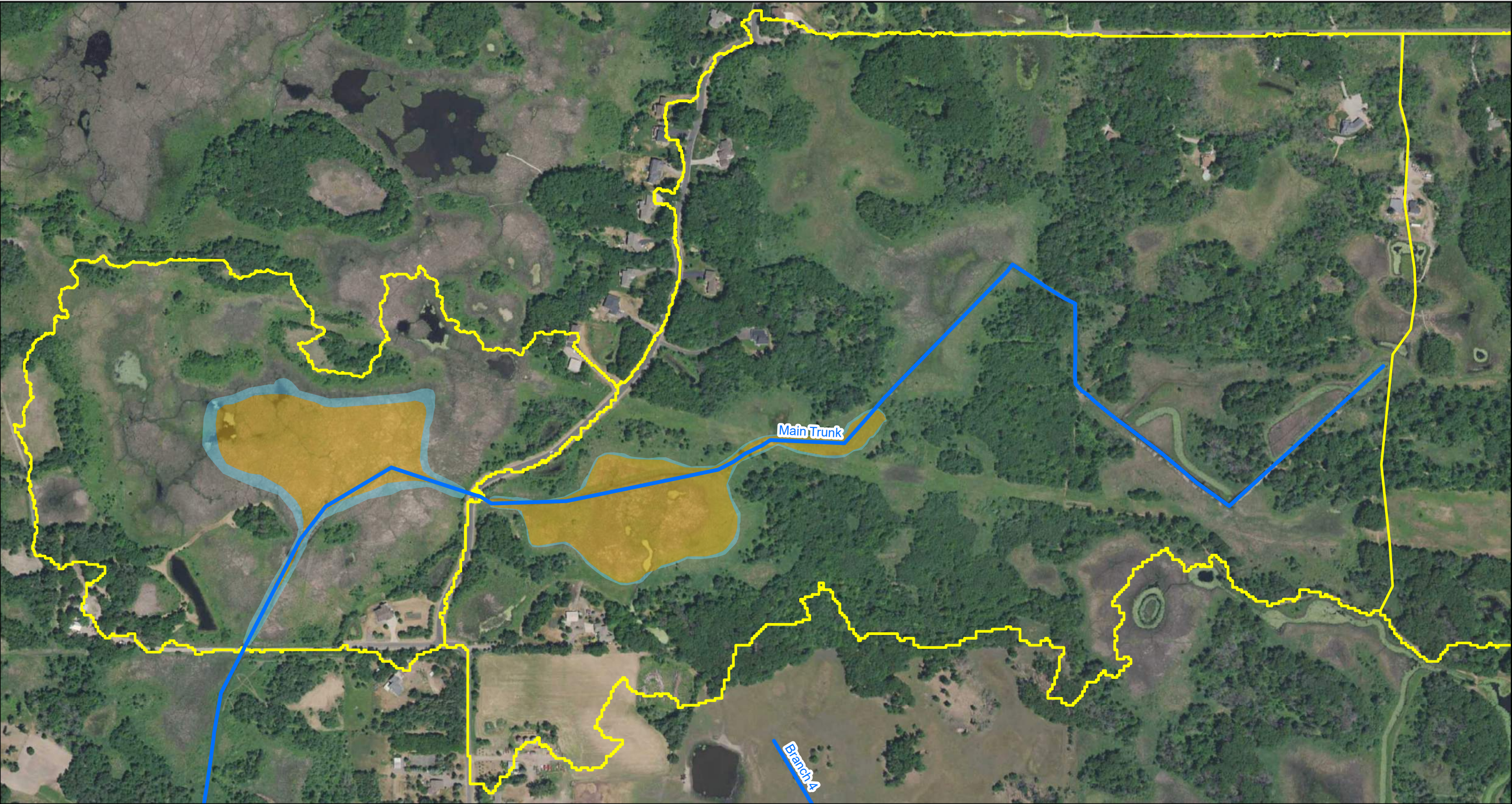
EVALUATING COST VS. BENEFIT

As noted in the drainage attorney's comments at the beginning of this memorandum, Minnesota Statute 103E identifies that Drainage Authorities must consider both monetary cost and environmental impacts in evaluating drainage system projects and repairs. Section 3.2.1 of RCWD's Watershed Management Plan also identifies the weighing of multiple factors in repairs, indicating that repairs "must plan for the current and future need of municipalities to use the public drainage system while considering and weighing other resource issues and needs." Further, the Plan states, "This means that a repair depth, in some cases, may be less than the ACSIC; or that the public drainage system may coexist within or adjacent to municipal stormwater management features."

In an ideal scenario, the feasibility of a project or other work would be evaluated by simply monetizing the benefits and costs and determining if there is a positive economic value that results. However, economic benefits and costs can be challenging if not infeasible to monetize for many types of projects. One of these types is drainage restoration on lands not in agricultural production. There is an intrinsic value of having predictable, efficient drainage that can perform for a variety of climatic and hydrologic conditions.

One frame of reference that is useful for decision making is to compare the costs and qualitative benefits of similar types of work that have been successfully completed. Only one District repair effort (Judicial Ditch 4) has required a similar amount of wetland mitigation (also 14.6 acres): The JD 4 repairs requiring this mitigation created a predictable, efficient outlet for agricultural land and a municipality where one did not exist previously; provided significant decrease in 2- and 10-year flood elevations over miles of the drainage system; and substantially increased the efficiency of the system. Other District repair efforts each have required less than 3 acres of wetland mitigation and had multiple miles of restoration in system efficiency for agricultural and/or urban landscapes.

Conversely, the proposed lowering of 137th St. and Jodrell St. culverts will only have an impact on the lands immediately upstream of each roadway crossing, on lands that are currently wetland and will continue to be wetland if the repairs are completed. The work will not improve the predictability of the system as an outlet, but rather will have its primary effect of lowering water levels in portions of wetland, designated as public waters, during dry weather periods. Although there is intrinsic value in having a lower outlet, it is far less valuable than restoration of efficiency and predictability, particularly when the land affected will not be made viable for agricultural or land development use as a result of the work.



Legend

- ACD 10-22-32
- Catchments
- Alt. 4 2-yr Flood Pool
- Existing Conditions 2-yr Flood Pool

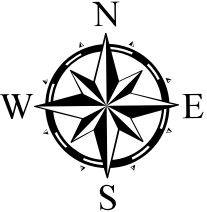
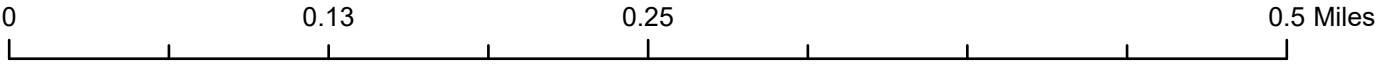
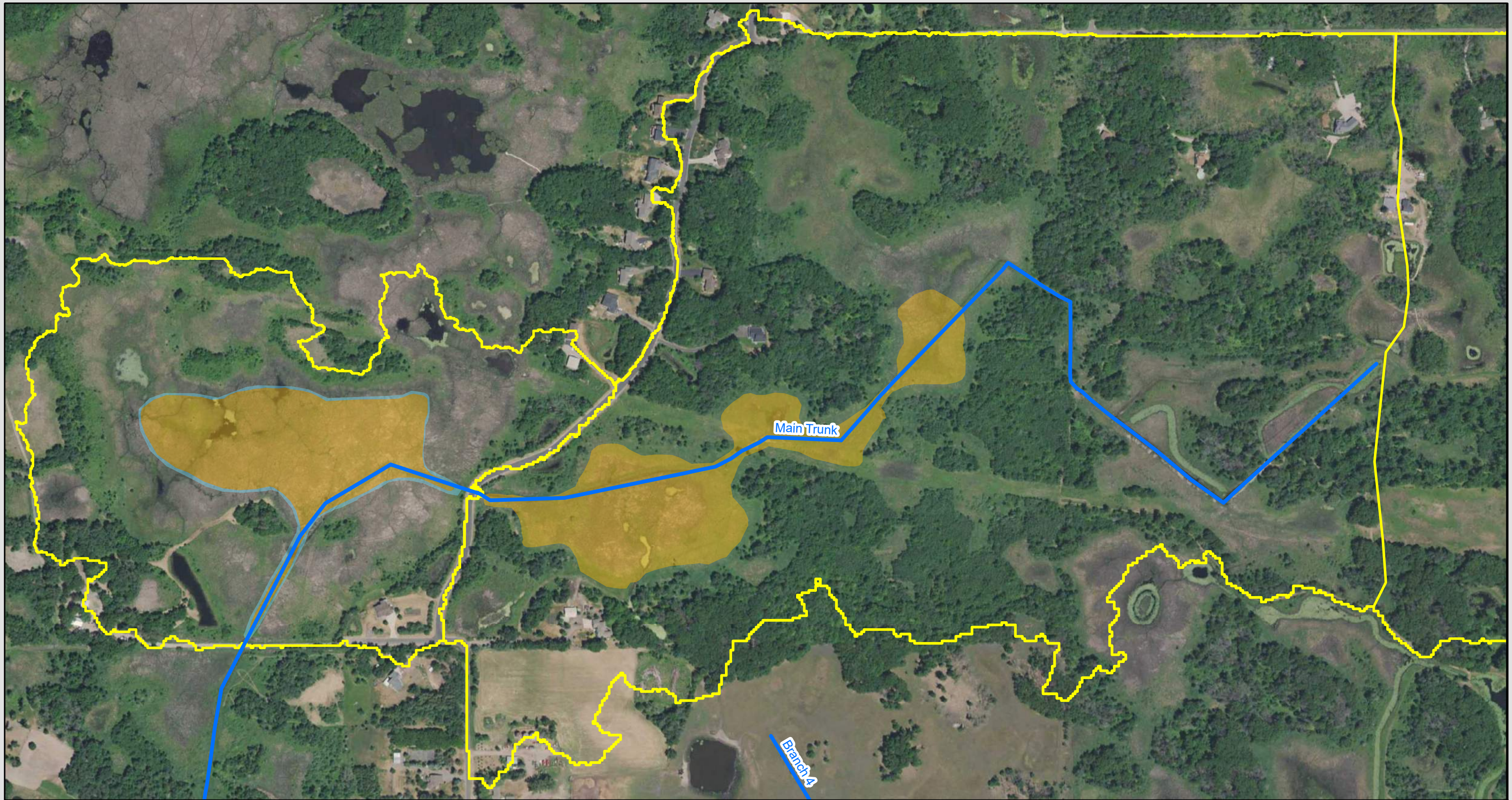


Figure 1 - 2-yr Flood Extent

Scale: AS SHOWN	Drawn by: CJC	Checked by: BTZ	Project No.: 5555-0333	Date: 8/22/2024	Sheet:
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Legend

- ACD 10-22-32
- Catchments
- Alt. 4 10-yr Flood Pool
- Existing Conditions 10-yr Flood Pool

0 0.13 0.25 0.5 Miles

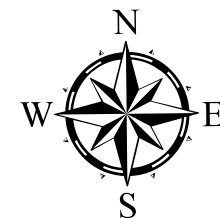


Figure 2 - 10-yr Flood Extent

Scale: AS SHOWN	Drawn by: CJC	Checked by: BTZ	Project No.: 5555-0333	Date: 8/22/2024	Sheet:
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ITEMS FOR DISCUSSION

2. Anoka Washington Judicial Ditch #3/Clearwater Creek
Stabilization Feasibility Study – Final Memo

MEMORANDUM

Rice Creek Watershed District



Date: September 3, 2024
To: RCWD Board of Managers
From: Tom Schmidt, Drainage & Facilities Manager
Subject: Clearwater Creek Stabilization Feasibility Study

Introduction

This agenda item provides further discussion of the Clearwater Creek Stabilization Feasibility study.

Background

At the August 12, 2024, Board workshop, the district engineer presented a draft feasibility report for the stabilization of Clearwater Creek/Anoka Washington Judicial ditch #3 (AWJD #3). The foundational purpose of any of the proposed stabilization alternatives is to address exacerbated erosion/loss of land along the ditch and the creek, with the ancillary benefit of potentially improved water quality at Pelletier Lake.

After discussion, the Board asked that the final feasibility report provide further content to address as best possible potential land acquisition processes/costs for the proposed alternatives.

The final feasibility report is presented for the Board's consideration.

Staff Recommendation

This item provides information, and staff seek Board consensus direction on the next steps forward, engagement with the City of Centerville and Lino Lakes, with project development.

Attachment

HEI final Memo Clearwater Creek Stabilization Feasibility.

Technical Memorandum

To: Nick Tomczik, District Administrator
Rice Creek Watershed District

From: Adam N. Nies PE, CFM

Through: Chris Otterness, PE
Houston Engineering, Inc.

Subject: Clearwater Creek Stabilization Feasibility

Date: September 3, 2024

Project: 5555-0354

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am duly Licensed Professional Engineer under the laws of the State of Minnesota.

A handwritten signature in blue ink, appearing to read 'Adam N. Nies', is written over a horizontal line.

Adam N. Nies
Reg. No. 53358

Date: 9/03/2024

INTRODUCTION AND EXECUTIVE SUMMARY

The portion of the Main Trunk of Anoka Washington Judicial Ditch 3 (JD 3, also known as Clearwater Creek) downstream of I-35E has a relatively steep grade with minor accumulated sediment. It exhibits heavily scoured and sloughing banks due to high peak flows and channel velocities and less stable (sandy) soils. Because that portion of Clearwater Creek has been straightened and channelized through the construction of JD 3, it is less stable than the naturally meandering portion of Clearwater Creek from the outlet of JD 3 (approximately 0.25 miles north of Main Street in Centerville) to Peltier Lake. Peltier Lake is impaired for excess nutrients and the channelization of the ditch has increased the sediment and nutrient delivery downstream. Bank instability and erosion has been noted within the naturally meandering portion of Clearwater Creek as well. The stability of the watercourse has been further diminished by changing hydrology due to both land development pressures and climatic effects. The purpose of this feasibility study is to provide a detailed analysis of the extent and severity of the issues; recommend Best Management Practices (BMPs) and engineered solutions to reduce erosion, limit channel velocity and improve in-stream habitat; and estimate the associated probable costs for feasible alternatives.

Several BMPs were considered for implementation and through discussions with District staff as well as technical analysis, the alternatives have been whittled down to those considered most feasible. There are three main alternatives considered feasible that correspond to three main segments of Clearwater Creek, and they are a re-meandered ditch, two-stage ditch, and channel cleanout. The primary goal of the alternatives are to stabilize the ditch banks and reduce the instream erosion through reduction of channel velocities, and establishing deep rooted vegetation along the channel banks. A secondary benefit will be reduced nutrient and sediment delivery to Peltier Lake. These

alternatives were modeled within XPSWMM (**Appendix A**), and the results are shown throughout the report. The velocity reductions realized through modeling of the BMPs will help to stabilize the stream banks and benefit Clearwater Creek to Lake Peltier. Other alternatives were considered but ruled out throughout the design process and are documented herein. Based on the preliminary assessment of the site, we recommend including alternatives for re-meander of the straightened channel downstream of Main St. (0+00 to 14+00), constructing a two-stage ditch (or partial two-stage ditch) between 20th Ave and I-35E (50+00 to 76+00), and repairing the ditch in the middle section between 20th Ave and Main St. (16+00 to 49+00). We recommend the District investing external funding opportunities such as the Clean Water Fund (CWF) Projects and Practices grant, the Multi-purpose Drainage Management Grant, and the Watershed-Based Implementation Fund (WBIF), each of which is appropriate for this project.

ALTERNATIVES CONSIDERED

Houston Engineering, Inc. (HEI) and the Rice Creek Watershed District (RCWD) completed a site visit in December 2023 which provided a first-hand look at the conditions currently exhibited by the ditch (photos in **Appendix E**). Erosion and bank sloughing was prevalent for the entire portion walked, from I-35E to the outlet at Peltier Lake. Although the study reach downstream of I-35E is relatively short (1.4 miles), the ditch/creek has several distinct segments, each having unique characteristics that impose design constraints for the potential applicable BMPs that can feasibly be implemented. Much of the study reach is constrained on one or both sides by residential and commercial structures in close proximity to the ditch. Likewise, several existing stormwater BMPs such as ponds adjacent to the ditch limit the available space. The following describes each of the alternatives considered, where various BMP's could be located, and some of the limitations or challenges associated with each. The alternatives are shown on the overall site map in **Figure 11**. The alternatives have been analyzed within the RCWD District Wide Modeling for JD 3 which is an XPSWMM (v. 2018.1) model. Complete modeling details of existing and proposed conditions are contained within **Appendix A**.

RE-MEANDER (STA 0+00 TO 14+00)

Clearwater Creek was historically a natural meandering stream prior to a portion being straightened through the construction of JD 3. Straightening of the stream into a ditch was completed at that time for several purposes: 1) it increased the efficiency/capacity of the ditch; 2) it decreased the length of ditch to construct and maintain; and 3) it reduced the footprint of the ditch (enabling the potential to use more of the land).

Straightening of these streams in the Rice Creek watershed had drawbacks, however. With greater efficiency came higher velocities, which increased sediment transport capacity and destabilized the channel. Subsequent downcutting contributed to the instability by confining flow into a narrow channel with no floodplain access. In locations with erodible soils and/or steeper gradients, this

velocity increase resulted in chronic erosion and channel instability. Reconstructing the JD 3 channel downstream of Main Street to restore the meanders and reduce channel velocities through a flatter gradient has the potential to stabilize the stream, reducing erosion and sediment delivery to Peltier Lake, and minimizing the frequency of required maintenance. The proposed re-meander alternative design was initially set to match conditions that existed prior to the construction of JD 3, based on historical imagery from 1947 and on ditch signatures indicated via LiDAR elevation models. The historic alignment is shown in **Figure 14**. The meander alignment was then further refined to stay within the current valley extents and to avoid impacting existing structures and property (see **Figure 15**). The re-meander alternative will lengthen the channel and reduce the grade, thus reducing velocity and bank erosion. The slope of the proposed re-meandered channel would tie-in to the As Constructed and Subsequently Improved Condition (ACSIC) channel inverts at Main Street upstream and at the downstream legal terminus of JD 3. **Appendix B Sheet 1** displays the preliminary design plan and profile for the re-meandered section. Formal sinuosity design of the meander alignment was not considered at this time but may be incorporated during final design. Landowner coordination will be critical in the success of this alternative, as the design has the potential to impact backyard areas on several properties and easements will be needed where grading occurs outside of the existing public drainage system right-of-way. The preferred alignment shown in **Figure 15** likely will need to be altered during preliminary and final plan development based on more detailed site investigation and to fit within the area where land rights may feasibly be obtained.

The model output hydrographs for the elevation, flow, and velocity show the potential changes from adding in the re-meandered section displayed in **Figures 1-3**. The existing modeled channel bottom was changed to match the meandered section, and the lengths of the channel were updated to reflect the increased re-meandered length. The channel length increases approximately 700 feet and reduces the slope from 0.1% to 0.06% in the re-meandered section. There are some minor increases in the peak flow for the 2-, and 10-year events at the re-meandered section, but they attenuate to match existing peak flow conditions at Peltier Lake. Due to the presence of the FEMA floodway, special consideration was given to ensuring that there is no increase to the 100-year elevation. This alternative maintains the current flow capacity by minor widening of the re-meandered channel combined with flatter grade, which reduces the channel velocity through increased length of the stream. This will minimize channel and bank erosion and decrease sediment load contributions from this reach to Peltier Lake. Sediment transport from the upstream watershed will have the opportunity for partial capture through this re-meander, though some portion will continue to flow downstream. A detailed sediment transport analysis was not warranted for this study. Due to the presence of a FEMA defined floodway, it is important to maintain capacity so the 100-year water surface elevations remain unchanged. The results are shown in **Table 1** and **Figures 1-3**.

Table 1: Re-meander Hydraulic Characteristics

Elevation (ft)			
Event	100-year	10-year	2-year
Existing	895.90	895.00	894.12
Re-meander	895.90	894.99	894.13
Change	0.0	-0.01	0.01
Flow (cfs)			
Event	100-year	10-year	2-year
Existing	526.7	352.6	232.6
Re-meander	532.6	352.0	233.0
Change	5.9	-0.6	0.4
Velocity (fps)			
Event	100-year	10-year	2-year
Existing	3.0	3.0	2.9
Re-meander	2.5	2.5	2.3
Change	-0.5	-0.5	-0.6

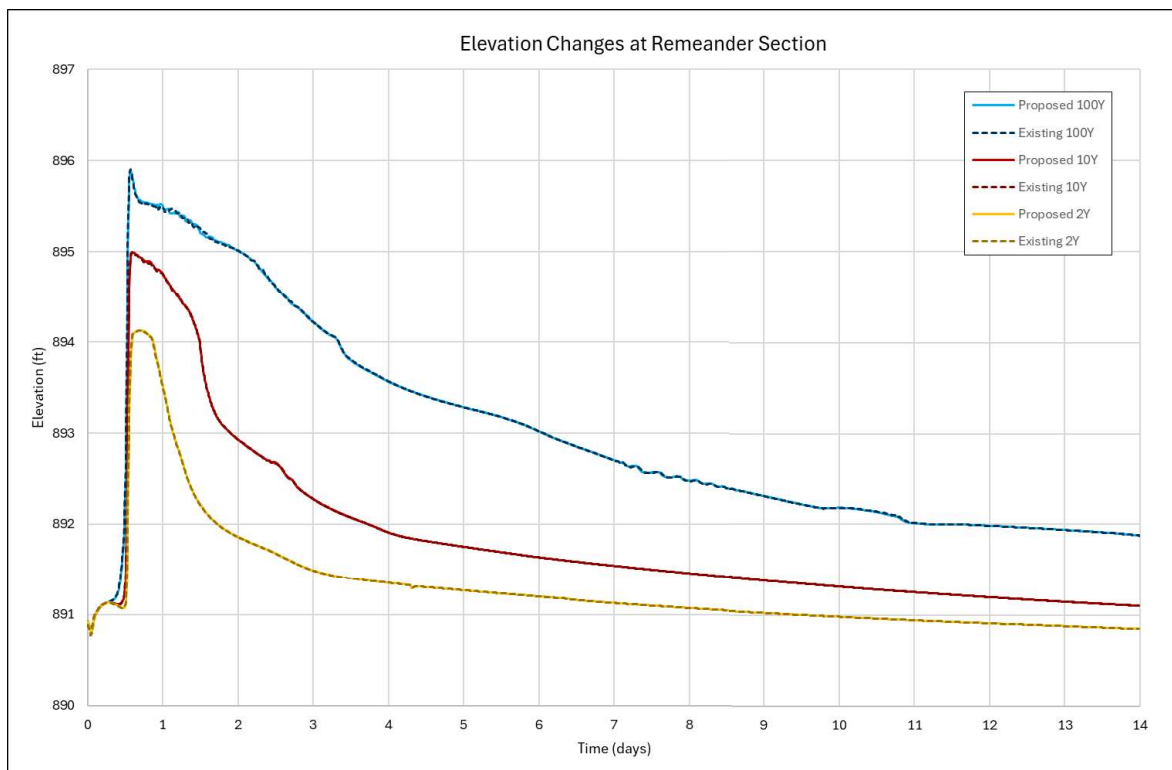


Figure 1: Re-meandered Elevation Comparison

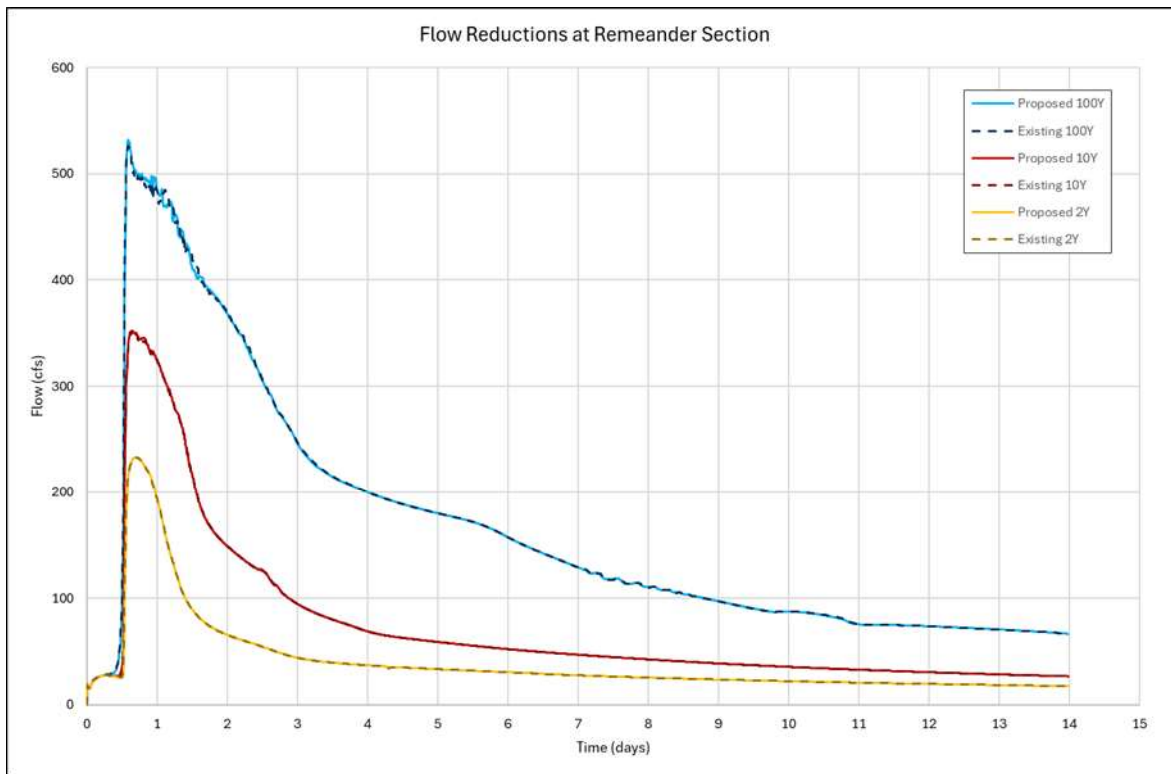


Figure 2: Re-meandered Flow Comparison

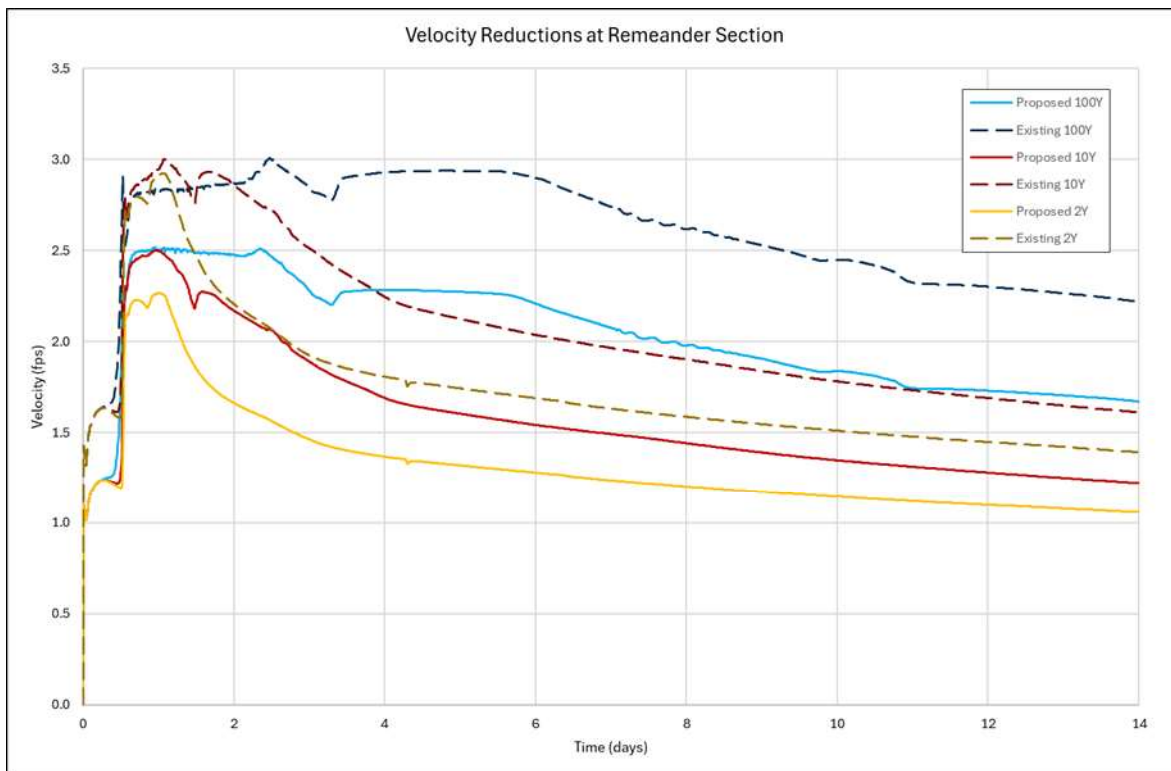


Figure 3: Re-meandered Velocity Comparison

ROCK-REVTMENTS FOR OUTSIDE MEANDER BANKS (STA 0+00 TO 14+00)

Clearwater Creek downstream of Main St. to the outlet at Peltier Lake is susceptible to erosion on outside meander banks. The re-meander alternative reduces stream velocity by increasing the distance that the water travels and reducing the slope. However, during the site walk, even the natural meandering section downstream of the JD 3 outlet shows excessive erosion of the banks in many locations. To combat the erosion, rock-revetments could be placed around the outer meandered banks both in the natural meandering portion and the proposed re-meander alternative section. The type of rock-revetments to most benefit the channel will be decided during final design of the alternatives. Typical examples include rock benches, and angled rock columns that point into the channel in the upstream direction to reduce velocity and catch sediment.

The preliminary re-meandered section design has 17 total outer bends.¹ The Class III rip rap quantities have been preliminarily estimated using an assumed minimum depth of 24 inches and a 10-foot width along outer bends resulting in approximately 1,000 cubic yards of rip rap needed to armor the banks.

ROCK-RIFFLE DROP STRUCTURE (STA 16+00 TO 49+00)

The middle portion of the ditch from Main St. to 20th Ave. is tightly constrained by the residential and commercial buildings in close proximity to the ditch. This alternative considered flattening the ditch bottom by making it deeper on the upstream end, utilizing a rock-riffle type drop structure for ditch stability at 20th Ave., and then matching the ACSIC grade at Main Street. Existing ditch side slopes through this reach are approximately 3:1 and would either remain the same or would be made flatter for added stability. The combination of deepening the ditch and flattening the side slopes produces a much wider footprint than exists today, which would cause the ditch to encroach on business structures or their properties and residential sheds and land as well as several stormwater ponds and outlet structures. This encroachment would require buy-outs of property, likely via eminent domain proceedings, and mitigation of impacts to stormwater infrastructure. Due to the associated cost, which would be much greater than the benefit received, this alternative does not appear feasible.

DITCH REPAIR AND VEGETATION MANAGEMENT (STA 16+00 TO 49+00)

As an alternative to more expansive reshaping of the channel envisioned by the prior alternative, in the reach from Main St. to 20th Ave. one viable alternative to add stability while staying within the constrained footprint, is completing a more traditional ditch cleaning repair. This would involve tree and woody vegetation removal from channel banks, establishing an access corridor for maintenance, removal of sediment to the ACSIC profile, and seeding the banks and access corridor with deep-rooted grass vegetation. There are some isolated eroded areas where the banks have become too steep to be stable even with vegetation establishment. In these locations, resloping and or placement

¹ The number of outer bends in the proposed re-meandered section may change dependent on several final design considerations including landowner input.

of sheet piling will be required prior to seeding to reduce the likelihood of a slope failure. The modeling shows channel velocities in this area as approximately 2-5 fps. With the appropriate seed mix, such a repair should provide reasonably stable channel banks when seeded down to the normal water level of the ditch, and given time to establish deep rooted grassed vegetation on the banks. The extents of the channel repair are shown in **Appendix B Sheets 3-4**. Model output results are not presented for this alternative as the hydraulic change between existing and proposed conditions is minor.

RETENTION/ STORAGE (STA 43+00 TO 74+00)

Constructing storage along or adjacent to the public drainage system has the potential to attenuate peak flows and temporarily retain water during runoff events, which could improve system performance, decrease erosive in-channel velocities, and decrease sediment delivery to Peltier Lake. The feasibility of constructing off-channel storage north of the JD 3 channel from Station 43+00 to 75+00 between 20th Ave. and I-35E was evaluated. The available storage volume was calculated from LiDAR data and elevation-volume curves were generated. From a preliminary estimation based on peak water surface elevations for each event, the storage areas would provide approximately 5 acre-feet of storage for a 2-year event, 30 acre-feet for a 10-year event, and 75 acre-feet for the 100-year event, depending on design. This amount of storage volume was compared against the hydrograph volumes for each event. Due to the large size of the JD 3 watershed at this location (7,961 acres), this available amount of storage volume is insufficient to provide substantial benefit to the system. In addition, this location is in a developing commercial district with elevated land values, and as such land acquisition costs would be significant and it is unlikely there will be willing landowners where the potential storage sites would be located. The Amazon facility supplied a proposed conservation easement from approximately station 64+00 to 74+00 that does provide potential wider footprint for various alternatives, however, does not provide sufficient space for valuable storage volume. Therefore, this alternative is likely not feasible. However, if the District does identify an opportunity for land acquisition near the JD 3 channel in the future, a more robust design may be considered with active storage to enhance the function and operation of the sites.

TWO-STAGE DITCH (STA 50+00 TO 76+00)

Many natural streams consist of a low flow channel that meanders with a wider floodplain valley. Streams with these characteristics tend to be relatively stable as larger flows come out of the banks and spread out over the floodplain, dissipating their energy. A two-stage ditch attempts to replicate this type of function along a constructed ditch. The two-stage ditch approach provides improved physical and ecological performance and is designed using the National Engineering Handbook Part 654 Stream Restoration Design, Chapter 10 Two-Stage Channel Design and the guiding principles from the MN BWSR fact sheet. The two-stage ditch increases conveyance capacity, which must be considered when designing the ditch. The first stage of the ditch is a low flow channel designed to contain the 2-year storm event, and the second stage is a flatter wider floodplain for larger storm events to spill out onto.

The portion of JD 3 immediately downstream (west) of I-35E has begun to show signs of attempting to re-meander. A two-stage ditch design alternative was evaluated from 20th Ave to I-35E which would accelerate the creation of a staged channel that the ditch would eventually form on its own if left unmaintained (over a substantial period of time and with substantial deposition of sediment into Peltier Lake). This alternative would hasten the channel evolution process, bringing the channel forward to a Stage 5 [reference Channel Evolution Model, Schultz 2000 and Schumm 1984]. The proposed alternative would also include cleaning out the existing ditch bottom and deadfall blocking the channel. The existing channel has accumulated sediment approximately 2-3 feet above the ASCIC elevation. Designing the two-stage ditch to the ASCIC elevation would align the channel better with the existing structures through the roads and increase the flow area throughout this portion of JD 3. Existing stormwater ponds and structures limit the available footprint for this alternative. The plan and profile for the two-stage ditch is shown in **Appendix B Sheet 5**. From I-35E to 20th Ave, the proposed ditch is located within FEMA Floodway (Figure 13), and design constraints of this alternative included no impacts to the 100-year elevations on the system.

The main benefits from the two-stage ditch are the reductions in the velocity due to increased channel area. The reductions in velocity will help to minimize erosion of the channel banks and minimize sediment deposition downstream. This in turn has the opportunity to reduce the frequency of necessary drainage system maintenance. When maintenance work is required, the two-stage channel configuration of the ditch will have implications for how the ditch is cleaned. For contractors having a long-reach excavator, maintenance work may be able to be completed from one side. Otherwise, there may be a need to have the ability to work from both sides of the ditch, which has maintenance obligations to consider such as continual mowing schedule along both sides of the ditch corridor. We have analyzed two versions of a two-stage ditch alternative that conform to the project goals of bank stabilization. The first option includes a large extent two-stage ditch that is designed to the BWSR conveyance specifications, but has a large associated cost. To maximize value, a second option was analyzed as a partial two-stage ditch that still accomplishes the goals of bank stabilization, but represents a much smaller excavation footprint thus is lower cost. This second option is not designed to fully meet the BWSR conveyance specifications and creates a lesser amount of capacity. The two-stage ditch alternative primarily involves earthwork excavation volume, which typically has a large associated cost of moving earth and thus the two alternative sizes are provided. During final design, the two-stage ditch extents can be set based on the available funding.

Option 1: Full Build Out Two-Stage Ditch

Option one provides the full recommended conveyance design guidance as provided by BWSR, but has a larger potential cost. The low flow channel is approximately 50 feet wide and 4 feet deep. The floodplain bench widths are approximately 40-60 feet in width and are 2-8 feet deep. The benches are focused on the north side of the channel due to limiting features such as stormwater ponds predominantly on the south side of the existing channel. The cross sections for the full build out two-

stage ditch are shown in **Appendix B Sheet 6**. During large events, water will break out of the main channel and flow overland similar to pre-ditch conditions.

The peak flow slightly increases for the 2-, and 10-year events due to increased capacity in the two-stage ditch. The modeled results are displayed in **Table 2** and **Figures 4-6**. The floodway bench can be designed to enable equipment access for maintenance of the low flow channel.

Table 2: Two-Stage Ditch Hydraulic Characteristics

Elevation (ft)			
<i>Event</i>	<i>100-year</i>	<i>10-year</i>	<i>2-year</i>
Existing	901.32	899.77	898.23
Two-Stage Ditch	901.30	899.75	898.23
Change	-0.02	-0.02	0.00
Flow (cfs)			
<i>Event</i>	<i>100-year</i>	<i>10-year</i>	<i>2-year</i>
Existing	479.4	309.3	192.8
Two-Stage Ditch	472.0	310.6	195.1
Change	-7.4	1.3	2.3
Velocity (fps)			
<i>Event</i>	<i>100-year</i>	<i>10-year</i>	<i>2-year</i>
Existing	2.3	2.1	2.1
Two-Stage Ditch	0.9	0.9	0.8
Change	-1.4	-1.2	-1.3

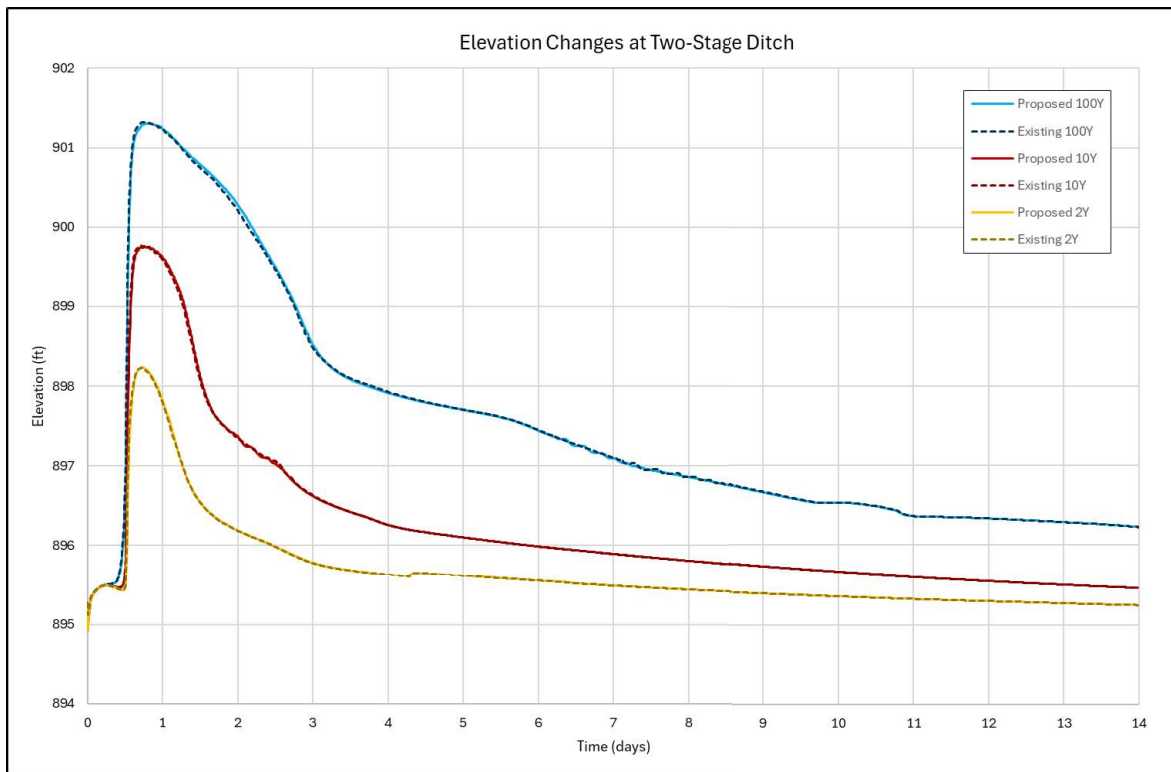


Figure 4: Two-Stage Ditch Elevation Comparison

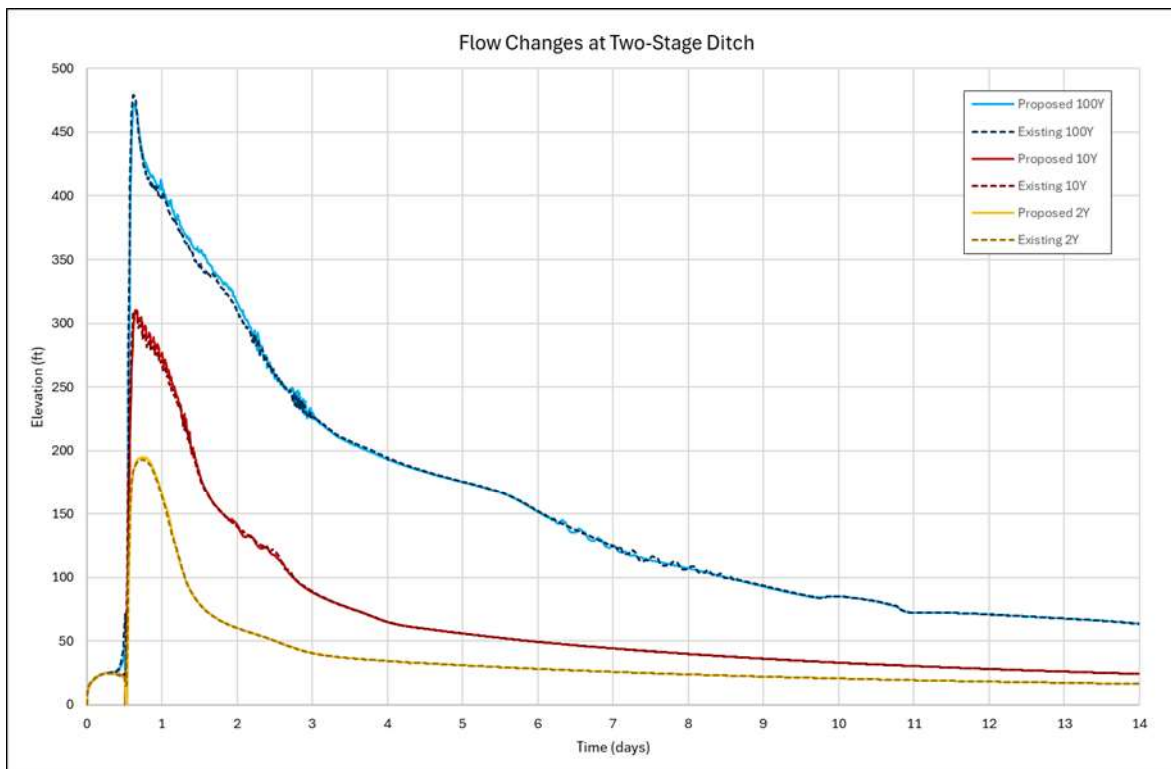


Figure 5: Two-Stage Ditch Flow Comparison

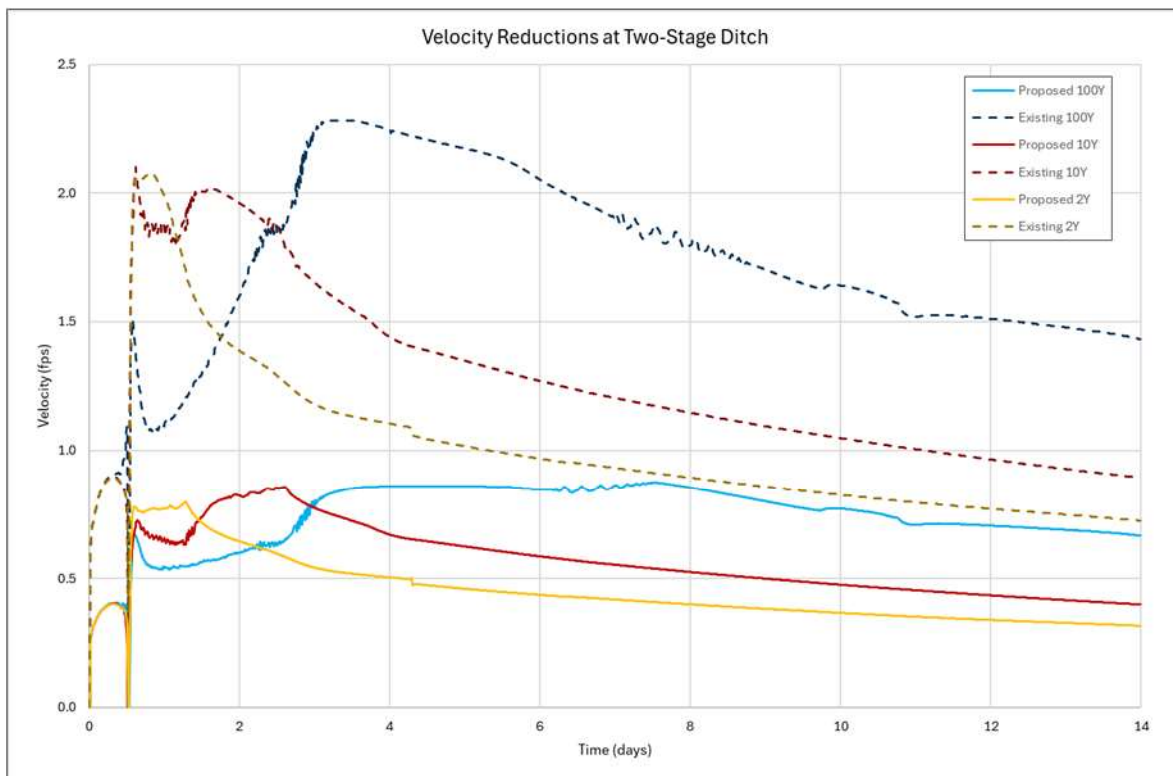


Figure 6: Two-Stage Ditch Velocity Comparison

Option 2: Partial Two-Stage Ditch

The partial two-stage option two incorporates flattening the ditch side slopes and provides a floodplain bench mid-way up in the channel, and thus will show similar trends as the full design such as velocity reductions, just to a lesser extent. The channel is designed to have a 10-foot bottom width approximately 4 feet deep and slopes are 4:1 up to existing ground. On the northern side, there is a 20' bench between 1-5 feet deep to provide additional capacity and velocity reductions. This option does not clean out to the ACSIC grade line but approximately matches existing conditions to provide a lower cost alternative. The plans are shown in **Appendix B: Sheets 7-8**. At roughly between 1/2 to 1/3 of the estimated cost of the full design, we believe this presents a good range of project designs that could be pursued. Benefit vs. cost can be optimized within this range during the preliminary and final design. The modeled results are displayed in **Table 3** and **Figures 7-9**.

Table 3: Partial Two-Stage Ditch Hydraulic Characteristics

Elevation (ft)			
Event	100-year	10-year	2-year
Existing	901.32	899.77	898.23
Two-Stage Ditch	901.29	899.76	898.25
Change	-0.03	-0.01	0.02
Flow (cfs)			
Event	100-year	10-year	2-year
Existing	479.4	309.3	192.8
Two-Stage Ditch	460.2	312.1	195.1
Change	-19.2	2.8	2.3
Velocity (fps)			
Event	100-year	10-year	2-year
Existing	2.3	2.1	2.1
Two-Stage Ditch	1.4	1.3	1.2
Change	-0.9	-0.8	-0.9

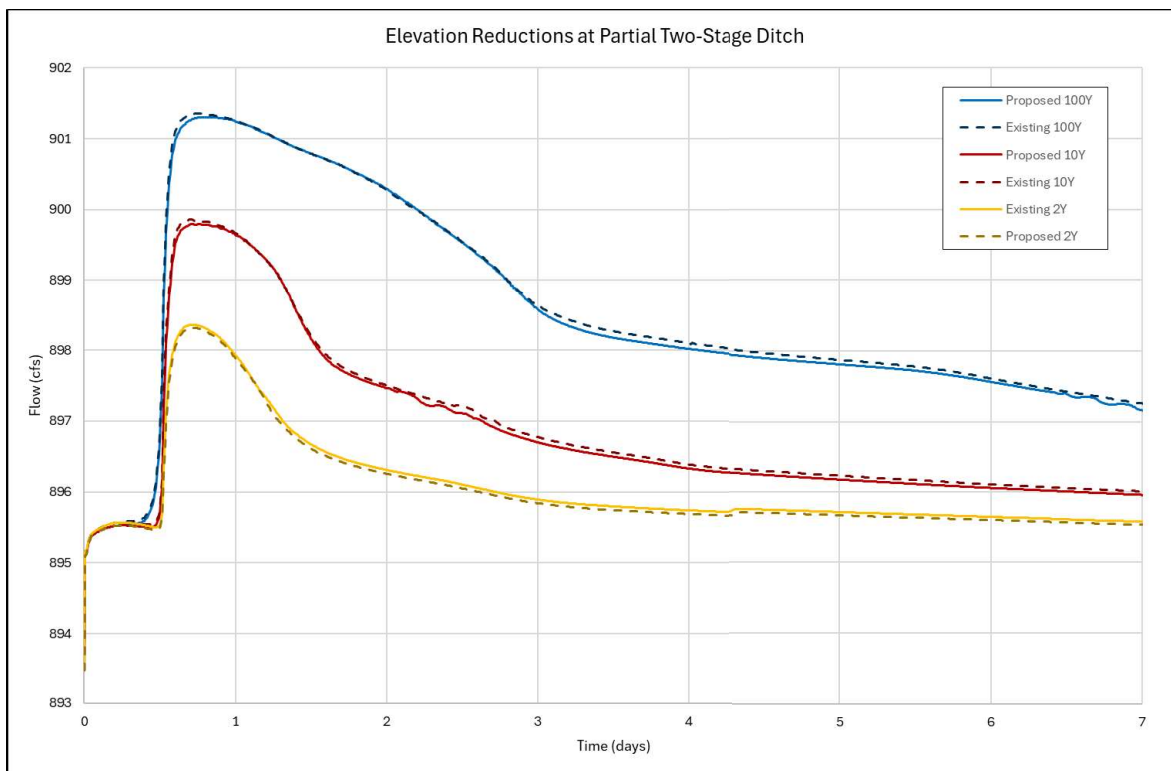


Figure 7: Partial Two-Stage Ditch Elevation Comparison

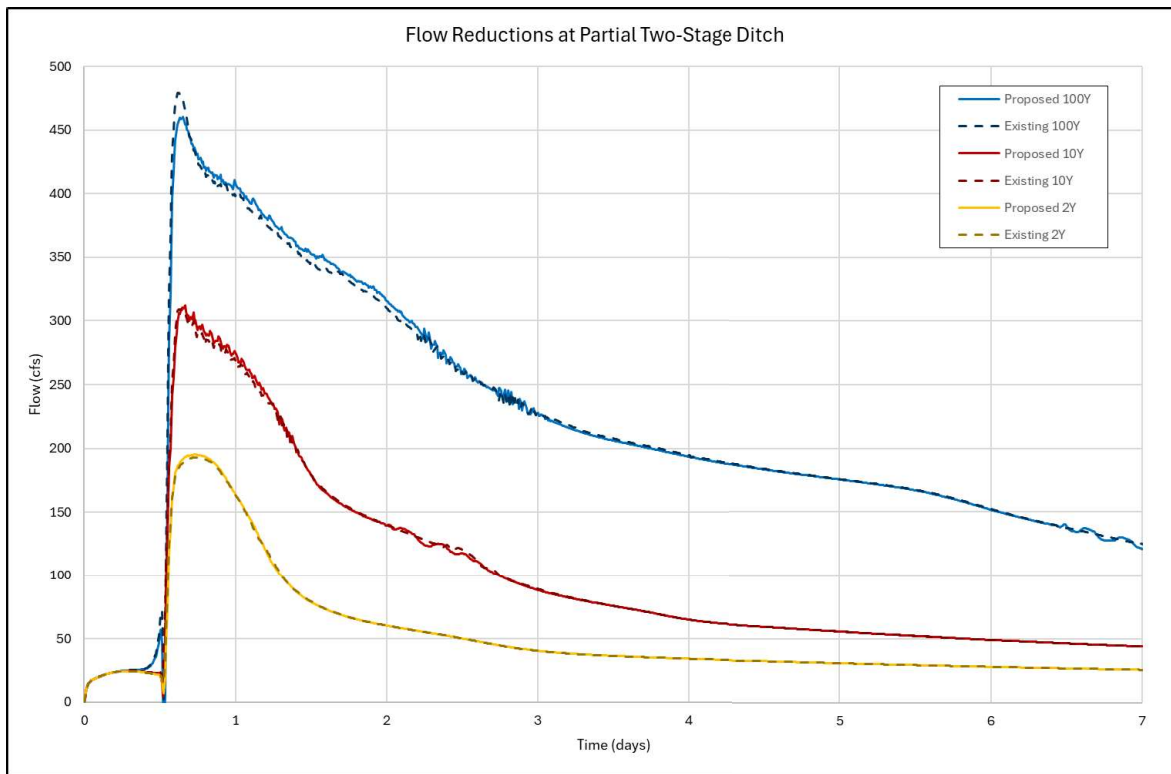


Figure 8: Partial Two-Stage Ditch Flow Comparison

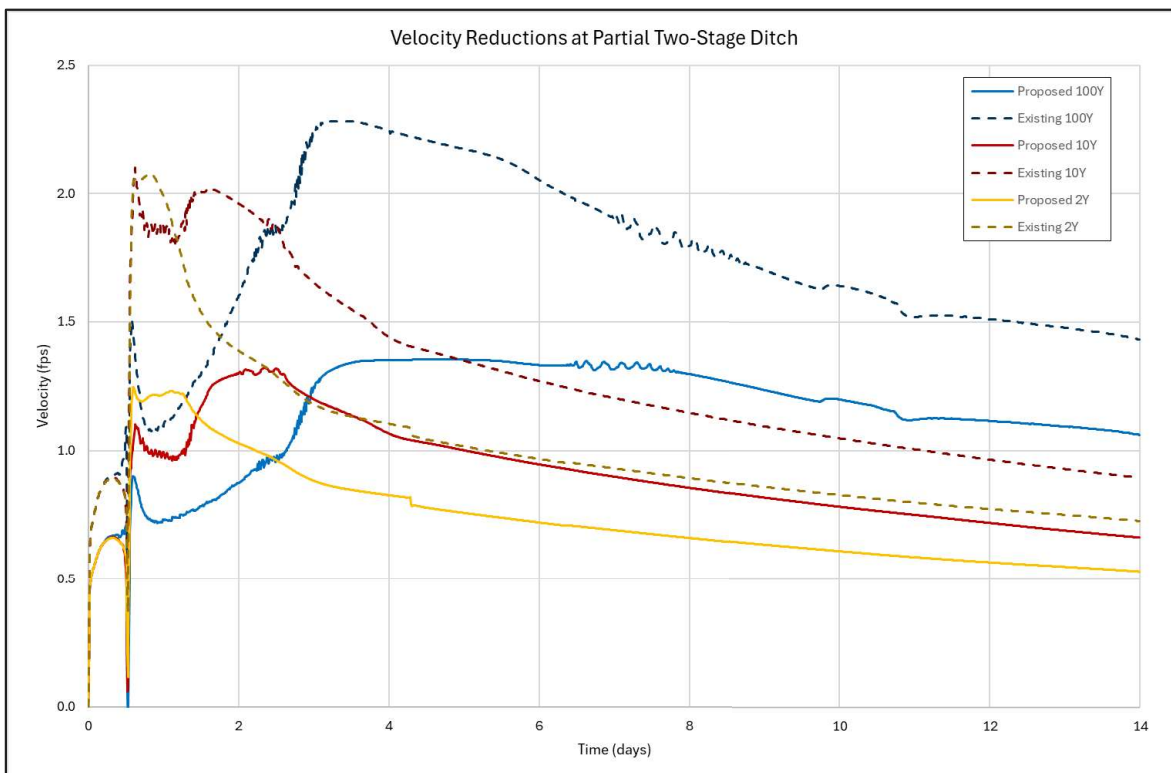


Figure 9: Partial Two-Stage Ditch Velocity Comparison

REGULATORY AND ENVIRONMENTAL CONSIDERATIONS

There are three regulatory programs that may be triggered by a drainage system repair/improvement project, including the Minnesota Department of Natural Resources (MnDNR) Public Waters Permitting Program, the federal Clean Water Act (CWA) implemented by the US Army Corps of Engineers (USACE), and the state Wetland Conservation Act (WCA) administered by local government units (LGUs). The RCWD is the LGU within the project corridor.

Other regulatory considerations include compliance with MS103E (a.k.a. “drainage law”), state and federal threatened and endangered species laws, and the National Flood Insurance Program (NFIP). Environmental effects include water quality and flooding. The following discussion describes how the alternatives reviewed are regulated and the impacts they have on environmental factors.

MS 103E CONSIDERATIONS

Minnesota drainage law (M.S. 103E) considers a two-stage ditch design to be a “repair” so long as the low-flow channel is at the same grade and width as the ACSIC condition. Similarly, resloping of the ditch banks and minor realignment of the channel (i.e. re-meander) is also consistent with the statutory definition of “repair.” Therefore, the recommended activities have considered the requirements of M.S. 103E and may be executed consistent with the provisions of M.S. 103E.701.

PUBLIC WATERS

The JD 3 open channel downstream from I-35E is not located in proximity of a public water basin or wetland or watercourse. Upstream of I-35E, the portion of JD 3 within Washington County is identified as a Public Watercourse by the DNR’s Public Waters Inventory (PWI). However, DNR staff indicated in a letter dated May 20, 2024 that the project study area is not considered a public watercourse (see **Appendix D**). As such, the proposed alternatives appear unlikely to trigger DNR public waters regulatory requirements.

WETLANDS

The Minnesota Wetland Conservation Act (WCA) requires that any impact to wetlands must be avoided if possible. If not, the impacts should be minimal, and the impacted area replaced with another wetland of equal function and value. Within this project there would be minimal impacts that would alter the function or size of the existing wetlands.

Clearwater Creek drainage system intersects wetlands identified in the National Wetland Inventory (NWI) as shown in **Appendix C Figure 1**. Under the two wetland regulatory programs (Minnesota WCA and Federal CWA), activities related to repair of a public drainage system are generally exempt from permitting and mitigation requirements. These activities are related to public drainage system maintenance and repair, and include:

- Excavation in wetlands limited to removal of accumulated sediment or debris such as trees, logs, stumps, beaver dams, blockage of culverts, and trash, provided the removal does not result in alteration of the original cross-section of the wetland or watercourse;
- Removing those materials placed by beaver;
- Removing or moving materials blocking installed roadway culverts and related drainage structures; and
- Temporary or seasonal water level management activities done for the purpose of performing maintenance.
- Under the federal CWA, drainage system maintenance or repair is exempt from regulation. Under the state WCA, activities related to maintenance or repair of a public drainage system that are exempt from replacement include maintenance or repair of a public drainage system which impacts wetlands that have existed for 25 years or less.

The NWI and a series of aerial photography and LiDAR were reviewed to understand potential wetland types within the area. Based on desktop review of the NWI data, LiDAR, and aerial photography, there appears to be five locations along the ditch system where wetlands have the potential to be impacted by the project. **Appendix C: Figure 2** shows a map of these sites and locations where work has the potential for wetland impacts. Approximately 20.7 acres of wetlands are within the project footprint and may potentially be impacted by the proposed work. Further investigation including a wetland delineation and evaluation of potential exemptions needs to be reviewed when preliminary and final plans are developed.

If non-exempt impacts are found to result from the work, a wetland replacement plan will need to be developed including a joint 404 permit application to the Army Corps of Engineers. This would also require application for a 401 water quality certification to the Minnesota Pollution Control Agency.

The wetlands within and surrounding the project extents are shown on **Appendix C: Figure 2**.

FEMA FLOODPLAIN AND FLOODWAY

The JD 3 project corridor is within a designated FEMA floodway and floodplain as shown in **Figure 13**. Communities participating in the NFIP (including the Cities of Centerville and Lino Lake, through which the JD 3 project corridor is located) are required to enforce floodplain ordinances that place limitations on placement of fill within a designated floodplain. If an increase in elevation occurs, then a Letter of Map Change (LOMC) application to FEMA is required. FEMA recently approved a Letter of Map Revision along a portion of JD 3 / Clearwater Creek in the study area.

The proposed alternatives have been designed for no increase to the 100-year flood elevations throughout the project reach and would therefore have no adverse impacts on the floodplain water surface elevations. The changes in elevations are shown in **Tables 1-4**. Coordination with the DNR and the City of Centerville will be required in reviewing and confirming a “no rise” status for the project.

THREATENED AND ENDANGERED SPECIES

An NHIS review request and report was created using the Minnesota Conservation Explorer and is included in **Appendix D**. There are Blanding's turtles in the area and wetland and aquatic impacts need to be avoided during hibernation season from September 15th to April 15th. Avoidance measures to protect the Blanding's turtles must be implemented include; filling in voids in the permanent riprap with gravel, soil, or other material between large stones to avoid entrapping turtles, limiting erosion and sediment control, and avoiding hydro-mulch products with synthetic fiber additives. Tree and shrub removal from May 15th to August 15th must be avoided due to Bell's vireo nesting and active season of northern long-eared bats. More detailed information can be found in **Appendix D**.

FLOODING AT ROADWAY CROSSINGS

The proposed changes will affect five different roadway crossings throughout the project extents. The 100-year elevation at each crossing was analyzed to confirm whether there is the potential for adverse impact. In 2017, 21st avenue was realigned, replacing a private drive to a residential home. An arch pipe culvert was added under the newly aligned road. Brian Dr. is the only street that the water surface elevation overtops for both the existing and proposed conditions by approximately 0.3 feet. The proposed alternatives do not make this flooding worse. The overtopping and water surface elevations for the existing and proposed alternatives are shown in **Table 4**.

Table 4: Roadway Overtopping Elevations

Road Name	Station	Road Overtopping Elevation	Existing 100-year	Proposed 100-year
Main Street	15+25	902.57	897.73	897.57
Brian Drive	36+00	901.00	901.38	901.32
20th Ave S	49+25	903.32	901.32	901.29
21st Ave S	63+75	904.00	903.31	902.86
Interstate 35E	77+00	909.10	904.92	904.42

WATER QUALITY BENEFITS/TMDL REQUIREMENTS

A TMDL is the maximum amount of a pollutant a body of water can receive without violating water quality standards, and an allocation of that amount to the pollutant's sources. The TMDL process identifies all sources of a pollutant and determines how much each source must reduce its contribution in order to meet the standard. Clearwater Creek is classified as impaired under Section 303(d) of the Federal Clean Water Act. JD 3 and Clearwater Creek flow into Peltier Lake, which is an

impaired water for nutrients Hg-F. “The stressor identification process for these two impairments has been initiated by the RCWD, with plans to complete the TMDL in the near future. A preliminary stressor identification was prepared by the RCWD in February 2008 and found that suspended solids, phosphorus, nitrogen and dissolved oxygen are likely stressors leading to the impairment. RCWD will continue to make an effort to complete this TMDL and address the water quality impairments within Clearwater Creek, which drains directly to Peltier Lake.” (Peltier Lake and Centerville Lake TMDL Implementation Plan, Aug 2013)

The Board of Water and Soil Resources (BWSR) has available an estimator tool for calculating the amount of TSS and TP contributing to downstream water bodies based on existing site conditions observed or recorded. The intent of this tool is for use during online reporting, and for submitting requests for state funding applications. For this project the “Stream&Ditch” calculator has been utilized. Inputs for this online tool include soil type, volume voided, and number of years to erode the bank to its current position. The Soil type has been generalized as silt for the calculation. The Volume Voided is a measure of how much material has been removed from the ditch banks through the project reach. Volume voided has been estimated by comparing the surveyed cross sections compared to the ACSIC cross section of JD 3. The volume voided was estimated to be approximately 50,000 cubic feet. Determining the number of years the stream has taken to erode is challenging to pinpoint without extensive historical survey and limited historical imagery. Therefore, an assumption of 30 years for the erosion to develop was used, based off of the BWSR guidance of 10 to 30 years typical range for a stream. Based on these assumptions, the tool calculates the instable banks along JD 3 have contributed approximately 70 Tons of sediment annually and 70 pounds of phosphorus annually to the downstream receiving water Peltier Lake under existing conditions. Although this stabilization work is anticipated to eliminate the vast majority of the sediment contribution from this portion of Clearwater Creek, it is likely that real conditions may still be observed showing some contribution of sediment and phosphorus load downstream, due in part to imperfect vegetation establishment.

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST

A preliminary opinion of probable construction cost (POPCC) for the proposed alternatives was calculated using anticipated project quantities and unit costs based on bids from past projects involving similar work and project scale. The estimated cost is subject to change with preliminary and final design. The POPCC incorporates all portions of the project determined to be feasible (two-stage ditch, partial two-stage ditch, re-meander with rock bank revetments, ditch repair and channel cleanout) but does not include those alternatives deemed infeasible (rock-riffle drop structures and storage). A more in-depth cost breakdown can be found in **Appendix E**.

Table 5: Preliminary Opinion of Probable Construction Cost (POPCC)

Alternative	Cost
Re-Meander	\$411,900
Cleanout	\$159,600
Two-Stage Ditch	
Full Build Out Two-Stage Ditch	\$1,281,600
Partial Two-Stage Ditch	\$525,600
Engineering Fees	\$225,000
Total Project Cost	\$1,322,100 - \$2,078,100

The POPCC includes approximate engineering and construction management fees. **The POPCC does not include land right (easement) acquisition costs.**

The proposed alternatives will likely require easement acquisition for the increased ditch footprint. The two-stage ditch will increase from approximately 50 to 140 foot width increasing the area approximately 5.3 acres. The partial two-stage ditch will increase to a width of approximately 95 feet, increasing the area by approximately 2.7 acres. The ditch width of the re-meandered channel will stay the same size, however, the length of the channel increases by 700 feet which would add approximately an additional 0.7 acres of disturbance. This is subject to change based on preliminary and final meander design. There are some existing drainage and utility easements along the corridor which will reduce the acreage of additional easements required. The likely amount and cost of easement acquisition, particularly in the re-meander section of the projects, is highly variable and dependent on the outcomes of individual landowner engagement and preliminary and final design modifications. **Costs for easement acquisition can be included in updated opinions of probable cost as the project proceeds through preliminary and final design.**

The Engineering fees include survey, final design and construction plans, permitting, project meetings, bidding, construction management, and staking and inspection. Prior to final design, a detailed cost estimate will be developed for engineering fees.

Although this report is not aimed at computing costs related to water quality, it is worth considering the potential decrease of sediment and phosphorus to Peltier Lake. The alternatives considered herein have the potential to reduce the burden or frequency associated with the sediment and phosphorus removal costs as part of ongoing system maintenance.

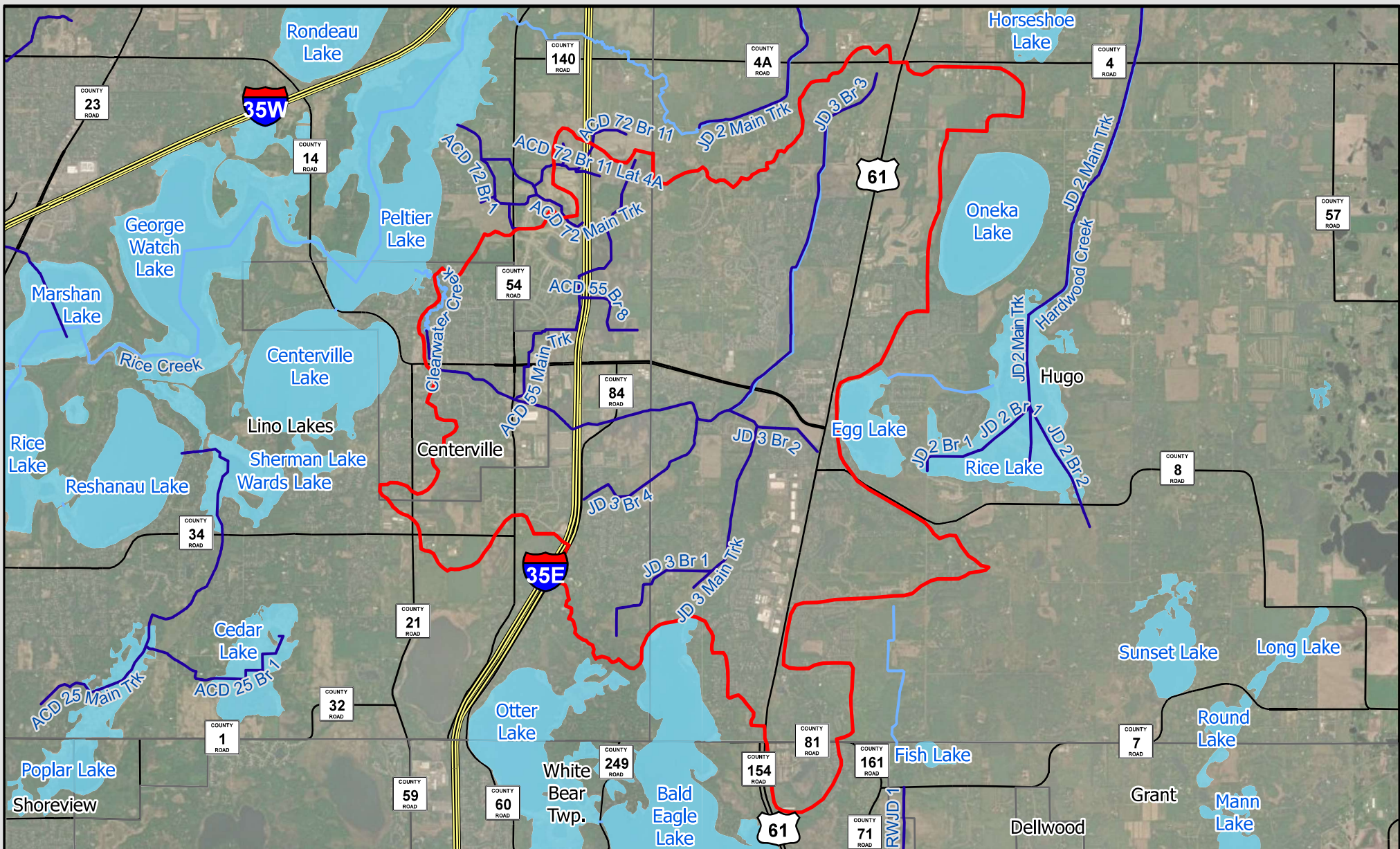
RECOMMENDATION

The purpose of the proposed public drainage system management practices is to add stability to Clearwater Creek / JD 3 by reducing velocities and attenuating peak flows, where practicable. This will reduce the long-term cost of maintaining the drainage system, increase the predictability of flows, protect commercial and residential property along the ditch banks, and reduce sediment and nutrient delivery downstream. Based on the feasibility assessment of the site, we recommend proceeding with preliminary design of restoration components including re-meander of the straightened channel downstream of Main St. (0+00 to 14+00), repairing/armoring the ditch in the middle section between 20th Ave and Main St. (16+00 to 49+00), and constructing a two-stage ditch (or partial two-stage ditch) between 20th Ave and I-35E (50+00 to 76+00).

To further vet the project, we recommend proceeding with development of a preliminary plan set that identifies specific components (alignment and cross-section) of the proposed restoration projects. One of the initial tasks in this plan development will be engaging the adjacent landowners (including the Cities of Centerville and Lino Lakes) to determine the extent of interest in collaboration and adjust alignments/cross-sections to fit the likely available working corridor. Once this has been completed and preliminary plans have been developed, a cost estimate can be prepared that includes estimated land acquisition costs.

FUTURE FUNDING

Since the proposed project includes a water quality improvement component, there are several potential external funding sources that may be available. There are generally competitive grant opportunities, including the Clean Water Fund (CWF) Projects and Practices grant and the Multi-purpose Drainage Management Grant. A non-competitive potential funding source is the Watershed-Based Implementation Fund (WBIF). We recommend further consideration of one or all of these potential funding sources for upcoming stages of this project, which include preliminary and final design and construction.



Legend

- JD 3 Drainage Area
- Public Drainage Systems
- ~ Public Watercourses
- Lakes
- City Boundaries

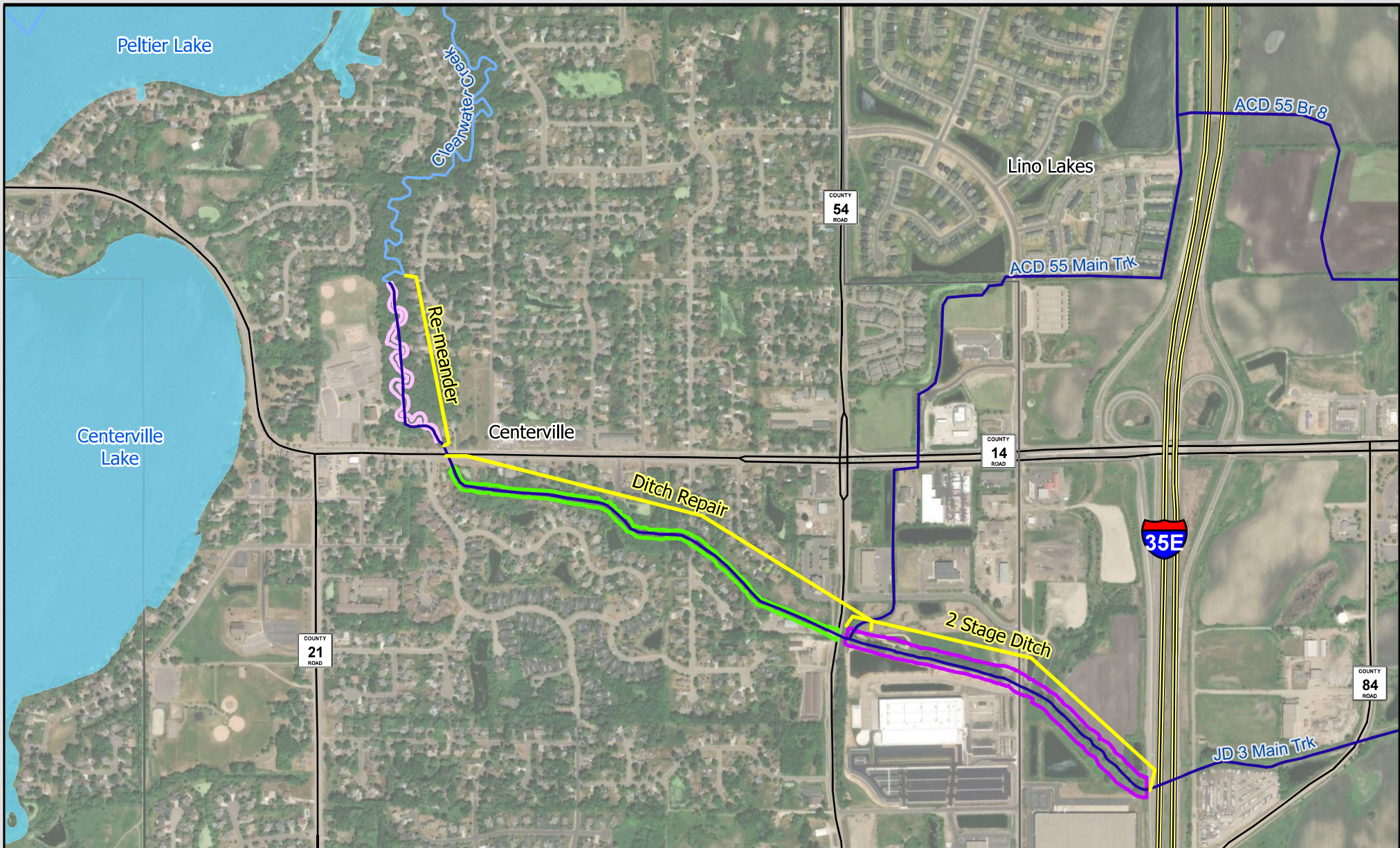


0 3,000 6,000 12,000 Feet

Figure 10: Judicial Ditch 3 Extent

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Legend

- | | |
|-------------------------|-----------------|
| Public Drainage Systems | Proposed BMPs |
| Public Watercourses | Ditch Repair |
| Lakes | Re-meander |
| City Boundaries | Two Stage Ditch |

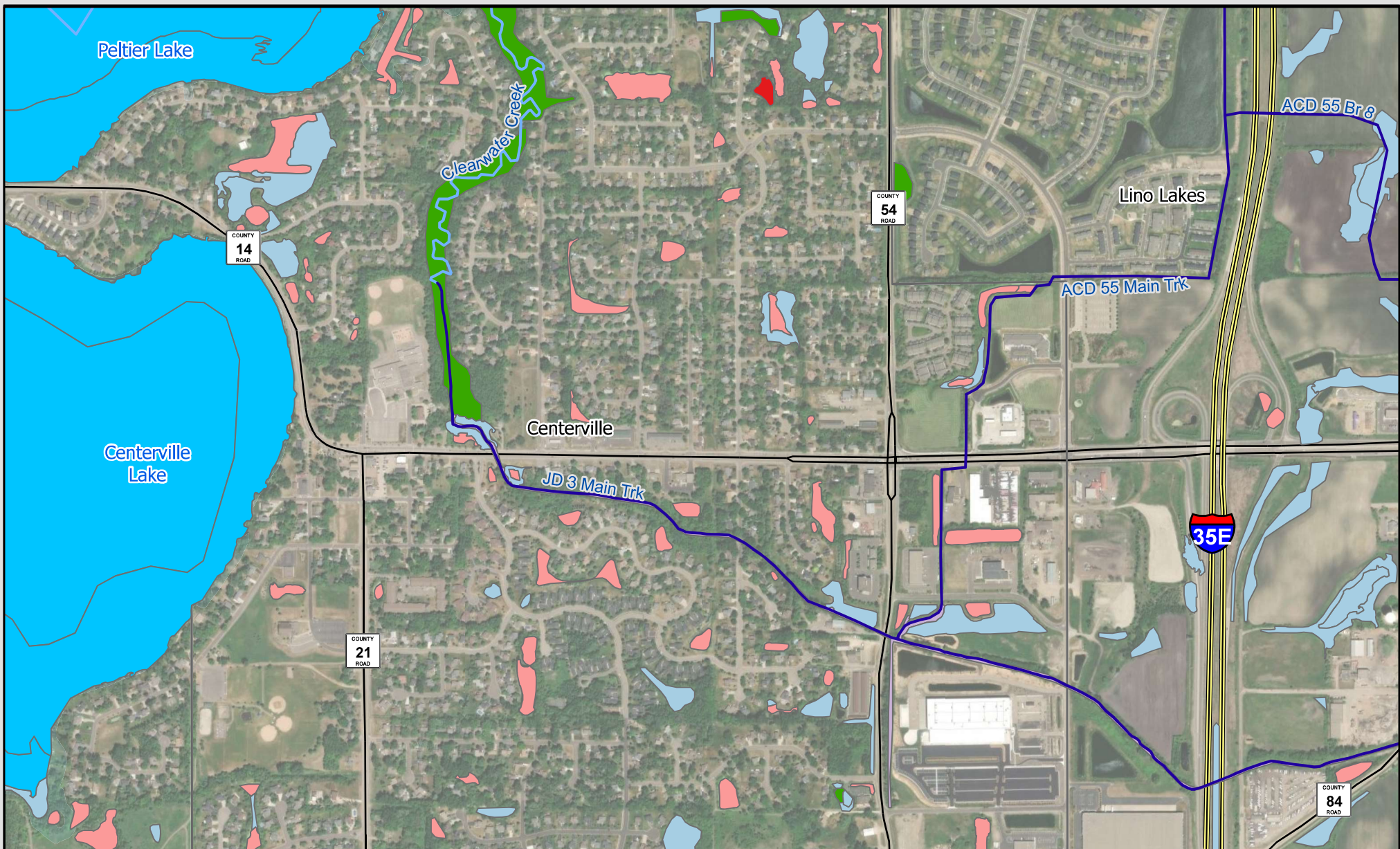
0 500 1,000 2,000 Feet



Figure 11: Clearwater Creek Stabilization Overview

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Legend

Wetland Type

- | | |
|-----------------------------|-------------------------|
| Freshwater Emergent Wetland | Riverine |
| Freshwater Forested Wetland | Public Drainage Systems |
| Freshwater Pond | Public Watercourses |
| Freshwater Shrub Wetland | City Boundaries |

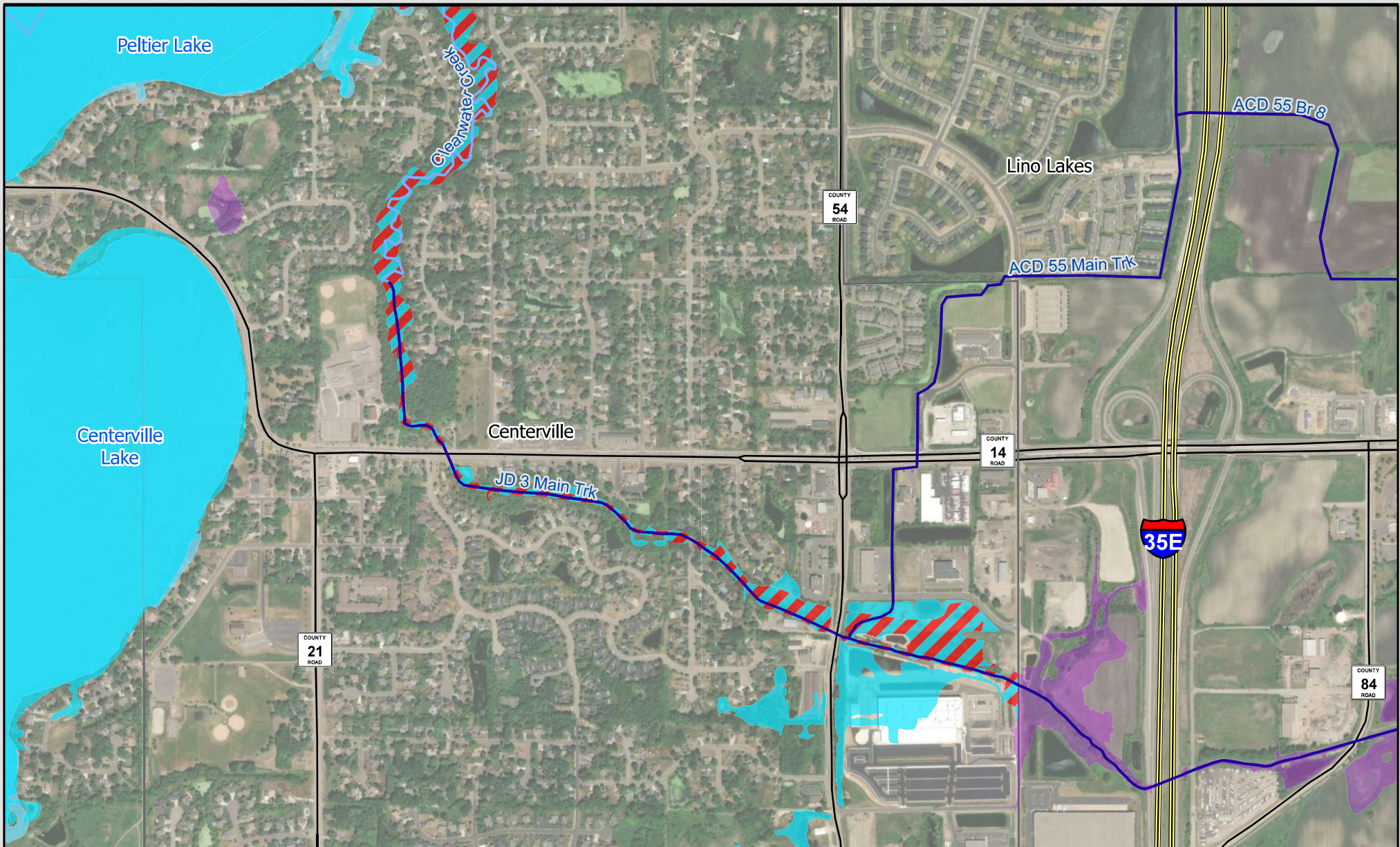


0 500 1,000 2,000 Feet

Figure 12: National Wetland Inventory

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Legend

- | | |
|---------------------------|------------------|
| — Public Drainage Systems | FEMA Flood Zones |
| ~ Public Watercourses | ■ A |
| □ City Boundaries | ■ AE |
| | ▨ Floodway |

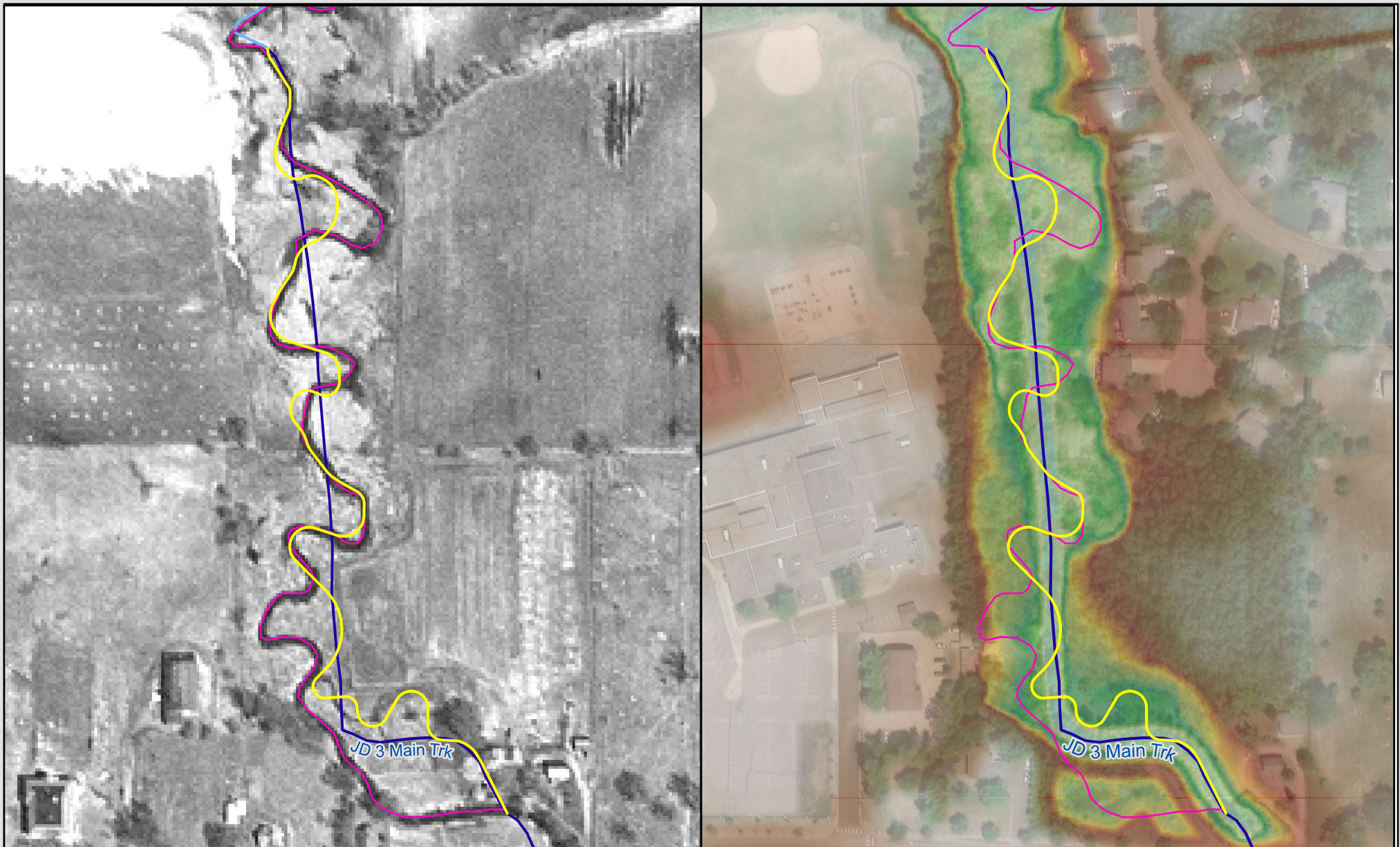


0 500 1,000 2,000
Feet

Figure 13: FEMA Designated Floodplains

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Legend

- Current JD 3 Alignment
- Proposed Re-meander Alignment
- Historic Clearwater Creek Alignment
- 1947 Aerial (University of Minnesota)
- Anoka County Lidar
- High : 1136.66
Low : 797.564



0 125 250 500
Feet

Figure 14: Re-meander Historic Aerial Imagery and Lidar

Scale: AS SHOWN	Drawn by: KB	Checked by: ANN	Project No.: 5555-0349	Date: 8/20/2024	Sheet:
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Legend

- Historic Clearwater Creek Alignment
- Proposed Re-meander Alignment
- Current JD 3 Alignment



0 125 250 500
Feet

Figure 15: Clearwater Creek Re-meander

Scale: AS SHOWN	Drawn by: KB	Checked by: ANN	Project No.: 5555-0349	Date: 8/20/2024	Sheet:
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Legend

- Public Drainage Systems
- ~ Public Watercourses
- Parcels
- Ditch Repair
- Re-meander
- Two Stage Ditch

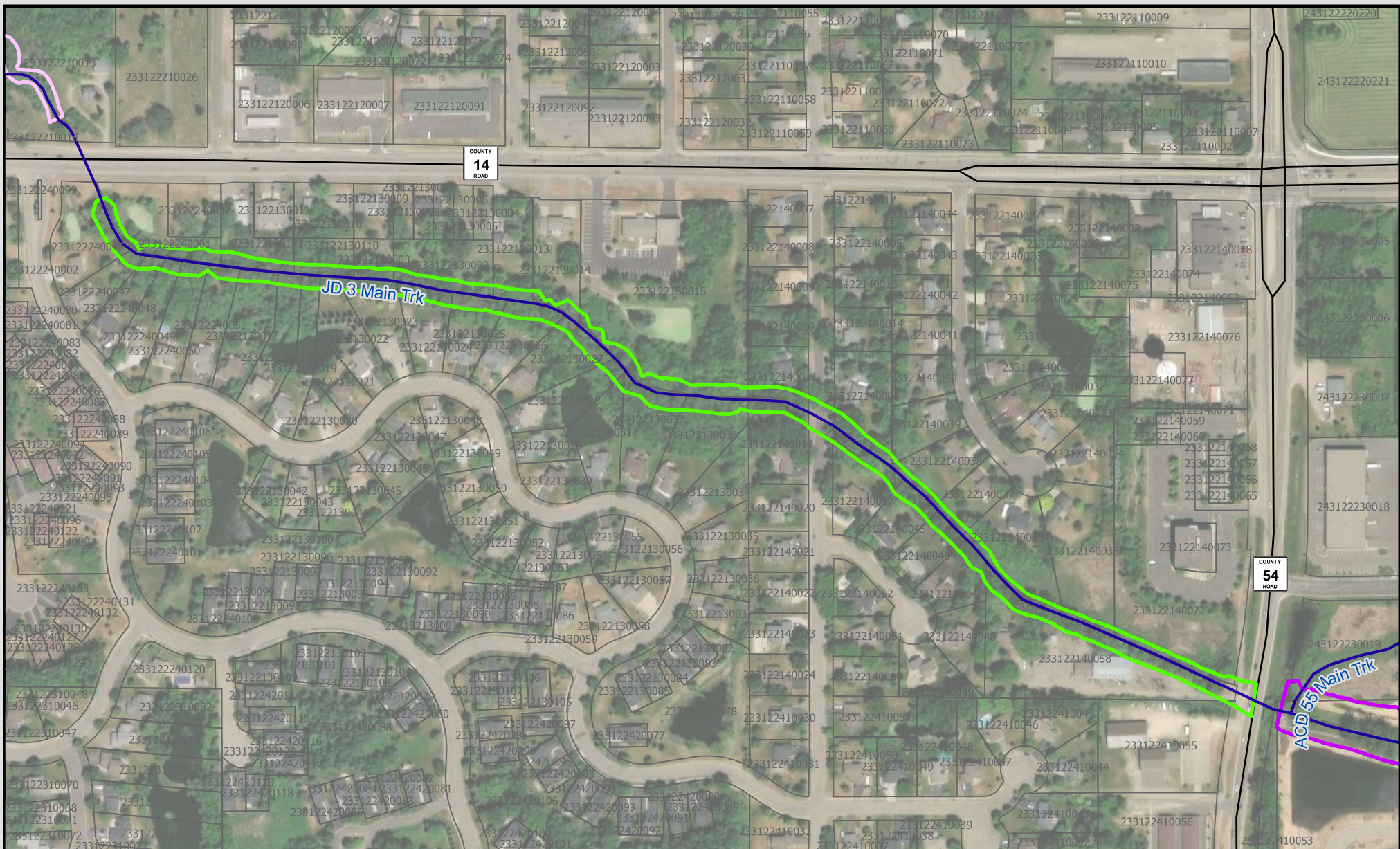
0 150 300 600 Feet



Figure 16: Parcel Map

Scale: AS SHOWN	Drawn by: KB	Checked by: ANN	Project No.: 5555-0349	Date: 8/20/2024	Sheet:
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Legend

- Public Drainage Systems
- ~ Public Watercourses
- Parcels
- Ditch Repair
- Re-meander
- Two Stage Ditch

Proposed BMPs

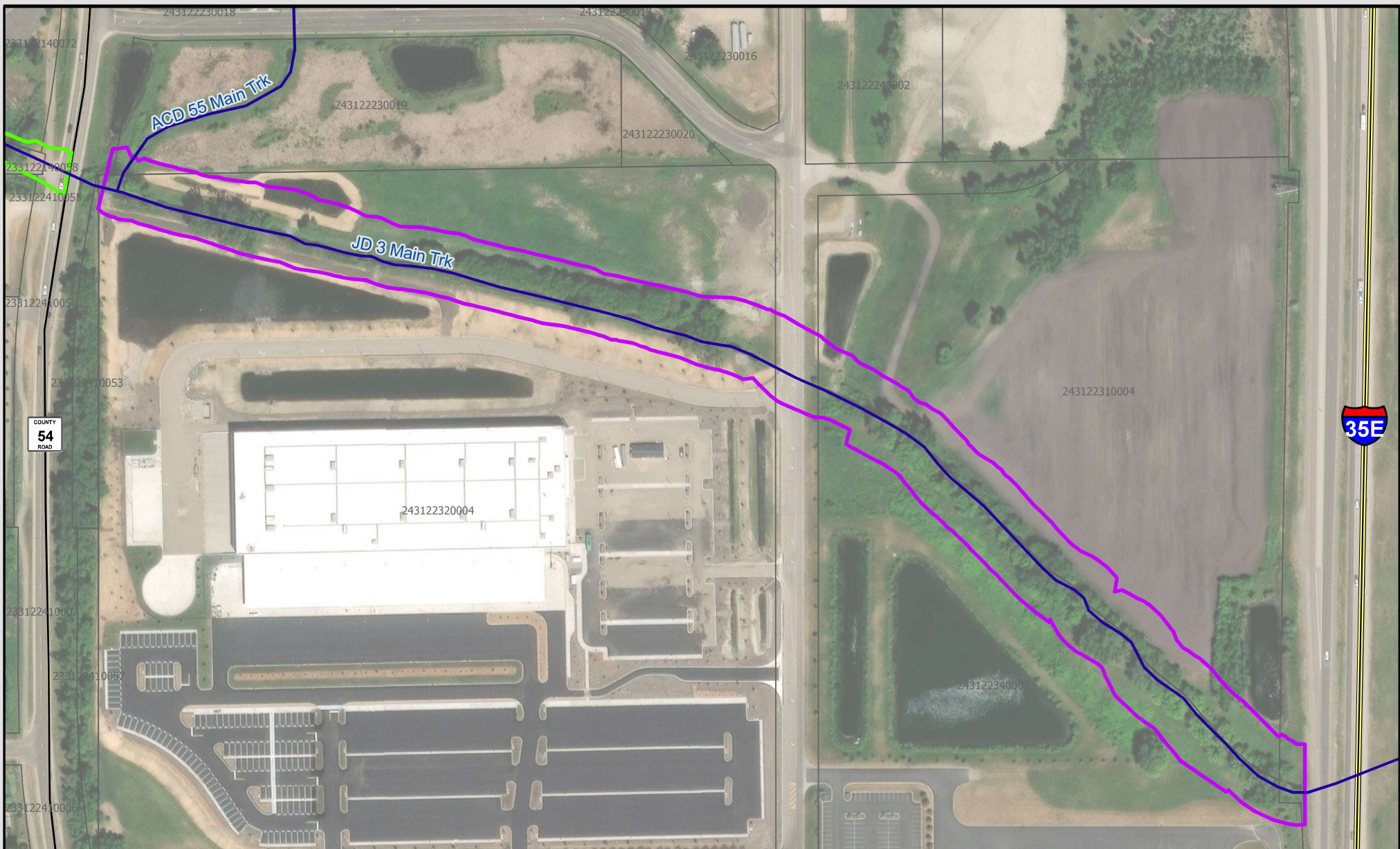


0 200 400 800 Feet

Figure 17: Parcel Map

Scale: AS SHOWN	Drawn by: KB	Checked by: ANN	Project No.: 5555-0349	Date: 6/19/2024	Sheet:
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Legend

- Public Drainage Systems
- ~ Public Watercourses
- Parcels
- Proposed BMPs
- Ditch Repair
- Re-meander
- Two Stage Ditch



0 150 300 600 Feet

Figure 18: Parcel Map

Scale: AS SHOWN	Drawn by: KB	Checked by: ANN	Project No.: 5555-0349	Date: 6/19/2024	Sheet:
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APPENDIX A: MODELING

MODELING SETUP

The RCWD District Wide Modeling for JD3 was utilized to model the existing conditions and proposed stabilization alternative BMPs. This XPSWMM 2018.1 model simulates runoff from a variety of rainfall events routed through pipes and natural channels as shown in **Figure 1** and **Figure 2**. The program uses reach lengths and cross sections with data from survey and LiDAR to represent natural channel, overland, or subsurface pipe flow throughout the system. The model represents the entire JD3 system that outlets to Peltier Lake and is updated on an annual basis to reflect projects completed throughout the system. Within the project extents, minor modifications were made to the existing conditions model either through updated survey data, or additional model detail such as nodes or links. Following existing conditions updates, the input data were altered to represent the proposed conditions such as cross sections, reach lengths, slopes, and conveyance area. The model results are compared between existing and proposed conditions using the outputs of the flow hydrographs, velocity, and elevation data throughout a specified storm event. The storm events modeled are the 2-, 10-, and 100-year events with NOAA Atlas 14 rainfall depths as displayed in **Table 1**, and an MSE 3 rainfall distribution.

Table 1: NOAA Atlas 14 Rainfall Depth

Rainfall Event	Rainfall Depth (inches)
2-year	2.79
10-year	4.16
100-year	7.18

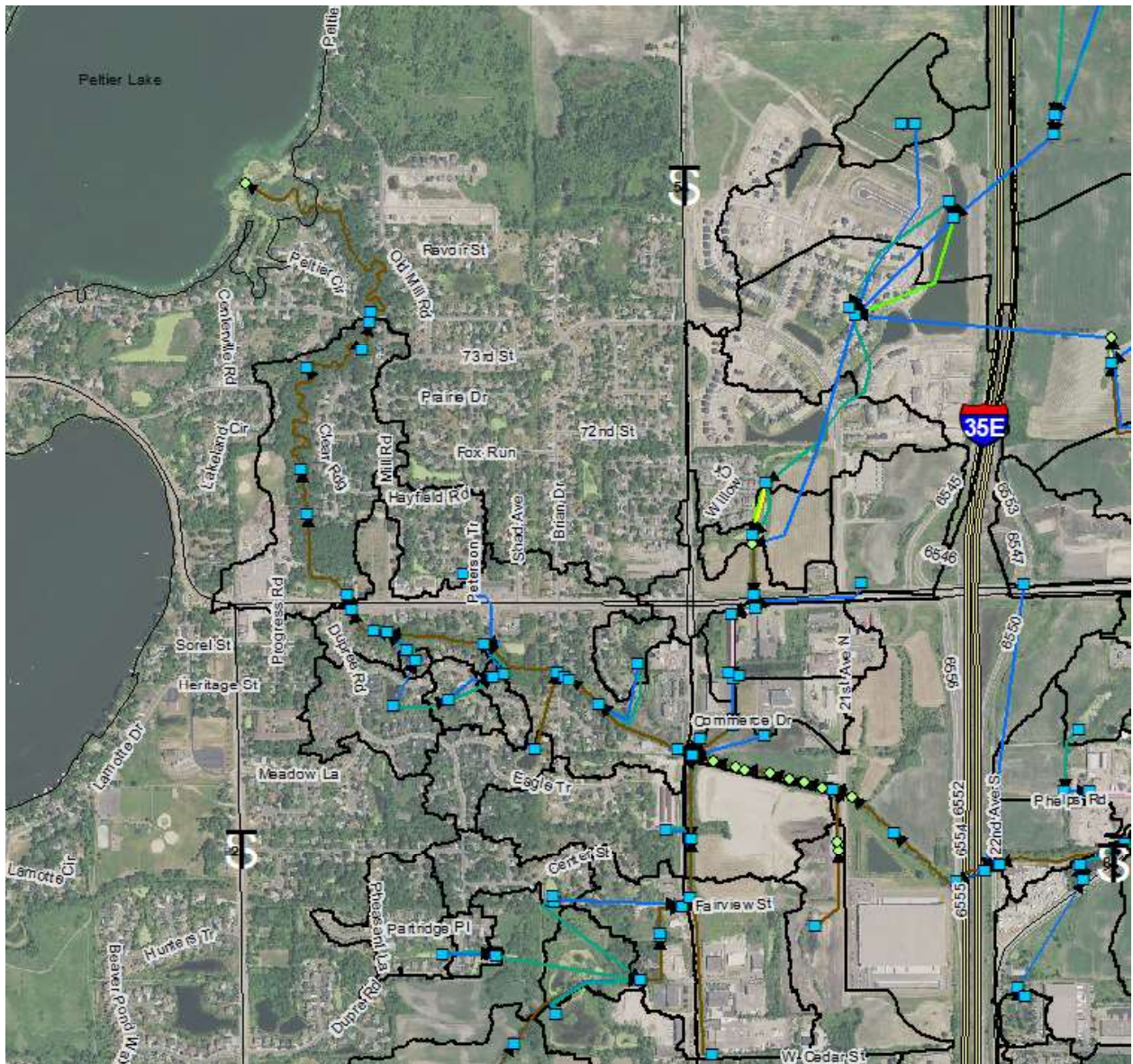


Figure 1: XPSWMM modeling

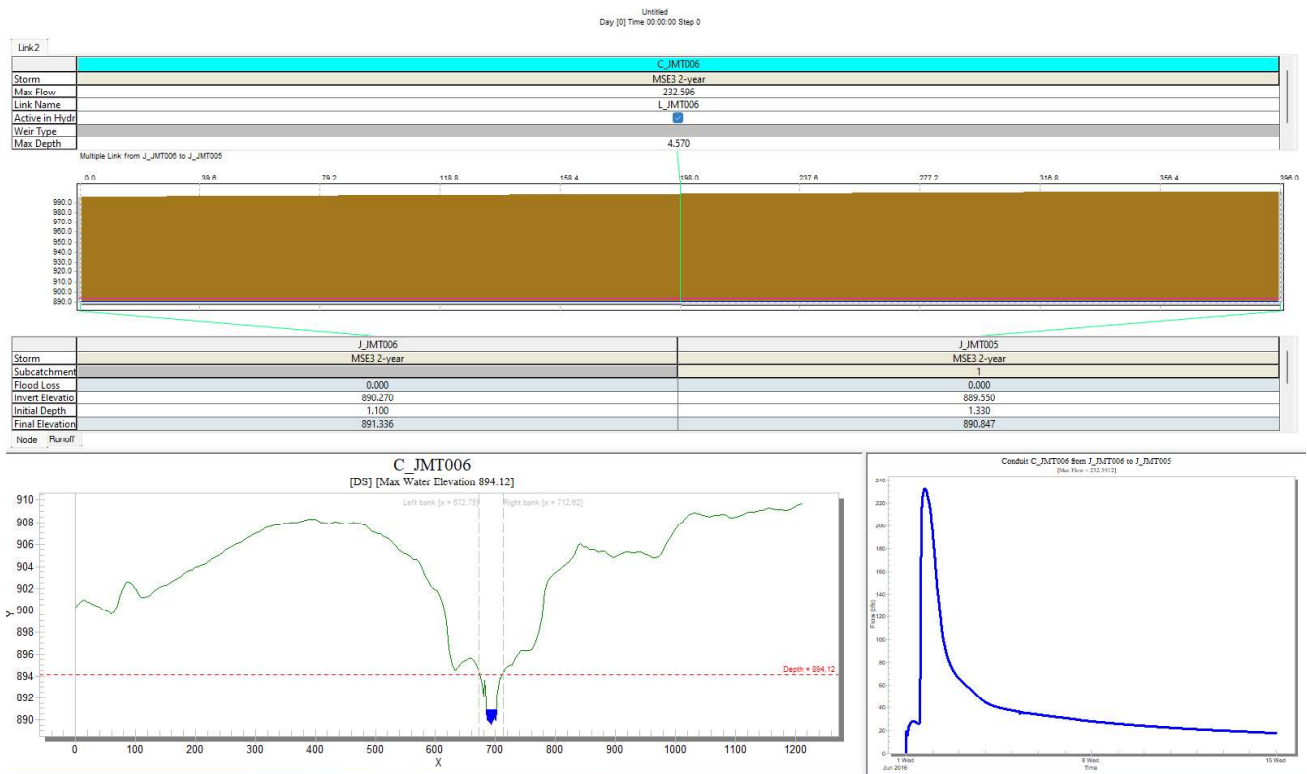
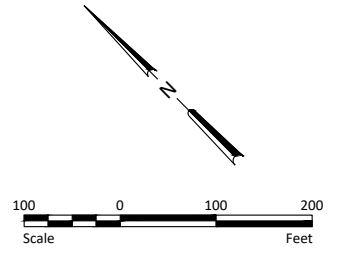
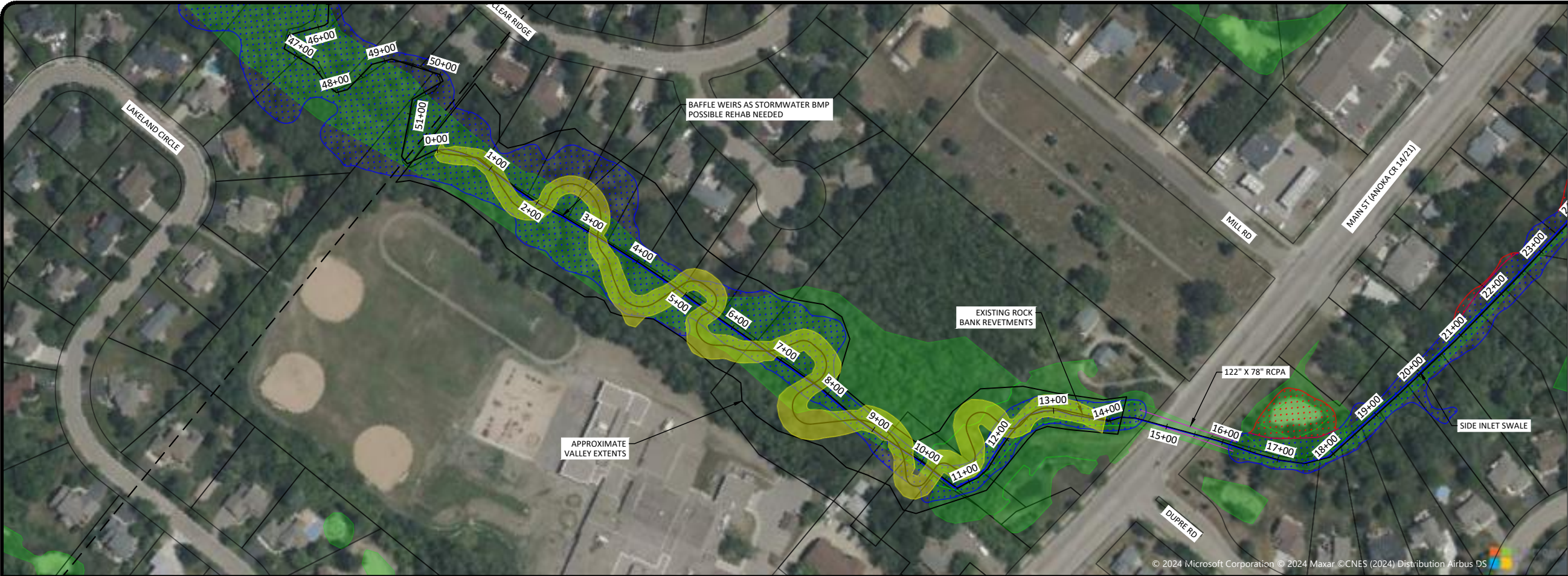
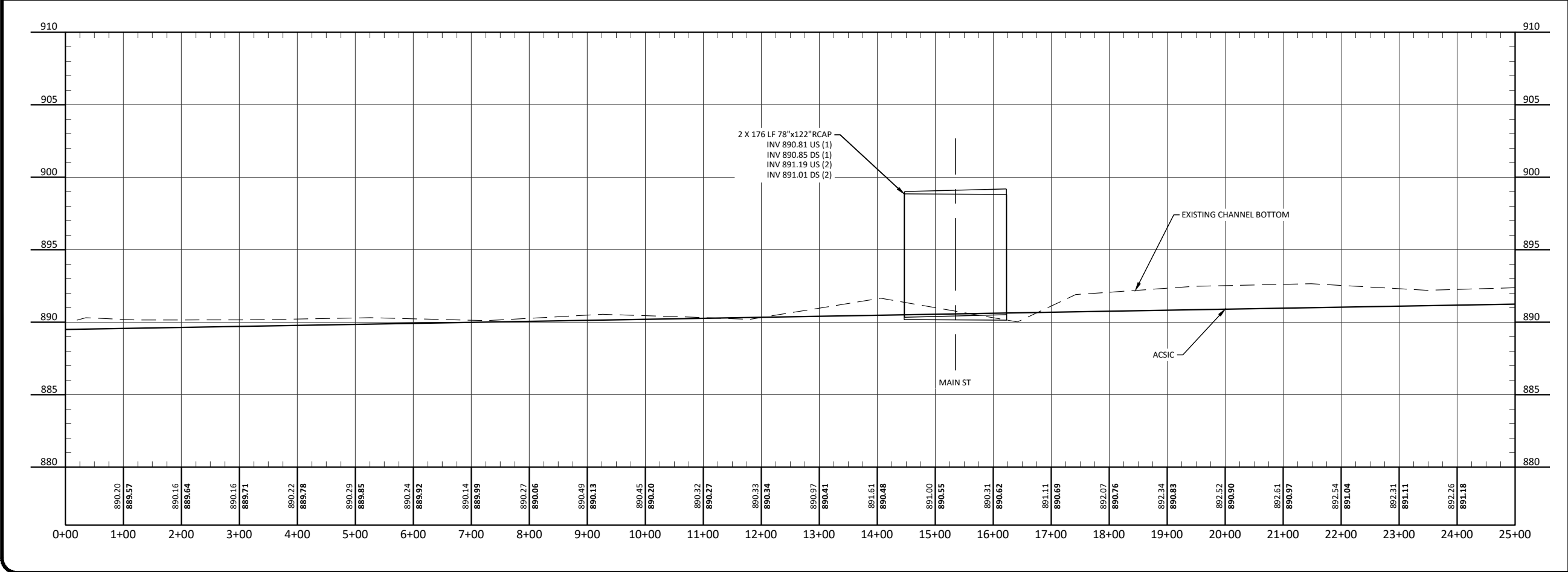


Figure 2: XPSWMM Cross Section

APPENDIX B: PLANS



- NATIONAL WETLAND INVENTORY
- FEMA FLOODPLAIN AE
- FEMA FLOODWAY
- REMEANDER



PRELIMINARY
NOT FOR CONSTRUCTION

No.	Revision	Date	By



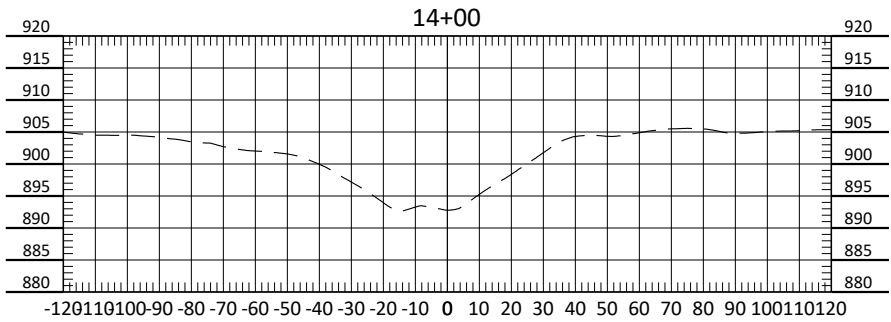
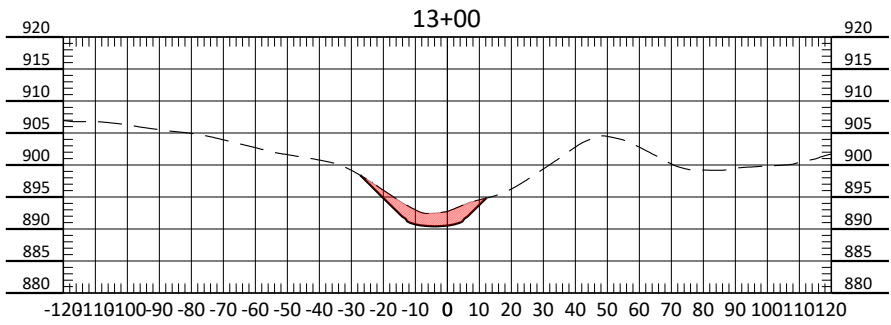
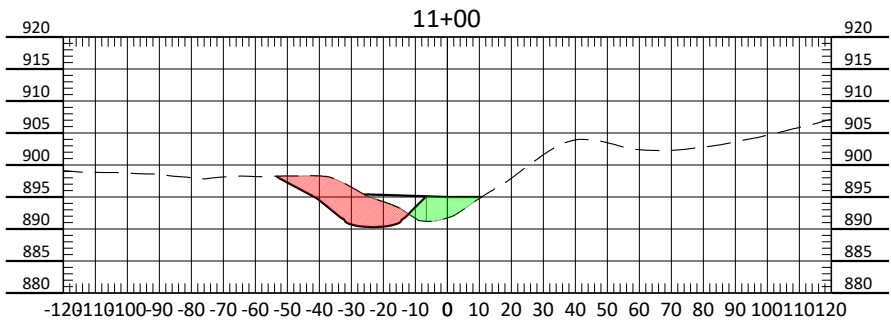
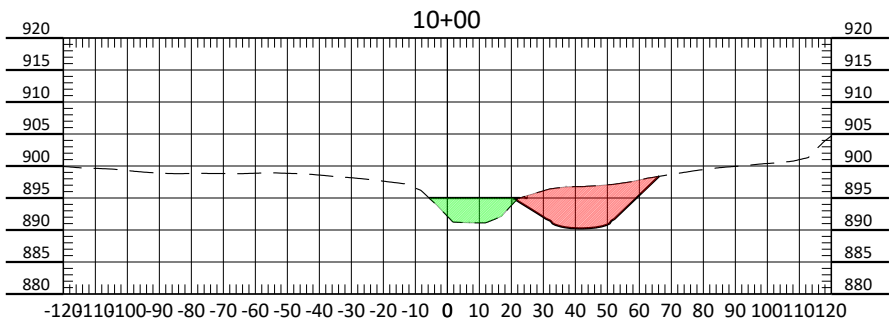
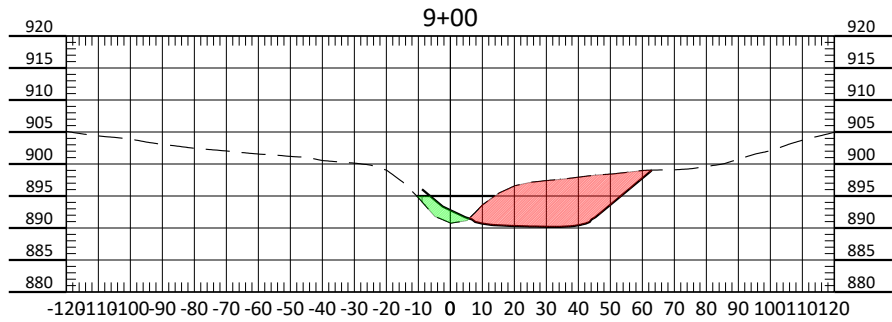
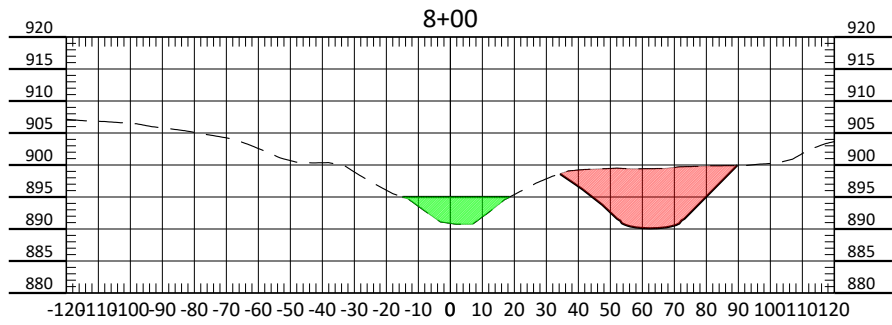
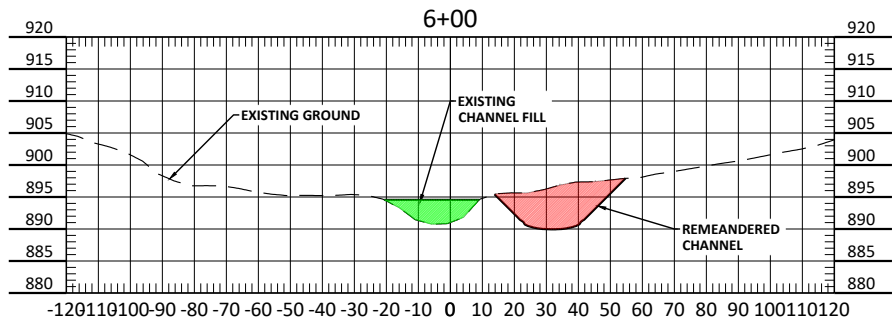
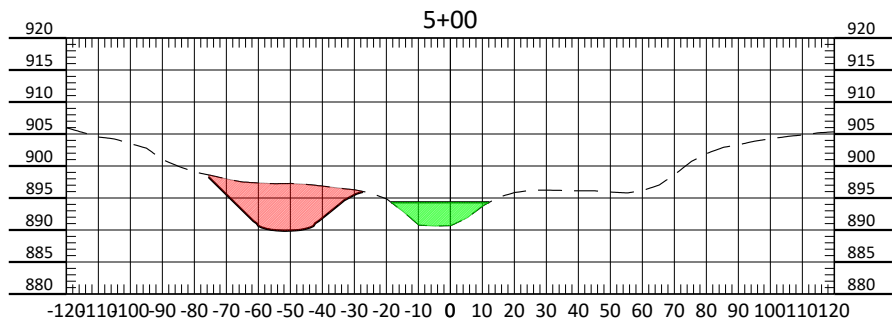
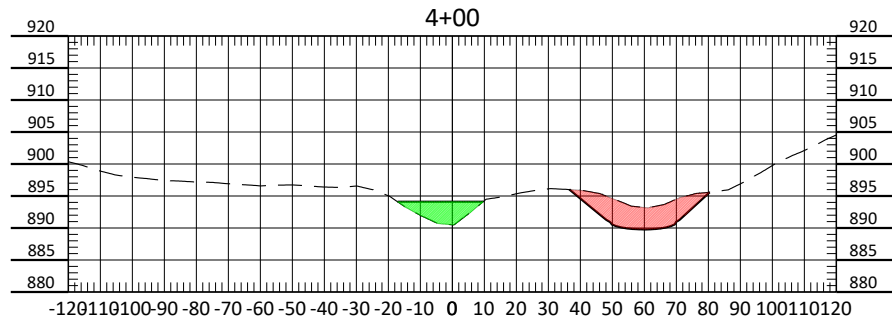
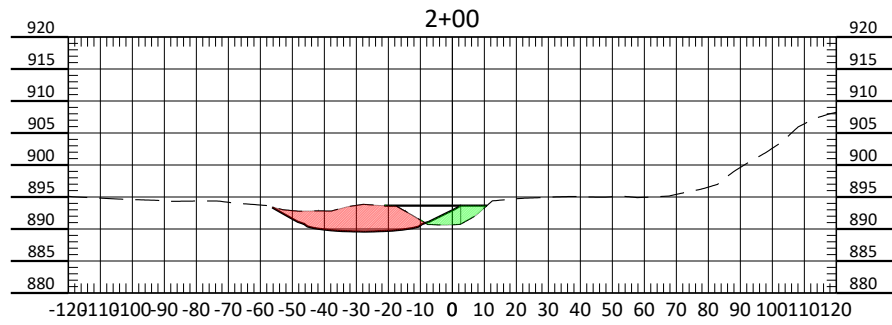
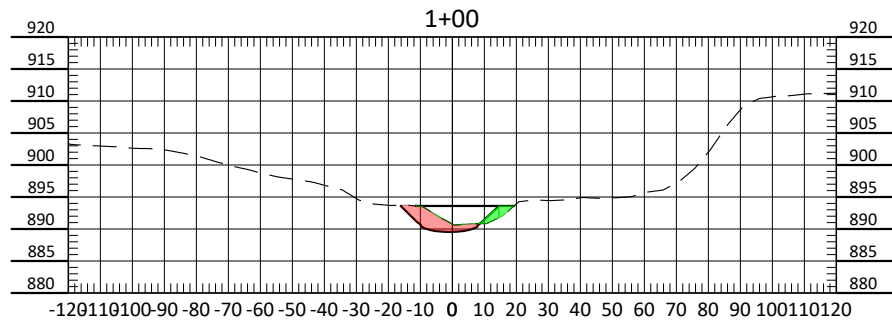
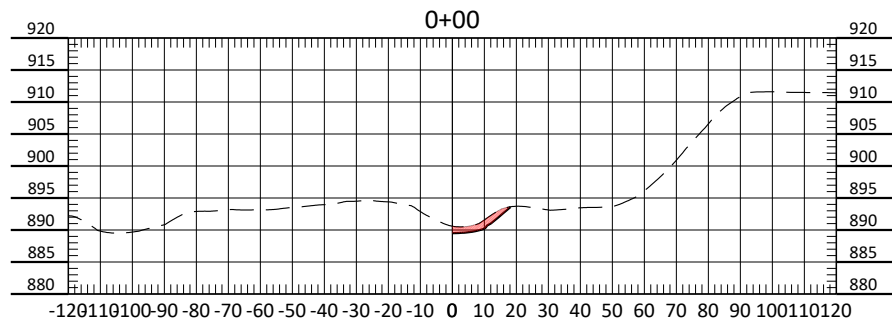
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Checked by	Scale
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CLEARWATER CREEK STABILIZATION
ANOKA/WASHINGTON JD3
RICE CREEK WATERSHED DISTRICT

REMEANDER
PLAN AND PROFILE
PROJECT NO. 5555-0349

SHEET
1

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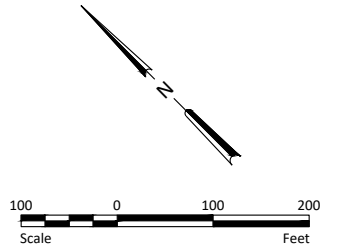


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ANOKA/WASHINGTON JD3
RICE CREEK WATERSHED DISTRICT

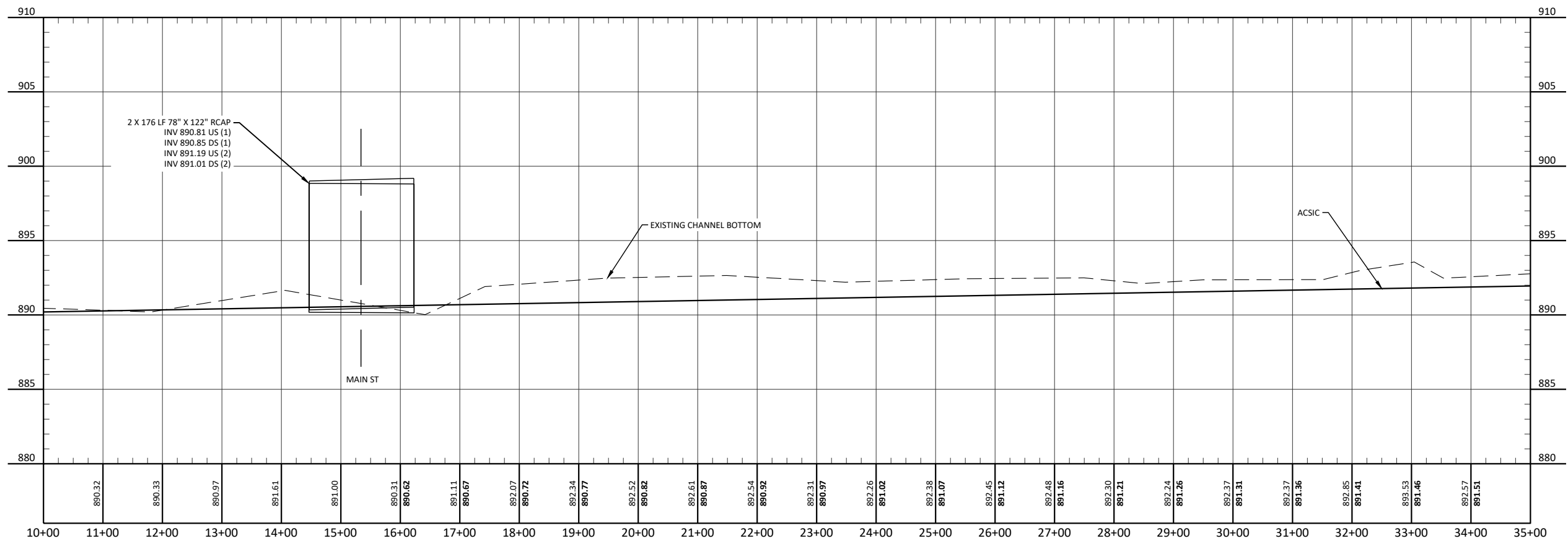
REMEANDER
CROSS SECTIONS
PROJECT NO. 5555-0349

SHEET
2



- NATIONAL WETLAND INVENTORY
- FEMA FLOODPLAIN
- FEMA FLOODWAY
- DITCH REPAIR

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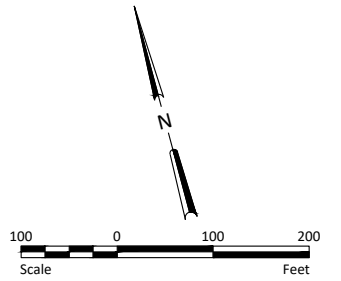
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ANOKA/WASHINGTON JD3
RICE CREEK WATERSHED DISTRICT

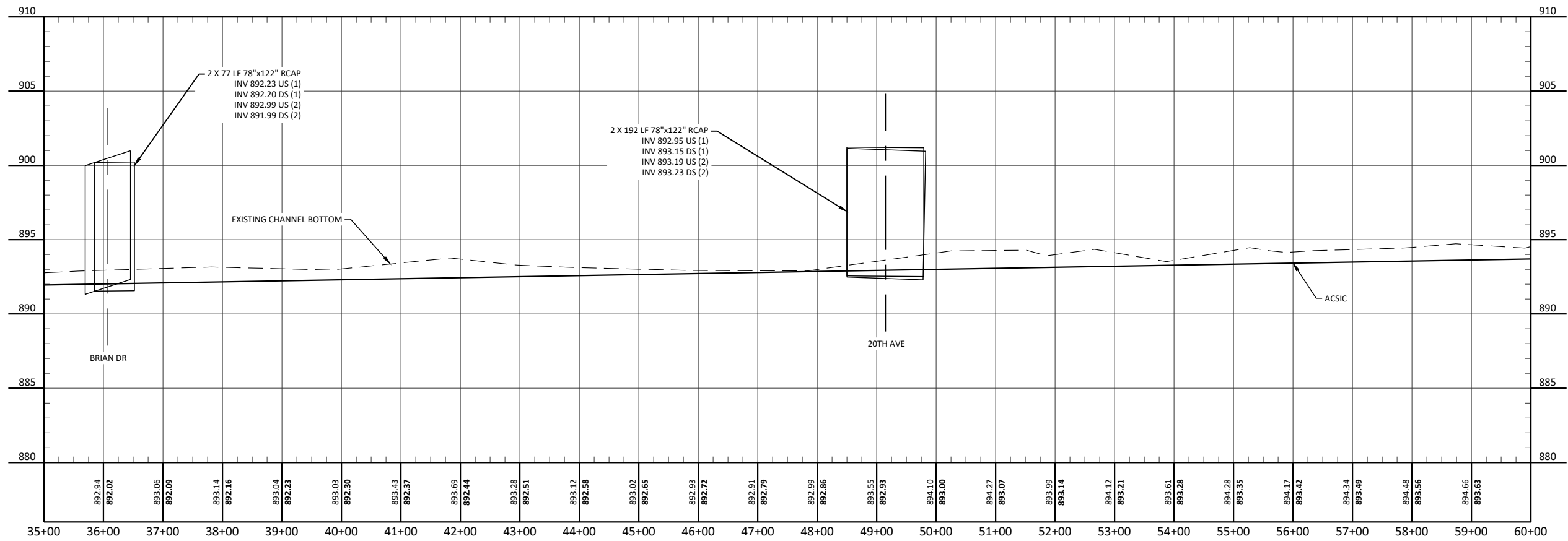
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PLAN AND PROFILE
PROJECT NO. 5555-0349

SHEET
3

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- FEMA FLOODWAY
- DITCH REPAIR



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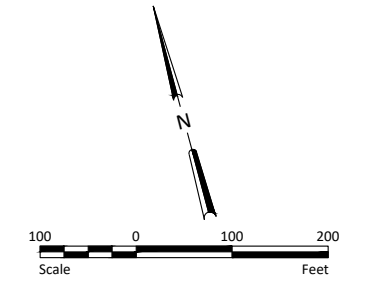


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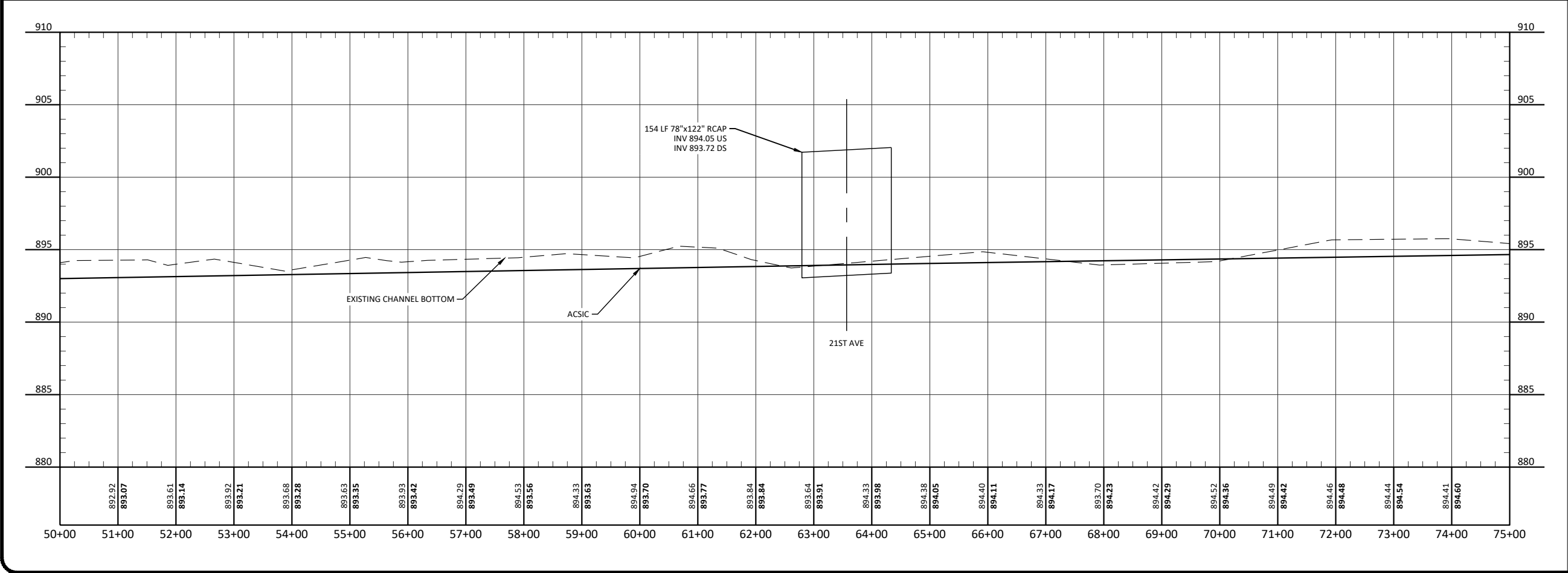
CLEARWATER CREEK STABILIZATION
ANOKA/WASHINGTON JD3
RICE CREEK WATERSHED DISTRICT

DITCH REPAIR
PLAN AND PROFILE
PROJECT NO. 5555-0349

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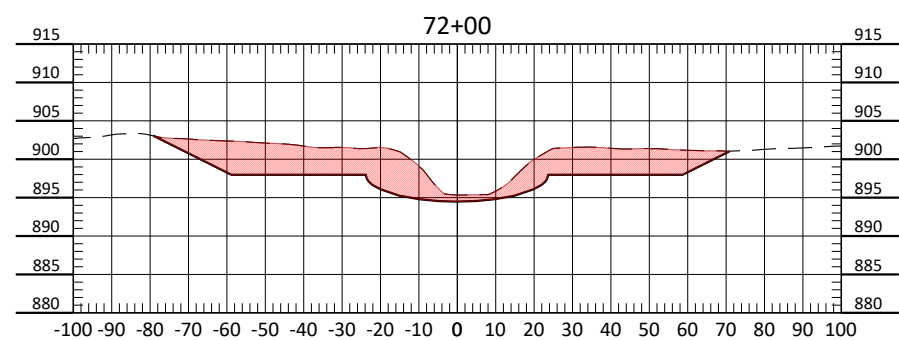
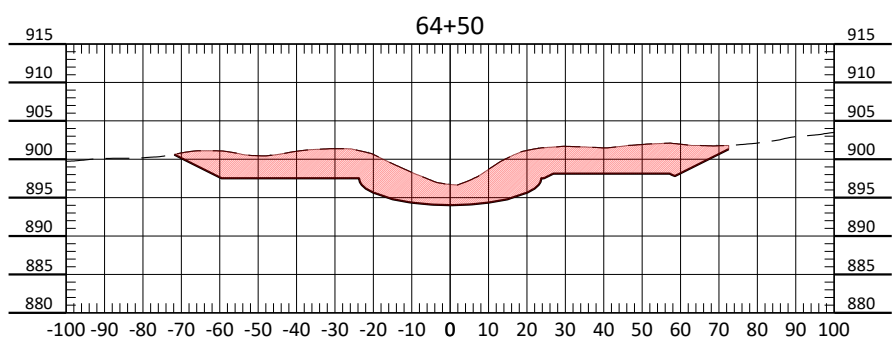
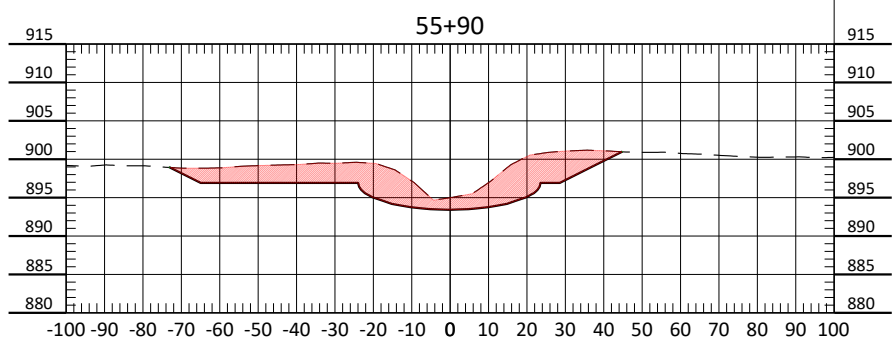
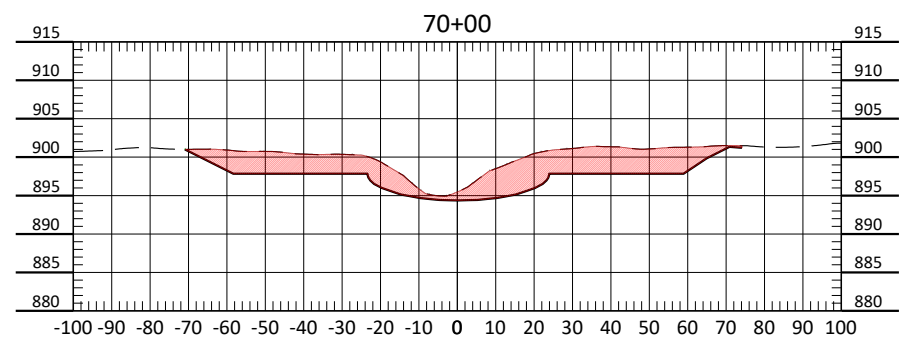
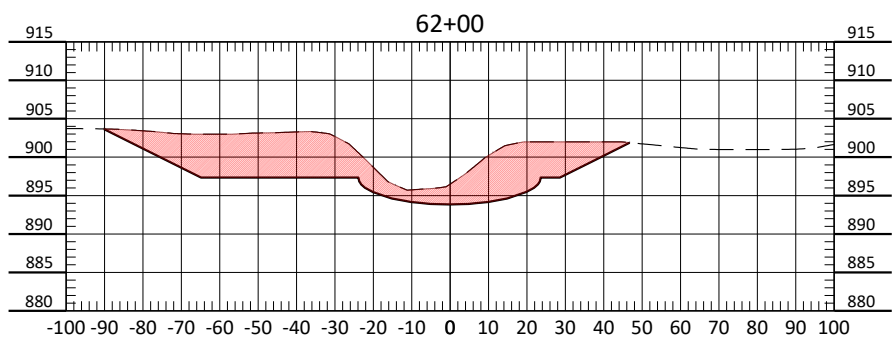
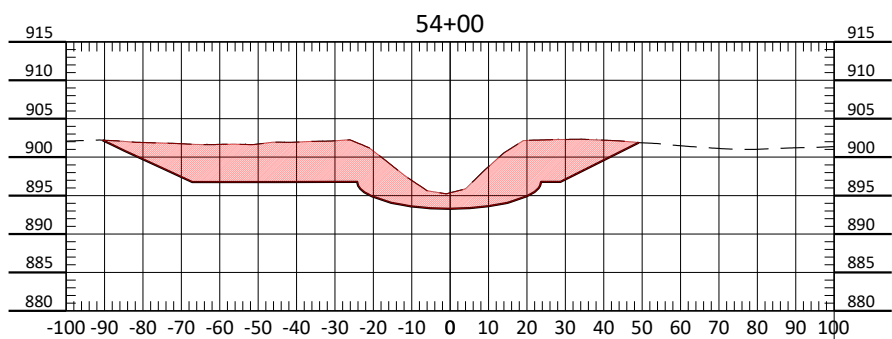
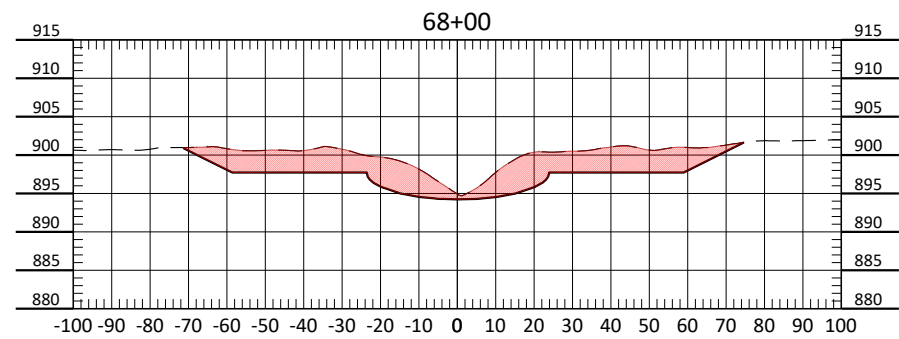
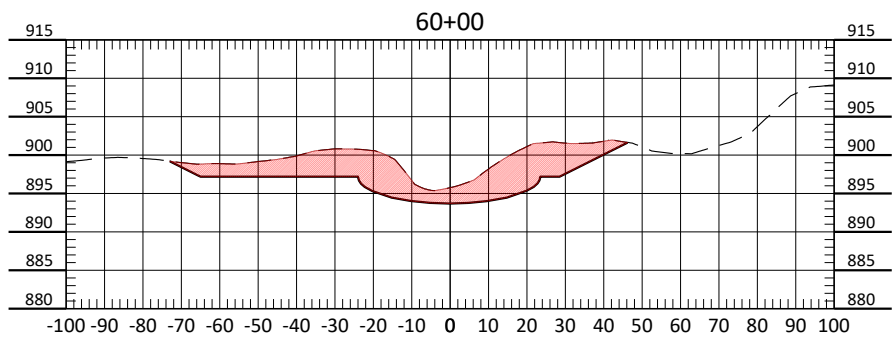
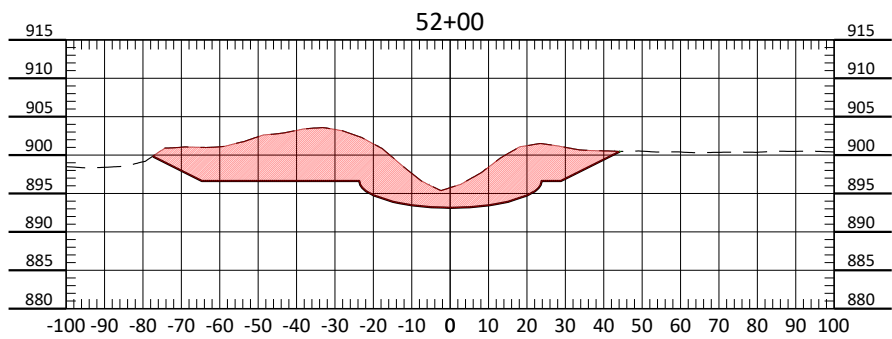
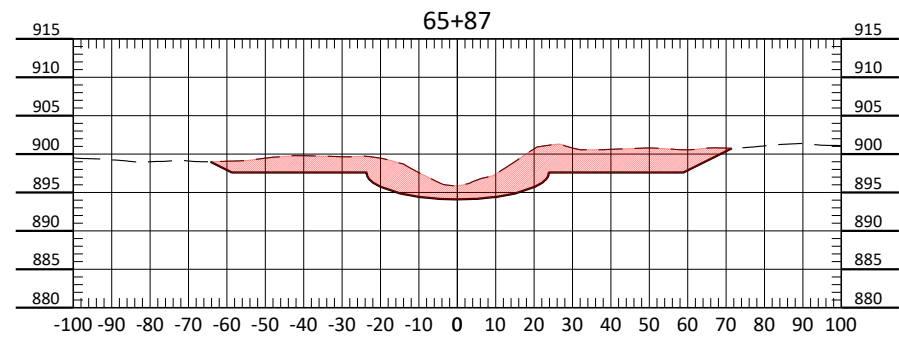
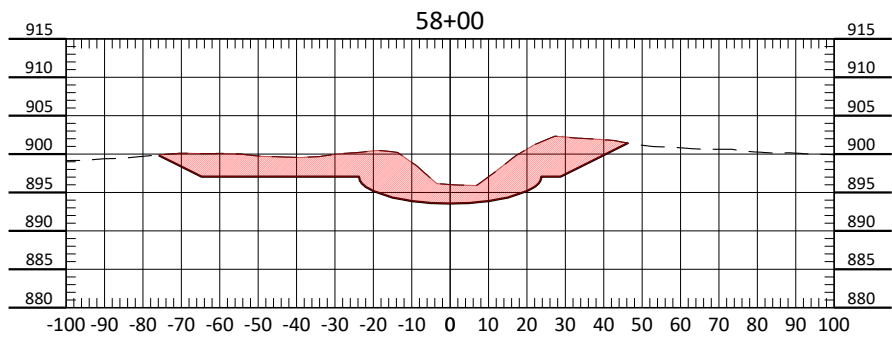
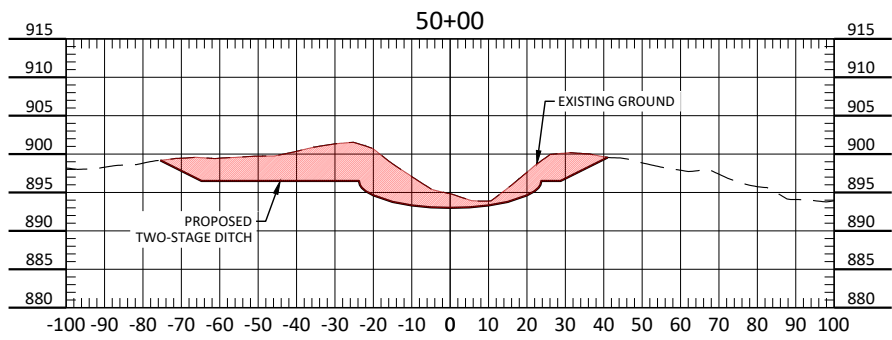
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- FEMA FLOODWAY
- TWO-STAGE DITCH EXTENTS



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No.	Revision	Date	By			Checked by ANN	Scale AS SHOWN					

FULL BUILD OUT TWO-STAGE DITCH



No.	Revision	Date	By
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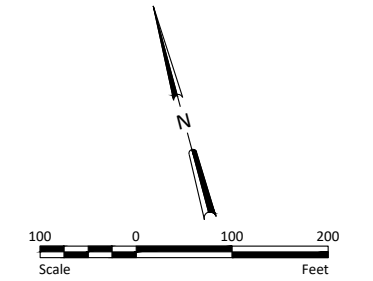


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Checked by ANN	Scale AS SHOWN

CLEARWATER CREEK STABILIZATION
ANOKA/WASHINGTON JD3
RICE CREEK WATERSHED DISTRICT

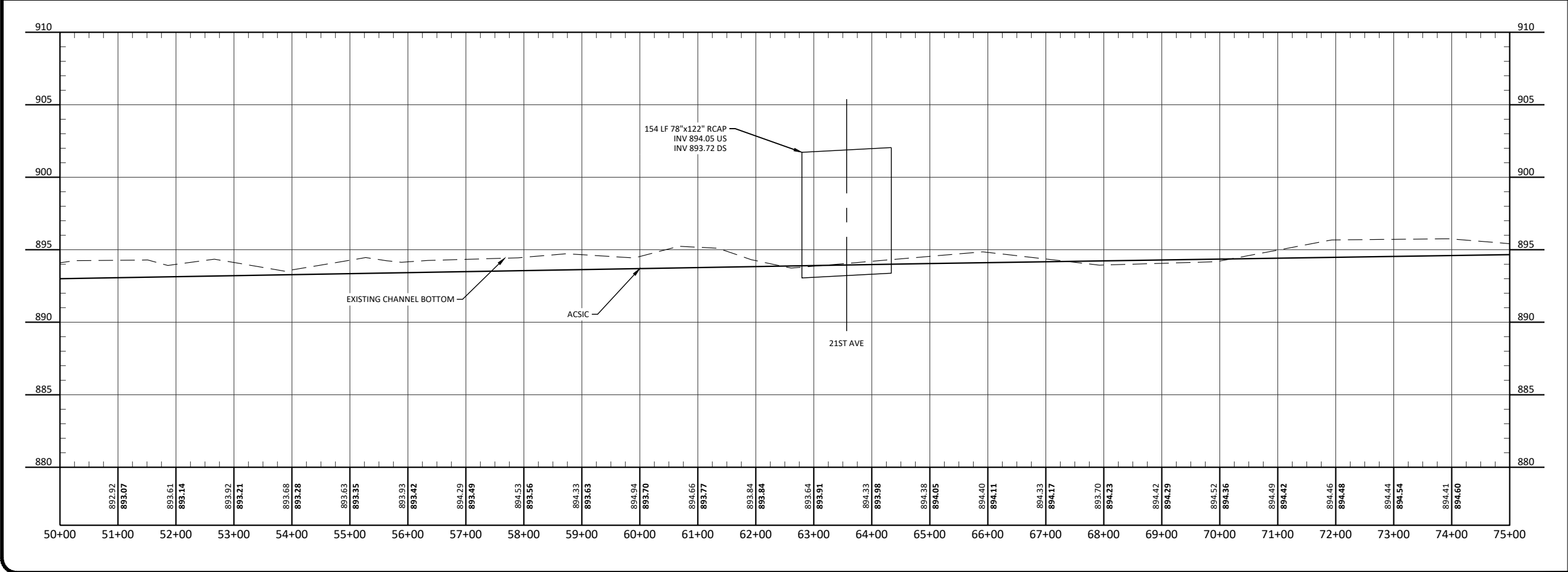
TWO-STAGE DITCH
CROSS SECTIONS
PROJECT NO. 5555-0349

6



- NATIONAL WETLAND INVENTORY
- FEMA FLOODPLAIN A
- FEMA FLOODPLAIN AE
- FEMA FLOODWAY
- TWO-STAGE DITCH EXTENTS

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PRELIMINARY
NOT FOR CONSTRUCTION

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No.	Revision	Date	By



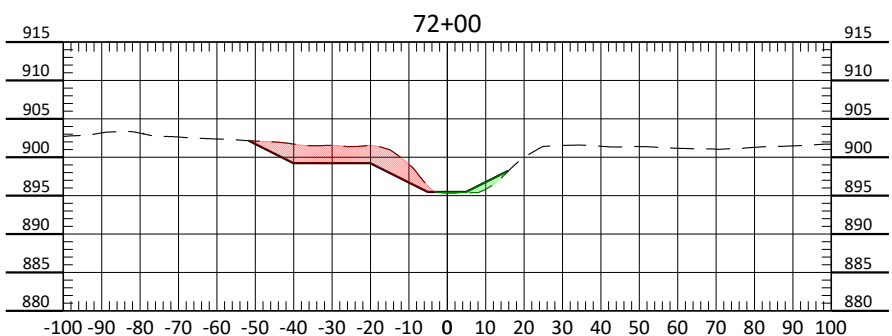
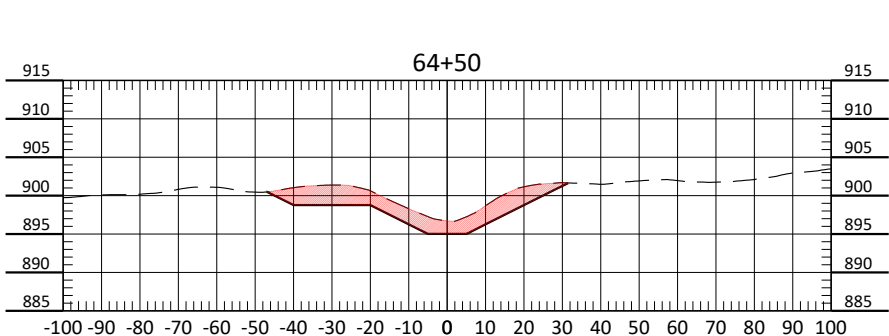
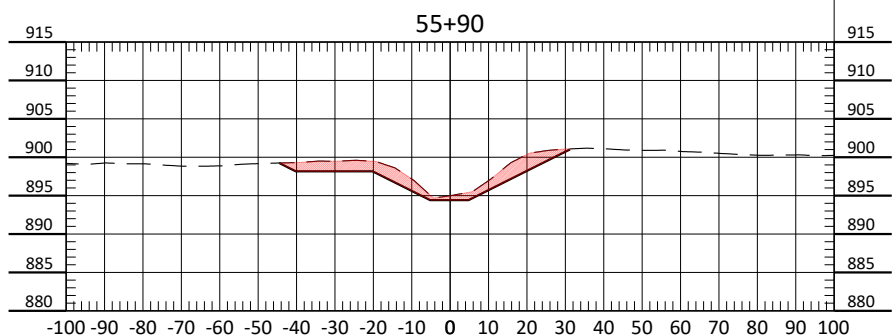
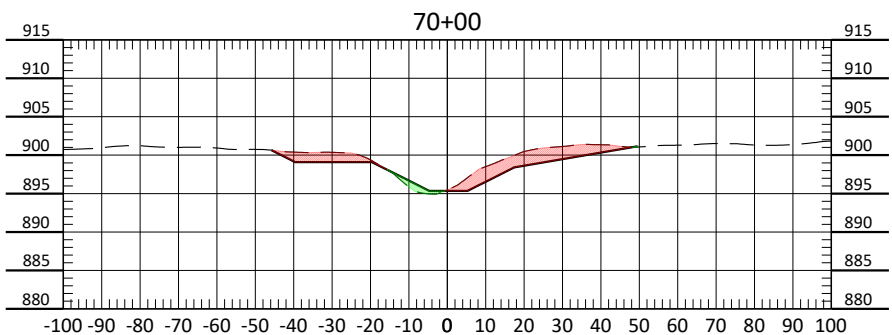
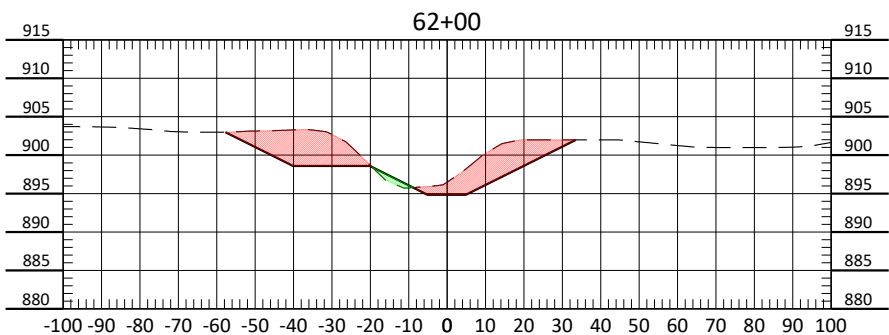
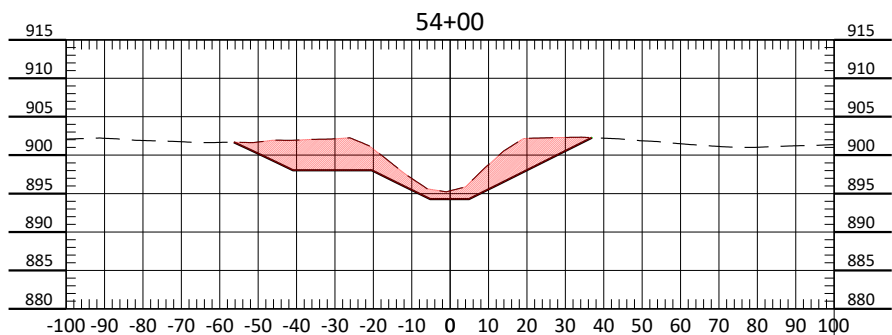
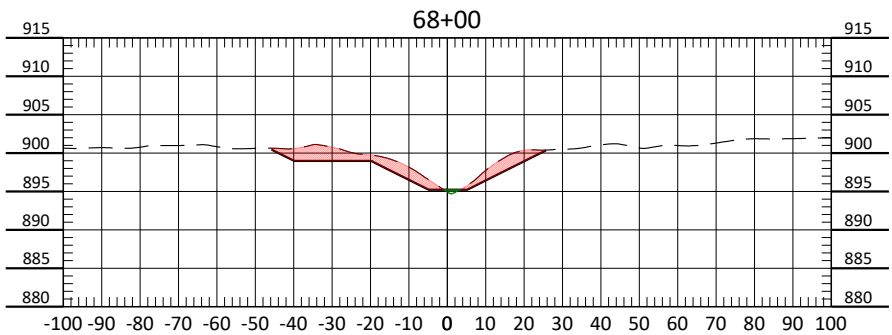
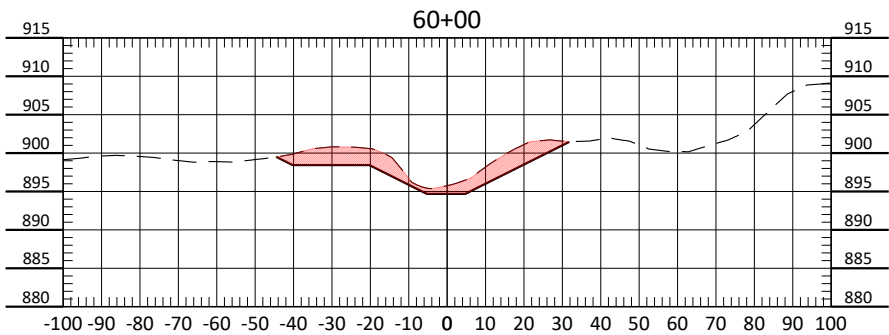
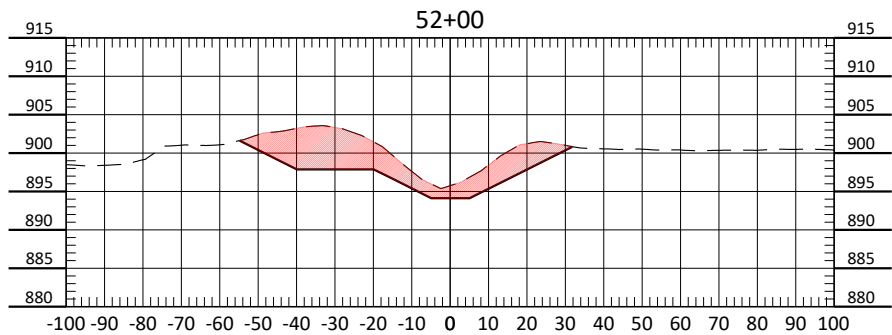
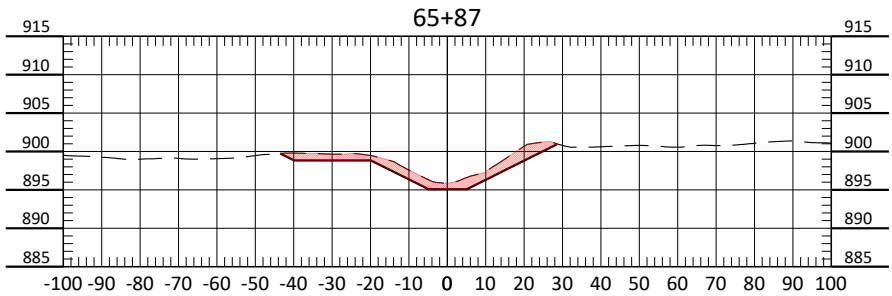
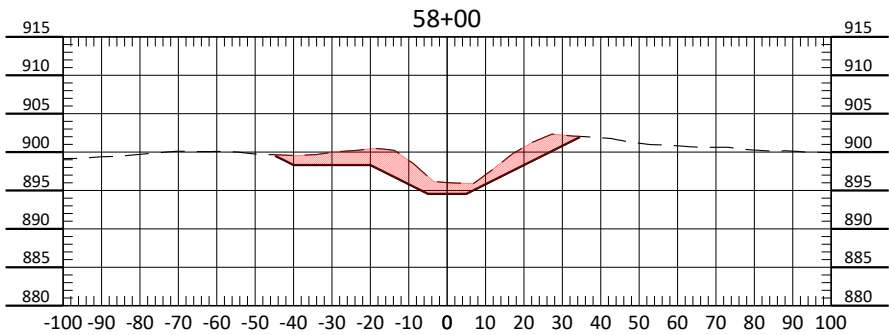
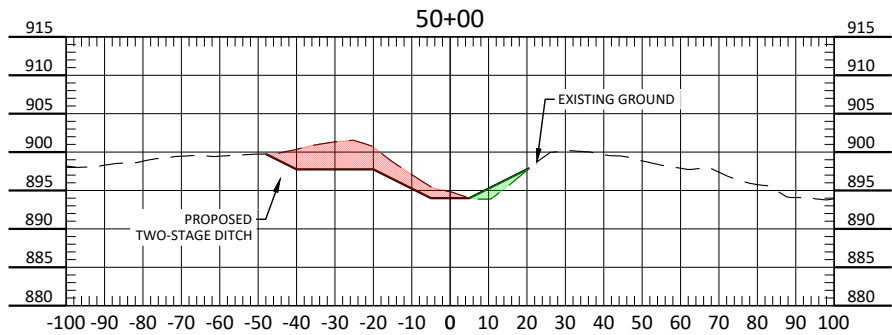
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CLEARWATER CREEK STABILIZATION
ANOKA/WASHINGTON JD3
RICE CREEK WATERSHED DISTRICT

PARTIAL TWO-STAGE DITCH
PLAN AND PROFILE
PROJECT NO. 5555-0349

SHEET
7

PARTIAL TWO-STAGE DITCH



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No.	Revision	Date	By



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RCG	6/20/2024
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CLEARWATER CREEK STABILIZATION
ANOKA/WASHINGTON JD3
RICE CREEK WATERSHED DISTRICT

PARTIAL TWO-STAGE DITCH
CROSS SECTIONS
PROJECT NO. 5555-0349

SHEET
8

APPENDIX C: WETLAND REVIEW

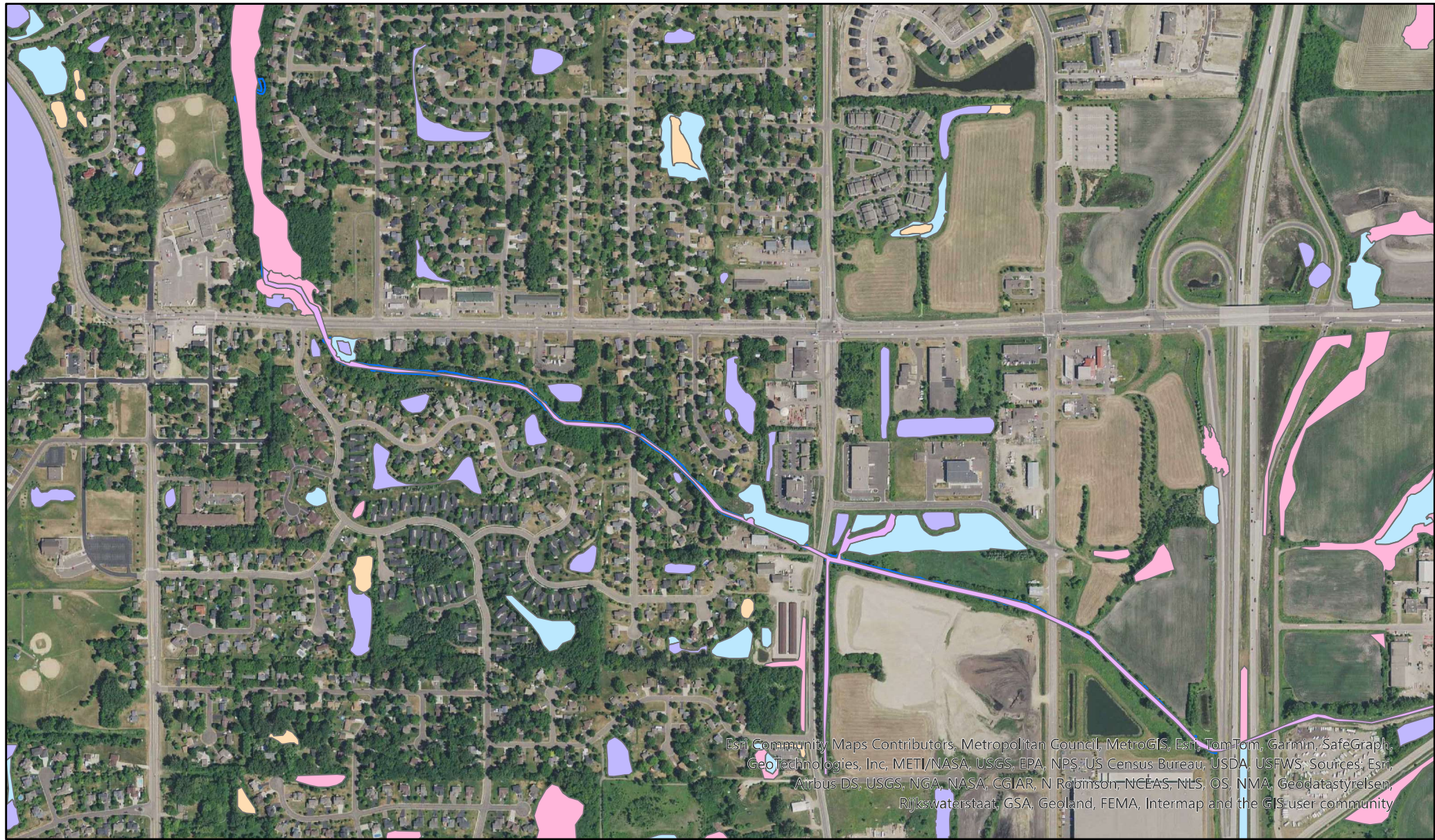
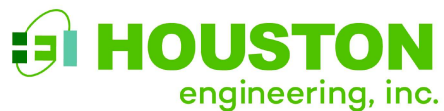


Figure 1: PWI along Clearwater Creek

Drawn by: CMT
Checked by: HP

Date: 5/30/2024
Project No: 5555-0349



ACD 52-63

MN State NWI-
CIRC39

1- Seasonally Flooded
Basin or Flat

Legend

2- Wet Meadow

3- Shallow Marsh

4-Deep Marsh

5-Shallow Open Water

6-Shrub Swamp

7-Wooded Swamp

8-Bog

Municipal and Industrial
Activities

90

<all other values>

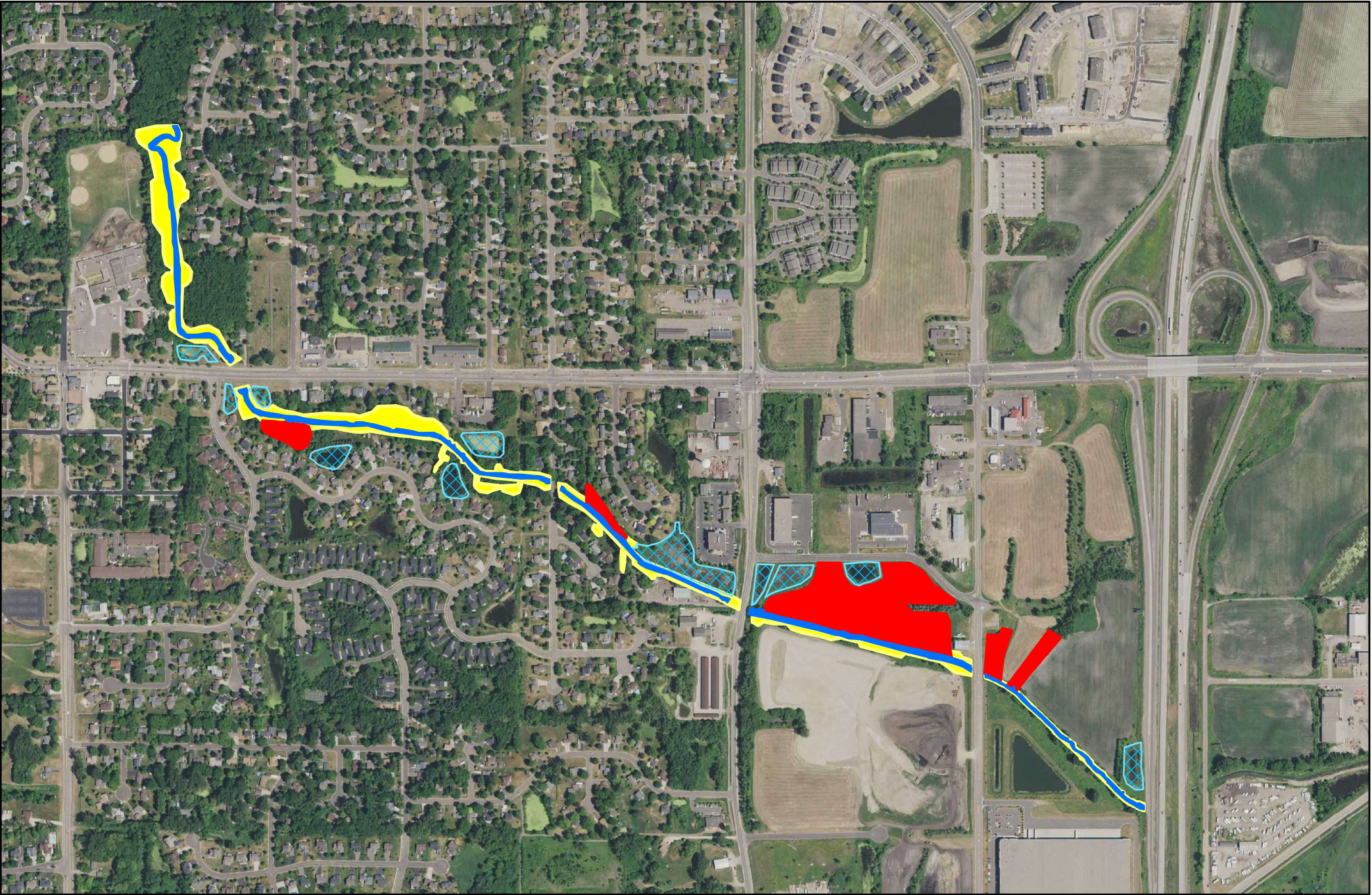


Figure 2: Desktop Delineated Wetlands Adjacent to Clearwater Creek

Drawn by: CMT
 Checked by: HP
 Project No: 5555-0349

Date: 5/30/2024
 0 0.1 0.2 Miles



Legend

- ACD 52-63
- Type 1,2,6,7 Wetlands
- Type 3,4,5 Wetlands
- Stormwater Ponds

APPENDIX D: CORRESPONDENCE



Formal Natural Heritage Review - Cover Page

See next page for results of review. A draft watermark means the project details have not been finalized and the results are not official.

Project Name: Clearwater Creek Stabilization Study

Project Proposer: Houston Engineering, Inc.

Project Type: Natural Resource Management, Drainage & Flood Control

Project Type Activities: Tree Removal; Groundwater Impacts (e.g., contamination, dewatering, change in hydrology, potential for aquifer breach); Waterbody or watercourse impacts (e.g., dewatering, discharge, excavation, fill, runoff, sedimentation, changes in hydrology))

TRS: T31 R22 S14, T31 R22 S23, T31 R22 S24

County(s): Anoka

DNR Admin Region(s): Central

Reason Requested: Other

Project Description: Stabilize existing channel by reducing velocity and flow. Reducing sediment being transported into Lake Peltier.

Existing Land Uses: Judicial Ditch 3. Land use will not change.

Landcover / Habitat Impacted: Minimal impacts. The project will stay mostly within the extent of the existing channel. Could potentially impact some landowners in the remainder section. ...

Waterbodies Affected: Clearwater Creek/ JD3. Lake Peltier will receive less sediment due to the channel updates. All other wetlands and ponds will be avoided.

Groundwater Resources Affected: No change to groundwater resources

Previous Natural Heritage Review: No

Previous Habitat Assessments / Surveys: No

SUMMARY OF AUTOMATED RESULTS

Category	Results	Response By Category
Project Details	Comments	Tree Removal - Recommendations
Ecologically Significant Area	No Comments	No Further Review Required
State-Listed Endangered or Threatened Species	Needs Further Review	State-protected Species in Vicinity
State-Listed Species of Special Concern	Comments	Recommendations
Federally Listed Species	No Records	Visit IPaC For Federal Review



May 13, 2024

Project Name: Clearwater Creek Stabilization Study

Project Proposer: Houston Engineering, Inc.

Project Type: Natural Resource Management, Drainage & Flood Control

Project ID: MCE #2024-00448

AUTOMATED RESULTS: FURTHER REVIEW IS NEEDED

As requested, the above project has undergone an automated review for potential impacts to rare features. Based on this review, one or more rare features may be impacted by the proposed project and further review by the Natural Heritage Review Team is needed. You will receive a separate notification email when the review process is complete and the Natural Heritage Review letter has been posted.

Please refer to the table on the cover page of this report for a summary of potential impacts to rare features. For additional information or planning purposes, use the Explore Page in Minnesota Conservation Explorer to view the potentially impacted rare features or to create a Conservation Planning Report for the proposed project.

If you have additional information to help resolve the potential impacts listed in the summary results, please attach related project documentation in the Edit Details tab of the Project page. Relevant information includes, but is not limited to, additional project details, completed habitat assessments, or survey results. This additional information will be considered during the project review.

Clearwater Creek Stabilization Study

Aerial Imagery With Locator Map



0 0.17 0.35 0.7 1.05 1.4 Miles

 Project_Boundary

Project Type: Natural Resource Management, Drainage & Flood Control

Project Size (acres): 31.09

County(s): Anoka

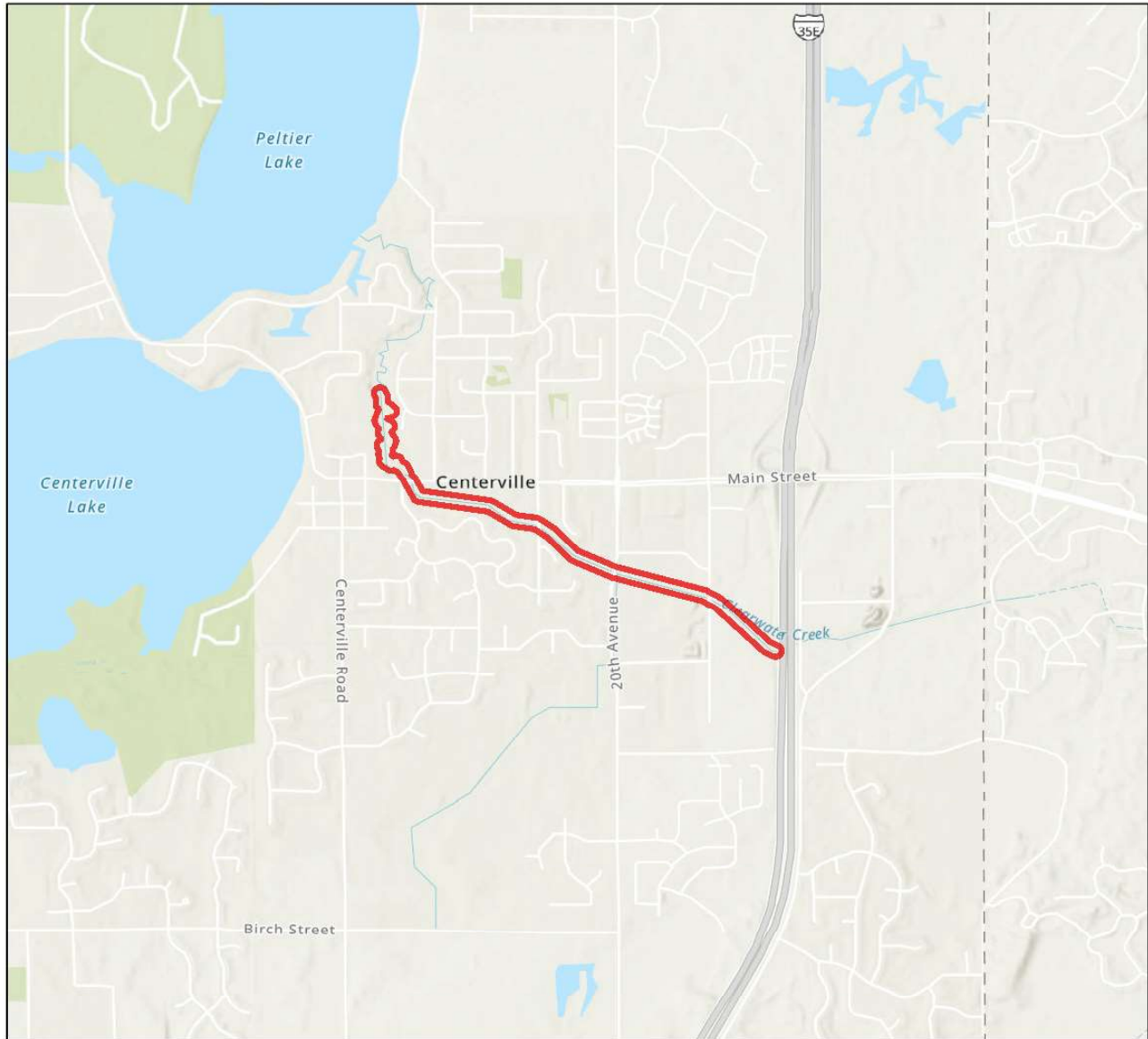
TRS: T31 R22 S14, T31 R22 S23, T31 R22 S24

Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
Earthstar Geographics
Metropolitan Council, MetroGIS, Esri, TomTom, Garmin, SafeGraph,



Clearwater Creek Stabilization Study

USA Topo Basemap With Locator Map



0 0.17 0.35 0.7 1.05 1.4 Miles

 Project_Boundary

Project Type: Natural Resource Management, Drainage & Flood Control

Project Size (acres): 31.09

County(s): Anoka

TRS: T31 R22 S14, T31 R22 S23, T31 R22 S24

Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
Esri, NASA, NGA, USGS, FEMA
Metropolitan Council, MetroGIS, Esri, TomTom, Garmin, SafeGraph,





Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

June 20, 2024

Rachel Glatt
Houston Engineering

RE: Natural Heritage Review of the proposed Clearwater Creek Stabilization Study,
T31N R22W Sections 14, 23-24; Anoka County

Dear Rachel Glatt,

For all correspondence regarding the Natural Heritage Review of this project please include the project ID **MCE-2024-00448** in the email subject line.

As requested, the [Minnesota Natural Heritage Information System](#) has been reviewed to determine if the proposed project has the potential to impact any rare species or other significant natural features. Based on the project details provided with the request, the following rare features may be impacted by the proposed project:

State-listed Species

- [Blanding's turtles](#) (*Emydoidea blandingii*), a state-listed threatened species, have been documented in the vicinity of the proposed project. Blanding's turtles use upland areas up to and over a mile distant from wetlands, waterbodies, and watercourses. Uplands are used for nesting, basking, periods of dormancy, and traveling between wetlands. Factors believed to contribute to the decline of this species include collisions with vehicles, wetland drainage and degradation, and the development of upland habitat. Any added mortality can be detrimental to populations of Blanding's turtles, as these turtles have a low reproduction rate that depends upon a high survival rate to maintain population levels.

This project has the potential to impact this rare turtle through direct fatalities and habitat disturbance/destruction due to excavation, fill, and other construction activities associated with the project. Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134) prohibit the take of threatened or endangered species without a permit. As such, **the following avoidance measures are required:**

- Avoid wetland and aquatic impacts during hibernation season, between September 15 and April 15, if the area is suitable for hibernation. Undercut and eroding banks provide overwintering habitat for these turtles.
- Permanent riprap must have voids filled with gravel, soil, or other material between large stones to avoid entrapping turtles and to maintain connectivity between aquatic and upland habitat. For an example, reference vegetation riprap as described in [Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001 \(state.mn.us\)](#) Chapter 1, Page 33
- Limit erosion and sediment control to [wildlife friendly erosion control](#) to avoid the inadvertent take of Blanding's turtles.
- Avoid hydro-mulch products that contain any materials with synthetic (plastic) fiber additives, as the fibers can re-suspend and flow into waterbodies.
- The [Blanding's turtle flyer](#) must be given to all contractors working in the area.
- Check bare ground within construction areas for turtles before the use of heavy equipment or any ground disturbance.
- Please report any sightings using the [Quick Species Observation Form](#).
- If turtles are in imminent danger, move them by hand out of harm's way; otherwise, they are to be left undisturbed. Directions on how to move turtles safely can be found at [Helping Turtles Across the Road](#).

Please refer to the [Blanding's turtle fact sheet](#) for additional recommendations (both lists) that may be relevant to your project.

Please contact Review.NHIS@state.mn.us to confirm that the above avoidance measures will be implemented or to inform us that they are not feasible. If the measures are not feasible, a project-specific avoidance plan will likely be needed.

- The [Bell's vireo](#) (*Vireo bellii*), a state-listed bird species of special concern, has been documented in the vicinity of the project. In Minnesota, Bell's vireo prefers shrub thickets within or bordering open habitats such as grasslands or wetlands. This bird suspends its nests from forks of low branches of small trees or shrubs. If feasible, avoid tree & shrub removal from May 15th through August 15th to avoid disturbance of nesting birds.
- The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed nearby, all of Minnesota's bats, including the federally endangered northern long-eared bat ([Myotis septentrionalis](#)), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies

and the pups cannot yet fly. To minimize these impacts, **the DNR recommends that tree removal be avoided from June 1 through August 15.**

- Please visit the [DNR Rare Species Guide](#) for more information on the habitat use of these species and recommended measures to avoid or minimize impacts.

Federally Protected Species

- To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online [Information for Planning and Consultation \(IPaC\) tool](#).

Environmental Review and Permitting

- Please include a copy of this letter and the MCE-generated Final Project Report in any state or local license or permit application. Please note that measures to avoid or minimize disturbance to the above rare features may be included as restrictions or conditions in any required permits or licenses.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and project description provided with the request. If project details change or the project has not occurred within one year, please resubmit the project for review within one year of initiating project activities.

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential impacts to these rare features. Visit the [Natural Heritage Review website](#) for additional information regarding this process, survey guidance, and other related information. For information on the environmental review process or other natural resource concerns, you may contact your [DNR Regional Environmental Assessment Ecologist](#).

Thank you for consulting us on this matter and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

James Drake

Digitally signed by James Drake
Date: 2024.06.20 12:19:44 -05'00'

Natural Heritage Review Specialist

James.F.Drake@state.mn.us

Cc: Melissa Collins



CENTRAL REGION
1200 WARNER ROAD
SAINT PAUL, MN 55106
651-259-5800

May 20, 2024

SENT VIA EMAIL

Chris Otterness
Houston Engineering, Inc.
District Engineer, Rice Creek Watershed District
4325 Pheasant Ridge Dr. NE
Blaine, MN 55449

Re: DNR Comments on Proposed Work to Anoka-Washington Judicial Ditch 3, Main Trunk

Dear Mr. Otterness:

Thank you for initiating review of the Rice Creek Watershed District's proposed work to Anoka-Washington Judicial Ditch 3 (JD3) Main Trunk. DNR staff met with your team on April 29, 2024 to discuss work contemplated on the JD3 Main Trunk in Anoka County, from the crossing at I-35E to the JD3 terminus adjacent to Centerville elementary school.

We understand the work involves ditch cleaning throughout the approximately 7,500 foot segment, as well as concepts such as establishing a two-stage channel in the upper segment and re-meandering the ditch in the lower segment. The categorization of this work as repair or project per M.S. 103E was not established during our early coordination meeting.

A review of our public waters inventory information indicates there are no public waters that intersect the proposed work area. The proposed work does not appear to affect or potentially affect a public water basin, wetland or watercourse.

DNR staff recommended that a DNR public waters work permit, or a DNR Letter of Permission, is not required for the proposed work. DNR Ecological and Water Resources division's senior manager concurred with this recommendation. The proposed work to JD3 Main Trunk, as described herein, requires no DNR public waters work authorization.

We appreciate the opportunity to review and comment on the proposed work to Judicial Ditch 3 Main Trunk. Please contact me directly at wes.saunders-pearce@state.mn.us if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wes Saunders-Pearce'.

Wes Saunders-Pearce
North Metro Area Hydrologist

cc. Nick Tomczik, RCWD District Administrator
Adam Nies, Houston Engineering

Dan Lais, Regional Manager
Jack Gleason, Hydrologist Supervisor



Record ID 3955307

2150438.005

When Recorded Return to L. J. Terry
 First American Title Insurance Company
 National Commercial Services
 801 Nicollet Mall, Suite 1900
 Minneapolis, MN 55402
 File No. NCS - 773837-MPLS
 (5)

_____ (Above Space is Reserved for Recording Information) _____

CONSERVATION EASEMENT

1. For the sum of one dollar and other valuable consideration, United Properties Development LLC, a limited liability company organized under the laws of Minnesota ("Grantor"), hereby conveys to the City of Lino Lakes, a municipal corporation organized under the laws of the State of Minnesota (City) an easement on and under the parcel lying in Anoka County, Minnesota, and legally described as follows:

Lot 1, Block 1, Clearwater Creek Business Park

("Burdened Property").

2. Exhibit "A", appended hereto and incorporated herein, delineates the area subject to this easement ("Easement Area"). This easement grants the City and its authorized representatives the right in perpetuity to enter the Easement Area to monitor, modify and maintain hydrological and vegetative conditions, including the right to:

- a. Alter land contours and realign channels within the Easement Area.
- b. Direct and redirect surface water flows; flood or drain lands, wholly or partly; and otherwise preserve surface flows through the Easement Area. This does not include the right to increase flood elevation, or drain or redirect surface flows on or across any lands outside of the Easement Area.
- c. Install, operate, maintain and remove structures to manage water flow and water elevation.
- d. Plant, remove and otherwise manage vegetation through means including but not limited to mowing, weeding, use of approved herbicides and controlled burns.

e. Install, maintain and remove sign or markers identifying Easement Area boundaries or describing terms applicable to the Easement Area.

f. Install, operate, maintain and remove equipment to sample or monitor soils, surface water or groundwater, including appurtenances such as power supply for the equipment.

g. Ingress and egress, equipment staging and use, material stockpiling and other actions as reasonably necessary or convenient for the work described.

3. Grantor also conveys to the City and its authorized representatives the right to cross and recross the Burdened Property to reach the Easement Area. The route will be determined through mutual consultation, but will provide a reasonable means of access. If a route cannot be mutually determined after reasonable effort, the City may cross and recross in a manner that minimizes disruption and damage to the Burdened Property. The City will repair or compensate Grantor for any damage to the Burdened Property.

4. Grantor reserves all rights and privileges associated with ownership of the Burdened Property except as specifically provided in this Easement. Grantor will not place any structure or improvement within, on or under the Easement Area; remove, destroy, cut, mow or otherwise alter vegetation within the Easement Area, or apply fertilizers, herbicides or pesticides on or to the Easement Area; fill, excavate or otherwise alter land contours within the Easement Area; or place waste material, including waste vegetation, permanently or temporarily within the Easement Area. Notwithstanding, Grantor may:

a. With prior written approval of City staff (not to be unreasonably withheld, conditioned or delayed), construct or install and maintain a structure or improvement for passive use of or recreation within the Easement Area, including bituminous trail and boardwalk no more than 8 feet in width with a surface area not to exceed 10,000 square feet, which may not be subject to motorized vehicle use by Grantor or anyone operating under Grantor's permission;

b. Build, maintain and replace typical agricultural fences on and over the Easement Area if surface flows are not restricted;

c. With prior written approval of City staff (not to be unreasonably withheld, conditioned or delayed), install and maintain utility system components including, without limitation, water, sanitary sewer, storm sewer, power, fuel, and communications lines and related facilities;

d. With prior written approval of City staff (not to be unreasonably withheld, conditioned or delayed), manage vegetation to prevent or control infestation, noxious weeds, disease, fire, personal injury or property damage, or to improve the hydrological function and value of the water resources within or associated with the Easement Area;

e. With prior written approval of City staff (not to be unreasonably withheld, conditioned or delayed), locate stormwater management facilities within the Easement Area.

5. No one other than Grantor holds any right, title or interest in the Easement Area or any part thereof.

6. This Easement extends only to the City, its successors and assigns, and their authorized representatives, and grants no right of access to the Burdened Property to any other party or member of the public.

7. This Easement is unlimited in duration without being re-recorded, and will run with and burden the Burdened Property and bind Grantor, Grantor's successors and assigns, and all those who use the Burdened Property by right of the Grantor. This easement is appurtenant to the surface waters and related water resources lying on and proximate to the Burdened Property and the protection of which lies within the mandate and authority of the Rice Creek Watershed District pursuant to Minnesota state statutes.

IN WITNESS WHEREOF, this 29 day of September, 2016.

UNITED PROPERTIES DEVELOPMENT LLC,
a Minnesota limited liability company

By: _____

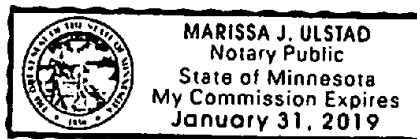
Its: VP _____

STATE OF MINNESOTA

COUNTY OF Hennepin

The foregoing instrument was acknowledged before me this 29 day of September, 2016, by Brandon Champagne the VP of United Properties Development LLC, a Minnesota limited liability company, on behalf of the Company.

Marissa J. Ulstad
Notary Public



This Document was Drafted By:

City of Lino Lakes
600 Town Center Parkway
Lino Lakes, MN 55014

EXHIBIT "A"
(Delineation of Easement Area)

**EASEMENT SKETCH FOR:
UNITED PROPERTIES**

DESCRIPTION FOR CONSERVATION EASEMENT

An easement over and across that part of Lot 1, Block 1 and Outlot A, CLEARWATER CREEK BUSINESS PARK, according to the recorded plat thereof, Anoka County, Minnesota, lying southwesterly of a line drawn 70.00 feet northeasterly of the southwesterly line of said Outlot A and lying northeasterly of a line described as commencing at the northwest corner of said Lot 1; thence South 00 degrees 29 minutes 43 seconds West, assumed bearing, along the west line of said Lot 1 a distance of 191.39 feet to the point of beginning of the line to be described; thence South 61 degrees 29 minutes 43 seconds East 70.08 feet; thence South 47 degrees 27 minutes 50 seconds East 383.13 feet; thence South 43 degrees 29 minutes 10 seconds East 112.90 feet; thence South 46 degrees 50 minutes 59 seconds East 149.97 feet; thence South 43 degrees 12 minutes 18 seconds East 58.78 feet; thence North 89 degrees 46 minutes 52 seconds East 143.44 feet; thence South 61 degrees 53 minutes 12 seconds East 151.31 feet; thence South 89 degrees 18 minutes 38 seconds East 21.08 feet to an angle point in the east line of said Lot 1, said angle point being 42.01 feet south of the northeast corner of said Lot 1 and said line there terminating.

GENERAL NOTE

1.) The plat of Creekwater Business Park has not been recorded as of the date of this sketch.

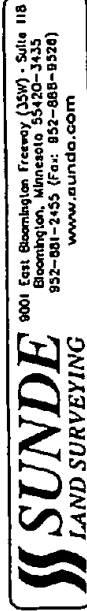
I hereby certify that this sketch, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 9th day of August, 2016

SUNDE LAND SURVEYING, LLC

By: Mark S. Hanson
Mark S. Hanson, P.L.S. Minn. Lic. No. 15480

SHEET 1 OF 2 SHEETS



[illegible]

ANOKA COUNTY MINNESOTA

Document No.: 2150438.005 ABSTRACT

I hereby certify that the within instrument was filed in
this office for record on: 10/03/2016 11:27:00 AM

Fees/Taxes In the Amount of \$46.00

JONELL M. SAWYER

Anoka County Property Tax

Administrator/Recorder/Registrar of Titles

MEW, Deputy

Record ID: 3955307

APPENDIX E: COST

No.	Item Description	Units	Unit Price	Re-Meander		Cleanout		Full Build Out Two-Stage Ditch		Partial Two-Stage Ditch	
				Quantity	Extension	Quantity	Extension	Quantity	Extension	Quantity	Extension
1	Mobilization	Lump Sum			\$20,000.00		\$20,000		\$20,000		\$20,000
2	Common Excavation	Cubic Yard	\$6.00	6100	\$36,600.00	500	\$3,000	42600	\$256,000	15000	\$90,000
3	Spoil Management	Cubic Yard	\$10.00	0	\$0.00	500	\$5,000	0	\$0	0	\$0
4	Haul Away	Cubic Yard	\$12.00	7420	\$89,100.00	0	\$0	59640	\$716,000	21000	\$252,000
5	Tree Clearing, and Removal	Acre	\$20,000.00	2.0	\$40,000.00	3.0	\$60,000	2.0	\$40,000	2.0	\$40,000
6	Water Control	Lump Sum			\$10,000.00		\$10,000		\$10,000		\$10,000
7	Hydro-Seeding	Acre	\$5,000.00	2.0	\$10,000.00	3.0	\$15,000	2.0	\$10,000	2.0	\$10,000
8	Silt Fence; Type PA	Linear Foot	\$5.00	2900	\$14,500.00	3300	\$17,000	2600	\$13,000	2600.0	\$13,000
9	SWPPP Documentation and Management	Lump Sum			\$3,000.00		\$3,000		\$3,000		\$3,000
10	Random Riprap Class III	Cubic Yard	\$120.00	1000	\$120,000.00	0	\$0	0	\$0	0	\$0
	Subtotal				\$343,200.00		\$133,000.00		\$1,068,000.00		\$438,000.00
	20% contingency				\$68,700.00		\$26,600.00		\$213,600.00		\$87,600.00
	Total:				\$411,900.00		\$159,600.00		\$1,281,600.00		\$525,600.00

Legal / Administrative Costs have not been considered within this opinion of cost and will vary depending on alternative(s) chosen.

Engineering Fees including survey, final design, and construction plans, permitting, project meetings, bidding, construction management, and staking and inspection would be approximately \$225,000.

APPENDIX F: PHOTOS



Figure 1: Between I-35E and 21st Ave



Figure 2: Between 21st Ave and 20th Ave



Figure 3: Between 20th Ave and Brian Dr



Figure 4: Between Brian Dr and Main St



Figure 5: Straightened Channel near the school



Figure 6: Meandered Section near Clearwater Rd



Figure 7: Steep Bank by Old Mill Rd



Figure 8: Meandered section before Peltier

ITEMS FOR DISCUSSION

3. Ramsey County Ditch #4 Repair