PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

AGENDA

Tuesday, May 10, 2022

6:00 PM

Council Chambers
Prior Lake City Hall

BOARD OF MANAGERS:
Mike Myser, President; Bruce Loney, Vice President;
Christian Morkeberg, Treasurer; Frank Boyles, Secretary; Curt Hennes, Manager

Note: Individuals with items on the agenda or who wish to speak to the Board are encouraged to be in attendance when the meeting is called to order.

Board Workshop 4:00 PM – Parkview Conference Room

- Rules Revision (Carl Almer)
- Sutton Lake Management Plan Update (Jason Naber)
- Goldfish in Cate's Lake (Joni Giese)
- Public Finance Advisors – Next Steps (Joni Giese)
- Previous Buck Lake Chemical Treatment Report (Joni Giese)
- 4M and Banking Status Update (Joni Giese)
- Staffing Discussion (Joni Giese)
- Retaining of Support Consultant: Status Update (Joni Giese)
- Liaison Updates and Appointments

6:00 – 6:02 PM 1.0 **BOARD MEETING CALL TO ORDER & PLEDGE OF ALLEGIANCE**

6:02 – 6:07 PM 2.0 **PUBLIC COMMENT**

If anyone wishes to address the Board of Managers on an item not on the agenda or on the consent agenda, please come forward at this time. Go up to the podium, turn on the microphone and state your name and address. (The Chair may limit your time for commenting.)

6:07 - 6:10 PM 3.0 **APPROVAL OF AGENDA** (Additions/Corrections/Deletions)

6:10 - 7:10 PM 4.0 **OTHER OLD/NEW BUSINESS**

4.1 Programs & Projects Update (Discussion Only)
4.2 Acceptance of 2021 Annual Audit: Andy Berg, Abdo (Vote)
4.3 Approval of new CAC Member: Ron Hoffmeyer (Vote)
4.4 Acceptance of 2021 Annual Report (Vote)
4.5 Resolution 22-355: Amending the 2022 Budget to Remove the 611 Alum Internal Loading Reserve Budget Reserve (Vote) and
Resolution 22-356: Amending the 2022 Budget to Establish the 611 Upper Prior Lake Phase II Sediment Monitoring Budget Line Item (Vote)
4.6 Resolution 22-357: Adopting Revised Rules for the Prior Lake-Spring Lake Watershed District (Vote)
4.7 Service to PLSLWD Acknowledgement – Jaime Rockney
4.8 Service to PLSLWD Acknowledgement – Jim Weninger
4.9 Service to PLSLWD Acknowledgement – Manager Curt Hennes

7:10 – 7:15 PM 5.0 **CONSENT AGENDA**

The consent agenda is considered as one item of business. It consists of routine administrative items or items not requiring discussion. Items can be removed from the consent agenda at the request of the Board member, staff member, or a member of the audience. Please state which item or items you wish to remove for separate discussion.

5.1 Meeting Minutes – April 12, 2022, Board Workshop
5.2 Meeting Minutes – April 12, 2022, Board Meeting
5.3 Meeting Minutes – April 16, 2022, Special Board Meeting
5.4 Meeting Minutes – March 31, 2022, CAC Meeting
5.5 Claims List & Visa Expenditures Summary
5.6 Resolution 222-358: Authorization to Transfer Funds to the JPA/MOA Funds
5.7 League of Minnesota Cities Liability Coverage Waiver
5.8 2022 Regular Board Meeting Schedule (Revised May 10, 2022)
5.9 Buck Wetland Enhancement Feasibility Study: Scope of Services Amendment

7:15 – 7:20 PM 6.0 **TREASURER'S REPORT**

6.1 Monthly Financial Reports (Discussion Only)

- Financial Report
- Treasurers Report
- Cash Flow Projections

7:20 - 7:25 PM 7.0 **UPCOMING MEETING/EVENT SCHEDULE:**

- CAC Meeting, Thursday, May 26, 2022, 6:30 – 8:00 pm (Prior Lake City Hall – Wagon Bridge Conference Room)
- Board of Managers Meeting, Tuesday, June 14, 2022, 6:00 pm (Prior Lake City Hall – Council Chambers)
- PLOC Cooperators Meeting, Thursday, June 16, 2022, 12:00 – 1:30 pm (Prior Lake City Hall – Wagon Bridge Conference Room)
- Joint Board of Managers & CAC Meeting, Thursday, June 30, 2022, 6:00 – 8:00 pm (Prior Lake City Hall)

PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

MAY 2022 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Sutton Lake Outlet and Lake Management Plan *Project Lead: Jaime*	• Lake Management Plan update presented to board managers 5/10 • Meetings w/EOR on next steps for LMP • Talk to Pat Lynch about closing out Outlet grant	• Make revisions to Lake Management Plan • Review plan concepts with DNR and Landowners • Final vegetation establishment on outlet project in spring and submit for final payment once established. • Close out Outlet grant.
Carp Management *Rough Fish Management (Class 611)* *Carp Management Project (Class 750 & 751)* *Project Lead: Jeff*	• **Tracking:** Tracked radio tagged carp. Received multiple Carp Espionage volunteer submissions with carp sightings on Upper Prior Lake in Mud Bay. Installed 3 of 7 PIT stations. Set up Arlo cameras in migration/removal areas. • **Removals:** Completed in-stream removals at Arctic Barrier and electrofishing in Mud Bay. Removals totaled 2800 lbs. Worked with partners and found additional sites for carp disposal. Faced challenges with sites due to wet weather in April. • **Other:** Submitted bluegill stocking permits for Desilt Pond and Geis Wetland. SLA is partnering on the bluegill stocking. Put 319 Report on website. Continuing BWSR reconciliation process.	• Continue to track the tagged carp • Finish PIT station installations • Set up Push-Trap • Remove fish in open water as permit allows.
Ferric Chloride System Operations *Project Lead: Jeff*	• Completed MPCA required weekly water quality sampling. Submitted quarterly DMR. • Draft RFP for Ferric System Assessment written.	• Finish RFP and solicit proposals for Ferric Treatment system analysis. • Complete 2021 FeCl load and efficiency calculations.
Farmer-Led Council *Project Lead: Jaime*	• New application form created for farmers	• Summer meeting and Lake Friendly Farm event with FLC members (date not set yet)
Cost Share Incentives *Project Lead: Jaime*	• Proceed with Moen Gully Stabilization project	•

MAY 2022 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Fish Lake Shoreline & Prairie Restoration Project *Project Lead: Shauna*	• Finalized order from MNL for additional forb seeding in prairie and plant plugs for the shoreline. Scheduling installation for May. • Interpretive signs arrived in office, coordinating installation for May.	• Install interpretative signs • Forward final MNL invoices to DNR • MNL to implement final site enhancements to fully expend grant funds available (approx. early May). • Continue to review progress for potential project handoff to Spring Lake Township.
Upper Watershed Projects ***Buck East Wetland, Sutton IESF, Swamp IESF, Buck Chemical Treatment, Ditch 13 Chemical Treatment, Spring Lake West IESF*** *Project Lead: Jaime*	• Grant reconciliation for 2019 BWSR Metro Fund grant (Spring West) • Meeting for FY2022 -2023 WBIF convening process set for May 18 • Spring Lake West feasibility study finalized and sent to BWSR, Spring Lake Township, and Managers	• 1st Convene Meeting May 18 • 2nd Convene Meeting June 6 • Update grant opportunities spreadsheet • Determine method for approaching landowners • Complete grant reconciliation
Website and Media *Project Lead: Elizabeth*	• **Articles posted:** Article submitted to Scott County Scene for summer edition • **Social Media** – posted on all social channels about: ice off predictions, the carp espionage program, official ice off dates, and the carp seining event that took place in Mud Bay	• Continue writing posts and updates about projects. • Continue updating Facebook, and Instagram about projects & news.
Citizen Advisory Committee *Project Lead: Allison*	• Staff prepared for and attended the April 28 CAC meeting • CAC application review & interviews, seeking to appoint Ron Hoffmeyer • CAC Renewal/Terms/Bylaws review	• Plan & coordinate May 26 CAC meeting. • CAC joint meeting w/managers set for June 30
Education Program *Project Lead: Jaime*	• Presentation to Spring Lake Association annual meeting on April 24	• Stormwater Stenciling event in June
Monitoring Program *Project Lead: Jeff*	• Data management • Updating website with current data • Level logger wells adjusted, automatic level updates for Prior and Spring fixed so that data on website is accurate • Database maintenance • Bi-weekly stream water quality monitoring. • Completed flow monitoring	• Data analysis • Continue updating website with 2021 monitoring results • Update lake level loggers with new DNR survey • Finish calibrating and surveying lake level loggers • Work on WISKI contract with KISTERS
Aquatic Vegetation Management and Surveys *Project Lead: Jeff*	• Worked with Blue Water Science on CLP assessments. • Worked on Aquatic Plant Management Policy	• Contract for vegetation treatments. • Prepare contracts for projected spring CLP treatments • Complete Aquatic Plant Management Policy

MAY 2022 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
AIS *Project Lead: Shauna*	• Obtained contractor to install concrete footing for I-LIDS • Completed pre-season meeting with Waterfront Restoration • Completed informational I-LIDS handout • Continued editing of AIS Rapid Response Plan alongside Aquatic Plant Management plan	• Finalize second draft of AIS Rapid Response Plan to share with CAC and managers
Rules Revisions *Project Lead: Joni*	• Prepared responses to courtesy review comments received on 11/24/21 rules redlines. • Revised Rules	• Present final proposed revisions to board • Board adoption • Record adopted rules and send out adopted rules notifications
BMPs & Easements *Project Lead: Allison*	• Looking into an amendment request for Easement A730169 and an additional conservation easement for an adjacent wetland on this parcel to mitigate said amendment • Working with developers and property owners on continued preparation of seven Conservation Easements, as well as the collection of escrows on six outstanding easements	• Continue to follow-up with property owners on establishing declaration of conservation easements • Continue to work with landowners to resolve identified easement violation issues on their properties • Prepare invoices for conservation easement vegetation establishment escrows • Finish preparation of seven in-progress conservation easements
Permitting *Project Lead: Allison*	• Permit #22.01 and #21.02 construction underway • Lakefront Development TEP Field Review and brainstorming meeting for Spring Lake Regional Park project	• #22.01 MOA Review w/City • Inspections for #22.01 and #21.02 continue • Still waiting to close #19.01 after their legal counsel review of CE is complete • Continue to follow up with Permittees to close remaining open permits

MAY 2022 PROGRAMS AND PROJECTS UPDATE

PROGRAM OR PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Outlet Channel Projects and Administration *Project Lead: Jaime/Jeff*	• Finalizing temp easements for channel repair • Sediment removal project complete • Vegetation maintenance contracts executed • Conduct weekly channel inspections • Working on contract for outlet pipe televising • Working to obtain easement over PLOC for parcel recently acquired by the Metropolitan Council • Meeting with Cooperators to authorize bid for channel repair	• Conduct outlet pipe televising • Secure new easement from the Metropolitan Council • Create draft 2023 budget and workplan • Research vegetation maintenance approach • Estimate level of effort to review and fix easement issues • TAC Meeting May 25 • Cooperators Meeting June 16

General Administration
Project Lead: Joni
	• Annual reviews and salary adjustments for staff
	• Worked with Abdo to complete 2021 audit
	• Watershed Management Study
	  ○ Worked with PMT to develop improvement options
	• Working to open new bank account.
		• Watershed Management Study
		  ○ Continue work with PMT to prepare improvement options
		• Advertise Project Manager position
		• Prepare benefits policy
		• Transfer funds to 4M Fund and new bank account

PLSLWD Board Staff Report
May 4, 2021

Subject |	2021 Annual Financial Audit Acceptance
Board Meeting Date |	May 10, 2022 **Item No: 4.2**
Prepared By |	Joni Giese, District Administrator
Attachment |	2021 Management Communication 2021 Annual Financial Report
Action |	Vote to accept the 2021 Management Communication and 2021 Annual Financial Report and authorize staff to submit to BWSR and the State Auditor's Office.

Background

PLSLWD retained Abdo to perform an audit on the District's financial statements for the year ended December 31, 2021. The audited financial statements must be submitted to the Board of Water and Soil Resources (BWSR) and the Minnesota State Auditor's Office within 180 days of the end of the District's fiscal year.

Discussion

Andy Berg, a Partner with Abdo, will make a brief presentation regarding audit findings and the auditor's opinion.

Recommendation

Accept the 2021 Management Communication and the 2021 Annual Financial Report and authorize staff to submit to BWSR and the State Auditor's Office.

Management Communication

Prior Lake-Spring Lake Watershed District

Prior Lake, Minnesota

For the year ended December 31, 2021

Abdo
Lighting the path forward

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Mankato Office
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Mankato, MN 56001
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April 20, 2022

Board of Managers
Prior Lake - Spring Lake Watershed District
Prior Lake, Minnesota

We have audited the financial statements of the governmental activities and each major fund of the Prior Lake-Spring Lake Watershed District (the District), Prior Lake, Minnesota, for the year ended December 31, 2021. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated January 7, 2022. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* or Minnesota statutes.

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the District are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies were not changed during the year ended December 31, 2021. We noted no transactions entered into by the District during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were capital asset basis and depreciation on capital assets and the liability for the District's pensions.

- Management's estimate of depreciation is based on estimated useful lives of the capital assets. Depreciation is calculated using the straight-line method.

- Management's estimate of its pension liability is based on several factors including, but not limited to, anticipated investment return rate, retirement age for active employees, life expectancy, salary increases and form of annuity payment upon retirement.

We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole. The disclosures in the financial statements are neutral, consistent, and clear. Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit or the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated April 20, 2022.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the District's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the District's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the required supplementary information (RSI) (Management's Discussion and Analysis, the Schedule of Employer's Share of the Net Pension Liability and the Schedule of Employer's Contributions), which is information that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were not engaged to report on the introductory section, which accompanies the financial statements but is not RSI. We did not audit or perform other procedures on this other information and we do not express an opinion or provide any assurance on it.

* * * * *

Restriction on Use

This communication is intended solely for the information and use of the Board, management and the Minnesota Office of the State Auditor and is not intended and should not be used by anyone other than those specified parties.

Our audit would not necessarily disclose all weaknesses in the system because it was based on selected tests of the accounting records and related data. The comments and recommendations in the report are purely constructive in nature, and should be read in this context.

If you have any questions or wish to discuss any of the items contained in this letter, please feel free to contact us at your convenience. We wish to thank you for the continued opportunity to be of service and for the courtesy and cooperation extended to us by your staff.

Abdo

Abdo
Minneapolis, Minnesota
April 20, 2022

Annual Financial Report

Prior Lake – Spring Lake Watershed District

Prior Lake, Minnesota

For the years ended December 31, 2021

Abdo
Lighting the path forward

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Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Annual Financial Report
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INTRODUCTORY SECTION

PRIOR LAKE - SPRING LAKE
WATERSHED DISTRICT
PRIOR LAKE, MINNESOTA

FOR THE YEAR ENDED
DECEMBER 31, 2021

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Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Board of Managers and Appointed Officials
For the Year Ended December 31, 2021

MANAGERS

Name	Title
Mike Myser	President
Curt Hennes	Vice President
Bruce Loney	Treasurer
Steve Pany	Secretary
Frank Boyles	Board Member

STAFF

Joni Giese	District Administrator
Patty Dronen	Administrative Assistant
Jaime Rockney	Water Resources Project Manager
Jeff Anderson	Water Resources Coordinator
Shauna Capron	Water Resources Specialist
Elizabeth Froden	Water Resources Assistant

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FINANCIAL SECTION

PRIOR LAKE - SPRING LAKE WATERSHED DISTRICT
PRIOR LAKE, MINNESOTA

FOR THE YEAR ENDED DECEMBER 31, 2021

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INDEPENDENT AUDITOR'S REPORT

To the Honorable Managers of the
Prior Lake - Spring Lake Watershed District
Prior Lake, Minnesota

Report on the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities and each major fund of the Prior Lake - Spring Lake Watershed District (the District), Prior Lake, Minnesota, as of and for the year ended December 31, 2021, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the District as of December 31, 2021, and the respective changes in financial position and the respective budgetary comparison for the General fund and Implementation fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the District and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the District's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

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In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the District's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis starting on page 15 and the Schedule of Employer's Share of the Net Pension Liability, Schedule of Employer's Contributions, and the related note disclosures starting on page 56 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the District's basic financial statements. The introductory section is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The introductory section has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Abdo

Abdo
Minneapolis, Minnesota
April 20, 2022

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Management's Discussion and Analysis

As management of the Prior Lake - Spring Lake Watershed District (the District), Prior Lake, Minnesota, we offer readers of the District's financial statements this narrative overview and analysis of the financial activities of the District for the fiscal year ended December 31, 2021. We encourage readers to consider the information presented here in conjunction with the financial statements, which follow this section.

Financial Highlights

- The assets and deferred outflows of resources of the District exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by $2,847,944 (net position). Because the District has a large amount of net position invested in capital assets and restricted for the Prior Lake outlet channel, the unrestricted net position is $1,271,481.
- The District's total net position increased by $796,015.
- As of the close of the current fiscal year, the District's governmental funds reported combined ending fund balances of $1,917,484, an increase of $463,923 in comparison with the prior year. A significant portion of this increase was due to program costs in the Implementation fund.
- The ending General fund balance is $273,746, all of which is unassigned.
- The District's total debt increased $5,352. This was due to an increase in compensated absences.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the District's basic financial statements. The District's basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements.

The financial statements include notes that explain some of the information in the financial statements and provide more detailed data. The statements are followed by a section of combining and individual fund financial statements and schedules that further explains and supports the information in the financial statements. Figure 1 shows how the required parts of this annual report are arranged and relate to one another.

Figure 1
Required Components of the
District's Annual Financial Report

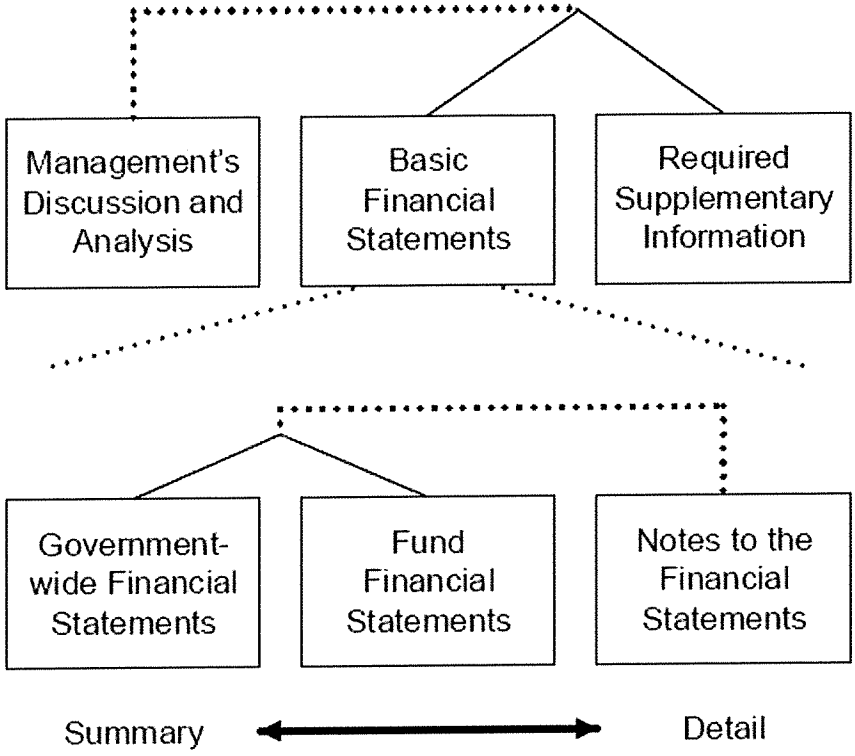


Figure 2 summarizes the major features of the District's financial statements, including the portion of the District they cover and the types of information they contain. The remainder of this overview section of management's discussion and analysis explains the structure and contents of each of the statements.

Figure 2
Major Features of the Government-wide and Fund Financial Statements

	Fund Financial Statements	
	Government-wide Statements	**Governmental Funds**
Scope	Entire District	The activities of the District
Required financial statements	• Statement of Net Position • Statement of Activities	• Balance Sheet • Statement of Revenues, Expenditures, and Changes in Fund Balances
Accounting basis and measurement focus	Accrual accounting and economic resources focus	Modified accrual accounting and current financial resources focus
Type of asset/liability information	All assets and liabilities, both financial and capital, and short-term and long-term	Only assets expected to be used up and liabilities that come due during the year or soon thereafter; no capital assets included
Type of deferred outflows/inflows of resources information	All deferred outflows/inflows of resources, regardless of when cash is received or paid	Only deferred outflows of resources expected to be used up and deferred inflows of resources that come due during the year or soon thereafter; no capital assets included
Type of inflow/outflow information	All revenues and expenses during year, regardless of when cash is received or paid	Revenues for which cash is received during or soon after the end of the year; expenditures when goods or services have been received and payment is due during the year or soon thereafter

Government-wide Financial Statements. The government-wide financial statements are designed to provide readers with a broad overview of the District's finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all of the District's assets and liabilities, with the difference between the two reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the District is improving or deteriorating.

The *statement of activities* presents information showing how the District's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., grants and earned but unused vacation and sick leave).

The governmental activities of the District include general government, programs and interest on long-term debt.

The government-wide financial statements start on page 26 of this report.

Fund Financial Statements. A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The District, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The District currently maintains five governmental funds.

Governmental Funds. *Governmental funds* are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact by the government's near-term financing decisions. Both the governmental fund balance sheets and the governmental fund statements of revenues, expenditures and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The District adopts an annual appropriated budget for its General and Implementation fund. A budgetary comparison statement has been provided for the General and Implementation fund to demonstrate compliance with this budget.

The basic governmental fund financial statements start on page 30 of this report.

Notes to the Financial Statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements start on page 39 of this report.

Government-wide Financial Analysis

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the District, assets and deferred outflow of resources exceeded liabilities and deferred inflow of resources by $2,847,944 at the close of the most recent fiscal year.

A Large portion of the District's net position are net investment in capital assets (e.g., land, land improvements, easements and equipment). The net position invested in capital assets is not available for future spending.

Prior Lake-Spring Lake Watershed District's Summary of Net Position

	December 31, 2021	December 31, 2020	Increase (Decrease)
Assets			
Current	$ 2,351,451	$ 1,996,006	$ 355,445
Capital	1,204,807	883,770	321,037
Total Assets	3,556,258	2,879,776	676,482
Deferred Outflows of Resources			
Deferred pension resources	170,541	50,788	119,753
Liabilities			
Current	407,291	524,381	(117,090)
Noncurrent	257,524	333,332	(75,808)
Total Liabilities	664,815	857,713	(192,898)
Deferred Inflows of Resources			
Deferred pension resources	214,040	20,922	193,118
Net Position			
Net investment in capital assets	1,204,807	883,770	321,037
Restricted	371,656	462,448	(90,792)
Unrestricted	1,271,481	705,711	565,770
Total Net Position	$ 2,847,944	$ 2,051,929	$ 796,015

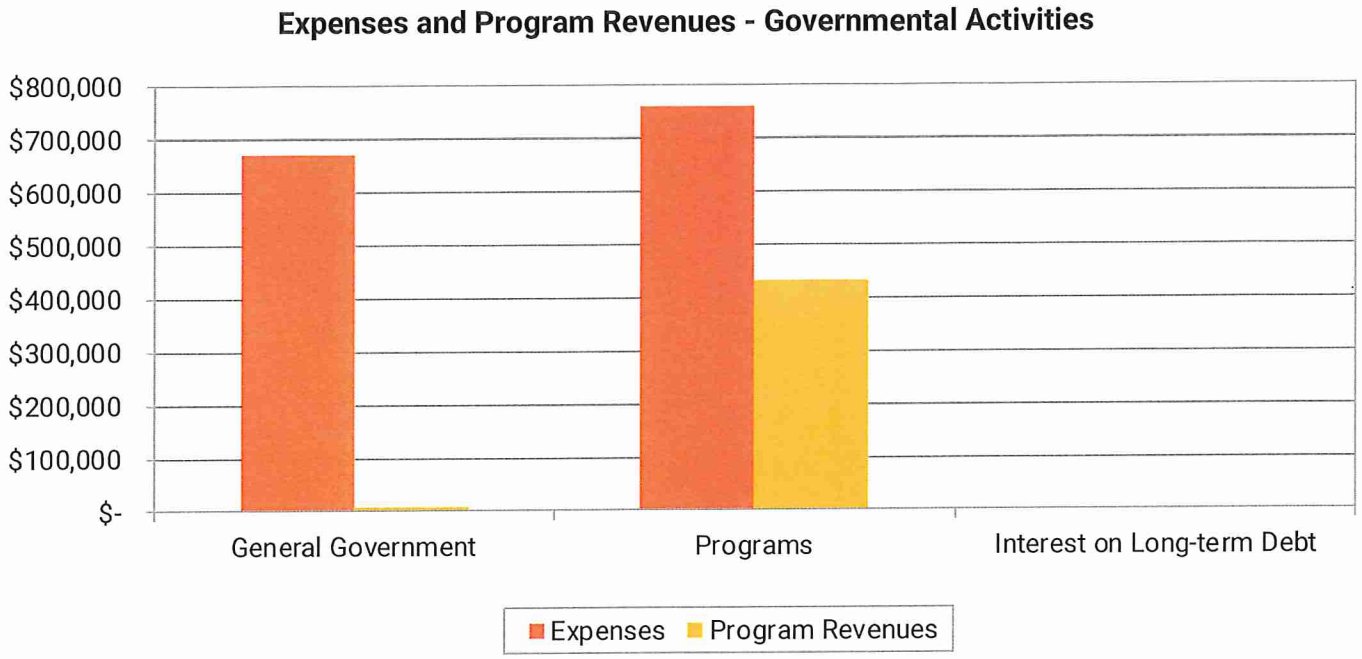
At the end of the current fiscal year, the District is able to report positive balances in all types of net position.

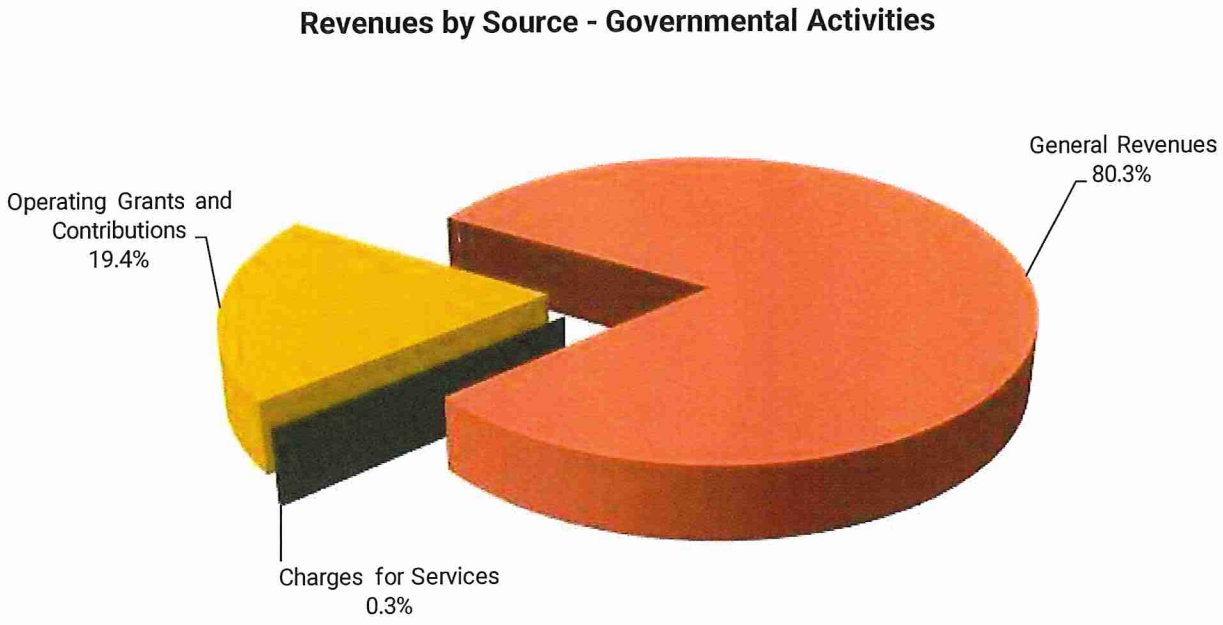
Governmental Activities. Governmental activities increased the District's net position by $796,015.

Prior Lake-Spring Lake Watershed District's Changes in Net Position

	December 31, 2021	December 31, 2020	Increase (Decrease)
Revenues			
Program			
Charges for services	$ 7,574	$ 27,923	$ (20,349)
Operating grants and contributions	432,484	650,467	(217,983)
General			
Property taxes	1,790,864	1,793,454	(2,590)
Unrestricted investment earnings	272	11,038	(10,766)
Total Revenues	2,231,194	2,482,882	(251,688)
Expenses			
General government	673,492	657,863	15,629
Programs	761,687	1,919,092	(1,157,405)
Interest on long-term debt	-	(6,374)	6,374
Total Expenses	1,435,179	2,570,581	(1,135,402)
Change in Net Position	796,015	(87,699)	883,714
Net Position, January 1	2,051,929	2,139,628	(87,699)
Net Position, December 31	$ 2,847,944	$ 2,051,929	$ 796,015

The following graph depicts various governmental activities and shows the revenue and expenses directly related to those activities.





Financial Analysis of the Government's Funds

As noted earlier, the District uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds. The focus of the District's *governmental funds* is to provide information on near-term inflows, outflows and balances of *spendable* resources. Such information is useful in assessing the District's financing requirements. In particular, *unassigned fund balance* may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the District's governmental funds reported combined ending fund balances of $1,917,484, an increase of $463,923 in comparison with the prior year. Approximately 14.3 percent of this total amount, $273,746, constitutes *unassigned* fund balance, which is available for spending at the District's discretion. The remainder of fund balance ($1,643,738) is not available for new spending because it is either 1) restricted $371,656), or 2) committed $1,272,082), for the purposes described in the fund balance section of the balance sheet.

The General fund is the chief operating fund of the District. At the end of the current year, the fund balance of the General fund was $273,746. As a measure of the General fund's liquidity, it may be useful to compare total fund balance to total fund expenditures. Total fund balance represents 114.4 percent of 2021 actual expenditures and 111.2 percent of 2021 budgeted fund expenditures. The General fund balance decreased $67,337 during the current fiscal year. The decrease was due to expenditures over budget.

The fund balance of the Implementation fund at year end was $1,272,082 which is an increase of $622,052 from the prior year.

The JPA/MOA Operations fund balance at year end amounted to $111,656, which is a decrease of $90,234 from the prior year. This was due program cost expenditures.

The JPA/MOA Emergency fund balance at year end was $260,000, which decreased $558 from the prior year.

General Fund Budgetary Highlights

The District's General fund budget was not amended during the year. Revenues were over budget by $5,844. Expenditures were over budget by $73,181.

Capital Asset and Debt Administration

Capital Assets. The District's investment in capital assets for its governmental activities as of December 31, 2021, amounts to $1,204,807 (net of accumulated depreciation). This investment in capital assets includes land, easements, land improvements and equipment. The total increase in the District's investment in capital assets for the current fiscal year was 36.33 percent.

Additional information on the District's capital assets can be found in Note 3B on page 48 of this report.

Prior Lake-Spring Lake Watershed District's Capital Assets
(Net of Depreciation)

	December 31, 2021	December 31, 2020	Increase (Decrease)
Land	$ 37,800	$ 37,800	$ -
Permanent Easements	578,120	578,120	-
Construction in progress	313,352	-	313,352
Land Improvements	141,222	148,728	(7,506)
Equipment	134,313	119,122	15,191
Total	$ 1,204,807	$ 883,770	$ 321,037

The increase is fully attributable to equipment purchases.

Long-term Debt. At the end of the current fiscal year, the District had no bonded debt outstanding.

Prior Lake-Spring Lake Watershed District's Outstanding Debt

	December 31, 2021	December 31, 2020	Increase (Decrease)
Compensated Absences Payable	$ 26,920	$ 21,568	$ 5,352

The District's total debt and other liabilities increased $5,352 during the current fiscal year.

Additional information on the District's long-term debt can be found in Note 3D starting on page 49 of this report.

Economic Factors and Next Year's Budgets

The District goes through a multi-stage process to develop its annual budget. This first step includes the Cooperators who are a part of the Memorandum of Agreement for the construction, use, operation, and maintenance of the Prior Lake Outlet Channel (PLOC) and Outlet Structure. After this part of the budget is complete, the Watershed District Board meets several times to consider current and projected projects, programs, staff adjustments, etc. to develop the rest of the budget. For the 2021 fiscal year, the District completed a project budgeting process in 2020 that included the outlet channel system and the broader Prior Lake-Spring Lake watershed.

PLOC. The District has completed PLOC projects resulting from the 2014 flood and received requested reimbursement from FEMA in 2020. To address erosion issues along the PLOC that were not attributed to the 2014 flood, the District Engineer initiated the preparation of two sets of construction documents in 2021. These plans will be bid and awarded in 2022, with the goal of completing construction on both projects in 2022.

District Rules. The District is working to update its rules. Through the rules update process, District rules implementation partners are being engaged. Edits to the revised rules, along with draft responses to comments received during the 45-day draft rule comment period were prepared in 2021. The rules revision process is planned to be complete in 2022.

Water Resources Management Plan. The District completed the update of the 2020 to 2030 Water Resources Management Plan in 2020. Three guiding principles of the Water Resources Management Plan (WRMP) include reducing flood impacts, maintaining or improving quality of water resources, and managing existing and preventing new aquatic invasive species in the District. In 2021, some of the WRMP initiatives included: a.) completing a feasibility study investigating stormwater BMP opportunities for the Lower Prior Lake subwatershed, b.) advancement of a feasibility study investigating the creation of a wetland bank in the District that will be complete in 2022, and c.) District staff initiation of an Aquatic Invasive Species Rapid Response Plan that will also be complete in 2022.

Upper Watershed Blueprint. In 2021, the District completed the preparation of the Upper Watershed Blueprint Plan to investigate and develop recommended projects for the upper watershed. The District also initiated feasibility studies on two projects identified in the Upper Watershed Blueprint which will be mostly funded by a state grant, and continued to advance an in-progress feasibility study on a project identified in the Upper Watershed Blueprint also funded in-part by a state grant.

Upstream Storage. A Flood Study completed in 2016 recommended that the District store water in the upper watershed. The District Engineer prepared construction documents for the Sutton Lake Outlet Modification Project and the construction project was awarded to a contractor in late 2020. Construction was substantially complete in 2021, with minor plant establishment tasks remaining to be complete in 2022.

Carp Management. The District initiated an Accelerated Carp Management Strategy in 2019 to improve water quality in Spring Lake and Upper Prior Lake using District and grant funds. A portion of this work included a large financial investment in equipment that will continue to be used for future carp management work. Work on the Accelerated Carp Management Strategy activities continued through 2021, partially funded by two grants for carp management activities. Carp funding through these grants concluded at the end of 2021. Carp management will continue in 2022 using District funds.

Requests for Information

This financial report is designed to provide a general overview of the District's finances for all those with an interest in the District's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to District Administrator, Prior Lake - Spring Lake Watershed District, 4646 Dakota Street SE, Prior Lake, MN 55372.

GOVERNMENT-WIDE FINANCIAL STATEMENTS

PRIOR LAKE - SPRING LAKE
WATERSHED DISTRICT
PRIOR LAKE, MINNESOTA

FOR THE YEAR ENDED
DECEMBER 31, 2021

Prior Lake - Spring Lake Watershed District
Prior Lake, Minnesota
Statement of Net Position
December 31, 2021

	Governmental Activities
Assets	
Cash and temporary investments	$ 2,296,840
Receivables	
Delinquent taxes	14,068
Due from other governments	40,543
Capital assets	
Land and permanent easements	929,272
Depreciable assets, net of accumulated depreciation	275,535
Total Assets	3,556,258
Deferred Outflows of Resources	
Deferred pension resources	170,541
Liabilities	
Accounts payable	176,084
Accrued salaries payable	16,579
Permit collateral deposits payable	74,666
Deposits payable	9,835
Unearned revenue	130,127
Noncurrent liabilities	
Due within one year	
Long-term liabilities	26,920
Due in more than one year	
Net pension liability	230,604
Total Liabilities	664,815
Deferred Inflows of Resources	
Deferred pension resources	214,040
Net Position	
Investment in capital assets	1,204,807
Restricted	
Prior Lake outlet channel	371,656
Unrestricted	1,271,481
Total Net Position	$ 2,847,944

The notes to the financial statements are an integral part of this statement.

Prior Lake - Spring Lake Watershed District
Prior Lake, Minnesota
Statement of Activities
For The Year Ended December 31, 2021

Functions/Programs	Expenses	Program Revenues: Charges for Services	Program Revenues: Operating Grants and Contributions	Net (Expense) Revenue and Changes in Net Position: Governmental Activities
Governmental Activities				
General government	$ 673,492	$ 7,574	$ -	$ (665,918)
Programs	761,687	-	432,484	(329,203)
Total	$ 1,435,179	$ 7,574	$ 432,484	(995,121)
General Revenues				
Property taxes				1,790,864
Unrestricted investment earnings				272
Total General Revenues				1,791,136
Change in Net Position				796,015
Net Position, January 1				2,051,929
Net Position, December 31				$ 2,847,944

The notes to the financial statements are an integral part of this statement.

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FUND FINANCIAL STATEMENTS

PRIOR LAKE - SPRING LAKE
WATERSHED DISTRICT
PRIOR LAKE, MINNESOTA

FOR THE YEAR ENDED
DECEMBER 31, 2021

Prior Lake - Spring Lake Watershed District
Prior Lake, Minnesota
Balance Sheet
Governmental Funds
December 31, 2021

	405 General Fund	509 Implementation Fund	830 JPA/MOA Operations Fund
Assets			
Cash and temporary investments	$ 349,689	$ 1,432,358	$ 254,793
Receivables			
Delinquent taxes	1,308	12,760	-
Due from other governments	6,493	34,050	-
Total Assets	$ 357,490	$ 1,479,168	$ 254,793
Liabilities			
Accounts payable	$ 4,291	$ 158,783	$ 13,010
Accrued salaries payable	16,579	-	-
Permit collateral deposits payable	61,566	13,100	-
Deposits payable	-	9,835	-
Unearned revenue	-	-	130,127
Total Liabilities	82,436	181,718	143,137
Deferred Inflows of Resources			
Unavailable revenue	1,308	25,368	-
Fund Balances			
Restricted for			
Prior Lake outlet channel	-	-	111,656
Committed for			
Water resources management plan	-	1,272,082	-
Unassigned	273,746	-	-
Total Fund Balances	273,746	1,272,082	111,656
Total Liabilities, Deferred Inflows of Resources and Fund Balances	$ 357,490	$ 1,479,168	$ 254,793

The notes to the financial statements are an integral part of this statement.

850 JPA/MOA Emergency Fund	Total Governmental Funds
$ 260,000	$ 2,296,840
-	14,068
-	40,543
$ 260,000	$ 2,351,451
$ -	$ 176,084
-	16,579
-	74,666
-	9,835
-	130,127
-	407,291
-	26,676
260,000	371,656
-	1,272,082
-	273,746
260,000	1,917,484
$ 260,000	$ 2,351,451

The notes to the financial statements are an integral part of this statement.

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Prior Lake - Spring Lake Watershed District
Reconciliation of the Balance Sheet to the Statement of Net Position
Governmental Funds
December 31, 2021

Amounts reported for the governmental activities in the statement of net position are different because

Total Fund Balances - Governmental	$ 1,917,484
Capital assets used in governmental activities are not financial resources and therefore are not reported as assets in governmental funds.	
Cost of capital assets	2,331,522
Less accumulated depreciation	(1,126,715)
Noncurrent liabilities, are not due and payable in the current period and therefore are not reported as liabilities in the funds.	
Long-term liabilities at year-end consist of	
Compensated absences payable	(26,920)
Net pension liability	(230,604)
Some receivables are not available soon enough to pay for the current period's expenditures, and therefore, are unavailable in the funds.	
Delinquent taxes and grants receivable	26,676
Governmental funds do not report long-term amounts related to pensions.	
Deferred outflow of resources	170,541
Deferred inflow of resources	(214,040)
Total Net Position - Governmental Activities	$ 2,847,944

The notes to the financial statements are an integral part of this statement.

Prior Lake - Spring Lake Watershed District
Prior Lake, Minnesota
Statement of Revenues, Expenditures and Changes in Fund Balances
Governmental Funds
For The Year Ended December 31, 2021

	405 General Fund	509 Implementation Fund	830 JPA/MOA Operations Fund
Revenues			
Property taxes	$ 167,416	$ 1,627,444	$ -
Intergovernmental			
Reimbursements/grants	-	260,826	159,050
Interest on investments	76	149	16
Permit and inspection fees	-	2,096	-
Miscellaneous	4,478	1,000	-
Total Revenues	171,970	1,891,515	159,066
Expenditures			
Current			
General government	239,307	400,093	32,546
Program costs	-	841,746	244,967
Total Expenditures	239,307	1,241,839	277,513
Excess (Deficiency) of Revenues Over (Under) Expenditures	(67,337)	649,676	(118,447)
Other Financing Sources (Uses)			
Transfers in	-	-	28,213
Transfers out	-	(27,624)	-
Total Other Financing Sources (Uses)	-	(27,624)	28,213
Net Change in Fund Balances	(67,337)	622,052	(90,234)
Fund Balances, January 1	341,083	650,030	201,890
Fund Balances, December 31	$ 273,746	$ 1,272,082	$ 111,656

The notes to the financial statements are an integral part of this statement.

850 JPA/MOA Emergency Fund	Total Governmental Funds
$ -	$ 1,794,860
-	419,876
31	272
-	2,096
-	5,478
31	2,222,582
-	671,946
-	1,086,713
-	1,758,659
31	463,923
-	28,213
(589)	(28,213)
(589)	-
(558)	463,923
260,558	1,453,561
$ 260,000	$ 1,917,484

The notes to the financial statements are an integral part of this statement.

Prior Lake - Spring Lake Watershed District
Prior Lake, Minnesota
Reconciliation of the Statement of
Revenues, Expenditures and Changes in Fund Balances
to the Statement of Activities
Governmental Funds
For The Year Ended December 31, 2021

Amounts reported for governmental activities in the statement of activities are different because

Total Net Change in Fund Balances - Governmental Funds	$	463,923
Capital outlays are reported in governmental funds as expenditures. However in the statement of activities, the cost of those assets is allocated over the estimated useful lives as depreciation expense.		
Capital outlays		342,969
Depreciation expense		(17,943)
A gain or loss on the disposal of capital assets, including the difference between carrying value and any related sales proceeds, is included in net position. However, only the sales proceeds are included in the change in the change in fund balance		(3,989)
Long-term pension activity is not reported in governmental funds.		
Pension expense		7,223
Pension other revenue		572
Certain revenues are recognized as soon as they are earned. Under the modified accrual basis of accounting, certain revenues cannot be recognized until they are available to liquidate liabilities of the current period.		
Property taxes		(3,996)
Grant revenues		12,608
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.		
Compensated absences		(5,352)
Change in Net Position - Governmental Activities	$	796,015

The notes to the financial statements are an integral part of this statement.

Prior Lake - Spring Lake Watershed District
Prior Lake, Minnesota
Statement of Revenues, Expenditures and Changes in Fund Balances -
Budget and Actual
General Fund
For The Year Ended December 31, 2021

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
Revenues				
Property taxes	$ 166,126	$ 166,126	$ 167,416	$ 1,290
Interest on investments	-	-	76	76
Miscellaneous	-	-	4,478	4,478
Total Revenues	166,126	166,126	171,970	5,844
Expenditures				
Current				
General government	166,126	166,126	239,307	(73,181)
Net Change in Fund Balances	-	-	(67,337)	(67,337)
Fund Balances, January 1	341,083	341,083	341,083	-
Fund Balances, December 31	$ 341,083	$ 341,083	$ 273,746	$ (67,337)

The notes to the financial statements are an integral part of this statement.

Prior Lake - Spring Lake Watershed District
Prior Lake, Minnesota
Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual
Implementation Fund
For The Year Ended December 31, 2021

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
Revenues				
Property taxes	$ 1,628,506	$ 1,628,506	$ 1,627,444	$ (1,062)
Intergovernmental				
Reimbursements/grants	297,000	267,000	260,826	(6,174)
Interest on investments	-	-	149	149
Permit and inspection fees	-	-	2,096	2,096
Miscellaneous	-	-	1,000	1,000
Total Revenues	1,925,506	1,895,506	1,891,515	(3,991)
Expenditures				
Current				
General government	440,323	440,323	400,093	40,230
Program costs	1,618,093	1,588,093	841,746	746,347
Total Expenditures	2,058,416	2,028,416	1,241,839	786,577
Excess (Deficiency) of Revenues Over (Under) Expenditures	(132,910)	(132,910)	649,676	782,586
Other Financing Uses				
Transfers out	(75,000)	(75,000)	(27,624)	47,376
Net Change in Fund Balances	(207,910)	(207,910)	622,052	829,962
Fund Balances, January 1	650,030	650,030	650,030	-
Fund Balances, December 31	$ 442,120	$ 442,120	$ 1,272,082	$ 829,962

The notes to the financial statements are an integral part of this statement.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 1: Summary of Significant Accounting Policies

A. Reporting Entity

The Prior Lake - Spring Lake Watershed District (the District), Prior Lake, Minnesota, was organized pursuant to a properly filed petition, on March 4, 1970 with the Board of Water and Soil Resources.

The Mission of the District is to manage and preserve water resources of the District to the best of its ability using input from the community, sound engineering practices, and its ability to efficiently fund beneficial projects which transcend political jurisdictions.

The District is governed by a Board of Managers which consists of five members. The Board of Managers exercises legislative authority and determines all matters of policy. The Board of Managers appoints personnel responsible for the proper administration of all affairs relating to the District's activities.

The District has considered all potential units for which it is financially accountable, and other organizations for which the nature and significance of their relationship with the District are such that exclusion would cause the District's financial statements to be misleading or incomplete. The Governmental Accounting Standards Board (GASB) has set forth criteria to be considered in determining financial accountability. These criteria include appointing a voting majority of an organization's governing body, and (1) the ability of the primary government to impose its will on that organization or (2) the potential for the organization to provide specific benefits to, or impose specific financial burdens on the primary government. The District has no component units that meet the GASB criteria.

B. Government-wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement activities) report information on all of the non-fiduciary activities of the District. For the most part, the effect of interfund activity has been removed from these statements.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. Amounts reported as *program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

C. Measurement Focus, Basis of Accounting and Basis of Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the District considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 1: Summary of Significant Accounting Policies (Continued)

Charges for service, assessments to members, grants and interest associated with the current fiscal period are all considered susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the organization.

Revenue resulting from exchange transactions, in which each party gives and receives essentially equal value, is recorded on the accrual basis when the exchange takes place. On a modified accrual basis, revenue is recorded in the year in which the resources are measurable and become available.

Non-exchange transactions, in which the District receives value without directly giving equal value in return, include grants, entitlement and donations. Eligibility requirements include timing requirements, which specify the year when the resources are required to be used or the year when use is first permitted, matching requirements, in which the District must provide local resources to be used for a specified purpose, and expenditure requirements, in which the resources are provided to the District on a reimbursement basis. On a modified accrual basis, revenue from non-exchange transactions must also be available before it can be recognized.

Unearned revenue arises when assets are recognized before revenue recognition criteria have been satisfied. Grants and entitlements received before eligibility requirements are met are also recorded as unearned revenue.

The District reports the following major governmental funds:

The *General fund* is the District's primary operating fund. It accounts for all financial resources not accounted for in a different fund of the District.

The *Implementation fund* was established pursuant to Minnesota statutes for funding related to the development and implementation of the District's watershed management plan. By law, this plan must contain a capital improvement plan which allows watershed districts to implement projects without petition. The District may impose an ad valorem levy over the entire watershed or subwatershed to fund these projects or allow funds to accumulate to finance these capital improvement projects. The property tax levy is committed to execute the water resources management plan as filed with the Board of Water and Soil Resources.

The *JPA/MOA Operations fund* was established to account for activity necessary to monitor the status of the Outlet Channel and ensure the stability and continued performance of the Outlet Channel associated with the cost sharing agreement.

The *JPA/MOA Emergency fund* was established to account for any major unexpected and necessary expenditures relating to the JPA/MOA agreement.

As a general rule the effect of interfund activity has been eliminated from government-wide financial statements.

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 1: Summary of Significant Accounting Policies (Continued)

D. Assets, Deferred Outflows of Resources, Liabilities, Deferred Inflows of Resources and Net Position or Fund Balance

Deposits and Investments

The District's cash and temporary investments are considered to be cash on hand, demand deposits and short-term investments with original maturities of three months or less from the date of acquisition.

Cash balances from all funds are pooled and invested, to the extent available, in certificates of deposit and other authorized investments. Earnings from such investments are allocated on the basis of applicable participation by each of the funds.

The District may also invest idle funds as authorized by Minnesota statutes, as follows:

1. Direct obligations or obligations guaranteed by the United States or its agencies.

2. Shares of investment companies registered under the Federal Investment Company Act of 1940 and received the highest credit rating, rated in one of the two highest rating categories by a statistical rating agency, and have a final maturity of thirteen months or less.

3. General obligations of a state or local government with taxing powers rated "A" or better; revenue obligations rated "AA" or better.

4. General obligations of the Minnesota Housing Finance Agency rated "A" or better.

5. Obligation of a school district with an original maturity not exceeding 13 months and (i) rated in the highest category by a national bond rating service or (ii) enrolled in the credit enhancement program pursuant to statute section 126C.55.

6. Bankers' acceptances of United States banks eligible for purchase by the Federal Reserve System.

7. Commercial paper issued by United States banks corporations or their Canadian subsidiaries, of highest quality category by at least two nationally recognized rating agencies, and maturing in 270 days or less.

8. Repurchase or reverse repurchase agreements and securities lending agreements with financial institutions qualified as a "depository" by the government entity, with banks that are members of the Federal Reserve System with capitalization exceeding $10,000,000, a primary reporting dealer in U.S. government securities to the Federal Reserve Bank of New York, or certain Minnesota securities broker-dealers.

9. Guaranteed Investment Contracts (GIC's) issued or guaranteed by a United States commercial bank, a domestic branch of a foreign bank, a United States insurance company, or its Canadian subsidiary, whose similar debt obligations were rated in one of the top two rating categories by a nationally recognized rating agency.

Broker money market funds operate in accordance with appropriate state laws and regulations. The reported value of the pool is the same as the fair value of the shares. The District categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 1: Summary of Significant Accounting Policies (Continued)

Property Tax Revenue Recognition

The Board of Managers annually adopts a tax levy and certifies it to the County in December (levy/assessment date) of each year for collection in the following year. The County is responsible for billing and collecting all property taxes for itself, the District, the local School District and other taxing authorities. Such taxes become a lien on January 1 and are recorded as receivables by the District at that date. Real property taxes are payable (by property owners) on May 15 and October 15 of each calendar year. Personal property taxes are payable by taxpayers on February 28 and June 30 of each year. These taxes are collected by the County and remitted to the District on or before July 7 and December 2 of the same year. The District has no ability to enforce payments of property taxes by property owners. The County possesses this authority.

Government-wide Financial Statements. The District recognizes property tax revenue in the period for which taxes were levied.

Governmental Fund Financial Statements. The District recognizes property tax revenue when it becomes both measurable and available to finance expenditures of the current period. In practice, current and delinquent taxes and State credits received by the District in July, December, and January are recognized as revenue for the current year. Taxes collected by the County by December 31 (remitted to the District the following January) and taxes and credits not received at year end are classified as delinquent and due from County taxes receivable. The portion of delinquent taxes not collected by the District in January is fully offset by unavailable revenue because they are not available to finance current expenditures.

Interfund Receivable and Payables

Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "due to/from other funds" (i.e., the current portion of interfund loans) or "advances to/from other funds" (i.e., the non-current portion of interfund loans). All other outstanding balances between funds are reported as "due to/from other funds."

Accounts Receivable

Accounts receivable include amounts billed for services provided before year end.

Capital Assets

Capital assets, which include land, land improvements, easements and equipment are reported in the applicable governmental activities columns in the government-wide financial statements. Capital assets are defined by the District as assets with an initial, individual cost of more than $5,000 (amount not rounded) and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

GASB Statement No. 34 required the District to report and depreciate new infrastructure assets effective with the beginning of the 2004 calendar year. Infrastructure assets include lake improvements, dams and drainage systems. Neither their historical cost nor related depreciation had historically been reported in the financial statements. For governmental entities with total annual revenues of less than $10 million for the fiscal year ended December 31, 1999 the retroactive reporting of infrastructure is not required under the provisions of GASB Statement No. 34. The District implemented the general provisions of GASB Statement No. 34 in the 2004 calendar year and has elected not to report infrastructure assets acquired in years prior to 2004.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 1: Summary of Significant Accounting Policies (Continued)

Major outlays for capital assets and improvements are capitalized as projects are constructed.

Capital assets of the District are depreciated using the straight-line method over the following estimated useful lives:

Assets	Useful Lives in Years
Land Improvements	50
Equipment	5 - 10

Deferred Outflows of Resources

In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The District has only one item that qualifies for reporting in this category. Accordingly, the item, deferred pension resources, is reported only in the statement of net position. This item results from actuarial calculations and current year pension contributions made subsequent to the measurement date.

Pensions

For purposes of measuring the net pension liability, deferred outflows/inflows of resources, and pension expense, information about the fiduciary net position of the Public Employees Retirement Association (PERA) and additions to/deductions from PERA's fiduciary net position have been determined on the same basis as they are reported by PERA except that PERA's fiscal year end is June 30. For this purpose, plan contributions are recognized as of employer payroll paid dates and benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value. The General fund is typically used to liquidate governmental net pension liability.

The total pension expense for the GERP is $20,925 .

Compensated Absences

It is the District's policy to permit employees to accumulate earned but unused paid time off. All paid time off that is vested as severance pay is accrued when incurred in the government-wide financial statements. A liability for these amounts is reported in the governmental funds only if they have matured, for example, as a result of employee resignations and retirements. In accordance with the provisions of Statement of Government Accounting Standard No. 16, *Accounting for Compensated Absences*, no liability is recorded for non-vesting accumulating rights to receive paid time off. The General fund is typically used to liquidate governmental compensated absences payable.

Long-term Obligations

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities statement of net position. The recognition of bond premiums and discounts as are amortized over the life of the bonds using the straight-line method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are reported as an expense in the period incurred.

In the fund financial statements, governmental fund types recognized bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 1: Summary of Significant Accounting Policies (Continued)

Deferred Inflows of Resources

In addition to liabilities, the statement of net position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The District has only one type of item, which arises only under a modified accrual basis of accounting that qualifies as needing to be reported in this category. Accordingly, the item, unavailable revenue, is reported only in the governmental funds balance sheet. The governmental funds report unavailable revenues from property taxes. These amounts are deferred and recognized as an inflow of resources in the period that the amounts become available.

The District has an additional item which qualifies for reporting in this category. The item, deferred pension resources, is reported only in the statement of net position and results from actuarial calculations.

Fund Balance

In the fund financial statements, fund balance is divided into five classifications based primarily on the extent to which the District is bound to observe constraints imposed upon the use of resources reported in the governmental funds. These classifications are defined as follows:

Nonspendable - Amounts that cannot be spent because they are not in spendable form, such as prepaid items.

Restricted - Amounts related to externally imposed constraints established by creditors, grantors or contributors; or constraints imposed by state statutory provisions.

Committed - Amounts constrained for specific purposes that are internally imposed by formal action (resolution) of the District Board of Managers, which is the District's highest level of decision-making authority. Committed amounts cannot be used for any other purpose unless the Board of Managers modifies or rescinds the commitment by resolution.

Assigned - Amounts constrained for specific purposes that are internally imposed. In governmental funds other than the General fund, assigned fund balance represents all remaining amounts that are not classified as nonspendable and are neither restricted nor committed. In the General fund, assigned amounts represent intended uses established by the Board of Managers itself or by an official to which the governing body delegates the authority. The Board of Managers has adopted a fund balance policy which delegates the authority to assign amounts for specific purposes to the District Administrator.

Unassigned - The residual classification for the General fund and also negative residual amounts in other funds. The District considers restricted amounts to be spent first when both restricted and unrestricted fund balance is available. Additionally, the District would first use committed, then assigned, and lastly unassigned amounts of unrestricted fund balance when expenditures are made.

The District has formally adopted a fund balance policy for the General fund.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 1: Summary of Significant Accounting Policies (Continued)

Net Position

Net position represents the difference between assets/deferred outflows of resources and liabilities/deferred inflows of resources. Net position is displayed in three components:

a. Investment in capital assets - Consists of capital assets, net of accumulated depreciation

b. Restricted net position - Consists of net position balances restricted when there are limitations imposed on their use through external restrictions imposed by creditors, grantors, laws or regulations of other governments.

c. Unrestricted net position- All other net position balances that do not meet the definition of "restricted" or "investment in capital assets".

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, then unrestricted resources as they are needed.

Note 2: Stewardship, Compliance and Accountability

Budgetary Information

The Board of Managers adopts an annual budget for the General and Implementation funds of the District on an annual basis. During the budget year, supplemental appropriations and deletions are or may be authorized by the Board of Managers. There were amendments to the budget during 2021. The modified accrual basis of accounting is used by the District for budgeting data. All appropriations end with the fiscal year for which they were made.

The District monitors budget performance on the fund basis. All amounts over budget have been approved by the Board of Managers through the disbursement process.

The District does not use encumbrance accounting.

Excess of Expenditures Over Appropriations

For the year ended December 31, 2021, expenditures exceeded appropriations in the following fund:

Fund	Budget	Actual	Excess of Expenditures Over Appropriations
General	$ 166,126	$ 239,307	$ 73,181

These excess expenditures were funded by excess fund balance and greater than anticipated revenues.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 3: Detailed Notes on Accounts

A. Deposits and Investments

Deposits

Custodial credit risk for deposits and investments is the risk that in the event of a bank failure, the District's deposits and investments may not be returned or the District will not be able to recover collateral securities in the possession of an outside party.

In accordance with Minnesota statutes and as authorized by the Board of Managers, the District maintains deposits at those depository banks, all of which are members of the Federal Reserve System.

Minnesota statutes require that all District deposits be protected by insurance, surety bond or collateral. The market value of collateral pledged must equal 110 percent of the deposits not covered by insurance or bonds, with the exception of irrevocable standby letters of credit issued by Federal Home Loan Banks as this type of collateral only requires collateral pledged equal to 100 percent of the deposits not covered by insurance or bonds.

Authorized collateral in lieu of a corporate surety bond includes:

- United States government Treasury bills, Treasury notes, Treasury bonds;
- Issues of United States government agencies and instrumentalities as quoted by a recognized industry quotation service available to the government entity;
- General obligation securities of any state or local government with taxing powers which is rated "A" or better by a national bond rating service, or revenue obligation securities of any state or local government with taxing powers which is rated "AA" or better by a national bond rating service;
- General obligation securities of a local government with taxing powers may be pledged as collateral against funds deposited by that same local government entity;
- Irrevocable standby letters of credit issued by Federal Home Loan Banks to a municipality accompanied by written evidence that the bank's public debt is rated "AA" or better by Moody's Investors Service, Inc., or Standard & Poor's Corporation; and
- Time deposits that are fully insured by any federal agency.

Minnesota statutes require that all collateral shall be placed in safekeeping in a restricted account at a Federal Reserve Bank, or in an account at a trust department of a commercial bank or other financial institution that is not owned or controlled by the financial institution furnishing the collateral. The selection should be approved by the District.

At year end, the District's carrying amount of deposits was $1,916,041 and the bank balance was $1,928,294. The balance was covered by $250,000 of FDIC coverage and the remaining balance was covered by collateral held in the District's name.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 3: Detailed Notes on Accounts (Continued)

Investments

At year end, the District's investment balances were as follows:

Types of Investments	Credit Quality/ Ratings (1)	Segmented Time Distribution (2)	Amount	Fair Value Measurement Using Level 1	Fair Value Measurement Using Level 2
Pooled Investments (at Amortized Cost)					
Brokered Money Market Funds	N/A	less than 1 year	$ 380,799		

(1) Ratings are provided by Moody's where applicable to indicate associated credit risk.
(2) Interest rate risk is disclosed using the segmented time distribution method.
N/A Indicates not applicable or available.

A reconciliation of cash and investments as shown in the financial statements of the District follows:

Carrying Amount of Deposits	$ 1,916,041
Investments	380,799
Total Cash and Temporary Investments	$ 2,296,840

The investments of the District are subject to the following risks:

- *Credit Risk*. Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. Ratings are provided by various credit rating agencies and where applicable, indicate associated credit risk. Minnesota statutes and the District's investment policy limit the Districts investments to the list on page 41 of the notes. The District's investment policy specifically limits investments to the following:
    - Bonds, notes, certificates of indebtedness, treasury bills or other securities now or hereafter issued by the United States of America and its agencies
    - Interest bearing checking and savings accounts, or any other investments constituting direct obligations of any FDIC financial institution
    - Certificates of deposit with federally insured institutions that are collateralized or insured in excess of the $250,000 provided by the Federal Deposit Insurance Corporation coverage limit
    - Money market accounts that are 100 percent invested in above referenced government securities
    - Commercial paper issued by corporations organized in the United States with assets exceeding $500,000,000, of highest quality category by at least two of the three standard rating agencies, maturing in 270 days. The total investment in any one corporation cannot exceed 10 percent of that corporation's outstanding obligations and cannot be more than $500,000
    - Investments may be made only in those savings banks or saving and loan associations the shares, or investment certificates of which are insured by the Federal Deposit Insurance Corporation
    - Investment products that are considered as derivatives are specifically excluded from approved investments

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 3: Detailed Notes on Accounts (Continued)

- *Custodial Credit Risk*. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transaction, a government will not be able to recover the value of investment or collateral securities that are in the possession of an outside party. The District's investment policy states that collateral must be placed in safekeeping at or before the time the investments are purchased if the investment is not fully covered by FDIC insurance.

- *Concentration of Credit Risk.* The concentration of credit risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer. According to the District's investment policy, it is the policy of the District to diversify its investment portfolio. Investment shall be diversified to eliminate the risk of loss resulting in over concentration in a specific maturity, issuer, or class of securities. Diversification strategies shall be determined and revised periodically by the District.

- *Interest Rate Risk.* The interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. In accordance with the District's investment policy, no investment maturity shall extend beyond five years to reduce this risk.

B. Capital Assets

Capital asset activity for the year ended December 31, 2021 was as follows:

	Beginning Balance	Increases	Decreases	Ending Balance
Governmental Activities				
Capital Assets, not being Depreciated				
Land	$ 37,800	$ -	$ -	$ 37,800
Permanent easements	578,120	-	-	578,120
CIP	-	313,352	-	313,352
Total Capital Assets, not being Depreciated	615,920	313,352	-	929,272
Capital Assets, being Depreciated				
Land improvements	1,250,578	-	-	1,250,578
Equipment	132,460	29,617	(10,405)	151,672
Total Capital Assets being Depreciated	1,383,038	29,617	(10,405)	1,402,250
Less Accumulated Depreciation for				
Land improvements	(1,101,850)	(7,506)	-	(1,109,356)
Equipment	(13,338)	(10,437)	6,416	(17,359)
Total Accumulated Depreciation	(1,115,188)	(17,943)	6,416	(1,126,715)
Total Capital Assets being Depreciated, Net	267,850	11,674	(3,989)	275,535
Governmental Activities Capital Assets, Net	$ 883,770	$ 325,026	$ (3,989)	$ 1,204,807

The full depreciation expense amount was charged to programs.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 3: Detailed Notes on Accounts (Continued)

C. Transfers

The following interfund transfers were made during 2021:

- The Implementation fund transferred $27,624 to the JPA/MOA Operations fund. This interfund transfer represents the District's cost-share allocation for the funds established pursuant to the Memorandum of Agreement for construction, use, operation and maintenance of the Prior Lake Outlet Channel and Outlet Structure. The JPA/MOA Emergency fund transferred $589 to the JPA/MOA Operations fund to transfer excess interest in accordance with the cost share agreement.

D. Long-term Liabilities

Changes in Long-term Liabilities

During the year ended December 31, 2021, the following changes occurred in long-term liabilities.

	Beginning Balance	Increases	Decreases	Ending Balance	Current Portion
Governmental Activities					
Compensated absences payable	$ 21,568	$ 50,577	$ (45,225)	$ 26,920	$ 26,920

Note 4: Defined Benefit Pension Plans - Statewide

A. Plan Description

The District participates in the following cost-sharing multiple-employer defined benefit pension plans administered by the Public Employees Retirement Association of Minnesota (PERA). PERA's defined benefit pension plans are established and administered in accordance with *Minnesota statutes*, chapters 353 and 356. PERA's defined benefit pension plans are tax qualified plans under Section 401(a) of the Internal Revenue Code.

General Employees Retirement Plan

All full-time and certain part-time employees of the District are covered by the General Employees Plan. General Employees Plan members belong to the Coordinated Plan. Coordinated Plan members are covered by Social Security.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 4: Defined Benefit Pension Plans - Statewide (Continued)

B. Benefits Provided

PERA provides retirement, disability and death benefits. Benefit provisions are established by state statute and can only be modified by the state Legislature. Vested, terminated employees who are entitled to benefits but are not receiving them yet are bound by the provisions in effect at the time they last terminated their public service.

General Employee Plan Benefits

General Employees Plan benefits are based on a member's highest average salary for any five successive years of allowable service, age, and years of credit at termination of service. Two methods are used to compute benefits for PERA's Coordinated Plan members. Members hired prior to July 1, 1989 receive the higher of Method 1 or Method 2 formulas. Only Method 2 is used for members hired after June 30, 1989. Under Method 1, the accrual rate for Coordinated members is 1.2 percent of average salary for each of the first 10 years of service and 1.7 percent of average salary for each additional year. Under Method 2, the accrual rate for Coordinated members is 1.7 percent for average salary for all years of service. For members hired prior to July 1, 1989 a full annuity is available when age plus years of service equal 90 and normal retirement age is 65. For members hired on or after July 1, 1989 normal retirement age is the age for unreduced Social Security benefits capped at 66.

Benefit increases are provided to benefit recipients each January. The postretirement increase is equal to 50 percent of the cost-of-living adjustment (COLA) announced by the SSA, with a minimum increase of at least 1 percent and a maximum of 1.5 percent. Recipients that have been receiving the annuity or benefit for at least a full year as of the June 30 before the effective date of the increase will receive the full increase. Recipients receiving the annuity or benefit for at least one month but less than a full year as of the June 30 before the effective date of the increase will receive a reduced prorated increase. For members retiring on January 1, 2024, or later, the increase will be delayed until normal retirement age (age 65 if hired prior to July 1, 1989, or age 66 for individuals hired on or after July 1, 1989). Members retiring under Rule of 90 are exempt from the delay to normal retirement.

C. Contributions

Minnesota statutes, chapter 353 sets the rates for employer and employee contributions. Contribution rates can only be modified by the state Legislature.

General Employees Fund Contributions

Plan members were required to contribute 6.50 percent of their annual covered salary and the District was required to contribute 7.50 percent for Coordinated Plan members. The District's contributions to the General Employees Fund for the years ending December 31, 2021, 2020 and 2019 were $28,148 , $28,460 and $27,359 , respectively. The District's contributions were equal to the contractually required contributions for each year as set by state statute.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 4: Defined Benefit Pension Plans - Statewide (Continued)

D. Pension Costs

General Employees Fund Pension Costs

At December 31, 2021, the District reported a liability of $230,604 for its proportionate share of the General Employees Fund's net pension liability. The district's net pension liability reflected a reduction due to the State of Minnesota's contribution of $16 million. The State of Minnesota is considered a non-employer contributing entity and the state's contribution meets the definition of a special funding situation. The State of Minnesota's proportionate share of the net pension liability associated with the district totaled $7,087 . The net pension liability was measured as of June 30, 2021, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The District's proportionate of the net pension liability was based on the District's contributions received by PERA during the measurement period for employer payroll paid dates from July 1, 2020 through June 30, 2021 relative to the total employer contributions received from all of PERA's participating employers. The District's proportionate share was 0.0054 percent which was an increase of 0.0002 percent from its proportion measured as of June 30, 2021.

District's Proportionate Share of the Net Pension Liability	$ 230,604
State of Minnesota's Proportionate Share of the Net Pension Liability Associated with the District	7,087
Total	$ 237,691

For the year ended December 31, 2021, the District recognized pension expense of $20,353 for its proportionate share of the General Employees Fund's pension expense. In addition, the District recognized an additional $572 as pension expense (and grant revenue) for its proportionate share of the State of Minnesota's contribution of $16 million to the General Employees Fund.

At December 31, 2021, the District reported its proportionate share of the General Employees Fund's deferred outflows of resources and deferred inflows of resources, related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between Expected and Actual Experience	$ 1,391	$ 7,028
Changes in Actuarial Assumptions	140,802	4,942
Net Difference between Projected and Actual Earnings on Plan Investments	-	198,969
Changes in Proportion	15,330	3,101
Contributions to PERA Subsequent to the Measurement Date	13,018	-
Total	$ 170,541	$ 214,040

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 4: Defined Benefit Pension Plans - Statewide (Continued)

The reported as deferred outflows of resources related to pensions resulting from the District's contributions to GERF subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended December 31, 2022 Other amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

2021	$ 2,277
2022	(2,236)
2023	(2,086)
2024	(54,472)

Total Pension Expense

The total pension expense for all plans recognized by the District for the year ended December 31, 2021, was $20,925 .

E. Actuarial Assumptions

The total pension liability in the June 30, 2021 actuarial valuation was determined using an individual entry-age normal actuarial cost method. The long-term rate of return on pension plan investments used in the determination of the total liability is 6.5 percent. This assumption is based on a review of inflation and investments return assumptions from a number of national investment consulting firms. The review provided a range of return investment return rates deemed to be reasonable by the actuary. An investment return of 6.5 percent was deemed to be within that range of reasonableness for financial reporting purposes.

Inflation is assumed to be 2.25 percent for the General Employees Plan. Benefit increases after retirement are assumed to be 1.25 percent for the General Employees Plan.

Salary growth assumptions in the General Employees Plan range in annual increments from 10.25 percent after one year of service to 3.0 percent after 29 years of service and 6.0 percent per year thereafter. In the Police and Fire Plan, salary growth assumptions range from 11.75 percent after one year of service to 3.0 percent after 24 years of service.

Mortality rates for the General Employees Plan are based on the Pub-2010 General Employee Mortality Table. The tables are adjusted slightly to fit PERA's experience.

Actuarial assumptions used in the June 30, 2021 valuation were based on the results of actuarial experience studies. The most recent four-year experience study in the General Employees Plan was completed in 2019. The assumption changes were adopted by the Board and become effective with the July 1, 2020 actuarial valuation. The most recent four-year experience study for the Police and Fire Plan was completed in 2020 were adopted by the Board and became effective with the July 1, 2021 actuarial valuation.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 4: Defined Benefit Pension Plans - Statewide (Continued)

The following changes in actuarial assumptions occurred in 2021:

General Employees Fund

Changes in Actuarial Assumptions

- The investment return and single discount rates were changed from 7.50 percent to 6.50 percent, for financial reporting purposes.
- The mortality improvement scale was changed from Scale MP-2019 to Scale MP-2020.

Changes in Plan Provisions

- There were no changes in plan provisions since the previous valuation.

The State Board of Investment, which manages the investments of PERA, prepares an analysis of the reasonableness on a regular basis of the long-term expected rate of return using a building-block method in which best-estimate ranges of expected future rates of return are developed for each major asset class. These ranges are combined to produce an expected long-term rate of return by weighting the expected future rates of return by the target asset allocation percentages. The target allocation and best estimates of geometric real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Long-term Expected Real Rate of Return
Domestic Equity	33.50 %	5.10 %
International Equity	16.50	5.30
Bonds (Fixed Income)	25.00	0.75
Alternative Assets (Private Markets)	25.00	5.90
Total	100.00 %	

F. Discount Rate

The discount rate used to measure the total pension liability in 2021 was 6.50 percent. The projection of cash flows used to determine the discount rate assumed that contributions from plan members and employers will be made at rates set in Minnesota Statutes. Based on these assumptions, the fiduciary net position of General Employees Fund were projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Notes to the Financial Statements
December 31, 2021

Note 4: Defined Benefit Pension Plans - Statewide (Continued)

G. Pension Liability Sensitivity

The following presents the District's proportionate share of the net pension liability for all plans it participates in, calculated using the discount rate disclosed in the preceding paragraph, as well as what the District's proportionate share of the net pension liability would be if it were calculated using a discount rate one percentage point lower or one percentage point higher than the current discount rate:

	District Proportionate Share of NPL		
	1 Percent Decrease (6.50%)	Current (7.50%)	1 Percent Increase (8.50%)
General Employees Fund	$ 470,315	$230,604	$ 33,907

H. Pension Plan Fiduciary Net Position

Detailed information about each defined benefit pension plan's fiduciary net position is available in a separately-issued PERA financial report that includes financial statements and required supplementary information. That report may be obtained on the Internet at www.mnpera.org.

Note 5: Other Information

A. Risk Management

The District is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; injuries to employees; and natural disasters for which the District carries insurance. The District pays annual premiums for its workers compensation and property and casualty insurance. Settled claims have not exceeded the District's coverage in any of the past four fiscal years.

Liabilities are reported when it is probable that a loss has occurred and the amount of the loss can be reasonably estimated. Liabilities, if any, include an amount for claims that have been incurred but not reported (IBNRs). The District's management is not aware of any incurred but not reported claims.

B. Permit Collateral Deposits Payable

The District issues permits to applicants who wish to make changes to land that may affect the water drainage or alter the lake shore within the boundaries of the District. The District requires collateral to be deposited to ensure the projects are completed in accordance with the permit application. As of December 31, 2021, the District was holding $74,666 of collateral deposits.

C. Cost Sharing Agreement

On October 17, 2007, the District entered into a Joint Powers Agreement with the City of Prior Lake and the City of Shakopee. At the same time, the District also entered into a Memorandum of Agreement with the City of Prior Lake, the City of Shakopee, and the Shakopee Mdewakanton Sioux Community. The purpose of both agreements is to share costs for construction, use, and operation of the Prior Lake outlet channel. The Memorandum of Agreement for the Use, Operation, and Maintenance of the Prior Lake Outlet Channel and Structure Between the Prior Lake-Spring Lake Watershed District, the City of Prior Lake, the City of Shakopee, and the Shakopee Mdewakanton Sioux Community was subsequently updated and approved, with an effective date of May 2, 2019.

For the year ended December 31, 2021, the District recognized cost reimbursement revenue of $159,050 and has unearned revenue of $130,127.

REQUIRED SUPPLEMENTARY INFORMATION

PRIOR LAKE - SPRING LAKE
WATERSHED DISTRICT
PRIOR LAKE, MINNESOTA

FOR THE YEAR ENDED
DECEMBER 31, 2021

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Required Supplementary Information
December 31, 2021

Schedule of Employer's Share of PERA Net Pension Liability - General Employees Fund

Fiscal Year Ending	District's Proportion of the Net Pension Liability	District's Proportionate Share of the Net Pension Liability (a)	State's Proportionate Share of the Net Pension Liability Associated with the District (b)	Total (a+b)	District's Covered Payroll (c)	District's Proportionate Share of the Net Pension Liability as a Percentage of Covered Payroll ((a+b)/c)	Plan Fiduciary Net Position as a Percentage of the Total Pension Liability
06/30/21	0.0054 %	$ 230,604	$ 7,087	$ 237,691	$ 390,978	59.0 %	87.0 %
06/30/20	0.0052	311,764	9,685	321,449	373,317	83.5	79.0
06/30/19	0.0053	293,025	9,166	302,191	361,167	83.7	80.2
06/30/18	0.0047	260,737	8,633	269,370	310,893	86.6	79.5
06/30/17	0.0045	287,277	3,645	290,922	286,665	101.5	75.9
06/30/16	0.0043	349,139	-	353,640	273,072	127.9	68.9
06/30/15	0.0036	186,571	-	186,571	211,692	88.1	78.2

Note: Schedule is intended to show 10-year trend. Additional years will be reported as they become available.

Schedule of Employer's PERA Contributions - General Employees Fund

Year Ending	Statutorily Required Contribution (a)	Contributions in Relation to the Statutorily Required Contribution (b)	Contribution Deficiency (Excess) (a-b)	District's Covered Payroll (c)	Contributions as a Percentage of Covered Payroll (b/c)
12/31/2021	$ 28,148	$ 28,148	$ -	$ 375,303	7.5 %
12/31/2020	28,460	28,460	-	379,468	7.5
12/31/2019	27,359	27,359	-	364,783	7.5
12/31/2018	24,178	24,178	-	322,367	7.5
12/31/2017	22,312	22,312	-	297,493	7.5
12/31/2016	20,643	20,643	-	275,235	7.5
12/31/2015	18,844	18,844	-	251,252	7.5

Note: Schedule is intended to show 10-year trend. Additional years will be reported as they become available.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Required Supplementary Information (Continued)
December 31, 2021

Notes to the Required Supplementary Information - General Employees Fund

Changes in Actuarial Assumptions

2021 - The investment return and single discount rates were changed from 7.50 percent to 6.50 percent, for financial reporting purposes. The mortality improvement scale was changed from Scale MP-2019 to Scale MP-2020.

2020 - The price inflation assumption was decreased from 2.50% to 2.25%. The payroll growth assumption was decreased from 3.25% to 3.00%. Assumed salary increase rates were changed as recommended in the June 30, 2019 experience study. The net effect is assumed rates that average 0.25% less than previous rates. Assumed rates of retirement were changed as recommended in the June 30, 2019 experience study. The changes result in more unreduced (normal) retirements and slightly fewer Rule of 90 and early retirements. Assumed rates of termination were changed as recommended in the June 30, 2019 experience study. The new rates are based on service and are generally lower than the previous rates for years 2-5 and slightly higher thereafter. Assumed rates of disability were changed as recommended in the June 30, 2019 experience study. The change results in fewer predicted disability retirements for males and females. The base mortality table for healthy annuitants and employees was changed from the RP-2014 table to the Pub-2010 General Mortality table, with adjustments. The base mortality table for disabled annuitants was changed from the RP-2014 disabled annuitant mortality table to the PUB-2010 General/Teacher disabled annuitant mortality table, with adjustments. The mortality improvement scale was changed from Scale MP-2018 to Scale MP-2019. The assumed spouse age difference was changed from two years older for females to one year older.

The assumed number of married male new retirees electing the 100% Joint & Survivor option changed from 35% to 45%. The assumed number of married female new retirees electing the 100% Joint & Survivor option changed from 15% to 30%. The corresponding number of married new retirees electing the Life annuity option was adjusted accordingly.

2019 - The mortality projection scale was changed from MP-2017 to MP-2018.

2018 - The mortality projection scale was changed from MP-2015 to MP-2017. The assumed benefit increase was changed from 1.00 percent per year through 2044 and 2.50 percent per year thereafter to 1.25 percent per year.

2017 - The Combined Service Annuity (CSA) loads were changed from 0.8 percent for active members and 60 percent for vested and non-vested deferred members. The revised CSA loads are now 0.0 percent for active member liability, 15.0 percent for vested deferred member liability and 3.0 percent for non-vested deferred member liability. The assumed post-retirement benefit increase rate was changed from 1.0 percent per year for all years to 1.0 percent per year through 2044 and 2.5 percent per year thereafter.

2016 - The assumed post-retirement benefit increase rate was changed from 1.0 percent per year through 2035 and 2.5 percent per year thereafter to 1.0 percent per year for all future years. The assumed investment return was changed from 7.9 percent to 7.5 percent. The single discount rate was changed from 7.9 percent to 7.5 percent. Other assumptions were changed pursuant to the experience study dated June 30, 2015. The assumed future salary increases, payroll growth and inflation were decreased by 0.25 percent to 3.25 percent for payroll growth and 2.50 percent for inflation.

2015 - The assumed post-retirement benefit increase rate was changed from 1.0 percent per year through 2030 and 2.5 percent per year thereafter to 1.0 percent per year through 2035 and 2.5 percent per year thereafter.

Prior Lake-Spring Lake Watershed District
Prior Lake, Minnesota
Required Supplementary Information (Continued)
December 31, 2021

Notes to the Required Supplementary Information - General Employees Fund (Continued)

Changes in Plan Provisions

2021 - There were no changes in plan provisions since the previous valuation.

2020 - Augmentation for current privatized members was reduced to 2.0% for the period July 1, 2020 through December 31, 2023 and 0.0% after. Augmentation was eliminated for privatizations occurring after June 30, 2020.

2019 - The employer supplemental contribution was changed prospectively, decreasing from $31.0 million to $21.0 million per year. The state's special funding contribution was changed prospectively, requiring $16.0 million due per year through 2031.

2018 - The augmentation adjustment in early retirement factors is eliminated over a five-year period starting July 1, 2019, resulting in actuarial equivalence after June 30, 2024. Interest credited on member contributions decreased from 4.00 percent to 3.00 percent, beginning July 1, 2018. Deferred augmentation was changed to 0.00 percent, effective January 1, 2019. Augmentation that has already accrued for deferred members will still apply. Contribution stabilizer provisions were repealed. Postretirement benefit increases were changed from 1.00 percent per year with a provision to increase to 2.50 percent upon attainment of 90.00 percent funding ratio to 50.00 percent of the Social Security Cost of Living Adjustment, not less than 1.00 percent and not more than 1.50 percent, beginning January 1, 2019. For retirements on or after January 1, 2024, the first benefit increase is delayed until the retiree reaches normal retirement age; does not apply to Rule of 90 retirees, disability benefit recipients, or survivors. Actuarial equivalent factors were updated to reflect revised mortality and interest assumptions.

2017 - The State's contribution for the Minneapolis Employees Retirement Fund equals $16,000,000 in 2017 and 2018, and $6,000,000 thereafter. The Employer Supplemental Contribution for the Minneapolis Employees Retirement Fund changed from $21,000,000 to $31,000,000 in calendar years 2019 to 2031. The state's contribution changed from $16,000,000 to $6,000,000 in calendar years 2019 to 2031.

2016 - There were no changes in plan provisions since the previous valuation.

2015 - On January 1, 2015, the Minneapolis Employees Retirement Fund was merged into the General Employees Fund, which increased the total pension liability by $1.1 billion and increased the fiduciary plan net position by $892 million. Upon consolidation, state and employer contributions were revised.

OTHER REQUIRED REPORT

PRIOR LAKE - SPRING LAKE
WATERSHED DISTRICT
PRIOR LAKE, MINNESOTA

FOR THE YEAR ENDED
DECEMBER 31, 2021

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INDEPENDENT AUDITOR'S REPORT ON MINNESOTA LEGAL COMPLIANCE

Board of Managers
Prior Lake - Spring Lake Watershed District
Prior Lake, Minnesota

We have audited, in accordance with auditing standards generally accepted in the United States of America, the financial statements of the governmental activities and each major fund of the Prior Lake - Spring Lake Watershed District (the District), Prior Lake, Minnesota, as of and for the year ended December 31, 2021, and the related notes to the financial statements which collectively comprise the District's basic financial statements, and have issued our report thereon dated April 20, 2022.

In connection with our audit, nothing came to our attention that caused us to believe that the District failed to comply with the provisions of the contracting and bidding, deposits and investments, conflicts of interest, public indebtedness, claims and disbursements, and miscellaneous provisions sections of the *Minnesota Legal Compliance Audit Guide for Other Political Subdivisions*, promulgated by the State Auditor pursuant to Minn. Stat. § 6.65, insofar as they relate to accounting matters. However, our audit was not directed primarily toward obtaining knowledge of such noncompliance. Accordingly, had we performed additional procedures, other matters may have come to our attention regarding the District's noncompliance with the above referenced provisions, insofar as they relate to accounting matters.

This report is intended solely for the information and use of those charged with governance and management of the District and the State Auditor and is not intended to be, and should not be, used by anyone other than these specified parties.

Abdo

Abdo
Minneapolis, Minnesota
April 20, 2022

PLSLWD Board Staff Report
April 21, 2022

Subject |	Approval of new CAC Member: Ron Hoffmeyer	
Board Meeting Date |	May 10, 2022	**Item No. 4.3**
Prepared By |	Allison Weyer	
Attachment |	Ron Hoffmeyer CAC Application	
Proposed Motion |	Approve the appointment of Ron Hoffmeyer to the PLSLWD CAC for a three-year term.	

Background

The District's Citizen Advisory Committee (CAC) is composed of residents of the watershed district and advises the Board of Managers on topics relevant to the District. A CAC New member Subcommittee, comprised of the CAC Chair, Board of Managers liaison to the CAC, and the District staff liaison to the CAC, reviews CAC membership applications, performs applicant interviews, and provides a recommendation for membership to the Board.

Discussion

Upon review of the application for Ron Hoffmeyer and interview, the CAC New Member Subcommittee feels that Mr. Hoffmeyer would be a valuable addition to the CAC.

Recommendation

The CAC New Member Subcommittee recommends the Board of Managers approve the appointment of Ron Hoffmeyer to the PLSLWD CAC for a three-year term.

PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT

Citizens Advisory Committee (CAC)

Application

Name: Ron Hoffmeyer
Address: 6424 Conory St. NE, Prior Lake, Mn, 55372
Phone: 678-469-0847
Email: hoffmeyerron@gmail.com
Occupation: Self employed
Employer: Owner-Evans Leak Detection and Repairs
Employer's Address: 34145 PCH, Dana Point, CA 92629
How long have you lived in the District? Since (year) 2.5/2019
Please state briefly why you are interested in serving on the Citizen Advisory Committee: I have a BS in Biology from Minnesota State. I have an interest in science, our lake, the watershed and how to help make a positive impact. During my years in California, I was a volunteer for the Ocean Institute. I conducted data/sample collection for a long-term study of our oceans in conjunction with Scripps Institute. I also taught children about the ocean. Subjects ranged from food webs, anatomy dissections, mammal studies, tide pool creatures, etc.
What focus area would you like to volunteer to assist the CAC with? ☑ Shoreline Restoration ☑ Fish Stocking ☑ Flood Storage Assessment, Plans and Wetland Banking ☑ Aquatic Invasive Species/Signage ☑ Lake Life and Water Quality ☑ Other ideas you would like the CAC to consider (explain below): Any area that the committee would think that I could be of use.

Conflict of interest is defined as the participation in any activity, recommended action, or decision from which the individual has or could have the potential to receive personal gain, whether it be direct or indirect. In accordance with this definition, do you have any legal or equitable interest in any business, however organized, which could be construed as a conflict of interest?

☐ Yes
☑ No

If yes, please describe here:

Are you related to any Watershed District Board Member or to any member on the Citizens Advisory Committee?

☐ Yes
☑ No

If yes, give name and relationship

Other qualifications, experience, information or comments you would like to submit:

I am currently on the Prior Lake Association Board. Adam Proehl directed me to this opportunity.

PERSONS WITH DISABILITIES ARE ENCOURAGED TO APPLY

Return this completed application form to:

Prior Lake-Spring Lake Watershed District
4646 Dakota Street SE
Prior Lake, MN 55372
info@plslwd.org
952-447-4166

This application will be kept on file for 12 months.

PLSLWD Board Staff Report
May 3, 2022

Subject |	Acceptance of 2021 Annual Report
Board Meeting Date |	May 10, 2022 **Item No: 4.4**
Prepared By |	Joni Giese, District Administrator
Attachment |	Prior Lake-Spring Lake Watershed District 2021 Annual Report
Proposed Motion |	Approve the PLSLWD 2021 Annual Report and authorize its release to the Board of Water and Soil Resources and Department of Natural Resources

Background

Minnesota Statutes Chapter 103D.351 states that managers must prepare a yearly report of the financial conditions of the watershed district, the status of all projects, the business transacted by the watershed district, other matters affecting the interests of the watershed district, and a discussion of the manager's plans for the succeeding year. The report must be submitted to the Board of Water and Soil Resources (BWSR) and Department of Natural Resources (DNR).

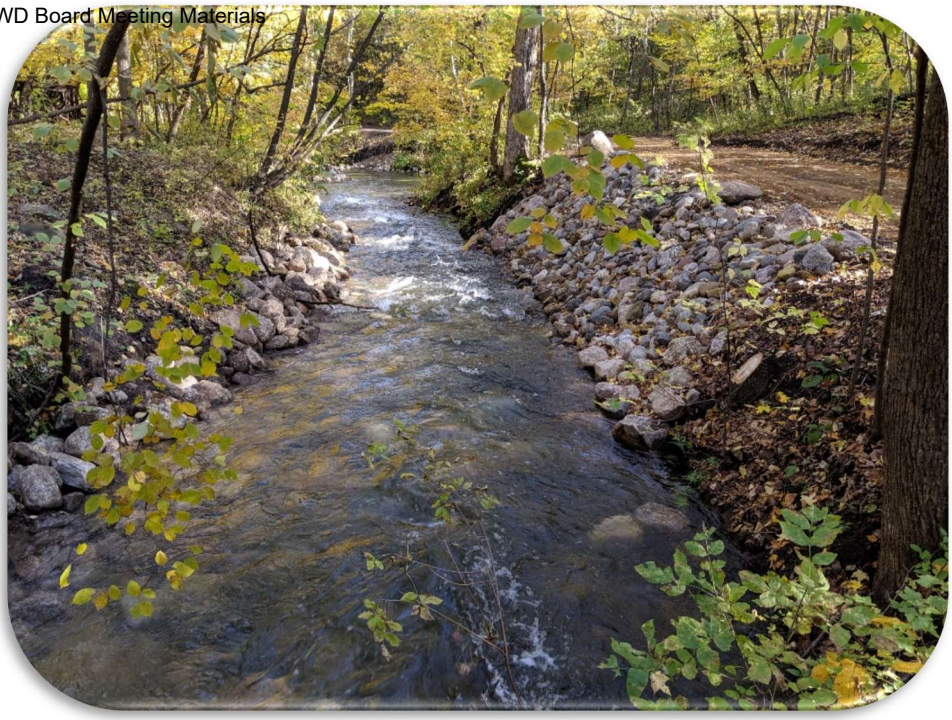
Minnesota Rules 8410.0150 require metro watershed districts to provide additional specified content in the annual report. The rules also require organizations to submit the report for the previous calendar year within 120 days of the end of the calendar year.

Discussion

Staff prepared the Prior Lake-Spring Lake Watershed District 2021 Annual Report with the intent of meeting the requirements of Minnesota Statutes Chapter 103D.351 and Minnesota Rules 8410.0150. Staff did receive a waiver from BWSR to extend the submittal beyond 120 days of the end of the calendar year in order to receive report approval at the May 10th Board of Managers Meeting.

Recommendation

Approve the PLSLWD 2021 Annual Report and authorize its release to BWSR and the DNR.



Prior Lake-Spring Lake Watershed District

Annual Report

2021

PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

Mission: To manage & preserve the water resources of the Prior Lake-Spring Lake Watershed District to the best of our ability using input from our communities, sound engineering practices, and our ability to efficiently fund beneficial projects which transcend political jurisdictions.

TABLE OF CONTENTS

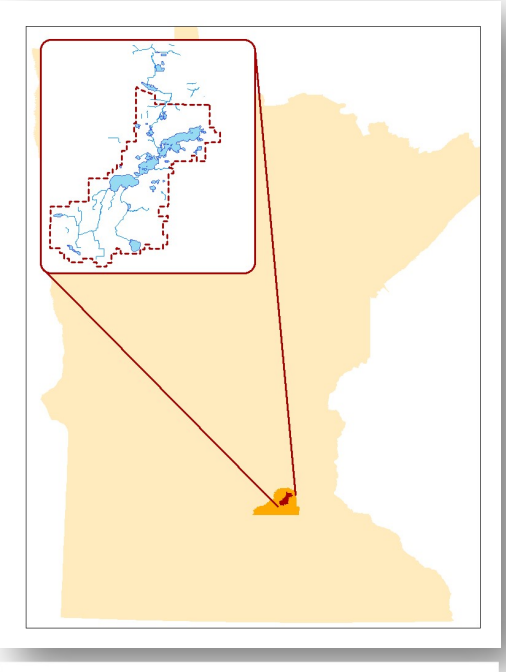
INTRODUCTION

This report has been prepared by the Prior Lake-Spring Lake Watershed District (PLSLWD, or District) and details the activities of the District through the calendar year 2021. The report will focus on the District's program and project accomplishments relative to the approved Capital Improvement Plan established in the 2020 PLSLWD Water Resources Management Plan and annual work plan. Annual reporting requirements listed in Minnesota Rules Chapter 8410.0150, Subpart 3 will also be included in this report.

ABOUT THE DISTRICT

The Prior Lake-Spring Lake Watershed District was established on March 4, 1970 by order of the Minnesota Water Resources Board (MWRB) under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The order was in response to a petition filed by resident landowners within the watershed on June 24, 1969. This citizen petition sought establishment of the District for the purposes of wisely managing and conserving the waters and natural resources of the watershed.

The PLSLWD is approximately 42 square miles in size and located in north central Scott County, Minnesota, encompassing parts of the cities of Prior Lake, Shakopee, and Savage and parts of Sand Creek and Spring Lake Townships. In addition, a portion of the Shakopee Mdewakanton Sioux Community (SMSC) tribal lands are located within the District.



Location of PLSWD

BOARD OF MANAGERS

PLSLWD is administered by a five-person Board of Managers (Board) appointed by the Scott County Commissioners. All the District's policies, goals, and accomplishments are directed by the citizens who serve on the Board. The Board of Managers meets the second Tuesday of the month at 6:00 PM at the Prior Lake City Hall, located at 4646 Dakota St. SE, Prior Lake, MN 55372. As result of the Covid-19 pandemic, some of the 2021 Board meetings were held virtually and a meeting link was posted to allow the public to attend. Meeting notices, agendas and approved minutes are available on the District website at www.plslwd.org/meetings.

Board members serving during the calendar year 2021 are listed below.

Curt Hennes *Vice President* *Term: 6/12/19-6/11/22* *Resides in Prior Lake* 17286 Sunset Trail SW Prior Lake, MN 55372 952-440-7443 clphennes@gmail.com	Steve Pany *Secretary* *Term: 7/14/20-3/2/22* *Resides in Prior Lake* 5561 Cedarwood Street NE Prior Lake, MN 55372 952-496-1138 C22steve@gmail.com	Frank Boyles *Manager* Term: 7/26/20 - 7/25/23 *Resides in Prior Lake* 5153 Hope Street Prior Lake, MN 55372 952-292-0400 Frank10350@mchsi.com
Mike Myser *President* Term: 3/12/18-3/3/21 3/4/21-3/4/24 *Resides in Prior Lake* 3857 Island View Cir NW Prior Lake, MN 55372 651-341-5932 m.myser@mchsi.com	Bruce Loney *Treasurer* Term: 3/3/19-3/2/22 *Resides in Prior Lake* 5870 Shannon Circle SE Prior Lake, MN 55372 952-769-7408 bruceloney1972@gmail.com	

CITIZEN ADVISORY COMMITTEE

The Prior Lake-Spring Lake Watershed District formalized its Citizen Advisory Committee (CAC) in 2011. The CAC consists of residents who provide input and recommendations to the Board on projects, reports, prioritization, and act as the primary interface for the Board to integrate the current issues of concern of the local citizens.

The CAC meets monthly on the last Thursday of the month at 6:30 PM at the Prior Lake City Hall, located at 4646 Dakota St. SE, Prior Lake, MN 55372. As a result of the coronavirus pandemic, a portion of the 2021 CAC meetings were conducted via video conferencing or in a hybrid format where some of the members met in person and several members participated virtually.

Citizen Advisory Committee members that served during the calendar year 2021 are listed below.

Matt Newman *Resides in Prior Lake* *Term:* 06/2020 – 03/2023	Christian Morkeberg *Resides in Spring Lake Township* *Term:* 07/2019 – 03/2022	Woody Spitzmueller *Resides in Prior Lake* *Term:* 04/2019 – 03/2022
Loren Hanson *Resides in Spring Lake Township* *Term:* 04/2021 – 03/2024	Christopher Crowhurst *Resides in Prior Lake* *Term:* 05/2020 – 03/2023	Ben Burnett *Resides in Prior Lake* *Term:* 09/2020 – 03/2023
Maureen Reeder *Resides in Spring Lake Township* *Term:* 05/2021 – 03/2024	Jim Weninger *Resides in Prior Lake* *Term:* 01/2020 – 03/2022	Matt Tofanelli *Resides in Prior Lake* *Term:* 04/2021 – 03/2024
David Hagen *Resides in Prior Lake* *Term:* 7/2021 – 3/2024		

STAFF

Day-to-day operations of the Prior Lake-Spring Lake Watershed District are managed by a District Administrator and staff. All staff can be contacted through the main District phone number, 952-447-4166, or at the District Office, 4646 Dakota Street SE, Prior Lake, MN 55372.

Joni Giese
District Administrator (as of 3/1/21)

jgiese@plslwd.org

Maggie Karschnia
Water Resources Project Manager (3/1/21 – 8/11/21)

Interim District Administrator (until 3/1/21)

Jaime Rockney
Water Resources Project Manager (as of 9/1/21)

Water Resources Specialist (until 9/1/21)

jrockney@plslwd.org

Jeff Anderson
Water Resources Coordinator (as of 9/1/21)

Water Resources Technician (until 9/1/21)

janderson@plslwd.org

Shauna Capron
Water Resources Specialist (as of 9/1/21)

Water Resources Assistant (until 9/1/21)

scapron@plslwd.org

Elizabeth Frödén
Water Resources Assistant (as of 10/25/21)

efroden@plslwd.org

Patty Dronen
Administrative Assistant (as of 2/23/21)

pdronen@plslwd.org

Amy Tucci
Administrative Assistant (until 1/29/21)

Kathryn Keller-Miller
Outreach Specialist (until 6/15/21)

CONSULTING SERVICES

The following are the consulting firms selected in 2019 for 2020/21 consulting services:

Abdo, Eick and Meyers, LLP
Audit Services
Andy Berg
Phone: 952-835-9090
www.aemcpas.com

Smith Partners, PLLP
Legal Services
Charles Holtman
Phone: 612-344-1400
www.smithpartners.com

Emmons and Olivier Resources, Inc
Engineering Services
Carl Almer
Phone: 651-770-8448
www.eorinc.com

The following consulting firm was selected in 2020 for 2021/22 consulting services:

CliftonLarsonAllen (CLA)
Accounting Services
Christopher Knopik
Phone: 612-376-4500
www.claconnect.com

WATER RESOURCES MANAGEMENT PLAN

The Minnesota Board of Water and Soil Resources (BWSR) approved the District's fourth generation Water Resources Management Plan (WRMP) on June 24, 2020, and the District Board adopted the plan at its July 14, 2020 meeting. A copy of the WRMP is available on the District website or by request, or in hard copy format at the District office.

THREE PRIORITY CONCERN AREAS

During discussions and meetings for the WRMP, three recurring priority concerns were identified. PLSLWD used these three priority concerns to develop three guiding principles with nine underlying policies and 23 measurable goals.

WATER QUALITY

Maintaining or improving the water quality in the PLSLWD's resources with most emphasis on lakes that have public access and are most widely used.

AQUATIC INVASIVE SPECIES

Continued monitoring and management of existing AIS (curly-leaf pondweed, Eurasian water milfoil, zebra mussels and common carp), as well as prevention of new AIS.

REDUCE FLOODING

Making strides toward flood reduction goals on Prior Lake (e.g. upstream storage) and reducing the impacts of flooding in other areas in the District.

PRIMARY ISSUES

Within the Priority Concern Areas above, the PLSLWD identified several associated issues:

WATER QUALITY ISSUES:

- External Loading
- Internal Loading
- Low Plant Diversity
- High Phosphorus Levels
- Insufficient Information Available
- Loss of Wetland Quality
- Loss of Wetland Quantity
- Streambank Erosion & Slumping
- Erosion along the Prior Lake Outlet Channel
- Groundwater Quality and/or Contamination

AQUATIC INVASIVE SPECIES ISSUES:

- New AIS Can Reduce Water Quality
- Common Carp Reduce Water Quality
- Overgrowth of Invasive Plants
- Recreational & Ecological Hazards

REDUCE FLOODING ISSUES:

- Current Flooding Risks on Prior Lake
- Historical Flooding on Prior Lake
- Future Increased Runoff
- Insufficient Information to Inform Projects
- Need to Assess Flood Reduction Goals

PRIORITY GOALS

Within the Priority Concerns above, there are a total of 23 goals. While all these goals are intended to be accomplished in this ten-year WRMP, there were four that were of highest priority. These include:

WATER QUALITY MAIN GOALS:

- ***GOAL WQ2:*** ***Meet the state water quality standards for aquatic recreation on Spring Lake.***
- ***GOAL WQ3:*** ***Meet the state water quality standards for aquatic recreation on Upper Prior Lake.***

AQUATIC INVASIVE SPECIES MAIN GOALS:

- ***GOAL AIS1:*** ***Develop and implement an Aquatic Invasive Species (AIS) Response and Prevention Plan in coordination with Scott County to help prevent new AIS from entering Tier 1 lakes.***

REDUCE FLOODING MAIN GOALS:

- ***GOAL RF1:*** ***Achieve the first-tier priority flood reduction goal to reduce the flood level on Prior Lake (from 905.62) to 905.5 feet for the 25-year return period.***

ASSESSMENT OF THE 2021 WORK PLAN

The following is a summary of the activities completed in 2021 organized by District's 2020 WRMP.

1. Capital Projects
2. Operations and Maintenance
3. Planning
4. Monitoring and Research
5. Regulation
6. Education and Outreach
7. Prior Lake Outlet Channel
8. Administration

CAPITAL PROJECTS

FISH LAKE SHORELINE & PRAIRIE RESTORATION PROJECT

Fish Lake Park is located on the northwest corner of Fish Lake at Spring Lake Town Hall and is owned by Spring Lake Township. The project enhanced a section of shoreline along Fish Lake behind the town hall and created a prairie restoration on the north side of the property.

The restorations will improve habitat for wildlife and pollinators and act as a demonstration site for landowners interested in completing restorations on their own properties, giving them an opportunity to view an example of a rain garden (existing project), prairie and shoreline restoration all in one, easily accessible location. This project is a frequent site for events and is home to Spring

Lake Township's main park. This project is a partnership between Spring Lake Township and the Prior Lake-Spring Lake Watershed District.

The initial site restoration was completed in 2019. Invasive species, including reed canary grass and buckthorn, along shoreline were controlled; existing turf grass in the prairie restoration area was terminated and the prairie and shoreline areas were seeded with native plant species in fall 2019. Additional vegetation maintenance occurred at the site in 2020 and 2021. In 2022, some final seeding will be done and plant plugs installed. Design began on interpretative signs explaining the restoration project in 2021, with sign installation scheduled for 2022.

SUTTON LAKE OUTLET STRUCTURE

In 2021 the District completed the construction of the Sutton Lake Outlet Structure. Sutton Lake is at the headwaters of County Ditch 13 (CD13), which outlets into Spring Lake. The primary purpose of the outlet structure is to increase storage and slow the flow of water downstream. This will decrease the likelihood of flooding along CD 13.

The Sutton Lake Outlet Structure was originally identified in the Prior Lake Stormwater Management & Flood Mitigation Study as a possible project with high flood damage reduction potential. Now that the structure is completed, the next step moving into 2022 is to develop a lake management plan in order to maximize wildlife habitat benefit on Sutton Lake and potentially some minor flood reduction benefit.

OPERATIONS AND MAINTENANCE

CARP MANAGEMENT

In 2021 the District moved into its sixth year with its Carp Management Program in Spring and Prior Lakes. In 2020 the District received the Minnesota Association of Watershed District's Program of the Year award for the program. The District's carp management work was partially funded through a 319 grant from the Minnesota Pollution Control Agency (MPCA) and a Watershed-based Implementation Funding grant from BWSR. 2021 was the third and final year of the grant funding provided through both funding sources. Final reporting will be submitted in early 2022.

The District continued its Accelerated Carp Management Strategies (ACMS) plan in 2021, which was created in 2020 to accelerate the removals of carp in Spring and Upper Prior Lakes. A major component in the ACMS was to increase removal efforts and diversify methods. Some of those methods included a migration trap called a "Push Trap" and the use of underwater speakers to train and move carp into seining areas.

The management program as a whole aims to improve the water quality of Spring and Upper Prior Lakes by decreasing total phosphorus concentrations using an Integrated Pest Management Plan (IPM). The program has several different components, including tracking movement and population of carp, removing seine obstructions, completing carp removals, installing carp barriers at strategic locations, and engaging local community through outreach materials and events.

In 2021 the District continued to actively track the movement of 22 carp that were implanted with radio-tags in Spring Lake and Upper Prior Lake using a Yagi antenna. In total 38 tags were implanted between 2019 and 2021, with 10 of those having been implanted in 2021. Radio-tags have a two to four-year lifespan, and not all tags are still active. The District is trying to keep up a manageable radio-tag count with older radio-tags becoming unresponsive; the plan for 2022 is to add 10 new radio tags. Carp location maps were developed based on the tracking data, which were posted on the District's website so that the public could see their locations.

The District also continued to track carp through Passive Integrate Transponder (PIT) tags that are implanted into the carp. By the end of 2021, approximately 560 PIT tagged carp remain in the waterbodies. PIT tags are used to track movement of carp through a specific channel where a receiver is installed. This is a more economical way of tracking carp but has its limitations as the carp can only passively be tracked when they pass through a specific location.

In 2021 the District installed seven receiver devices to study the movement of PIT tagged carp throughout different waterbodies which helped document movement and determine the effectiveness of installed carp barriers. The receivers were installed at the Pike Lake inlet, Jeffers Daylight Pond outlet, Arctic Lake West channel, Tadpole Pond outlet, Northwoods Pond outlet, Spring Lake outlet, and downstream of the ferric chloride weir.

Telemetry surveys were conducted on Spring Lake and Prior Lakes to determine aggregation areas and migration routes. These surveys guided timing and location of seine (carp removal) events and identified carp barrier locations. In addition to continuing this standard practice in 2021, the District conducted some more in-depth analysis on aggregations and migrations using GIS.

The District worked with its consultants and three commercial netters to complete under ice and open water seines on Upper Prior Lake and Spring Lake. Additional removal efforts, including those supported under the ACMS plan, resulted the following:

Upper Prior Lake (2021)

REMOVAL METHOD:	# INDIVIDUAL CARP:	TOTAL WEIGHT (lbs):
Seines	160	2297
Electrofishing	*760	9879
Gill Netting	231	2605
Micro-hauls	*122	1585
TOTAL:	**1,273**	**16,366**

*calculated based on total weight at a rate of 13 lbs/carp (final total is approximate)

Spring Lake (2021)

REMOVAL METHOD:	# INDIVIDUAL CARP:	TOTAL WEIGHT (lbs):
Seines	1239	7506
Electrofishing	115	699
Gill Netting	5	31
TOTAL:	**1,359**	**8,236**

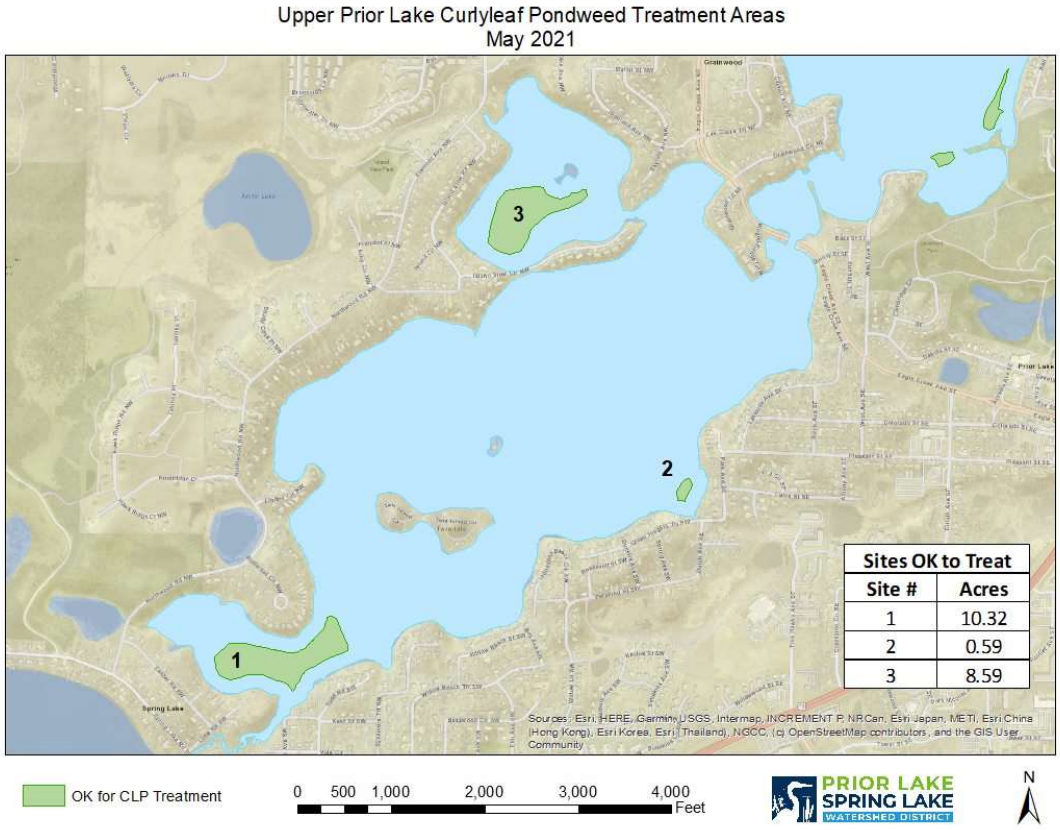
In 2021 Upper Prior Lake's overall carp biomass decreased from 250.8 kg/ha to 211.7 kg/ha while Spring Lake's overall carp biomass decreased from 240.5 kg/ha to 225.9 kg/ha.

Going into 2021 there were five pre-existing carp barriers: 12/17 Wetland, Desilt Pond, FeCl Weir, and Arctic Lake outlet. Based on the tracked movement of carp from radio tags and PIT tags, the decision was made to add a sixth barrier at the Northwoods Pond in 2021.

The District's goal in 2022 is to continue effective carp management by following the Integrated Pest Management Plan for Common Carp and incorporating techniques developed through the Accelerated Carp Management Strategies.

AQUATIC VEGETATION MANAGEMENT

Aquatic vegetation management for curly-leaf pondweed (CLP) occurred on Spring, Upper Prior, and Lower Prior Lakes in 2021. 4.6 acres on Lower Prior, 19.5 acres on Upper Prior, and 22.6 acres on Spring Lake were treated by PLM Lake and Land Management Corporation with the chemical, Diquat. The image on the next page shows an example of a treatment map for one of the lakes (Upper Prior).



COST SHARE

The District has a cost share incentive program for residents and agricultural producers coordinated with the Scott Soil and Water Conservation District (SWCD). The Scott SWCD received requests and provided follow-up assistance to 74 landowners in the watershed. There were 20 projects approved and 21 cost share projects completed. Cost share projects completed in 2021 include 200 feet of shoreline protection, 0.6 acres of filter strip, and 34 acres of nutrient management. Turf conversion was a new cost share practice in 2021, consisting of projects implemented through BWSR's "Lawns to Legumes" grant program. This practice was applied to 7,960 square feet in a total of 10 projects, which included pocket plantings, raingardens, natural shoreline buffers, and "bee lawns.".

FARMER-LED COUNCIL

The Farmer-Led Council (FLC) was created in 2013 to help the District reduce nutrient loading to Spring Lake to levels that meet or exceed state water quality standards. Agricultural lands make up the majority of the landscape in the Spring Lake and Upper Prior Lake watersheds. As such, farmers are the most important stewards of the land, and their active input and participation is critical to achieving water quality goals.

Represented by local leaders in the farming community, the role of the FLC is to develop and guide the implementation of strategies that PLSLWD will use to accomplish agriculture's share of the nutrient reduction goal. Specifically, the FLC aims to:

- Inform decision makers and the general public about practical issues and opportunities related to soil and water conservation on agricultural lands.
- Identify base-level and site-tailored practices that are available and needed.
- Define the approach for engaging with and assisting farmers to implement practices.
- Establish a schedule with reasonable milestones and timelines for progress.
- Identify potential barriers to implementation, along with tools and resources that are needed to overcome them.

The District held four FLC meetings in 2021 where a variety of agricultural topics related to water quality were discussed. In 2021 the FLC continued with its inlet protection program which included offering free Agri-Drain water quality inlets to farmers.

The Lake-Friendly Farm program was first piloted by two FLC members in 2017. Since then, over a dozen farms have been certified into this program aimed at targeting phosphorus reduction in the upper watershed. In 2021, two additional farms were certified through the Lake-Friendly Farm program. Since 2018, 784 acres have been certified through the Lake Friendly Farm program. Approximately 13.6% of cropland in the District has been certified as "Lake-Friendly."

In 2018, the FLC developed a new Cover Crop Initiative Program. Nearly 580 acres were enrolled in the program in 2021. Scott SWCD helped to coordinate the aerial seeding on most of the fields, with a couple of farmers opting to interseed the mixes directly on their fields. In addition to no-cost seeding, the program also provided free rental of the no-till and interseeder equipment to ten landowners to aid in implementation. The program is anticipated to continue in 2022 with the hopes of getting additional farmers incorporating cover crops in the upper watershed.

FERRIC CHLORIDE TREATMENT FACILITY

A desiltation pond was built in 1978 to capture phosphorus before the stormwater from County Ditch 13 reaches Spring Lake. In 1998 a ferric chloride plant was constructed to use this chemical upstream of the desiltation pond to bind with phosphorus and preventing it from entering the lake.

In 2013, the system was redesigned to release the ferric chloride ($FeCl_3$) solution into a desiltation basin, rather than the stream, per a MPCA permit requirement. The initial targets for design parameters, with input and agreement by regulatory agencies, was to allow flows up to approximately 30 cubic feet per second (cfs) into the desiltation pond for normal operations. High flows were to overtop a high flow bypass weir east of the existing pond which flows directly to Spring Lake to prevent possible resuspension and flushing within the desiltation pond.

In September 2018 the pump was programmed to dose ferric chloride based on a relationship with stream height. The maximum treatment dose rate is 4 gallons per hour when the depth over the ferric chloride weir is 0.50 feet. Once the depth is greater than 0.50 feet, the pump will continue dosing at 4 gallons per hour based on the maximum flow calculations of the desilt pond diversion culvert.

In 2021 the desiltation pond treated water with ferric chloride from March 10 to August 24, and again from September 30 to November 4. The gap in treatment was due to dry conditions and no water flow in the stream. Samples were taken weekly during treatment to analyze efficiency of the treatment system. On average, the treated water decreased the concentration of total phosphorus by 25% and dissolved phosphorus by 58%. The Annual Ferric Chloride Report, which include the results of the 2021 sampling, will be posted to the District website by June 1, 2022.

RAYMOND PARK

In 2020 the District restored shoreline and habitat to create a demonstration site for four different habitat types at Raymond Park: beach restoration, oak savanna restoration, shoreline restoration and low maintenance turf grass at the City of Prior Lake's park. A walking trail was added at the park which winds through the oak savanna restoration allowing residents to explore the park and view the restoration. The initial restoration work was completed in 2017 with partial funding received from a Conservation Partners Legacy grant and Great River Greening.

In 2020 vegetation maintenance work was done at the park and volunteers removed additional buckthorn at the park adjacent to the original restoration area. Maintenance responsibilities were transferred to the City of Prior Lake in 2020. Interpretive signs explaining the restoration project were designed for the park in 2020 and installed in 2021.

RESTORATION PROJECTS MAINTENANCE

The District conducted vegetation maintenance on a Spring Lake shoreline restoration project that was previously installed.

PLANNING

2020 WATER RESOURCES MANAGEMENT PLAN

In 2020 the District completed its Water Resources Management Plan, meeting with stakeholders, conducting public meetings and adding final revisions before its approval. The updated ten-year management plan laying out the District's goals and activities for 2020 - 2029 was successfully completed and approved in 2020. The plan served as a framework for District activities in 2021 and will continue to do so in 2022.

LOWER PRIOR LAKE SUBWATERSHED 6 & 36 RETROFIT FEASIBILITY STUDY

In 2011 the District received a grant from the MPCA to perform a diagnostic and feasibility study of Lower Prior Lake. Over the Summer of 2011, EOR:

- Collected numerous water quality samples at a variety of locations in Lower Prior Lake and at various stormwater discharge points to the lake
- Conducted a shoreline survey
- Compiled the data they had collected

This resulted in the "Lower Prior Lake Diagnostic Study and Implementation Plan" dated April 13, 2013. Monitoring results from the diagnostic study revealed that Subwatersheds 6 and 36 contribute relatively high pollutant loads to Lower Prior Lake. The District received a BWSR Watershed Based Funding grant in 2019 to determine the feasibility of implementing water quality improvement practices in the Lower Prior Lake Subwatershed 6 & 36 study area.

The study was completed in 2021 and concluded with the recommendation for four BMPs within the study area to be implemented in conjunction with future road improvement projects. The feasibility report was approved by the Board of Managers in 2021. Copies of the plan were shared with partner roadway implementing partners, including the City of Prior Lake, Scott County and MnDOT.

UPPER WATERSHED BLUEPRINT

The Upper Watershed is a 12,760-acre tributary to Spring Lake, Upper Prior Lake and Lower Prior Lake that represents approximately 67 percent of the total tributary to these lakes. In 2021 the District managers approved the Upper Watershed Blueprint study, which provides a stormwater management and implementation approach for PLSLWD and local partners to improve water quality conditions and reduce flooding in the Upper Watershed over the next ten years.

The Upper Watershed Blueprint resulted in the identification of 14 potential water quality projects and three potential flood reduction projects that could help the District meet its 10-year goals. These projects will help the District meet the annual phosphorus reduction goal of 2,959 pounds set in the Total Maximum Daily Load (TMDL) study for Spring and Upper Prior Lakes to improve water quality in the lakes.

Subsequent to the study approval, the Board of Managers selected six projects from the study to focus on for near-term implementation:

- Sutton Lake Iron-Enhanced Sand Filter (IESF) – 735 lbs/yr estimated phosphorous reduction
- Swamp Lake Iron-Enhanced Sand Filter (IESF) – 223 lbs/yr estimated phosphorous reduction
- Buck Lake East Wetland Enhancement – 100 lbs/yr estimated phosphorous reduction
- Spring West Iron-Enhanced Sand Filter (IESF) – 249 lbs/yr estimated phosphorous reduction
- Buck Lake Chemical Treatment System – 793 lbs/yr estimated phosphorous reduction
- County Ditch 13 Chemical Treatment System – 1,062 lbs/yr estimated phosphorous reduction

The amount of phosphorus reduction may be different if multiple projects are completed in series because an upstream capture of phosphorus will mean less phosphorus is available to be captured downstream. If all six projects listed above are completed, the total annual phosphorous reduction would be approximately 2,712 pounds.

The District moved forward with feasibility studies for two of the water quality projects identified in the Upper Watershed Blueprint in 2021: Spring West IESF and Sutton Lake IESF. The studies were substantially complete in 2021 and will be wrapped up in 2022.

MONITORING AND RESEARCH

Monitoring was conducted in accordance with the Prior Lake-Spring Lake Watershed District Long Term Monitoring Plan and included a mix of staff, volunteer, and contract work, which incorporated in-lake monitoring, stream water quality & flow measurements, precipitation, and aquatic vegetation monitoring. Partners included Metropolitan Council Environmental Services, Three Rivers Park District, Shakopee Mdewakanton Sioux Community (SWCD), Scott Soil and Water Conservation District (SWCD), Blue Water Science, and Emmons and Oliver Resources (EOR). District seasonal interns also assisted with monitoring activities.

STREAM MONITORING DATA

STREAM CHEMISTRY SAMPLING

Stream chemistry samples were collected at 12 locations around the watershed by PLSLWD staff. Water temperature, conductivity, pH, turbidity, and dissolved oxygen were also measured at these locations using a YSI EXO1 multi-parameter sonde:

- Three sites were sampled weekly to fulfill the MPCA permit requirements for the Ferric Chloride site (FC_CD1, FC_CD2, FC_CD3).
- The District Monitoring Program included eight sites (ST_11, ST_14, ST_19, ST_24, ST_26A, ST_40, ST_5D, and DLO). These sites were monitored biweekly.
- One agricultural monitoring site was monitored biweekly for the Farmer-Led Council program (B3). B3 is a tributary of Fish Lake and located approximately 100 feet before entering Fish Lake.

STAGE AND FLOW MONITORING

Continuous stage and flow monitoring occurred in conjunction with the stream chemistry and lake monitoring. Stage and flow monitoring consisted of level loggers that continuously recorded stage and flow measurements. By combining chemistry and stage/flow monitoring results, loads can be calculated using the FLUX modeling software. The sites mentioned in the stream chemistry section above all had level loggers. In addition to those sites, stage and flow were monitored on the outlets of Fish, Sutton, Crystal, and Prior Lakes (sites ST_08, Sutton, CRY_OUT, PL_OUT respectively).


Stream Monitoring

Flow measurements were collected by PLSLWD and Scott SWCD. The flow meter used was a Sontek Flowtracker2. Continuous stage was recorded using level loggers, including pressure transducers, an ultrasonic distance sensor and an area velocity meter.

LAKE MONITORING DATA

TELEMETRY LEVEL LOGGERS

Three telemetry level loggers were installed to monitor the lake levels on Spring, Prior, and Pike Lakes. The loggers were programmed to log the lake level every 15 minutes and then transmit the data to the PLSLWD website once per hour which was accessible to the public. Two additional telemetry loggers were placed at Fish and Buck Lakes, but they function as regular loggers and data was downloaded manually.

DNR STAFF GAGES

Five staff gages were monitored for the DNR on Buck, Fish, Pike, Spring and Lower Prior Lakes. Staff gages are surveyed in every year by the DNR to tie the results to Mean Sea Elevation.

THREE RIVERS PARK DISTRICT

Three Rivers Park District monitored five lakes in 2021: Fish, Pike, Upper Prior, Lower Prior and Spring Lakes. These lakes are monitored 13 times per year, and where possible, profile samples are collected.

CAMP VOLUNTEER LAKE MONITORING

The Citizen Assisted Monitoring Program (CAMP) program was coordinated by Metropolitan Council, and locally coordinated by PLSLWD. Volunteers collected samples on eight lakes through the CAMP program in 2021.

Lake	Volunteer(s)
Lower Prior (site 2)	Amy Card
Haas	Tom Chaklos
Buck Lake	Steve Beckey
Cates	Paula Thomsen
Little Prior	PLSLWD staff
Fish	Jon Haferman
Crystal	Scott Thulien
Sutton	PLSLWD staff

Samples are typically collected every other week during ice-free conditions. Sampling includes parameters such as Secchi depth, phosphorus, and chlorophyll-a.

AQUATIC VEGETATION SURVEYS

Using a point-intercept survey (evenly-spaced sampling locations around the lake), Blue Water Science conducted summer aquatic vegetation surveys on five lakes – Buck Lake, Pike Lake, Upper Prior Lake, Lower Prior Lake and Spring Lake. These surveys include the type and abundance of vegetation at predetermined sampling locations throughout the lakes during summer, which is the time most vegetation is present.

Curly-leaf pondweed (CLP) surveys were completed in springtime on Fish Lake, Upper Prior Lake, Lower Prior Lake, and Spring Lake to determine if treatment was needed. Aquatic vegetation management for curly-leaf pondweed occurred on Spring, Lower Prior and Upper Prior Lakes in 2021.

AQUATIC VEGETATION DENSITY MAPPING

Using a fish finder, the density of aquatic vegetation in District lakes was mapped using BioBase software. BioBase creates whole-lake maps of aquatic vegetation density, bathymetry, and bottom hardness, connecting the points collected in the aquatic vegetation surveys. BioBase mapping is used to fill in the gaps and compliment the work of the vegetation surveys.

Volunteers and staff mapped all or parts of Lower Prior Lake, Upper Prior Lake, and Spring Lake in 2021.

The benefits of this project include:

- A better understanding of density of vegetation in lakes
- A better understanding of plant area coverage in lakes (percentage of lake bottom growing plants)
- More accurate bathymetric maps
- Lake bottom sediment composition maps
- Improved implementation and analysis of curly-leaf pondweed treatments
- Greater understanding of lake ecology and sediment deposition rates
- Better management of fisheries including for sports fishing

Table 1 Percent of Lake Bottom Growing Aquatic Vegetation

Lake	Plant Area Coverage %	Year
Arctic	6	2019
Buck	47	2016
Cates	99	2018
Crystal	31	2020
Fish	24	2020
Jeffers Fish Pond	83	2020
Little Prior	50	2016
Lower Prior	46	2021
Spring	29	2021
Upper Prior	52	2021

PRECIPITATION

One volunteer, Richard Schultz, collected rain and snowfall data daily in 2021. District staff recorded daily precipitation at the office location. The District also has a weather station at Spring Lake Town Hall which logged and transmitted data to Weather Underground.

BOAT INSPECTIONS (AIS)

IN-PERSON INSPECTIONS

In-person boat inspections were conducted within the District by Waterfront Restoration at the launches of Upper Prior, Lower Prior, Spring, and Fish Lakes. A total of 4,817 inspections occurred between the four lakes between May 14 and September 25, 2021.

A total of 39 entering violations were identified, the majority of which were drain plug violations. There were findings of significance on 104 exiting watercrafts, but because they were found and resolved before exiting the launch, they were not classified as violations.

INTERNET LANDING INSTALLED DEVICE SYSTEM (I-LIDS)

An I-LIDS station was installed at the Spring Lake boat launch in 2021 as a pilot project. I-LIDS is a motion-activated recording system that monitors boats as they enter and leave the water. It also issues an automatic audio reminder to people to check the boat and trailer for invasive species. The goal of the system is to increase Minnesota aquatic invasive species law compliance rates.

I-LIDS recorded 1,086 launches and captured one violation. Modifications continue to be made to improve the operations of the system. The pilot project will be extended through 2022.

WETLAND HEALTH ASSESSMENT MONITORING (WHAM)

In the summer of 2021, five wetlands were assessed for overall health: Fish Point Wetland, Northwoods Pond, 12/17 Wetland, Geis Wetland, and Sandey Wetland. The assessment process included macroinvertebrate sampling, as they are sensitive to different levels of human influence and pollution, and their abundance and diversity can be used to determine wetland health.

Another component of wetland assessment was vegetation surveys. Due to their sensitivity to changes in water quality and quantity, the abundance and diversity of vegetation species are another good indicator of overall wetland health.

The results of the macroinvertebrate sampling and vegetation surveys were used to calculate the Index of Biological Integrity (IBI) scores for each wetland, which is a scoring system that measures the responses to human disturbance or pollution in wetlands. An "Excellent" IBI score ranges from 23-30. A "Moderate" score ranges from 15-22, and a "Poor" score ranges from 6-14. The IBI score for each of the wetlands sampled in 2021 are as follows:

- Sandey Wetland – Moderate (16 out of 30)
- 12/17 Wetland – Poor (14 out of 30)
- Northwoods – Poor (8 out of 30)
- Geis Wetland – Poor (12 out of 30)
- Fish Point Wetland – Poor (8 out of 30)

REGULATION

EASEMENT INSPECTIONS

The District holds many conservation easements and development agreements over wetland and watercourse buffer strips that were acquired through permit activity or capital project construction. These buffer strips and associated easement and agreement restrictions provide water quality benefits by protecting District water resources. The District's conservation easement program contains three components to ensure protection of its investments: yearly monitoring inspections, effective communication with landowners and a strong enforcement policy.

In 2021 staff inspected the District's 48 conservation easements. The District's conservation easements are on property owned by 184 landowners. Inspections were not performed in 2020, due to the pandemic. In 2021 65% of properties were in compliance, which is a reduction of the 2019 compliance rate, indicating the need for on-going annual inspections. Of those sites with violations, most of the easements had only minor violations of the easement terms. Staff are working with landowners that have larger violations to resolve the violations and bring their easement area into compliance. Many landowners with violations have made improvements, correcting some, if not yet all, of the easement violations on their property.

Staff wrote letters to landowners advising them of the violations and offering to provide them further assistance to ensure the violations would not continue. The most common easement violations were mowing, yard waste, storage (wood etc.), dumping/trash, landscaping, and planting non-natives. During the 2022 inspections, staff will concentrate on monitoring the violating properties and working with landowners to resolve issues.

PERMIT ACTIVITY

The District inspected active permits to ensure that conditions of the permit were being met. The District issued two new permits in 2021:

- 21.01 Fish Point Road
- 21.02 MnDOT TH13

Weekly permit inspections began in April and went through November 2021. Inspections also continued from previous years' open permits: 17.01, 18.02, 18.05, 18.06, 19.01, 20.01, 20.02, 20.03, and 20.04. The District continued to close out permits as the projects met requirements.

EDUCATION AND OUTREACH

CITIZEN ADVISORY COMMITTEE

PLSLWD staff facilitates and attends monthly Citizen Advisory Committee (CAC) meetings. CAC meeting minutes were included in monthly Board meeting packets. Manager Loney is the assigned Board of Managers liaison to the CAC. In this role, Manager Loney helps develop CAC meeting agendas and attends the CAC meetings. On July 29, 2021, the District hosted a joint Board of Managers and CAC meeting, which provided an opportunity for the managers and CAC members to share thoughts on District priorities. The joint meeting was deemed a success and the intent is to turn it into an annual event.

The CAC researched and provided feedback to staff and recommendations to the Board of Managers on several topics in 2021, including fish stocking and the Internet Landing Installed Device System (I-LIDS), a tool for reminding boaters to inspect their boats to prevent the spread of aquatic invasive species (AIS). The CAC reviewed and updated their bylaws in 2021 and started the development of a new CAC member orientation packet. Finally, the CAC focused on topics within its five subcommittees: Shoreline Restoration; Fish Stocking; AIS; Water Storage: and Lake Life and Water Quality.

COMMUNITY INVOLVEMENT

The District partnered with the Scott SWCD through the Scott County Clean Water Education Program (SCWEP) to provide public outreach and education opportunities. The District and the Scott SWCD hosted a cover crop workshop, a native prairie workshop, and a shoreline workshop in 2021.

As part of the Lake Friendly Farm Awards luncheon in 2021, the District retained Jodi DeJong-Hughes, a University of Minnesota Extension educator to provide an education program focused on reduced tillage farming research. A Growing Healthy Soils event originally planned for 2021 was postponed to early 2022 due to the pandemic.

The District conducted a tour of the Sutton Lake Outlet project area. After taking a year off in 2020 due to the pandemic, the District hosted an informational booth at a City of Prior Lake community celebration, Chamberfest.

The District and the City of Prior Lake typically coordinate Clean Water Clean-Up events. In the fall of 2021, the event was to stencil signage by stormwater drains within the watershed district reminding people that stormwater eventually ends up in local lakes and to keep litter away from them. There were approximately 40 participants in the stenciling event.

In 2021, the District made presentations at the annual meetings of the Prior Lake and Spring Lake Associations. The District also made presentations to the Prior Lake Rotary Club and the City of Prior Lake's Community Engagement Committee. Finally, the District led educational activities at two

events geared towards children. The first event was with Twin Oaks Middle School and had 250 participants. Students were taught about sources of pollution in a watershed, the importance of wetlands, and about the macroinvertebrates that are indicators for wetland health. The youth event at Pike Lake Kiciyapi camp was a collaboration with the SMSC and YMCA and had approximately 40 to 60 participants. SMSC students and YMCA kids were taught about a wide variety of aquatic plants and their importance to lake health.

PLSLWD 50TH ANNIVERSARY

In 2020 the Prior Lake-Spring Lake Watershed District celebrated its 50th Anniversary. Although most of the 50th anniversary activities were completed in 2020, the Hike the Watershed event continued into 2021.

The Hike the Watershed challenge was developed to get local residents involved and help them explore some of the lesser-known waterbodies in the District. The challenge highlighted 11 different hikes and turned out to be an activity very well suited for the pandemic. The challenge was publicized with an article in the local newspaper, on the District website and social media. Flyers with maps of the hikes were placed at parks around the District and periodically rotated around to other parks. The District hosted organized tours of three locations within the watershed: Jeffers Pond, Lakefront Park, and Spring Lake Park, with a total of 27 participants between the three tours.

PRESS AND SOCIAL MEDIA

The District submitted 8 articles to be published in the Scott County Scene and the Prior Lake American. Over 20 articles were also posted to the District's website. In addition, other media outlets and newsletters were used to publicize District events and initiatives.

Lake levels for Prior, Spring, and Pike Lakes were updated automatically on the website during the growing season. Facebook, Twitter, and Instagram posts were made on a wide variety of topics. Four videos were published on the District's YouTube channel, in addition to the video recordings of the District's 2021 Board of Managers meetings.

PRIOR LAKE OUTLET CHANNEL

OUTLET STRUCTURE

The Prior Lake Outlet Structure was constructed in 1983 to address high lake level issues on Prior Lake, which does not have a natural outlet. The structure received a major update in 2010 to incorporate an improved design.

PRIOR LAKE OUTLET CHANNEL (PLOC)

The Prior Lake Outlet Channel (PLOC) is utilized by the District and other partners in managing lake levels on Prior Lake as well as providing a 7-mile stormwater conveyance system for the surrounding communities. There is a Memorandum of Agreement between the Cities of Prior Lake, Shakopee, the Shakopee Mdewakanton Sioux Community and the District that specifies operation and maintenance as well as cost-sharing.

The PLOC is considered an MS4 municipal stormwater conveyance system and the District must secure permits and submit annual reports. When complete, the annual report will be available on the PLSLWD website, which includes a summary of all activities that were completed along the channel.

Some of the recurring annual activities included channel inspections, flow and chemistry monitoring, and invasive terrestrial vegetation management.

CHANNEL MAINTENANCE AND REPAIR

In 2021, planning and design work was initiated on two channel repair projects. The first project entails the removal of accumulated sediment from a widened section of the channel just upstream from Dean Lake in the City of Shakopee. This channel segment was intentionally designed to collect sediment prior to water entering Dean Lake. An assessment of the channel determined the sediment collection area was full and that it was time for sediment removal maintenance activities.

The second project includes the enhancement of approximately 1,100 linear feet of stream corridor via bank stabilization, revegetation, and reconnection to floodplain. Stabilization activity will be split between four locations within the cities of Prior Lake and Shakopee.

These projects are planned for construction in 2022.

WETLAND BANKING PROGRAM

The Prior Lake-Spring Lake Watershed District does not have a locally adopted wetland banking program within its jurisdiction.

STATUS OF LOCAL PLAN ADOPTION AND IMPLEMENTATION

Minnesota Rule 8410 required that local units of government complete their Surface Water Management Plans and Comprehensive Plans by December 31, 2018. The District has previously reviewed and/or approved: the Scott WMO's Comprehensive Water Resources Management Plan; Lower MN River Watershed District's Watershed Management Plan; the City of Savage's Local Water Plan; the City of Shakopee's Surface Water Management Plan and Prior Lake's Local Surface Water Management Plan. In 2021, no local plans were submitted to PLSLWD for review.

EVALUATION OF PROGRESS

The following are major projects and programs completed since 2016 PRAP Level II Report:

- The Prior Lake Stormwater Management and Flood Mitigation Study (2016 Flood Study) was completed. Two of the three recommendations of the Flood Study were also completed:
    - The City of Prior Lake completed a Flood Response Policy to coordinate temporary protection measures during flood events.
    - The District updated its Management Policy and Operating Procedure and received approval by the Minnesota Department of Natural Resources (MnDNR) to open the low-flow gate at its own discretion, by following the Procedure.
    - The third recommendation was to meet the first-tier, high priority Prior Lake protection level of 905.5 for the 25-year return period. In 2021 the District completed construction of its first flood storage project, the Sutton Lake Outlet Structure, which is designed to moderate high flows and provide flood reduction benefits downstream on Spring and Prior Lakes.
- FEMA-funded projects resulting from the 2014 flood are now complete. Nearly $1 million in damages to the Prior Lake Outlet Channel included stream bank erosion, downed trees, sediment delta and culvert replacements.
- Four Lower Prior Lake Retrofit Implementation Projects were completed which will reduce phosphorus by 33 pounds per year or 10% of the total drainage area phosphorus load to Lower Prior Lake. In addition, the Fish Point Park Water Quality Improvements Project was completed and was expected to reduce phosphorus from entering Lower Prior Lake by 34 pounds per year.

- The Farmer-Led Council (FLC) was created in 2013 to develop and guide the implementation of strategies the District will use to accomplish agriculture's share of the nutrient reduction goal. The FLC has expanded to include more area farmers who participate in regular meetings, attend workshops, participate in new incentive programs like the Lake Friendly Farm and Cover Crop Incentive Program. Between 2019 and 2021, 1,721 acres of cover crop were installed through the FLC resulting in approximately 954 pounds of phosphorus reduction for those years. Since 2018, 784 acres have been certified through the Lake Friendly Farm program resulting in an annual phosphorus reduction of 284 pounds. Approximately 13.6% of cropland in the District has been certified as "Lake-Friendly."

- Carp management has grown from sponsoring carp tournaments and occasional seines to implementing a comprehensive Integrated Pest Management Plan (IPM Plan) that includes population estimates, installing carp barriers, large open and closed water seines and an Accelerated Carp Management Plan that focused upon innovative techniques to reduce the carp population in Spring and Upper Prior Lakes.

- Two demonstration shoreline restoration projects were completed on Spring Lake—on the District's property and at the City of Prior Lake's property, Raymond Park. Restoration work occurred on a shoreline enhancement and prairie restoration project in 2019 on Fish Lake.

- Conservation easements were not a high priority of the District prior to 2015. All 48 conservation easements, which represent 184 landowners, are being inspected annually and most landowners with easement violations have responded by correcting problems or making improvements.

- The Citizen Advisory Committee meets monthly. In 2019, they initiated a new action plan for CAC-sponsored activities and work for 2020 and beyond, such as fish stocking, AIS/Signage, shoreline restoration and the District's 50th Anniversary.

FINANCIAL REPORT

The 2021 PLSLWD Audit was completed by Abdo and will include both the District's Annual Financial Report and the Independent Auditor's Report on Compliance with Minnesota Legal Compliance Guide for Local Governments for the year ended December 31, 2021. A copy of the 2021 Annual Audit will be available for review on the District website and at the District office after May 10, 2022, when it is scheduled to be approved by the Board of Managers.

2021 FINANCIAL SUMMARY

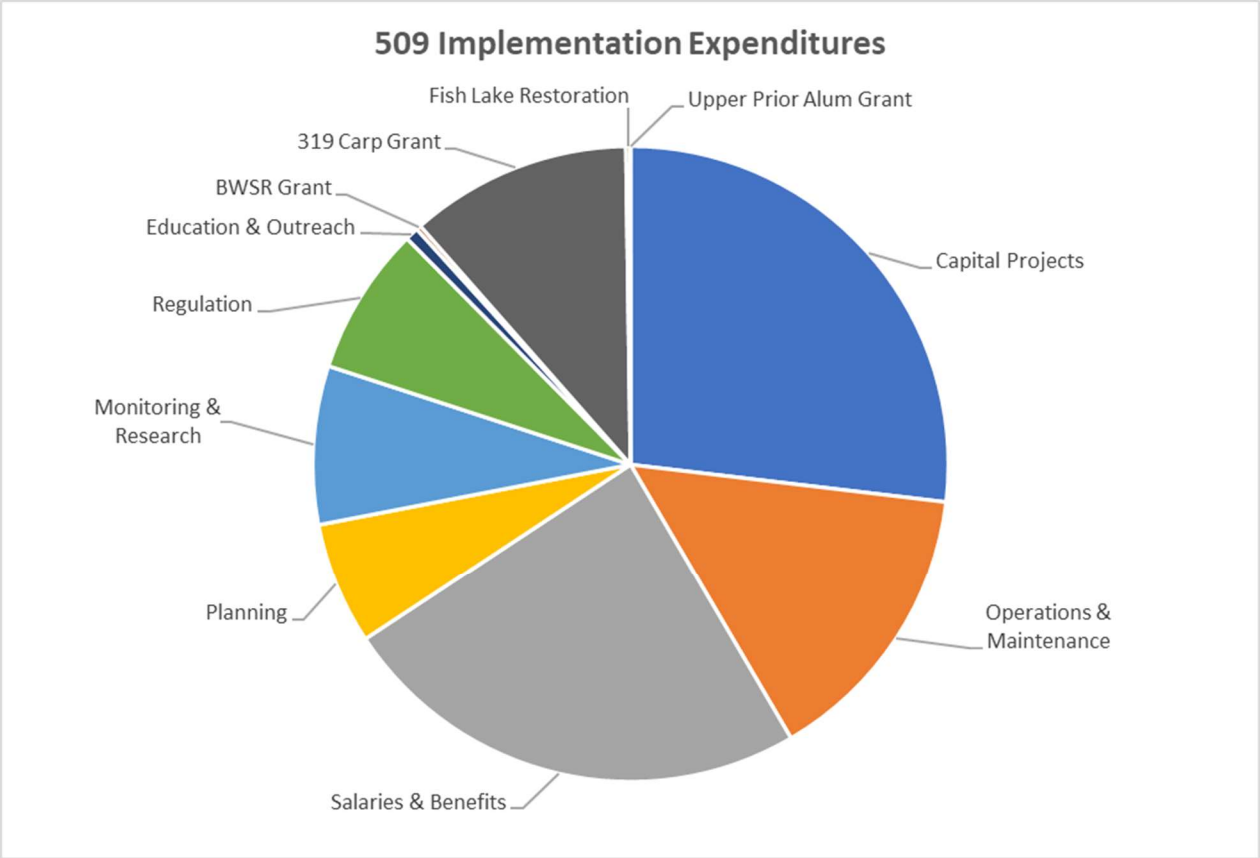
Values presented in the chart and graph below are unaudited. Please refer to the 2021 Annual Audit for more details, which can be found at www.plslwd.org

2021 Project Expenditures

2021 FINANCIAL SUMMARY

Fund	Starting Balance	Approved Budget	Tax Levy Revenue *	Additional Revenue **	Transfers To/(From)	Expenditures	Ending Balance
General	$ 341,083	$ 166,126	$ 167,416	$ 4,554	$ -	$ 239,307	$ 273,746
509 Implementation	650,030	1,895,506	1,627,444	264,071	(27,624)	1,241,839	1,272,082
MOA/JPA Funds	462,448	-	-	159,097	27,624	277,513	371,656
Bond Debt Service	-	-	-	-	-	-	-
Total	**$ 1,453,561**	**$ 2,061,632**	**$ 1,794,860**	**$ 427,722**	**$ -**	**$ 1,758,659**	**$ 1,917,484**

* Tax levy revenues shown are actual tax levy dollars collected. The 2021 tax levy was $1,749,632
** Additional revneue is comprised of permit fees, investment income, and grant funding.



GRANTS

Grants obtained by the District that were active in 2021 were as follows:

- *Internal Loading BMPs in Spring and Prior Lakes grant*
  Goal: Utilize integrated pest management principles to effectively manage the common carp population and manage aquatic vegetation to reduce the levels of phosphorus in Spring and Prior Lakes.
  Funding Source: 319 Grant through the MPCA
  Total Grant Amount: $80,300
  Effective: February 14, 2019 to December 31, 2021

- *Metro Watershed Based Implementation Funding – Lower Minnesota River South Watershed Area*
  Goal: Two feasibility studies will be conducted to determine suitability for possible future projects.
  Funding Source: BWSR
  Total Grant Amount: $39,575
  Effective: April 14, 2021 to December 31, 2023

- *Watershed-based Implementation Funding grant*
  Goal: Utilize integrated pest management principles to effectively manage the common carp population and aquatic vegetation to reduce the levels of phosphorus in several District lakes and wetlands including Spring Lake, Prior Lake, Pike Lake, the Geis wetland and the Northwoods wetland. The District's Farmer-Led Council will hold two meetings for the District's agricultural community to discuss new and innovative conservation practices within Scott County. Two feasibility studies will be conducted to determine suitability for possible future projects.
  Funding Source: BWSR
  Total Grant Amount: $185,000
  Effective: May 15, 2019 to December 31, 2022

- *Fish Lake Shoreline & Prairie Restoration Project grant*
  Goal: Enhance the shoreline and reconstruct a prairie on Fish Lake at Spring Lake Town Hall.
  Funding Source: Conservation Legacy Partners through the DNR
  Total Grant Amount: $13,800
  Effective: April 4, 2019 to June 30, 2022

- *Sutton Lake Outlet Structure Project grant*
  Goal: Install outlet structure on Sutton Lake to control high flows and reduce downstream flooding.
  Funding Source: DNR – Flood Damage Reduction grant
  Total Grant Amount: $207,000
  Effective: July 1, 2020 to December 30, 2022

2022 WORK PLAN

The following is a summary of implementation activities planned to be completed in 2021 and the amount budgeted for that activity.

Implementation Fund	$2,190,435
General Fund	$246,200

CAPITAL PROJECTS

In 2022 the District will complete construction on the Sutton Lake Outlet Structure project and the Fish Lake Shoreline & Prairie Restoration project.

OPERATIONS AND MAINTENANCE

The Cost Share and Residential Incentives programs and Farmer-Led Council will be continued. Operation and maintenance of the ferric chloride facility will continue. The District will be performing a study to better understand the lifespan of the existing ferric chloride tank and to better plan for its replacement. Aquatic vegetation treatment may occur in Prior and Spring Lakes, depending upon the survey reports. Aquatic point intercept vegetation surveys will be performed on seven District lakes. Vegetation maintenance will continue on restoration projects like the District's Spring Lake parcel. The I-LIDS pilot project will be extended into 2022, and the District will continue to perform AIS inspections at boat launches on Spring, Upper Prior, Lower Prior and Fish Lakes.

The Carp Management Program will continue with its three main components: track, block and remove. The carp will be tracked using PIT tags, radio tags, and visual observations. The District plans to stock bluegills in two wetlands where carp are known to spawn to reduce carp reproductive success. The District will attempt to remove a significant population of carp from Spring and Upper Prior Lakes in 2022.

PLANNING

The District will move forward with projects identified in the Upper Watershed Blueprint, including finishing up feasibility studies for two water quality projects identified and pursuing additional feasibility studies for other identified projects.

MONITORING AND RESEARCH

The District will continue its monitoring program in 2022, which includes stream chemistry monitoring, flow monitoring, lake quality, lake level, plant surveys, and plant density monitoring. The District will also migrate its water quality database to a new platform due to its outdated nature. This will increase reliability of the database and efficiency in the data pipeline.

REGULATION

Annual conservation easement inspections will be performed. The District will complete an MS4 Annual Report. Construction inspections for existing and new permits will continue to occur.

The District's rules were last substantially revised in 2003. A decade later, planning was undertaken by the District and its municipal partners to advance rule revisions, but ultimately, the District decided not to move forward with finalization and adoption of a new set of rules. The new rule for Illicit Discharge, Rule P, was adopted by the District on December 10, 2013. Four rules were revised and adopted to meet MS4 requirements on October 13, 2015 in order to meet MS4 permit requirements: A (Definitions), D (Stormwater Management), E (Erosion & Sediment Control) and P (Illicit Discharge). The District convened a Rules TAC in August of 2017 and rule revisions are expected to be completed in 2022. The District will continue enforcing its Rules, inspecting permit sites and monitoring conservation easements.

EDUCATION AND OUTREACH

The District will continue its education and outreach program to meet the requirements of its MS4 permit and improve understanding of local water resources and practices among all stakeholders in the District. The District will continue working with the Scott County Clean Water Education Program and will be participating in public outreach and education opportunities. Updating the website and writing articles for submittal to local newspapers will continue. The full 2022 Education and Outreach plan is available on the District website.

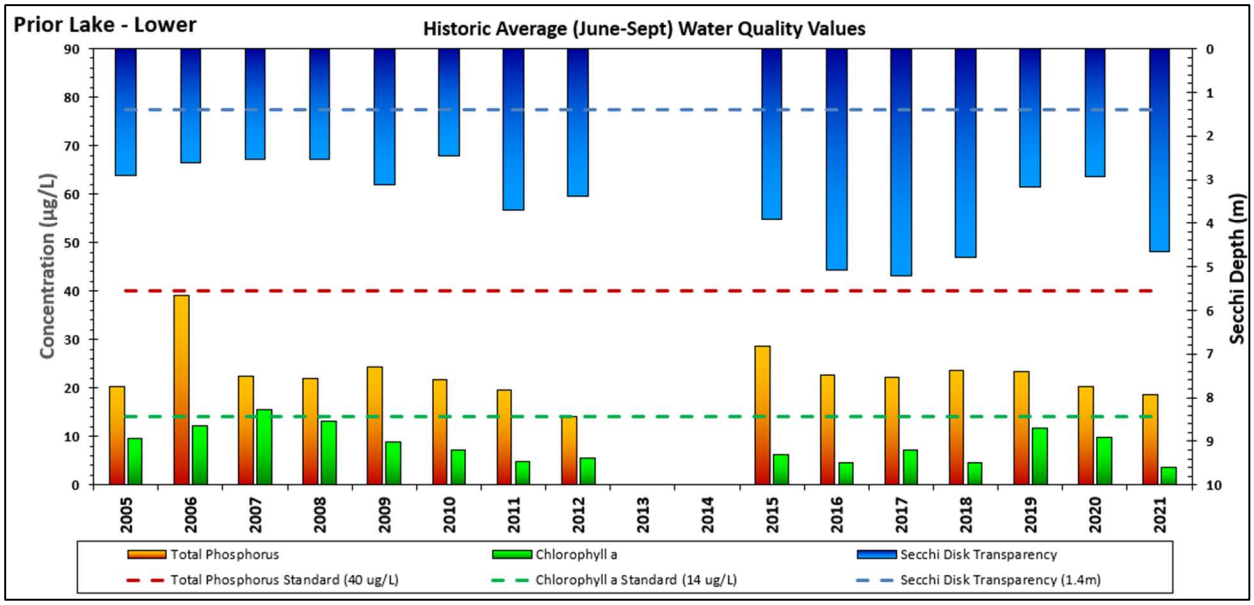
PRIOR LAKE OUTLET CHANNEL

Recurring annual operations such as inspections and vegetation management will continue in 2022. Repair work to fix major damage to the channel from 2014 flooding was completed in 2020 with funding from FEMA and the State of Minnesota, however other bank erosion issues remain that were not caused by the flood. Repair for these bank erosion projects will be engineered in 2021, with construction planned for 2022. A segment of the channel designed to collect sediment is full. Sediment will be removed from the channel at this location in 2022. Projects and other maintenance will be discussed and decided upon by the Technical Advisory Committee and the Cooperators (Memorandum of Agreement) members.

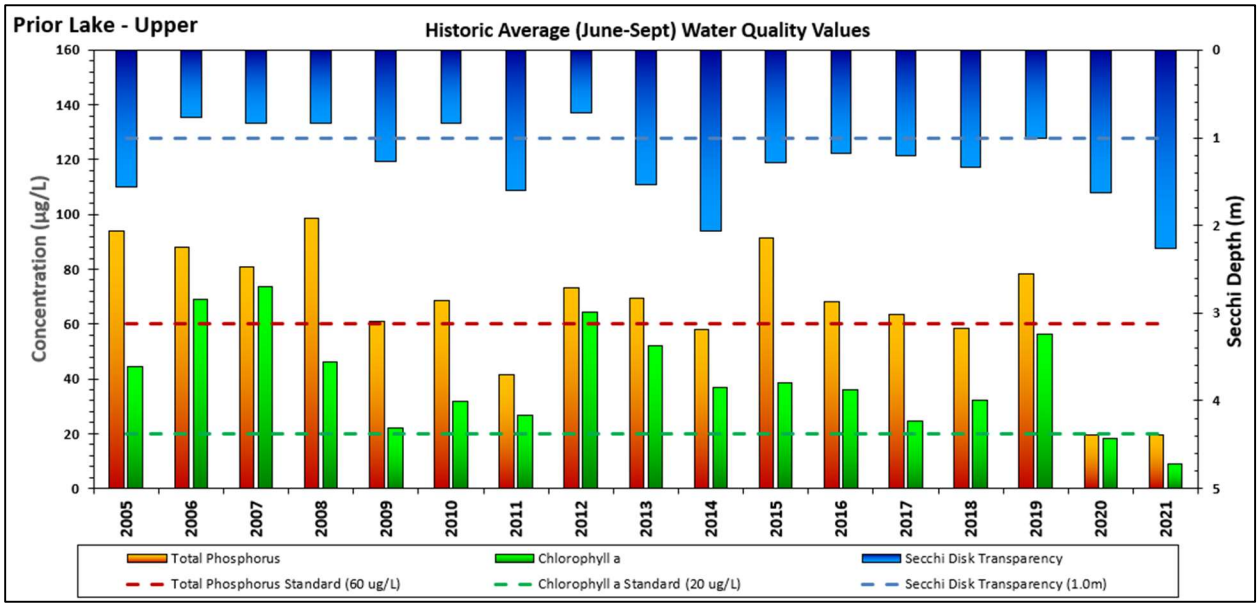
WATER QUALITY GRAPHS

The following graphs indicate the status of the District's monitoring efforts on District lakes since 2004.

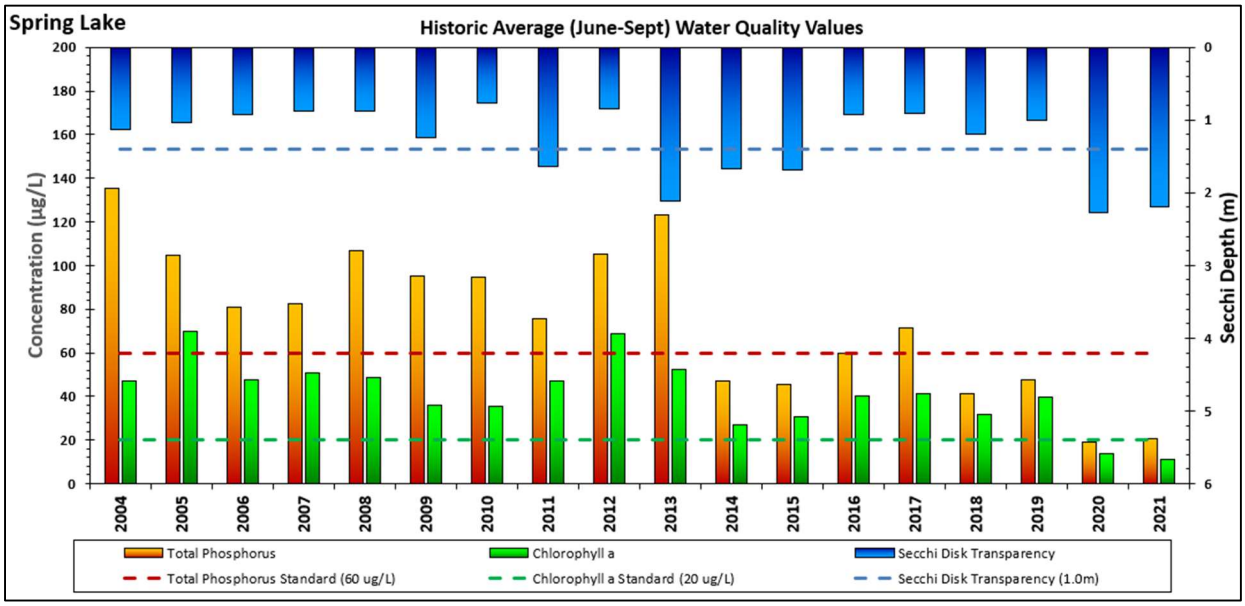
Lower Prior Lake



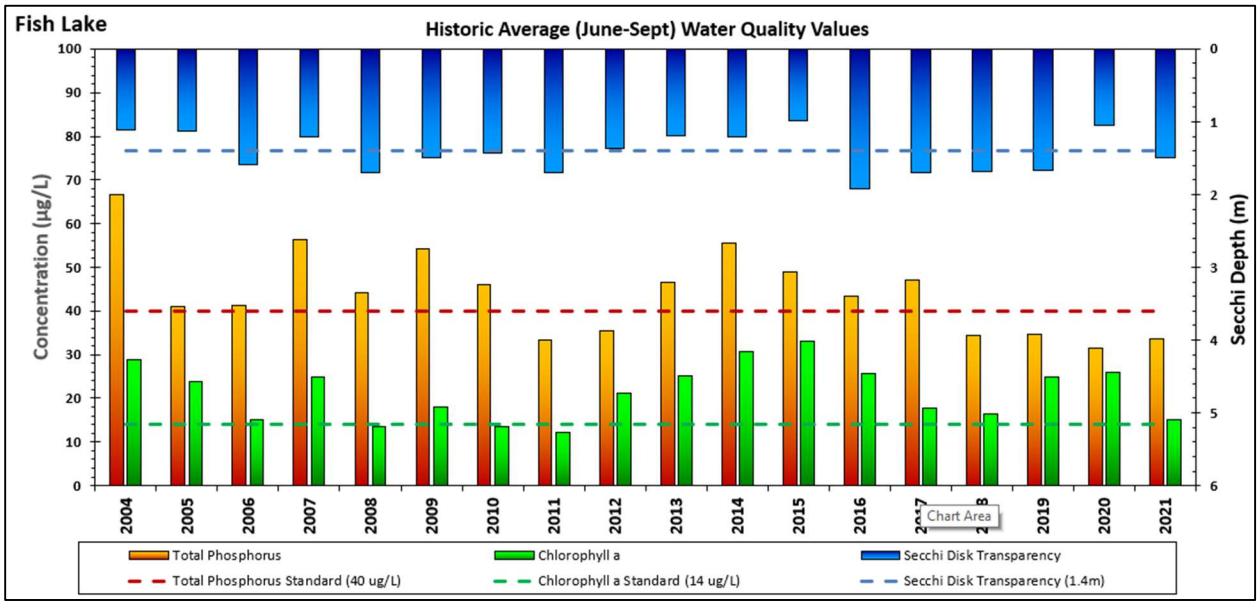
Upper Prior Lake



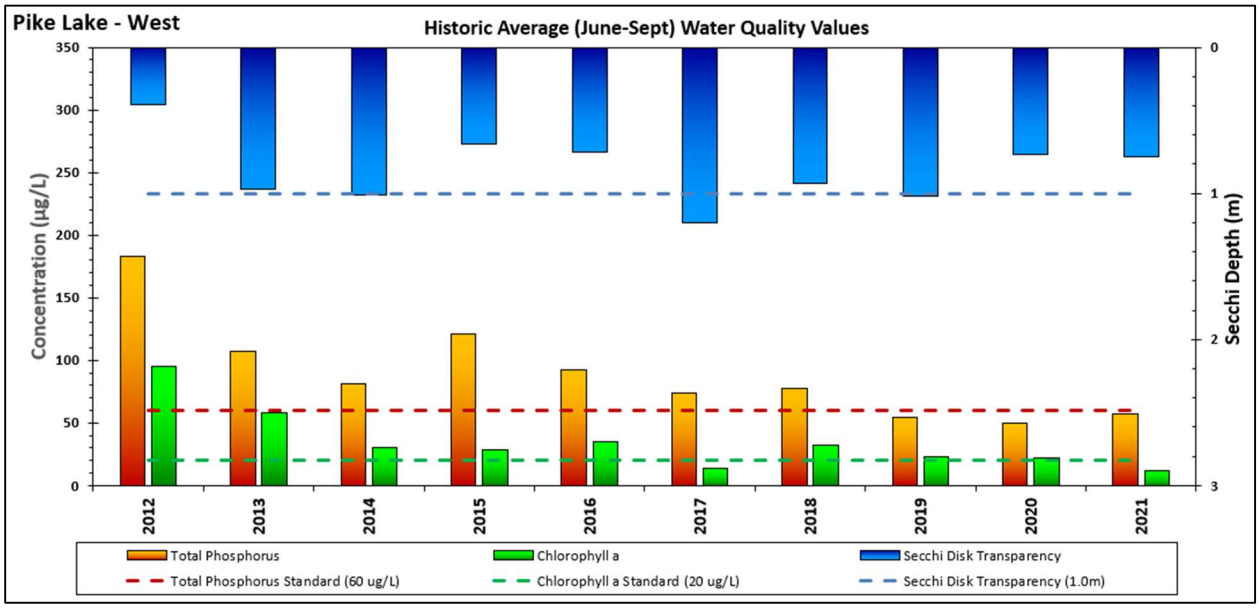
Spring Lake



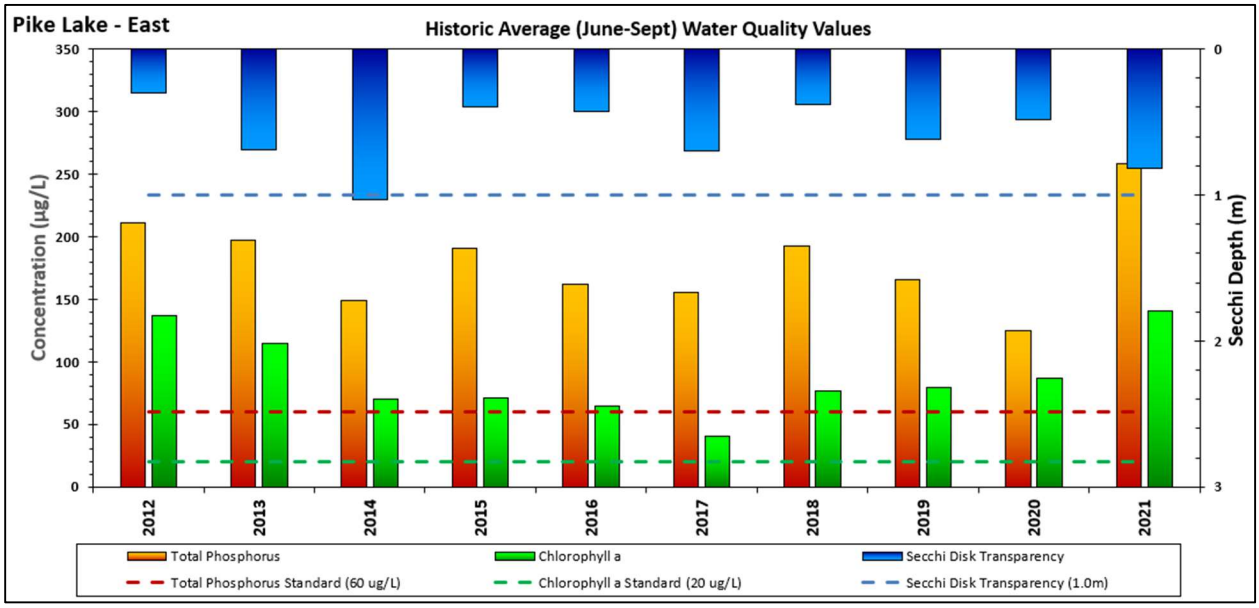
Fish Lake



Pike Lake - West



Pike Lake - East



PLSLWD Board Staff Report
May 5, 2022

Subject |	Resolution 22-355: Amending the 2022 Budget to Remove the 611 Alum Internal Loading Reserve Budget Reserve, and Resolution 22-356: Amending the 2022 Budget to Establish the 611 Upper Prior Lake Phase II Sediment Monitoring Budget Line Item
Board Meeting Date |	May 10, 2022 **Item No:** 4.5
Prepared By |	Joni Giese, District Administrator
Attachments |	1) Resolution 22-355: Amending the 2022 Budget to Remove the 611 Alum Internal Loading Reserve Budget Reserve 2) Resolution 22-356: Amending the 2022 Budget to Establish the 611 Upper Prior Lake Phase II Sediment Monitoring Budget Line Item 3) 2022 Budget with Resolution Adjustments
Proposed Action |	Approval of Resolution 22-355: Amending the 2022 Budget to Remove the 611 Alum Internal Loading Reserve Budget Reserve, and Approval of Resolution 22-356: Amending the 2022 Budget to Establish the 611 Upper Prior Lake Phase II Sediment Monitoring Budget Line Item

Background

The Board of Managers adopted the Prior Lake-Spring Lake Watershed District 2022 budget on December 21, 2021.

Discussion

Within the 2022 budget, the "611 Alum Internal Loading Reserve" budget line item included, as Budget Reserve, $230,000 that were committed on December 21, 2021. The $230,000 of committed funds are for the purpose of building up a reserve to fund alum treatments within the District for years beyond 2022 and are not an accurate reflection of budgeted 2022 expenditures. Resolution 22-355: Amending the 2022 Budget to Remove the 611 Alum Internal Loading Reserve Budget Reserve, will amend the "611 Alum Internal Loading Reserve" budget line item to remove the 2021 committed funds of $230,000 from the 2022 budget.

The 2022 budget adopted by the Board of Managers on December 21, 2021, included a budget line item "611 Alum Internal Loading Reserve" for $250,000. This budget line item included $230,000 of funds for the purpose of building a reserve to fund alum treatments within the District for years beyond 2022 and $20,000 to monitor sediment in Upper Prior Lake to determine when the next alum treatment would be needed. To better clarify the intended use of sediment monitoring funds, a new budget line item titled, "611 Upper Prior Lake Phase II Sediment Monitoring" will be established in the budget and $20,000 will be transferred into this new budget line item from the "611 Alum Internal Loading Reserve" budget line item via adoption of Resolution 22-356: Amending the 2022 Budget to Establish the 611 Upper Prior Lake Phase II Sediment Monitoring Budget Line Item. The remaining $230,000 in the "611 Alum Internal Loading Reserve" budget line item will be committed in December 2022.

Recommendation

Staff recommends Manager's approval of Resolutions 22-355 and 22-356.

Resolution 22-355

Amending the 2022 Budget to Remove the 611 Alum Internal Loading Reserve Budget Reserve

WHEREAS, Within the 2022 budget adopted by the Board of Managers on December 21, 2021, the 611 Alum Internal Loading Reserve budget line item included, as Budget Reserve, $230,000 of funds that were committed on December 21, 2021; AND

WHEREAS, the $230,000 of funds committed in 2021 are for the purpose of building up a reserve to fund alum treatments within the District in years beyond 2022; AND

WHEREAS, the $230,000 of funds committed in 2021, included as Budget Reserve in the 2022 budget, are not an accurate reflection of 2022 expenditures;

THEREFORE, BE IT RESOLVED that 611 Alum Internal Loading Reserve budget line item be amended to remove $230,000 from the budget reserve, resulting in a decrease in the 2022 Implementation Fund budget total from $2,190,435 to an amended budget total of $1,960,435.

The question was called on the adoption of the Resolution and there were __ yeas and __ nays as follows:

	Yea	Nay	Absent
Boyles	☐	☐	☐
Hennes	☐	☐	☐
Loney	☐	☐	☐
Morkeberg	☐	☐	☐
Myser	☐	☐	☐

Upon vote, the chair declared the resolution adopted.

It is hereby certified that the Board of the Prior Lake-Spring Lake Watershed District adopted this Resolution at a duly convened meeting of the Board held on the 10th day of May 2022, and that such Resolution is in full force and effect on this date, and that such Resolution has not been modified, amended, or rescinded since its adoption.

_____ Dated: May 10, 2022

Frank Boyles, Secretary

Resolution 22-356

Amending the 2022 Budget to Establish the 611 Upper Prior Lake Phase II Sediment Monitoring Budget Line Item

WHEREAS, the 2022 budget adopted by the Board of Managers on December 21, 2021, included a budget line item 611 Alum Internal Loading Reserve for $250,000; AND

WHEREAS, this budget line item included $230,000 of funds for the purpose of building a reserve to fund alum treatments within the District in years beyond 2022 and the budget lime item also included $20,000 to monitor sediment in Upper Prior Lake to determine when the next alum treatment would be needed; AND

WHEREAS, to better clarify the intended use of sediment monitoring funds, a new budget line item titled, "611 Upper Prior Lake Phase II Sediment Monitoring" is being established in the budget and $20,000 is being transferred into this new budget line item from the "611 Alum Internal Loading Reserve" budget line item; AND

WHEREAS, the remaining $230,000 in the "611 Alum Internal Loading Reserve" budget line item will be committed in December 2022;

THEREFORE, BE IT RESOLVED that 2022 Budget be amended to establish the "611 Upper Prior Lake Phase II Sediment Monitoring" budget line item and that $20,000 is being transferred into this new budget line item from the "611 Alum Internal Loading Reserve" budget line item;

The question was called on the adoption of the Resolution and there were __ yeas and __ nays as follows:

	Yea	Nay	Absent
Boyles	☐	☐	☐
Hennes	☐	☐	☐
Loney	☐	☐	☐
Morkeberg	☐	☐	☐
Myser	☐	☐	☐

Upon vote, the chair declared the resolution adopted.

It is hereby certified that the Board of the Prior Lake-Spring Lake Watershed District adopted this Resolution at a duly convened meeting of the Board held on the 10th day of May 2022, and that such Resolution is in full force and effect on this date, and that such Resolution has not been modified, amended, or rescinded since its adoption.

_____ Dated: May 10, 2022

Frank Boyles, Secretary

PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

2022 Budget - Adopted December 21, 2021

Program Element		2022 Source of Funds			2022 Budget (Approved Dec 2021)	Adjustments		2022 Budget (as ammended)
		2022 Levy	Budget Reserve	Grant Funds/Fees		#1 - Resolution 22-355	#2 - Resolution 22-356	
	General Fund (Administration)							
	Revenues							
	Property Taxes	246,200			246,200	-		246,200
	Grants	-			-	-		-
	Interest	-			-	-		-
	Other	-						-
	Total Revenues	**246,200**	**-**	**-**	**246,200**	**-**	**-**	**246,200**
	Expenditures							
	Administrative Salaries and Benefits	133,800			133,800	-		133,800
	703 · Telephone, Internet & IT Support	20,000			20,000	-		20,000
	702 - Rent	27,400			27,400	-		27,400
	706 · Office Supplies	10,000			10,000	-		10,000
	709 · Insurance and Bonds	12,800			12,800	-		12,800
	670 · Accounting	27,000			27,000	-		27,000
	671 · Audit	7,700			7,700	-		7,700
	903 · Fees, Dues, and Subscriptions	1,500			1,500	-		1,500
	660 · Legal (not for projects)	6,000			6,000	-		6,000
	General Fund (Administratio) Expenditures	**246,200**			**246,200**	**-**	**-**	**246,200**
	Net Change in General Fund	**-**	**-**	**-**	**-**	**-**		**-**
	Implementation Fund							
	Revenues							
	Property Taxes	1,602,735			1,602,735	-		1,602,735
	Grants/Fees	-		105,000	105,000	-		105,000
	Interest	-			-	-		-
	Sales/Other					-		-
	Budget Reserves		482,700		482,700	(230,000)		252,700
	Total Revenues	**1,602,735**	**482,700**	**105,000**	**2,190,435**	**(230,000)**		**1,960,435**
	Expenditures							
	Program Salaries and Benefits (not JPA/MOA)	**461,700**			**461,700**	**-**	**-**	**461,700**
Water Qual	550 Public Infrastructure Partnership Projects	6,750	-		6,750	-		6,750
Water Qual	611 Farmer-led Council	51,000	-	10,000	61,000	-		61,000
Water Qual	611 Cost-Share Incentives	58,000	-		58,000	-		58,000
Water Qual	611 Highway 13 Wetland, FeCl system & Desilt, O&M	65,000	-		65,000	-		65,000
Water Qual	611 Fish Management, Rough Fish Removal	88,000	-		88,000	-		88,000
Water Qual	611 Spring Lake Demonstration Project Maintenance	1,050			1,050	-		1,050
Water Qual	611 Alum Internal Loading Reserve	250,000	230,000		480,000	(230,000)	(20,000)	230,000
Water Qual	611 Upper Prior Lake Phase II Sediment Monitoring	-	-	-	-	-	20,000	20,000
Water Qual	637 District Monitoring Program	109,000	-		109,000	-		109,000
Water Qual	626 Planning and Program Development	20,000			20,000	-		20,000
Water Qual	626 Engineering not for programs	15,000			15,000	-		15,000
	626 Debt Issuance Planning	10,000			10,000	-		10,000
Water Qual	648 Permitting and Compliance	22,000		5,000	27,000	-		27,000
Water Qual	648 Update MOAs with cities & county	10,000			10,000	-		10,000
Water Qual	648 BMP and easement inventory & inspections	11,500		500	12,000	-		12,000
Water Qual	626 Upper Watershed Blueprint	233,235	190,000	19,800	443,035	-		443,035
Water Qual	611 Fish Stocking	3,000	-		3,000	-		3,000
	WQ TOTAL	**953,535**	**420,000**	**35,300**	**1,408,835**	**(230,000)**	**-**	**1,178,835**
Water Storage	550 District-wide Hydraulic & Hydrologic model	5,000			5,000	-		5,000
	550 S&I Sutton Lake Outlet Structure Project	-	62,700	62,700	125,400	-		125,400
	WS TOTAL	**5,000**	**62,700**	**62,700**	**130,400**	**-**	**-**	**130,400**
AIS	611 Aquatic Vegetation Mgmt	-		7,000	7,000	-		7,000
AIS	637 Automated Vegetation Monitoring (BioBase)	5,000			5,000	-		5,000
AIS	637 Aquatic Vegetation Surveys	18,000			18,000	-		18,000
AIS	637 Boat inspections on Spring, Upper & Lower Prior	30,000			30,000	-		30,000
	AIS TOTAL	**53,000**	**-**	**7,000**	**60,000**	**-**	**-**	**60,000**
Ed & Out	652 Education and Outreach Program	10,000	-		10,000			10,000
	E&O TOTAL	**10,000**	**-**	**-**	**10,000**	**-**	**-**	**10,000**
	PLOC Expenses	**19,500**			**19,500**	**-**	**-**	**19,500**
	Debt Payment Reserve	**100,000**			**100,000**	**-**	**-**	**100,000**
	Total Implementation Fund	**1,602,735**	**482,700**	**105,000**	**2,190,435**	**(230,000)**	**-**	**1,960,435**
	Net Change in Fund Balance Implementation Fund	**-**	**-**	**-**	**-**	**-**	**-**	**-**

	Grant Funds/Fees Anticipated				
Water Qual	**611 Farmer-led Council (BWSR Grant)**			10,000	10,000
	648 New Easement Acquisition Fees			5,000	5,000
Water Qual	**648 BMP and easement violations fees**			500	500
	626 Upper Watershed Blueprint (BWSR WBIF Grant)			19,800	19,800
	550 S&I Sutton Lake Outlet (DNR Flood Hazard Grant)			62,700	62,700
AIS	**611 Aquatic Vegetation Mgmt. (Scott County)**			7,000	7,000
	Total Grant Funds/Fees Anticipated			**105,000**	**105,000**

Budget Summary

Fund Sources/Fund Expenditures	2022 Levy	Budget Reserves	Grants	Budget Total
General Fund	246,200		-	246,200
Implementation Fund	1,602,735	482,700	105,000	2,190,435
Total Fund Sources	**1,848,935**	**482,700**	**105,000**	**2,436,635**

PLSLWD Board Staff Report
May 5, 2020

Subject |	Resolution 22-357: Adopting Revised Rules for the Prior Lake-Spring Lake Watershed District
Board Meeting Date |	May 10, 2020 **Item No: 4.6**
Prepared By |	Joni Giese, District Administrator
Attachments |	a) Resolution 22-357: Adopting Revised Rules for the Prior Lake-Spring Lake Watershed District b) PLSLWD Proposed Rules – Final Draft 5/4/2022 c) PLSLWD Proposed Rules with Redlined Edits – Final Draft 5/4/2022 d) PLSLWD Rule Revision – Responses to 45-day Comments e) PLSLWD Rule Revision – Response to 11/24/21 Rule Redline Comments
Proposed Action |	Vote on to approve Resolution 22-357: Adopting Revised Rules for the Prior Lake-Spring Lake Watershed District

Background

In 2017, Prior Lake-Spring Lake Watershed District (PLSLWD) initiated a process to update the District's rules, which had not been substantively revised since 2003. Over the course of the rule revision process, the following meetings and activities were held to facilitate discussion and receive comments from District partners on proposed rule revisions:

- Five TAC Meetings
- Three Road Authority Meetings
- Three Board of Managers Workshops
- Public Hearing (October 8, 2019)
- 45-day Review Period (comment period closed on October 29, 2019)
- One Local Government Unit (LGU) Workshop (February 5, 2020)
- Courtesy Review on draft rule redlines, dated November 24, 2021

Discussion

Draft rule redlines, dated November 24, 2021, were informed by the comments received on the 45-day review draft and comments received after the February 5, 2020, LGU workshop. As a courtesy, the draft rule redlines, dated November 24, 2021, were shared with LGU partners on December 2, 2021, with a request for any final comments. After receipt of written courtesy review comments, District Engineer Almer and Administrator Giese met with representatives from Scott County, Scott WMO, and the City of Prior Lake to further discuss the courtesy review comments received.

Administrator Giese requested the District's legal counsel to review and provide comments from a legal enforcement perspective on the draft rule redlines, dated November 24, 2021. The PLSLWD proposed rules, final draft dated May 4, 2022, were informed by the LGU partners' courtesy review comments and District legal counsel's comments. At this point, District staff believes comments received have been appropriately addressed.

Recommendation

Staff recommends the Managers vote to approve Resolution 22-357: Adopting Revised Rules for the Prior Lake-Spring Lake Watershed District.

Resolution 22-357

Adopting Revised Rules for the Prior Lake-Spring Lake Watershed District

WHEREAS, the District has in effect certain Rules adopted pursuant to the Minnesota State Statutes, Chapter 103D.341; AND

WHEREAS, the District desires to revise its Rules to bring standards into agreement with state guidelines and advances in stormwater management science; AND

WHEREAS, a public hearing regarding the proposed rules was noticed in the September 21, 2019 Prior Lake American newspaper and held on October 8, 2019; AND

WHEREAS, the proposed rules were noticed for review and comment and the 45-day review period closed on October 29, 2019;

THEREFORE, BE IT RESOLVED by the Prior Lake-Spring Lake Watershed District Board of Managers that:

1. The revised Rules dated May 10, 2022, submitted to and considered by the Board are hereby adopted, effective June 1, 2022, in substitution for the existing Rules of the District.
2. The District Administrator record the revised Rules in the Board's official minutes and file the adopted Rules in the office of the Scott County Recorder.
3. The District Administrator publish notice of the adopted Rules in the Prior Lake American newspaper and provide written notice of adopted Rules to all public transportation authorities that have jurisdiction within the District.
4. The District Administrator mail a copy of the Adopted Rules to the following:
   a. The Scott County Board of Commissioners.
   b. The governing body of each municipality affected by the Prior Lake-Spring Lake Watershed District.
   c. The Minnesota Board of Water and Soil Resources.

The question was called on the adoption of the Resolution and there were __ yeas and __ nays as follows:

	Yea	Nay	Absent
Boyles	☐	☐	☐
Hennes	☐	☐	☐
Loney	☐	☐	☐
Morkeberg	☐	☐	☐
Myser	☐	☐	☐

Upon vote, the chair declared the resolution adopted.

It is hereby certified that the Board of the Prior Lake-Spring Lake Watershed District adopted this Resolution at a duly convened meeting of the Board held on the 10th day of May 2022, and that such Resolution is in full force and effect on this date, and that such Resolution has not been modified, amended, or rescinded since its adoption.

Dated: May 10, 2022

_____

Frank Boyles, Secretary

PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT

RULES

Board Approved: May 10, 2022

Effective Date: June 1, 2022

TABLE OF CONTENTS

CERTIFICATION OF RULES

I, Frank Boyles, Secretary of the Prior Lake-Spring Lake Watershed District Board of Managers, certify that the attached is a true and correct copy of the Rules of the Prior Lake-Spring Lake Watershed District having been properly adopted by the Board of Managers of the Prior Lake-Spring Lake Watershed District.

Dated: May 10, 2022

POLICY STATEMENT

The Prior Lake-Spring Lake Watershed District (the District) is a political subdivision of the state under the Minnesota Watershed Act, and a watershed management organization as defined in the Metropolitan Surface Water Management Act. These Acts provide the District with power to accomplish its statutory purpose - the conservation, protection, and management of water resources within the boundaries of the District through sound scientific principles.

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

Land alteration and utilization can affect the rate and volume and degrade the quality of surface water runoff within the District. Sedimentation from ongoing erosion and construction activities will reduce hydraulic capacity of waterbodies and degrade water quality. Water quality problems already exist in many waterbodies in the District.

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

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

RELATIONSHIP WITH MUNICIPALITIES AND COUNTY

The District recognizes that the control and determination of appropriate land use is the responsibility of the municipalities and the county. The District will review permit applications involving land subdivision before preliminary approval is received from the municipality or county so that District requirements will be considered in the review process.

The District intends to be active in the regulatory process to ensure that water resources are managed in accordance with its goals and policies. The District will require permits for developments and improvements in the watershed that meet the thresholds specified in the Rules. Municipalities will have the option of assuming a more active role within the permitting process after adoption of local water management plans approved by the District and implementation of local ordinances consistent with the approved plan. The District welcomes the execution of Memorandums of Agreement (MOA) with all its municipalities to define the purpose and roles of each organization for local water planning and regulation. With execution of an MOA, the District will continue to review and permit projects sponsored or undertaken by municipalities and other governmental units and will require security from the contractor in accordance with these Rules for governmental projects which have an impact on water resources of the District. These projects include but are not limited to, land development, road, trail, and utility construction. In addition, the District will review and offer comments to the municipality for projects undertaken by the private sector. In the interim, however, the District will direct the permitting process.

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

RULE A - DEFINITIONS

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

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

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

Applicant - any person or political subdivision that applies to the District for a permit under these Rules.

Atlas 14 - the Precipitation Frequency Estimates released by the National Weather Service (NWS) Hydrometeorological Studies Design Center. Volume 8, released in 2013, provides precipitation frequency estimates for many Midwestern states including Minnesota. Precipitation Frequency Estimates may be obtained from NOAA's NWS Precipitation Frequency Data Server.

Best Management Practices or BMPs - techniques proven to be effective in controlling runoff, erosion and sedimentation including those documented in Protecting Water Quality in Urban Areas (MPCA, 2000); Minnesota Urban Small Sites BMP Manual (Metropolitan Council 2001); and Minnesota Stormwater Manual (MPCA, 2014): as such documents may be amended, revised, or supplemented.

Basic Management Class Wetland – any wetland not classified as a Natural Areas, Hydrology or Restoration/Enhancement Class Wetland.

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

Compensatory Storage - excavated volume of material below the floodplain elevation required to offset floodplain fill.

Compliance Agreement - an agreement required pursuant to Paragraph 6 of Rule B to assure compliance with these Rules.

Critical duration flood event - means the 100-year precipitation or snow melt event with a duration resulting in the maximum 100-year return period water surface elevation. For purposes of these rules, the critical duration flood event is either the 100-year, 24-hour rainfall event as found in NOAA Atlas 14 or the ten-day snow melt event assumed to be 7.2 inches of runoff occurring on frozen ground (CN=100); note however that other durations (e.g., 6-hour) may result in higher water surface elevations.

Dead Storage - the permanent pool volume of a water basin, or the volume below the runout elevation of a water basin.

Detention Basin - any natural or manmade depression for the temporary storage of runoff.

Development - the construction of any structure on or the subdivision of land.

Directly Connected Impervious Surface – an impervious surface that is hydraulically connected to a conveyance system (i.e., streets, curb and gutter, catch basins, storm drains, etc.) without flowing over pervious areas.

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

Emergency Overflow (EOF) – means a high-capacity weir, spillway, or natural overflow placed at or above the 100-year storage elevation waterbody or detention basin. It must not be prone to clogging and stabilized such that flow of water does not cause erosion at the waterbody, pond, or downstream.

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

Erosion and Sediment Control Plan - a plan of BMPs or equivalent measures designed to control runoff and erosion and to retain or control sediment on land during the period of land disturbing activities in accordance with the standards set forth in Rule E.

Excavation - the artificial removal of soil or other earth material.

FEMA (Federal Emergency Management Agency) – an agency of the United States Department of Homeland Security (DHS). The agency's primary purpose is to coordinate the response to a disaster that has occurred in the United States and that overwhelms the resources of local and state authorities.

Fill - the deposit of soil or other earth material by artificial means.

Flood Insurance Study (FIS) - A compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community that is approved by FEMA.

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

High Value Resource Area (HVRA) – that portion of the District that contributes runoff to Spring, Upper and Lower Prior Lakes, exclusive of landlocked areas.

Hydrology Management Class Wetland – any wetland scoring “high” or “exceptional” for the MnRAM functions of Downstream Water Quality or Groundwater Interaction.

Impervious Surface - a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, driveways, parking lots, and concrete, asphalt, or gravel roads. Bridges over surface waters are considered impervious surfaces. Solar panels are considered impervious surface..

Land Disturbance or Land Disturbing Activity - an activity that changes or alters the existing ground cover (vegetative or non-vegetative) and/or the existing soil topography. Land disturbing activity includes, but is not limited to, development, redevelopment, public linear projects, clearing, grading, filling, excavation and borrow pits. The following are among those that do not constitute land disturbance: mill, reclamation and overlay of impervious surface; routine vegetation management activity such as the clearing of cattails from ditches; and the use of land for new or continuing agricultural activity, home gardens, or landscaping adjacent to existing structures. The

use of land for agricultural activities shall not constitute a land disturbing activity under these Rules.

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

Low Floor - the finished surface of the lowest floor of a structure.

Municipal Separate Storm Sewer System (MS4) – is a conveyance or system of conveyances that is: owned by a state, city, town, village, or other public entity that discharges to waters of the U.S., designed or used to collect or convey stormwater.

Mill, reclamation and overlay - the removal of the top layer(s) of an impervious surface (e.g., roadway, parking lot, sport court) by mechanical means, followed by the placement of a new layer of impervious surface, without disturbance of the underlying native soil.

Native Vegetation - Plant species that are indigenous to Minnesota or that expand the range into Minnesota without being intentionally or unintentionally introduced by human activity and that are classified as native in the Minnesota Plant Database, Minnesota Department of Natural Resources, St. Paul, 2002.

Natural Areas Management Class Wetland – any wetland scoring "high" or "exceptional" for the MnRAM functions of Vegetative Structure/Integrity or Wildlife Habitat Structure.

New development – any development that does not meet the definition of redevelopment.

NURP Standard - the design criteria developed pursuant to the Nationwide Urban Runoff Program (U.S. EPA, 1983) and published by the Minnesota Pollution Control Agency in Protecting Water Quality in Urban Areas 1991" (sections 4.1-4 through 4.1-7), as may be amended.

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

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

Parcel - a parcel of land designated by plat, metes and bounds, registered land survey, auditors subdivision or other accepted means and separated from other parcels or portions by its designation.

Permanent cover - surface types that will prevent soil failure under erosive conditions. Examples include: gravel, asphalt, concrete, rip rap, roof tops, perennial vegetative cover, or other landscaped material that will permanently arrest soil erosion. To constitute permanent cover, perennial vegetative cover must be evenly distributed with little to no bare soil. Permanent cover does not include temporary erosion control practices.

Permittee - the person or political subdivision in whose name a permit is issued pursuant to these Rules.

Pre-development condition - the condition at the site prior to the proposed activity that serves as the baseline against which to measure impacts of the proposed activity for compliance with stormwater management requirements.

Person - any individual, trustee, partnership, unincorporated association, limited liability company or corporation.

Political Subdivision - a municipality, county, or other political division, agency, or subdivision of the state.

Prior Lake Outlet Channel - a watercourse improved and maintained by the District to provide an outlet for Prior Lake.

Public Linear Project - a project in which a public agency is a permittee and that involves a roadway, sidewalk, trail, or linear utility not part of a development pursuant to subdivision.

Public Health and General Welfare - are defined in Minnesota Statutes, section 103D.011, subdivisions 23 and 24.

Public Waters - any waters as defined in Minnesota Statutes, section 103G.005, subdivision 15.

Public Waters Wetland - any wetland as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

Reconstructed Impervious Surface - area where impervious surface is removed down to the underlying native soil and the underlying native soil, as distinguished from roadway subgrade material, is disturbed. The following are among those that do not constitute impervious surface reconstruction: structure renovation; impervious surface mill, reclamation and overlay; and minor maintenance activities such as catch basin and pipe repair/replacement with same hydraulic capacity.

Redevelopment - any land disturbing activity where, prior to the start of disturbance, the areas to be disturbed have 15 percent or more of impervious surface.

Restoration/Enhancement Management Class Wetland – any wetland or basin lacking wetland hydrology as a result of prior alteration ranked as high priority for restoration per the District's Comprehensive Wetland Plan dated April 2012, or as amended.

Runoff - rainfall, snowmelt or irrigation water flowing over the ground surface.

Sediment - soil or other surficial material transported by surface water as a product of erosion.

Sedimentation - the process or action of depositing sediment.

Shoreland Protection Zone - land located within a floodplain, within 1,000 feet of the OHW of a public water or public waters wetland, or within 300 feet of a river, stream or the Prior Lake outlet channel.

Standard - a preferred or desired level of quantity, quality, or value.

Stormwater Management Plan - a plan for the permanent management and control of runoff prepared and implemented in accordance with the standards set forth in Rule D.

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

Subdivision or Subdivide - the separation of a parcel of land into 2 or more parcels.

Water basin - an enclosed natural depression with definable banks capable of containing water that may be partly filled with public waters.

Waterbody - all water basins, watercourses and wetlands as defined in these Rules.

Watercourse - any natural or improved stream, river, creek, ditch (including Scott County Ditch 13), channel or other waterway.

Water Resources Management Plan - the watershed management plan for the District adopted and implemented in accordance with Minnesota Statutes, section 103B.231.

Watershed - a region draining to a specific watercourse or water basin.

Wetland - any wetland as defined in Minnesota Statutes, section 103G.005, subdivision 19; and any public waters wetland as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

Wetland Conservation Act or WCA - the Minnesota Wetland Conservation Act of 1991.

RULE B - PROCEDURAL REQUIREMENTS

1. APPLICATION REQUIRED. Any person, or political subdivision, undertaking an activity for which a permit is required by these Rules shall first submit to the District for review a permit application, design data, plans, specifications, and such other information and exhibits as may be required by these Rules. Permit applications shall be signed by the owner, or the owner's authorized agent, except for activities of a political subdivision which may be signed by either the owner or the general contractor.
2. FORMS. Permit applications shall be submitted on forms provided by the District. Forms are available at the District office or District website at plslwd.org.
3. ACTION BY MANAGERS. The managers shall approve or deny within 60 days after receipt of an application containing all required information, exhibits and fees, and complete under Minnesota Statues, Section 15.99. Failure of the managers to deny an application within 60 days is approval of the application. If the mangers deny an application, they must state in writing the reasons for the denial at the time they deny the application. If the District receives an application not containing all required information, exhibits and fees, the 60-day limit starts over if the District sends notice within 15 business days after receipt of the application telling the applicant what information is missing. If a state or federal law or court order requires a process to occur before the managers act on an application, or if an application requires prior approval of a state or federal agency, the deadline for the managers to approve or deny is extended to 60 days after completion of the required process or the required prior approval is granted. The managers may extend the initial 60-day period by providing written notice of the extension to the applicant. The notice shall state the reasons and anticipated length of the extension and may not exceed 60 days unless approved by the applicant. To the extent inconsistent with these Rules, the provisions of Minnesota Statutes, Section 15.99, shall apply.
4. CONFORMITY WITH SUBDIVISION PLAN. The managers will consider permit applications for subdivisions before preliminary approval is received from the municipality or county. The District shall furnish a copy of the approved permit to the municipality or county. The preliminary and final subdivision approval obtained from the municipality and county shall be consistent with the conditions of the permit approved by the District. The applicant shall furnish to the District copies of the resolutions granting preliminary and final subdivision approval within 30 days after adoption by the municipality or county.
5. SUBMITTAL. A complete permit application with all required information and exhibits shall be filed with the District at least 21 calendar days prior to the scheduled meeting date of the managers. Late or incomplete submittals will be scheduled to a subsequent meeting date.
6. CONDITIONS. A permit may be approved subject to reasonable conditions to assure compliance with these Rules. The conditions may include a requirement that the permittee and owner, including any mortgagee, enter into an agreement with and in form acceptable to the District to (a) specify responsibility for the construction and future maintenance of approved structures, (b) document other continuing obligations of the permittee or owner, (c) grant reasonable access to the proper authorities for inspection, monitoring and enforcement purposes, (d) affirm that the District or other political subdivisions can require or perform necessary repairs or reconstruction of such structures, (e) require indemnification of the District for claims arising from issuance of the permit or construction and use of the approved structures, and (f) reimburse the reasonable

costs incurred to enforce the agreement. Permits and agreements may be filed for record to provide notice of the conditions and continuing obligations.

7. ISSUANCE OF PERMITS. The managers will issue a permit only after the applicant has satisfied all requirements of these Rules, paid all required fees, and submitted to the District any required security. Work must be performed under an active permit. If a permit approval requires conditions to be met before the permit will issue, those conditions must be met within one hundred twenty (120) days of approval, or the Board approval expires and the applicant must reapply for a permit application with all associated fees. All activity under the permit shall be done in accordance with the approved plans and specifications, one set of which shall be kept on the site of the activity at all times while the authorized work is in progress.
8. VALIDITY. Issuance of a permit based on plans, specifications or other data shall not prevent the District from thereafter requiring the correction of errors in the approved plans, specifications, and data, or from preventing any activity being carried on thereunder in violation of these Rules.
9. TERM AND EXPIRATION. A permit is valid for a period of 2-years. However, a permit shall expire and become null and void if the approved activity is not commenced within 180 days after approval by the managers, or if the approved activity is suspended or abandoned at any time after the activity is commenced for a period of 180 days. Before the activity can recommence, the permit must be renewed. An application for renewal of a permit must be in writing and state the reasons for the renewal. Any plan changes and required fees must be included with the application. There must be no unpaid fees or other outstanding violations of the permit being renewed. The managers shall consider the application for renewal on the basis of the Rules in effect on the date the application is considered.

   Any permittee may apply for an extension of time to commence the approved activity under an unexpired permit when the permittee is unable to commence the activity within the time required by these Rules. An application for an extension of a permit must be in writing and state the reasons for the extension. Any plan changes and required fees must be included with the application. There must be no unpaid fees or other outstanding violations of the permit being extended. The application must be received by the District at least 30 days prior to the permit's expiration. The managers shall consider the application for an extension on the basis of the Rules in effect on the date the application is considered. The managers may extend the time for commencing the approved activity for a period not exceeding 180 days upon finding that circumstances beyond the control of the permittee have prevented action from being taken. No permit may be extended more than once.
10. MODIFICATIONS. The permittee shall not modify the approved activity or plans and specifications on file with the District without the prior approval of the managers.
11. INSPECTION AND MONITORING. After issuance of a permit, the District may perform such field inspections and monitoring of the approved activity as the District deems necessary to determine compliance with the conditions of the permit and these Rules. Any portion of the activity not in compliance shall be promptly corrected no later than 14 days after written notice of probable violation, sooner if identified in the notice. In applying for a permit, the applicant consents to entry upon the land for field inspections and monitoring, or for performing any work necessary to bring the activity into compliance. The cost of the District for field inspections and monitoring, including services of consultants, shall be payable by the permittee as provided in Paragraph 4 of Rule K.

12. SUSPENSION OR REVOCATION. The District may suspend or revoke a permit issued under these Rules wherever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any provision of these Rules, or if the preliminary and final subdivision approval received from the municipality or county is not consistent with the conditions of the permit.
13. CERTIFICATION OF COMPLETION. The District will certify completion of an activity for which a permit has been issued under these Rules and authorize the release of any required security upon inspection and submittal of information verifying completion of the activity in accordance with the approved plans and conditions of the permit. Copies of documents, with evidence of recording where appropriate, that establish easements or provide for maintenance of structures required by the permit shall be filed with the District before completion can be certified and any security released. All temporary erosion and sediment controls practices (such as silt fence) must be removed following approval of the certificate of completion and before security release. No activity may be certified as complete if there are any unpaid fees or other outstanding permit violations. If the District fails to make a determination as to compliance of an activity with the conditions of the permit within 60 days after submittal of the foregoing information verifying completion, the activity shall be deemed complete, and any surety shall thereupon be released.
14. PERMIT TRANSFERS. Transfer of a permit without a plan change may be administratively approved upon receipt of a permit application from the transferee with the applicable fees and any required surety. Transfer of a permit with plan changes shall be processed as a new permit application under these Rules. No permit may be transferred if there are any unpaid fees or other outstanding permit violations unless the District, in its discretion, agrees to the transferree's assumption of outstanding obligations. Permit transfer does not extend the permit term. Property transfer does not release the original permittee from liability under the permit, absent a permit transfer.
15. OTHER PERMITS. The applicant shall secure all environmental permits and approvals required by other governmental entities, and promptly provide the District with copies of such permits and approvals after issuance.
16. ADMINISTRATION OF RULES. The District Administrator shall administer and enforce these Rules under the direction and control of, and subject to the powers expressly reserved to, the managers.
17. SEVERABILITY. If any provision of these Rules is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these Rules shall not be affected thereby.

RULE C - GENERAL STANDARDS

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

2. REGULATION.

   (a) All land disturbing activities, whether requiring a permit under these Rules or otherwise, shall be undertaken in conformance with best management practices and in compliance with the standards and criteria in these Rules.

   (b) No person shall conduct land disturbing activities without protecting adjacent property and waterbodies from erosion, sedimentation, flooding or other damage.

   (c) Land disturbing activities shall be planned and conducted to minimize the extent of disturbed area, runoff velocities and erosion potential, and to reduce and delay runoff volumes. Erosion and runoff controls, consistent with best management practices, shall be properly installed before commencing land disturbing activities, and sufficient to retain sediment on-site. Erosion and runoff controls shall be regularly inspected and maintained. Disturbed area within 100 feet of a waterbody, storm sewer inlet or road shall be stabilized if work within the area ceases or will be suspended for more than 7 days on slopes greater than 3:1, or 14 days on slopes ranging from 3:1 to 10:1, or 21 days for flatter slopes. Vegetation shall be installed over the disturbed areas promptly if the land disturbing activity ceases or is suspended, and upon completion.

   (d) When possible, existing natural watercourses and vegetated soil surfaces shall be used to convey, store, filter and retain runoff before discharge into public waters or a stormwater conveyance system.

   (e) When possible, runoff from roof gutter systems shall discharge onto lawns or other pervious surfaces to promote infiltration.

   (f) Use of fertilizer and pesticides in the shoreland protection zone shall be done so as to minimize runoff into public waters by the use of earth material, vegetation, or both.

   (g) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

   (h) Whenever the District determines that any land disturbing activity has become a hazard to any person, or endangers the property of another, adversely affects water quality or any waterbody, increases flooding, or otherwise violates these Rules, the owner of the land upon which the land disturbing activity is located, or other person or agent in control of such land, upon receipt of written notice from the District, shall within the time period specified therein repair or eliminate such condition. The owner of the land upon which a land disturbing activity is located shall be responsible for the cleanup and any damages from sediment that has eroded from such land. The District may require the owner to obtain a permit under these Rules before undertaking any repairs or restoration.

RULE D - STORMWATER MANAGEMENT

1. POLICY. It is the policy of the managers to:
   (a) Preserve natural infiltration, groundwater recharge and subsurface flows that support groundwater dependent resources including lakes, streams, channels, wetlands, plant communities and drinking water supplies.
   (b) Preserve existing water storage capacity within wetlands and landlocked basins in the watershed to minimize the frequency and severity of high water.
   (c) Minimize the amount of directly connected impervious surface created by development and redevelopment, preserve the infiltration capacity of soil, and incorporate infiltration practices into the design where feasible.
   (d) Limit off-site stormwater runoff volume to prevent down-gradient flooding and impacts to waters within the District.
   (e) Require management of stormwater runoff to limit nutrient and sediment concentrations conveyed to ground and surface waters and promote water quality.
   (f) Require that peak runoff rates for new development and redevelopment not exceed pre-development conditions and the capacity of downstream conveyance facilities.
   (g) Control runoff rates by the use of regional or on-site detention or infiltration facilities where feasible.
   (h) Review stormwater management structures based on the critical duration flood event.
   (i) Promote the use of natural waterbodies for storing treated stormwater runoff.
2. REGULATION. An approved stormwater management permit is required before land disturbing activity or the development or redevelopment of land that meets any of the following criteria, unless specifically exempted by Paragraph 8. The District encourages applicants to consult the District at the concept stage.
   (a) New development or redevelopment in incorporated areas and in unincorporated shoreland protection zones of a High Value Resource Area (HVRA) that results in a net increase of 3,500 square feet or more of impervious surface and includes more than 10,000 square feet of land disturbing activity. See Rule D Appendix D.1 for a map of the HVRA.
   (b) A public linear project in incorporated areas and in unincorporated shoreland protection zones of a HVRA that creates 10,000 square feet or more of new or reconstructed impervious surface.
   (c) New development, redevelopment, or a public linear project outside of a HVRA that creates one (1) acre or more of new or reconstructed impervious surface.
   (d) New development or redevelopment of a parcel riparian to a public water that increases from existing conditions the percent of impervious surface and requires a variance from the local shoreland ordinance for the percent impervious surface limit for the property.
3. CRITERIA. Stormwater management plans shall comply with the following criteria:

(a) Peak Runoff Rates. Peak runoff rates for the developed condition shall not exceed pre-development peak runoff rates at each point of site discharge for the 2- year, 10-year and 100-year critical duration flood event. Runoff rates at a particular point of discharge may increase if there is adequate conveyance capacity and this increase is offset by a decrease at another point of discharge to the same waterbody. Runoff rates may also be required to be restricted to less than the pre-development rates when necessary due to the capacity of downgradient stormwater conveyance structures and features. Runoff rates shall be calculated in accordance with Paragraph 3(g).

(b) Stormwater Volume. Volume must be managed as follows:

(i) New Development: The volume equal to 1.0 inches of runoff from impervious surfaces must be captured and treated. This volume is calculated as follows:

Required Treatment Volume (ft3) = Entire Site Impervious Surface (ft2) x 1.0 (in) ÷ Volume Conversion Factor ÷12 (in/ft)

(ii) Redevelopment: The volume equal to 1.0 inches of runoff from impervious surface must be captured and treated. This volume is calculated as follows:

1. If the project will disturb more than 50 percent of the site or reconstruct more than 50 percent of existing impervious surface:

Required Treatment Volume (ft3) = Entire Site Impervious Surface (ft2) x 1.0 (in) ÷ Volume Conversion Factor ÷12 (in/ft)

2. If the project will disturb 50 percent or less of the site and reconstruct 50 percent or less of the existing impervious surface:

Required Treatment Volume (ft3) = Area of New and Reconstructed Impervious Surface (ft2) x 1.0 (in) ÷ Volume Conversion Factor ÷12 (in/ft)

(iii) Public Linear: The volume equal to either 0.5 inches of runoff from all new and reconstructed impervious surfaces, or 1.0 inches of runoff from the net increase in impervious area, whichever greater, must be captured and treated. This volume is calculated as follows:

Required Treatment Volume (ft3) = Area of New and Reconstructed Impervious Surface (ft2) x 0.5 (in) ÷ Volume Conversion Factor ÷12 (in/ft), or

Required Treatment Volume (ft3) = Net increase in Impervious Surface (ft2) x 1.0 (in) ÷ Volume Conversion Factor ÷12 (in/ft)

(c) Infiltration Feasibility. The volume control criteria must be met, to the extent feasible, by one or more volume reduction practices including infiltration, rainwater harvest and reuse, canopy interception and evapotranspiration, and other practices included in the MIDS calculator and the Minnesota Stormwater Manual. In assessing feasibility, the applicant must consider site design that allows the siting of effective volume reduction practices. If volume reduction is claimed infeasible, the applicant must document the basis for infeasibility. Volume reduction relying on infiltration may be deemed infeasible if it is not possible to meet the design standards stipulated by the MPCA Construction General Permit, Minnesota Stormwater Manual or Minnesota Department of Health guidance.

(d) Alternative Compliance for Volume Control. If the stormwater volume control criteria is not fully met by a volume reduction practice, alternative management practices must be considered onsite to comply or partially comply with the criteria. The volume conversion factors for alternative management practices are as follows:

Table D.3.1 Volume Conversion Factors for Properly Designed Practices		
BMP	**BMP Design Variation**	**Volume Conversion Factor***
Infiltration **	Infiltration Feature	1.00
Water Reuse **	Irrigation	1.00
Enhanced Filtration	Iron or other additive	0.70
Biofiltration	Underdrain	0.65
Stormwater Wetlands	Pond/Wetland	0.55
Stormwater Ponds ***	Multiple Pond	0.60
	Wet Pond	0.50
Source: Adapted from the Minnesota Stormwater Manual, MPCA.		
* Refer to MPCA Stormwater Manual for additional information on practice performance. Volume conversion factors shown reflect comparative average annual total phosphorus percentage removal efficiencies to compare water quality treatment among various practices.		
** These BMPs reduce runoff volume.		
*** Stormwater ponds must also provide dead storage for runoff from the 2.5-inch event.		

For alternative management practices not found in Table D.3.1, or to deviate from a volume conversion factor found in Table D.3.1, the applicant may submit a volume conversion factor, expressed as annual percentage removal efficiency, with supporting technical data, for District approval.

(e) Water Quality. The following additional water quality standards apply:

(i) For New Development only, one or more stormwater management practices listed in Table D.3.1 shall be sized (without the conversion factor) to treat the volume of stormwater runoff that the developed site will generate for the 2-year, 24-hour precipitation event. Alternatively, water quality modeling may be provided demonstrating that the proposed stormwater management practices result in a reduction of at least 60% of total Phosphorus and 90% of total suspended solids. Note the volume managed under 3(b)(i) counts towards this standard.

(ii) For any impervious surface subject to regulation under Paragraph 3(b), total suspended solids in runoff that is not captured by a practice under Paragraph 3(d) must be reduced to the maximum extent practicable. Compliance with this criterion

may be achieved, for example, by incorporation of practices such as a SAFL Baffle®, sump manholes, or filter strips and vegetated swale along rural section roadways.

(f) Wetland Bounce and Inundation Period. A project must remain within the limits stated below for bounce in water level and duration of inundation, for a 24-hour precipitation event for each specified return period and for the downgradient wetland. The analysis must use NOAA Atlas 14 precipitation depths.

Wetland Susceptibility Class	Permitted Storm Bounce	Inundation Period for Two-Year event	Inundation Period for 10-Year or Greater Event
Highly susceptible	Existing	Existing	Existing
Moderately susceptible	Existing plus 0.5 feet	Existing plus 1 day	Existing plus 7 days
Slightly susceptible	Existing plus 1.0 feet	Existing plus 2 days	Existing plus 14 days
Least susceptible	No limit	Existing plus 7 days	Existing plus 21 days

* Adapted from "Stormwater and Wetlands Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Stormwater and Snowmelt Runoff on Wetlands," (Minnesota Stormwater Advisory Group, June 1997). Wetland susceptibility classification is determined based on wetland type:

- Highly susceptible wetland types include: sedge meadows, bogs, coniferous bogs, open bogs, calcareous fens, low prairies, coniferous swamps, lowland hardwood forests, and seasonally flooded basins.
- Moderately susceptible wetland types include: shrub-carrs, alder thickets, fresh (wet) meadows, and shallow & deep marshes.
- Slightly susceptible wetland types include: floodplain forests and fresh wet meadows or shallow marches dominated by cattail giant reed, reed canary grass or purple loosestrife.
- Least susceptible wetland includes severely degraded wetlands. Examples of this condition include cultivated hydric soils, dredge/fill disposal sites and some gravel pits.

(g) Calculating Off-Site Stormwater Flow. This paragraph governs calculation of site discharge under Paragraphs 3(a), 3(e) and 3(f). To calculate discharge, Soil Conservation Service TR-20 method shall be used. For New Development, the following curve numbers will be used for the pre-development condition:

Hydrologic Soil Group	Curve Number
A	30
B	55
C	71
D	77

For Redevelopment and Public Linear projects, curve numbers from NRCS Technical Release #55 (TR-55) representative of existing conditions, including impervious surfaces, may be used for the pre-development condition.

For all projects, a distributed curve number approach must be used to calculate flows; i.e., runoff from directly connected impervious surfaces must be modeled separately from pervious areas. For solar farm projects, the solar panel surface area may be composited with pervious areas.

To determine curve numbers for the post-development condition, the Hydrologic Soil Group (HSG) of areas within the construction limits must be lowered one classification for HSG B (to HSG C) and one-half classification for HSG A (to midway between HSG A and HSG B) to account for the impacts of grading on soil structure, unless the project specifications incorporate soil amendment or other method approved by the District to restore soil structure. This requirement only applies to that part of a site that has not been disturbed, tilled, or compacted prior to the proposed project.

(h) Wetland and Landlocked Basin Storage. Fill within wetland and landlocked basin floodplain is prohibited unless compensatory floodplain storage volume is provided within the floodplain of the same water body, and within the permit term. If offsetting storage volume will be provided off-site, it shall be created before any floodplain filling by the applicant will be allowed. This criterion does not apply to the floodplain of Prior Lake.

(i) Infiltration Feature Design Considerations. Design of infiltration features shall:

(i) Include a minimum of one soil boring at the location of any proposed infiltration facility is required. Multiple borings may be needed dependent on the size of the infiltration practice and the variability of the geologic materials on the site. Soil borings shall include detailed information on depth to water table, if applicable, and extend at least 5 feet below the bottom of the proposed infiltration facility. Grain size analysis, either alone or in conjunction with a hydrometer analysis shall be used to verify the ASTM classification of the soil material controlling the rate of infiltration (the least permeable within 5 feet of the bottom of the proposed practice) at each proposed practice. The following table summarizes the soil lab analysis required for borings related to infiltration practices.

Lab Test	**Description**	**When Required**
Grain Size Analysis	Provides a distribution of particle size greater than 75µm (sand size which correlates to the No. 200 sieve)	Always
Hydrometer Analysis	Provides a distribution of particle size less than 75µm (silt and clay sized particles)	Sample has greater than 10% fines as identified in the field or by lab test AND all soils classified as silty sand or SM.

(ii) Select soil infiltration rates based on the appropriate HSG classification and associated infiltration rates of the Minnesota Stormwater Manual – Design Infiltration

Rate table. Notwithstanding, permeameter testing, via a method approved in advance by the District, may be used to determine the design infiltration rate.

(iii) Be capable of infiltrating the required volume within 48 hours for surface and subsurface BMPs.

(iv) Include pretreatment of stormwater runoff to remove solids before discharge to infiltration areas to maintain the long-term viability of the infiltration areas. A pretreatment device such as a vegetated filter strip, small sedimentation basin, or water quality inlet (e.g., grit chamber) must be included in the design and sized according to MPCA Stormwater Manual guidance.

(j) Landlocked Basin Outlets. Landlocked basins may be provided with outlets that:

(i) Retain a hydrologic regime complying with Rules F and G;

(ii) Provide sufficient dead storage to retain back-to-back 100-year, 24-hour rainfalls and runoff above the highest anticipated groundwater elevation and prevent damage to property adjacent to the basin; and

(iii) Do not create adverse downstream flooding or water quality conditions, or materially affect stability of downstream water courses.

(k) Retention Pond Design Criteria. Permanent sedimentation and water quality ponds shall:

(i) Be consistent with NURP criteria and best management practices;

(ii) Have permanent wet pool with dead storage of at least the runoff from a 2.5-inch storm event;

(iii) Have a normal water elevation above the OHW of adjacent waterbodies;

(iv) Have an outlet skimmer to prevent migration of floatables and oils for at least the one-year storm event; and

(v) Have an identified overflow spillway sufficiently stabilized to convey the 100-year critical duration flood event.

(l) Flood Elevation Freeboard. All new residential, commercial, industrial, and other habitable or non-habitable structures, and all stormwater basins, must be constructed so that the lowest floor and lowest entry elevations of structures comply with the following:

	Regional Elevations*		**Local Detention Basins & Wetlands**		**Infiltration Basins**			**Rain Gardens**
Elevation	100-yr	EOF	100-yr	EOF	Bottom	100-yr	EOF	EOF
Low Floor Freeboard	2-ft	1-ft	0-ft	NA	0-ft	NA	NA	NA
Low Entry Freeboard	NA	NA	2-ft	1-ft	NA	2-ft	1-ft	0.5-ft

Within a landlocked basin, lowest floor elevations must be at least one foot above the surveyed basin overflow elevation. Where an outlet structure is proposed below the overflow elevation of a landlocked basin, the lowest floor elevations must be a minimum of three feet above the high water level of the 100-year, ten-day runoff event or back-to-back

100-year, 24-hour rainfalls, whichever is higher. Aerial photos, vegetation, soils, and topography will be used to derive a "normal" starting water elevation for the basin.

* Regional elevations are as established by FEMA or District SWMM model results in absence of a FEMA FIS elevation.

(m) Off-Site Stormwater Management. One or more of the applicable criteria of Paragraph 3 may be met by use of an off-site stormwater management practice upgradient of downstream receiving waters, provided there are no local rate, volume, water elevation or water quality impacts. An applicant must document permission to use available capacity of the practice and that it is in maintained condition, and the practice must be subject to a maintenance obligation under Paragraph 5. The practice must provide volume reduction to the same extent as would be feasible on the site.

(n) Local Stormwater Management Plan. A unit of government may prepare a plan by which regional stormwater management facilities may be constructed in anticipation of, or concurrent with, land disturbing activity within the jurisdiction of that unit of government. On finding that the criteria of this Rule D are met, the District will approve or approve with conditions. Thereafter, the plan will apply to subsequent applications for permits according to its terms.

(o) Volume Control Credits. Volume control provided in excess of the volume control criteria may be banked for use on another project. Excess banked volume control amounts shall not exceed the volume of two inches over the impervious surfaces of the drainage area to the BMP or the volume provided within the BMP, whichever is less.

To the extent an applicant has not met the volume control criteria by application of paragraphs 3(b), 3(c), 3(d), 3(m) and 3(n) the applicant may utilize District approved volume credits. If approved volume credits are not available, and if the applicant is a Public Road Authority, the District will establish debits that the applicant must meet by implementing future volume control measures, as approved by the District. Measures must be located within the same drainage area or subwatershed and cannot serve to meet an independent District-imposed regulatory requirement. The application must describe how debits will be met within a reasonable time specified by the District and the applicant must report to the District annually on the status of outstanding debits. The obligation will be formalized in a writing signed by the applicant. Regardless, total suspended solids in runoff from regulated impervious surface must be reduced onsite to the maximum extent practicable.

Transfer of banked volume credits between applicants is allowed. Applicants shall submit a letter to the District outlining the conditions of the transfer and confirming the volume of the transfer. The District must review and approve all credit transfers.

(p) Public Linear Project Cost Cap. For public linear projects, one or more of the applicable criteria of Paragraph 3 may be met by use of a public linear project cost cap where costs specific to satisfying the volume control criteria shall not exceed a cost cap which will be established in consultation with municipal partners and approved by the Board from time to time. The cap shall apply to costs directly associated with the design, testing, land acquisition, and construction of the volume reduction BMPs only. Unit costs for project components shall be developed by the applicant and approved by the District Engineer to

determine the cost of the volume reduction BMPs. The District may contribute the amount above the cap in order to meet the volume reduction criteria or it may allow the applicant to partially comply with the standards when the cap is met.

(q) Stormwater Impact Fund. If it is demonstrated that volume control is not feasible onsite and credits are not available, the applicant shall pay into the District's Stormwater Impact Fund to cover the cost of implementing equivalent volume reduction elsewhere in the watershed. The required amount to contribute to the Stormwater Impact Fund will be established in consultation with municipal partners and approved by the Board from time to time.

(i) Funds contributed from a local government unit shall be spent within that local government unit's jurisdiction to the extent possible.

(ii) Funds shall be allocated to volume reduction projects by the District according to the Stormwater Impact Fund Implementation Plan as approved by the District Board.

(r) Obligation to Ensure Performance. To find that the criteria of this rule have been met, the District shall require as-built drawings for all stormwater management practices within 60 days of substantial completion of construction. The District may also impose additional requirements as a specific condition of approval. The District may require monitoring or performance evaluation as a condition of approving a stormwater management practice that has not been adequately demonstrated in the proposed application.

4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in electronic format. Exhibits for flowage and drainage easements and covenants shall be submitted as shapefiles.

(a) Property lines and delineation of lands under ownership of the applicant.

(b) Delineation of the subwatershed contributing runoff from off-site, proposed and existing subwatersheds on-site, emergency overflows and watercourses.

(c) Proposed and existing stormwater facilities location, alignment, and elevation.

(d) Delineation of existing on-site wetland, shoreland, drain tiling and floodplain areas.

(e) For applications proposing infiltration as a stormwater management practice, identification, description, permeability, and approximate delineation of site soils in both existing and proposed as-developed condition. Soil boring and lab analysis is required in accordance with Paragraph 3(i).

(f) Existing and proposed ordinary high and 100-year water elevations on-site.

(g) Existing and proposed site contour elevations at 2-foot intervals, referenced to NAVD, 1988 datum.

(h) Construction plans and specifications of all proposed stormwater management facilities, including design details for outlet controls.

(i) A maintenance schedule for all proposed facilities that will not be maintained by an MS4.

(j) Runoff volume and rate analysis for the 2-year, 10-year, and 100-year critical storm events, existing and proposed.

(k) All hydrologic, water quality and hydraulic computations made in designing the proposed stormwater management facilities.

(l) Narrative addressing incorporation of infiltration BMPs.

(m) Delineation of any ponding, flowage or drainage easements, or other property interests, to be dedicated for stormwater management purposes.

(n) Documentation as to the status of a National Pollutant Discharge Elimination System stormwater permit for the project from the Minnesota Pollution Control Agency, with the Storm Water Pollution Prevention Plan (SWPPP) being provided when it becomes available.

5. MAINTENANCE. The applicant, and all successors in title, is responsible to maintain in perpetuity all stormwater management facilities used to meet the criteria of Section 3. Unless the Board specifies otherwise, as a condition of permit issuance, the permittee must submit a maintenance instrument specifying the methods, schedule, and responsible parties for maintenance for District review and, after District approval, provide for the instrument to be recorded or registered on the property title. In place of a recorded instrument, a public permittee may execute with the District a maintenance agreement that achieves the same purposes as an instrument on the title and provides that such an instrument will be recorded or registered if the public land is conveyed into private ownership. The District will make standard maintenance instruments and agreements available for permittee use.

6. EASEMENTS. The applicant shall establish in form acceptable to the District temporary and perpetual easements for ponding, flowage, and drainage purposes over hydrologic features such as waterbodies and stormwater basins. The easements shall include the right of reasonable access for inspection, monitoring, maintenance, and enforcement purposes.

7. COVENANTS. The District may require that the land be subjected to restrictive covenants or a conservation easement, in form acceptable to the District, to prevent the future expansion of impervious surface and the loss of infiltration capacity.

8. EXCEPTIONS. No permit or stormwater management plan shall be required under this Rule for the following land disturbing activities:

(a) Minor land disturbing activities such as home gardens, repairs, and maintenance work.

(b) Construction, installation, and maintenance of individual sewage treatment systems.

(c) Construction, installation and maintenance of public utility lines or individual service connections.

(d) Linear trails no more than 10 feet wide, bordered downgradient by vegetated soil or filter strip at least 5 feet wide. If some but not all of a trail meets this criteria only those portions not meeting this criteria are subject to this rule.

(e) The reconstructed impervious surface of a road that will remain rural-section that is bordered downgradient by vegetated open space or a vegetated filter strip with a minimum width of 5 feet with a slope less than 2 percent is exempt from the requirements of Paragraph 3(b)(iii).

Note – a ditch bottom with perennial grasses may satisfy the width requirement and the slope criteria of this exception does not apply to adjacent driveways.

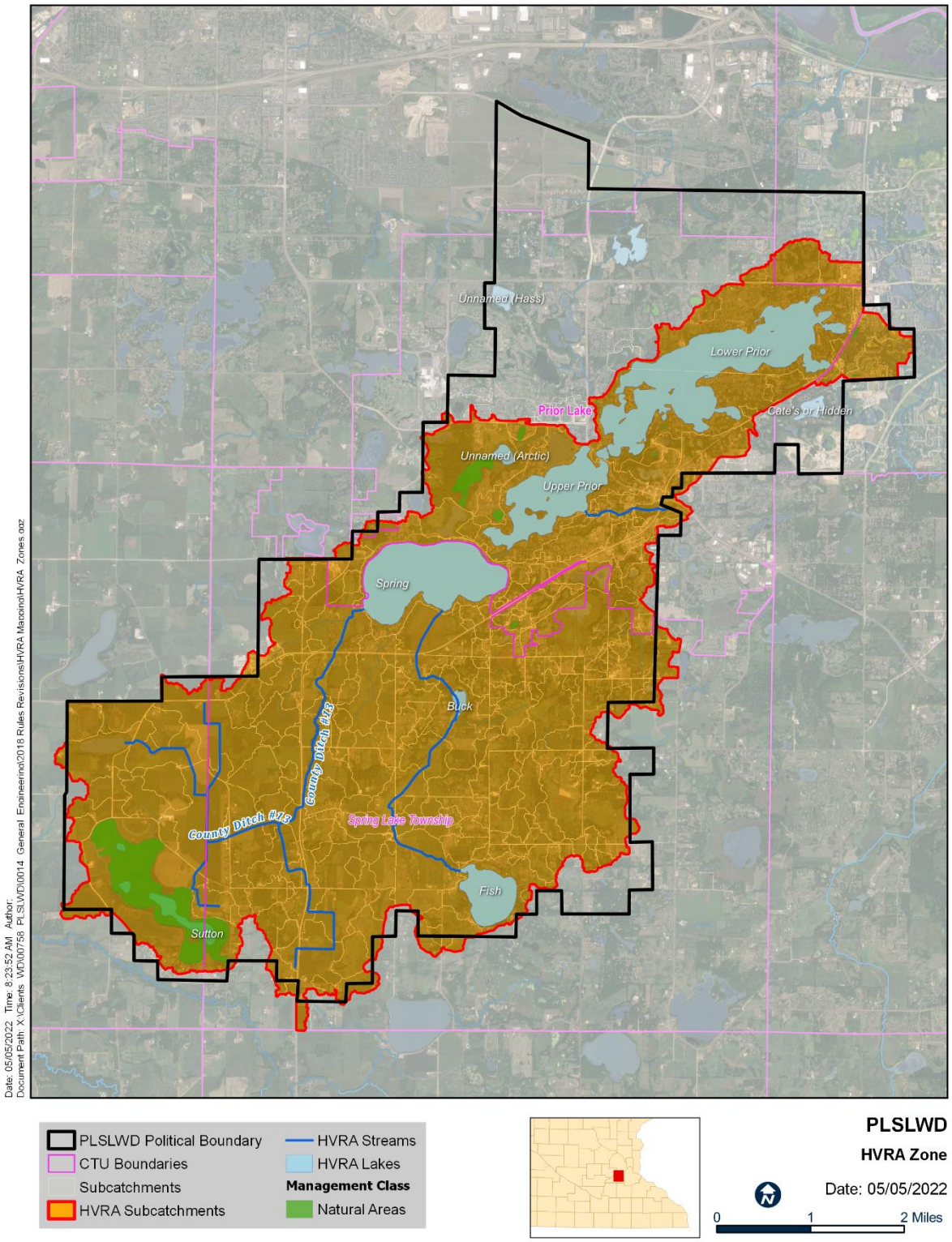
(f) Construction of any structure on an individual parcel in a subdivision with a stormwater management plan approved by the District, so long as the land disturbing activity complies with the approved plan.

(g) Land zoned as RR-1 (Rural Residential Reserve District) developed in conformance with County requirements.

(h) Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles.

(i) All land disturbing activities not required by this Rule to obtain a permit or have an approved stormwater management plan shall nevertheless be conducted in full compliance with Rule C.

APPENDIX D.1 – High Value Resource Area (HVRA)



RULE E - EROSION AND SEDIMENT CONTROL

1. POLICY. It is the policy of the managers to require the preparation and implementation of erosion and sediment control plans to control runoff and erosion and to retain or control sediment on land during land disturbing activities.

2. REGULATION. No person or political subdivision shall commence a land disturbing activity of more than 10,000 square feet, unless specifically exempted by Paragraph 10 below, without first obtaining a permit from the District that incorporates and approves an erosion and sediment control plan for the activity.

3. CRITERIA. Erosion and sediment control plans shall comply with the following criteria:

   (a) The plan must be prepared by a qualified individual showing proposed methods of retaining waterborne sediments on site during the period of construction and showing how the site will be restored, covered, or revegetated after construction, including a timetable for completion.

   (b) Natural site topography and soil conditions shall be used to control runoff and reduce erosion and sedimentation during construction and after completion of the land disturbing activity.

   (c) Erosion and sediment control measures shall be consistent with the standards of the General Permit Authorization to Discharge Stormwater Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued by the Minnesota Pollution Control Agency, except where more specific requirements apply, including:

      (i) Phasing to minimize disturbed areas subject to erosion at any one time.

      (ii) Implementation of BMPs to minimize the discharge of sediment and other pollutants. Redundant BMPs are required adjacent to all waterbodies, spaced a minimum of 5 feet apart except where conditions are limiting.

      (iii) All turbid or sediment-laden waters related to dewatering must be discharged to a temporary sediment basin on the project site unless infeasible. Permittees must provide appropriate Best Management Practices (BMPs) to water discharged to a surface water such that the discharge does not adversely affect the receiving water or downstream properties. Permittees must continuously monitor discharge to any surface water to ensure adequate treatment has been achieved. Discharge points must be adequately protected from erosion and scour through accepted energy dissipation methods.

      (iv) Use of temporary sediment basins are required where 10 or more acres of disturbed soil drain to a common location, or where 5 or more acres of disturbed soil are located within one mile of and discharge to a special or impaired water. Basin design and construction must comply with NPDES General Permit requirements.

      (v) Proper storage and disposal of all construction site projects, materials or wastes.

      (vi) Site inspections and records of rainfall events.

      (vii) Proper maintenance of all BMPs.

(viii) Management of solid and hazardous wastes on each project site.

(ix) Final stabilization upon completion of the construction activity.

(x) Provisions for the use of temporary sediment basins to control runoff and provide treatment during construction, when applicable.

(xi) Identification of wetland types and locations as identified in wetland delineation, as applicable.

(xii) Include contact information for the District's permit staff.

(d) The plan will specify measures for indefinite stabilization of exposed soil and stockpiled earth and erodible materials in the event that site work is suspended. These measures will be implemented within 7 days of a request by the District, unless, on the basis of permittee's written response and official inspection, the District finds that the site is active and actively managed under the erosion and sediment control plan. The District may set a later deadline for implementation if site conditions warrant.

(e) Requirement of site stabilization no later than November 15th of any given calendar year for exposed soil areas where construction activities have ceased and are not expected to continue until after frozen ground conditions.

(f) All erosion and sediment controls shall be installed before commencing the land disturbing activity, and shall not be removed without District approval or until the District has issued a certificate of completion pursuant to Paragraph 13 of Rule B.

(g) Use of erosion control blanket shall be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic mesh netting or other plastic components.

4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in electronic format.

(a) An existing and proposed topographic map showing contours on and adjacent to the land, property lines, all hydrologic features, the proposed land disturbing activities, and the locations of all runoff, erosion and sediment controls and soil stabilization measures.

(b) Plans and specifications for all proposed runoff, erosion and sediment controls, dewatering methods, and temporary and permanent soil stabilization measures.

(c) Detailed schedules for implementation of the land disturbing activity, the erosion and sediment controls, and soil stabilization measures.

(d) Detailed description of the methods to be employed for monitoring, maintaining, and removing the erosion and sediment controls, and soil stabilization measures.

(e) Contact information for the person(s) responsible for erosion and sediment control inspection and maintenance.

(f) Soil borings if requested by the District.

(g) For projects over one acre of disturbed area, documentation that the permittee has applied for the NPDES General Construction Permit from the Minnesota Pollution Control Agency

(MPCA) shall be submitted, in addition to the Stormwater Pollution Prevention Plan (SWPPP) prepared for the NPDES Permit.

(h) Other project site-specific submittal requirements as may be required by the District.

5. CONSTRUCTION ACTIVITY REQUIREMENTS. Any activity subject to a permit under this Rule must conform to the standards of the NPDES General Construction Permit, as amended, regarding construction site erosion and sediment control.

6. INSPECTION. The permittee shall be responsible for inspection of all erosion and sediment control measures until final soil stabilization is achieved.

7. MAINTENANCE. The permittee shall be responsible for proper operation and maintenance of all erosion and sediment controls, and soil stabilization measures, in conformance with Best Management Practices, the Minnesota Stormwater Manual and the requirements of the NPDES General Construction Permit, as amended. The permittee shall, at a minimum, inspect and maintain all erosion and sediment controls and soil stabilization measures daily during construction, weekly thereafter until vegetative cover is established, and after every rainfall event exceeding 0.5 inches. Inspection and maintenance schedule should follow time requirements outlined in the District's Permit Handbook, Log of Activities – Erosion & Sediment Control (Form 6).

8. VEGETATION ESTABLISHMENT. The permittee shall prepare soils, sod, seed and/or otherwise stabilize the permit project areas according to the approved plans submitted with the permit application unless other written approval has been received by the District for an alternate vegetation establishment plan. After initial vegetative establishment efforts lasting no longer than one year the site shall contain little or no bare soil and shall exhibit a dominance of established permanent cover. If vegetation establishment does not meet this standard, the area must be prepped and reseeded, and covered with blanket, mulch or straw as recommended by the District. Erosion control blanket is required on all seeded areas with a slope greater than or equal to 3:1, unless otherwise approved by the District in writing.

9. SECURITY. Any bond or other security required in accordance with Rule L shall be maintained until final soil stabilization and removal of erosion and sediment controls, and the payment of all fees and other amounts due the District.

10. EXCEPTIONS. No permit or erosion control plan shall be required under this Rule for the following land disturbing activities:

(a) Construction, installation, and maintenance of individual sewage treatment systems.

(b) Construction, installation and maintenance of public utility lines or individual service connections unless the activity disturbs more than 10,000 square feet.

(c) Construction of any structure on an individual parcel in a subdivision with an erosion and sediment control plan approved by the District, so long as any land disturbing activity complies with the approved plan.

(d) Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles.

(e) Emergency activity necessary to protect life or prevent substantial harm to persons or property.

(f) All land disturbing activities not required by this Rule to obtain a permit or have an approved erosion and sediment control plan shall nevertheless be conducted in full compliance with Rule C. All drainage alterations not required by this Rule to obtain a permit shall nevertheless be conducted in full compliance with Rule C.

RULE F - FLOODPLAIN ALTERATION

1. POLICY. It is the policy of the managers to:
   (a) Preserve existing water storage capacity below the 100-year critical duration flood elevation on all waterbodies in the District to minimize the frequency and severity of high water.
   (b) Minimize development in the floodplain which will unduly restrict flood flows or aggravate known high water problems. Require compensatory storage for unavoidable floodplain fill.
2. REGULATION. No person or political subdivision shall alter or fill land below the 100-year critical duration flood elevation of any public waters, public waters wetland or other wetland without first obtaining a permit from the District.
3. CRITERIA.
   (a) Floodplain alteration or filling shall not cause a net decrease in flood storage capacity below the projected 100-year critical duration flood elevation unless it is shown that the proposed alteration or filling, together with the alteration or filling of all other land on the affected reach of the waterbody to the same degree of encroachment as proposed by the applicant, will not cause high water, or aggravate flooding on other land and will not unduly restrict flood flows.
   (b) All new structures shall be constructed with the low floor at a minimum of two feet above the 100-year critical duration flood elevation.
   (c) A land disturbing activity within a floodplain may require a District permit under Rules D and E.
   (d) An activity that alters or fills a wetland within a floodplain may require a permit under Rule G.
4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in electronic format.
   (a) Site plan showing boundary lines, delineation and existing elevation contours of the work area, ordinary high water level, and 100-year critical duration flood elevation. All elevations shall be referenced to NAVD, 1988 datum.
   (b) Grading plan showing any proposed elevation changes.
   (c) Preliminary plat of any proposed subdivision.
   (d) Determination by a registered professional engineer of the 100-year critical duration flood elevation before and after the proposed activity.
   (e) Computation of the change in flood storage capacity as a result of the proposed alteration or fill.
   (f) Erosion control and sediment plan which complies with Rule E.
   (g) Soil boring results if available.

5. EXCEPTIONS. If a municipality or county has adopted a floodplain ordinance which prescribes an allowable degree of floodplain encroachment, the applicable ordinance shall govern the allowable degree of encroachment and no permit will be required under this Rule.

RULE G - WETLAND ALTERATION

1. POLICY. It is the policy of the managers to:
   (a) Achieve no net loss in the quantity, quality, and biological diversity of wetlands in the District.
   (b) Increase the quantity, quality, and biological diversity of wetlands in the District by restoring or enhancing diminished or drained wetlands.
   (c) Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality and biological diversity of District wetlands as determined using the Minnesota Routine Assessment Method (MnRAM) for Evaluating Wetland Functions Version 3.4, or subsequent version.
   (d) Replace affected wetlands where avoidance is not feasible and prudent.
2. REGULATION. Where the District is the local government unit responsible to administer the Minnesota Wetland Conservation Act (WCA), it will do so in accordance with WCA statutes and rules.
3. CRITERIA.
   (a) Any drainage, filling, excavation, or other alteration of a wetland shall be conducted in compliance with Minnesota Statutes, section 103G.245, the Wetland Conservation Act, and regulations adopted thereunder.
   (b) A land disturbing activity within a wetland may require a District permit under Rules D and E.
   (c) An activity within a wetland that alters or fills a floodplain may require a District permit under Rule F.

RULE H - BRIDGE AND CULVERT CROSSINGS

1. POLICY. It is the policy of the managers to regulate crossings of watercourses for driveways, roads, and utilities to maintain channel profile stability and conveyance capacity.
2. REGULATION. No person or political subdivision shall construct, improve, repair, or alter a driveway, road or utility across the Prior Lake outlet channel or a watercourse with a tributary area in excess of 100 acres without first obtaining a permit from the District.
3. CRITERIA. Crossings shall:
   (a) Retain adequate hydraulic capacity, which for any crossing over the Prior Lake outlet channel shall be based on the hydraulic model for the outlet channel.
   (b) Retain adequate navigational capacity.
   (c) Not adversely affect water quality.
   (d) Represent the "minimal impact" solution to a specific need with respect to all reasonable alternatives.
   (e) Allow for future erosion, scour, and sedimentation considerations.
4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in electronic format.
   (a) Construction plans and specifications.
   (b) Analysis prepared by a registered professional engineer showing the effect of the project on hydraulic capacity and water quality.
   (c) An erosion and sediment control plan which complies with Rule E.
5. MAINTENANCE.
   (a) The maintenance, reconstruction and stabilization of any public crossing shall be the responsibility of the political subdivision with jurisdiction over the crossing.
   (b) The maintenance, reconstruction and stabilization of any private crossing shall be the responsibility of the owner of the crossing.
   (c) If a crossing over the Prior Lake outlet channel is determined by the District to be causing significant erosion of the outlet channel cross-section or profile, the District may order the owner of the crossing to make necessary repairs or modifications to the crossing and outlet channel. If the owner of the crossing fails to make the necessary repairs or modifications, the District, after notice and hearing before the managers, may repair, modify, or remove the crossing or repair or modify the outlet channel. The District will seek reimbursement for the cost it incurs for such work in the same manner as fees under Rule K.
   (d) As a condition to the approval of a permit under this rule, the District may require the applicant and owner to enter into a compliance agreement with the District.

RULE I - DRAINAGE ALTERATIONS

1. POLICY. It is the policy of the managers that surface water may be drained only in a manner which does not unreasonably burden upstream or downstream land.
2. REGULATION. No person or political subdivision shall artificially drain surface water, nor obstruct or redirect the natural flow of runoff where the drainage area exceeds 50 acres, so as to affect a drainage system established under Minnesota Statutes, Chapter 103E, or the public health and general welfare of the District, without first obtaining a permit from the District.
3. CRITERIA. The applicant for a drainage alteration shall:
   (a) Describe the overall environmental impact of the proposed drainage alteration and demonstrate that:
      (i) There is a reasonable necessity for such drainage alteration;
      (ii) Reasonable care has been taken to avoid unnecessary injury to upstream and downstream land;
      (iii) The utility or benefit accruing to the land on which the drainage will be altered reasonably outweighs the gravity of the harm resulting to the land receiving the burden; and
      (iv) The drainage alteration is being accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practicable natural drain, a reasonable and feasible artificial drainage system is being adopted.
   (b) Provide a hydraulic design which complies with Rules F and G, and if the alteration involves a landlocked basin, the alteration must comply with Rule D.3(j) for outlets from landlocked basins.
   (c) Provide a stable channel and outfall.
   (d) Obtain a permit under Rules D and E if the drainage alteration is part of a land disturbing activity or a development or redevelopment of land.
4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in electronic format.
   (a) Map showing location of proposed alteration and tributary area.
   (b) Existing and proposed cross sections and profile of affected drainage area.
   (c) Description of bridges or culverts required.
   (d) Narrative and calculations verifying compliance with Paragraph 3(a) and 3(b) above.
5. EXCEPTIONS.
   (a) No permit shall be required under this Rule for the alteration of drainage in connection with the use of land for agricultural activities.

(b) The managers may waive the requirement of Paragraph 4(d) above if the applicant submits easements or other documentation in a form acceptable to the District evidencing the consent of the owner of any burdened land to the proposed alteration. Such easements or other documentation shall be filed for record and evidence thereof submitted to the District.

(c) All drainage alterations not required by this Rule to obtain a permit shall nevertheless be conducted in full compliance with Rule C.

RULE J - BUFFER STRIPS

1. POLICY. Natural vegetation around watercourses and wetlands is integral to maintaining the water quality and ecological functions these resources provide. Vegetative buffers reduce the impact of surrounding development and land use on watercourse and wetland functions by stabilizing soil to prevent erosion, filtering sediment from runoff, and moderating water level fluctuations during storms. Buffers provide essential habitat for wildlife. Requiring buffers recognizes that watercourse and wetland quality and function are related to the surrounding upland.
2. REGULATION. For any parcel created or redeveloped after August 12, 2003, a buffer strip shall be maintained around the perimeter of all watercourses and wetlands. The buffer strip provisions of this Rule shall not apply to any parcel of record as of the date of this Rule until such parcel is subdivided or redeveloped. The District does, however, strongly encourage the use of buffer strips on all parcels in the District.
3. GENERAL PROVISIONS.
   (a) This Rule shall apply to all lands containing watercourses or wetlands and lands within the buffer strips required by this Rule. Watercourses and wetlands shall be subject to the requirements established herein and other applicable federal, state, and local ordinances and regulations.
   (b) This Rule does not apply to any wetland with a surface area equal to or less than the area of wetland impact allowed without replacement as de minimis under the Wetland Conservation Act.
   (c) An applicant shall determine whether any watercourse or wetland exists on land or within the applicable buffer strip on adjacent land, and shall delineate the boundary for any wetland on the land. An applicant shall not be required to delineate wetlands on adjacent property but must review available information to estimate the wetland boundary.
   (d) Documentation identifying the presence of any watercourse or wetland on the applicant's land, including wetland delineation and buffer strip vegetation evaluation, must be provided to the District with a permit application.
   (e) Wetland and buffer strip identifications and delineations shall be prepared in accordance with state and federal regulations.
4. STANDARDS. The following standards apply to all lands that contain or abut a watercourse or wetland:
   (a) Best management practices shall be followed to avoid erosion and sedimentation during land disturbing activities.
   (b) When a buffer strip is required the applicant shall, as a condition to issuance of a permit:
      (i) Submit to the District for its approval a conservation easement for protection of approved buffer strips. The easement shall describe the boundaries of the watercourse or wetland and buffer strips, identify the monuments and monument locations, and prohibit any of the alterations set forth in Paragraph 5(f) below and the removal of the buffer strip monuments within the buffer strip or the watercourse or wetland;

(ii) File the approved conservation easement for record and submit evidence thereof to the District; and

(iii) Install the wetland monumentation required by Paragraph 7 below.

(c) All open areas within the buffer strip shall be seeded or planted in accordance with Paragraph 8 below. All seeding or planting shall be completed prior to removal of any erosion and sediment control measures. If construction is completed after the end of the growing season, erosion and sediment control measures shall be left in place and all disturbed areas shall be mulched for protection over the winter season.

5. CRITERIA.

(a) Buffers on wetlands, as measured from the delineated edge of the wetland, shall comply with the following minimums and averages:

Management Class	Minimum Width [ft]	Average Width [ft]
Natural Areas Wetland	50	75
Hydrology Wetland	25	50
Restoration/Enhancement & Basic Wetland	15	30

(b) Buffer strips on watercourses shall be a minimum of 15 feet wide with an average width of 30 feet, measured from the ordinary high water level of the watercourse.

(c) Buffer strips shall apply whether or not the watercourse or wetland is on the same parcel as a proposed development.

(d) Buffer areas of specific concern, including locations with significant flow accumulation, must be at least the average buffer width.

(e) Buffer strip vegetation shall be established and maintained in accordance with Paragraph 8 below. Buffer strips shall be identified within each parcel by permanent monumentation in accordance with Paragraph 7 below.

(f) Subject to Paragraph 5(g) below, alterations including building, storage, paving, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application, are prohibited within any buffer strip. Noxious vegetation, such as European buckthorn, purple loosestrife, and reed canary grass, may be removed as long as the buffer strip is maintained to the standards required by the District. Alterations would not include plantings that enhance the natural vegetation or selective clearing or pruning of trees or vegetation that are dead, diseased or pose similar hazards.

(g) The following activities shall be permitted within any buffer strip, and shall not constitute prohibited alterations under Paragraph 5(f) above:

(i) Use and maintenance of a single, unimproved access strip through the buffer, not more than 5 feet in width in incorporated areas and 20 feet in width in

unincorporated areas, and maintained only by means of mowing, for recreational access to the watercourse or wetland and the exercise of riparian rights;

(ii) Placement, maintenance, repair or replacement of utility and drainage systems that exist on creation of the buffer strip or are required to comply with any subdivision approval or building permit obtained from the municipality or county, so long as any adverse impacts of utility or drainage systems on the function of the buffer strip have been avoided or minimized to the extent possible; and

(iii) Construction, maintenance, repair, reconstruction, or replacement of existing and future public roads crossing the buffer strip, so long as any adverse impacts of the road on the function of the buffer strip have been avoided or minimized to the extent possible.

6. ALTERNATE BUFFER STRIPS.

(a) Because of unique physical characteristics of a specific parcel, narrower buffer strips may be necessary to allow a reasonable use of the parcel; and in combination with other best management practices may provide equivalent water quality treatment performance. The District may choose to permit an alternative buffer width if any one or more of the following conditions is met:

(i) The proposed activity, development or redevelopment of land will not increase runoff volumes for the 5-year critical storm event, not including the 10-day snow melt event, that is discharged to the watercourse or wetland; or

(ii) The applicant demonstrates that a combination of best management practices to be incorporated with the proposed activity, development or redevelopment of land will provide storm water quality treatment performance equivalent to the average-width buffer required by Paragraphs 5(a) or (b); or

(iii) The dominant wetland type, as determined by methods acceptable under the Minnesota Wetland Conservation Act, is a low-quality Type 1 or 2 Wet Meadow, where low quality is defined as having a highly impacted vegetative community such that reed canary grass comprises more than 40 percent cover, and/or European buckthorn, if present, comprises greater than 30 percent cover, and/or vegetation was frequently (at least three of the past five years) removed by cropping.

(b) The use of alternative buffer strips will be evaluated as part of the review of a stormwater management plan under Rule D. Where alternative buffer strip standards are approved, the width of the buffer strips shall be established by the managers based on a minimum width of 15 feet. Alternative buffer strips must be in keeping with the spirit and intent of this Rule. The District may require maintenance agreements, restrictive covenants, or easements, in form acceptable to the District, to cover best management practices used to justify the alternative standard, to assure maintenance in perpetuity and that best management practices continue to function as originally designed.

7. MONUMENTATION. A monument shall be required at each parcel line where it crosses a buffer strip and at each point where the bearing of the buffer strip boundary line changes. Monuments shall have a maximum spacing of 200 feet along the edge of the buffer strip. Additional monuments shall be placed as necessary to accurately define the edge of the

buffer strip. A monument shall consist of a post and a buffer strip sign. The signs shall be obtained from the District and include warnings about disturbing or developing the buffer strip. The signs shall be 5-inch wide x 7-inch vertical, have a brown field with white lettering, and shall be securely mounted on a U-channel post to a minimum height of 4 feet above grade.

8. VEGETATION ESTABLISHMENT.

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

(i) Has a continuous, dense layer of perennial native grasses and forbs that has been uncultivated or unbroken for at least 5 consecutive years; or

(ii) Has an overstory of trees and/or shrubs that has been uncultivated or unbroken for at least 5 consecutive years; or

(iii) Contains a mixture of communities described in Subparagraphs 8(a)(i) and (ii).

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

(i) It is composed of undesirable plant species including but not limited to common buckthorn, purple loosestrife, leafy spurge, or noxious weeds; or

(ii) It has topography that tends to channelize the flow of runoff; or

(iii) For some other reason it is unlikely to retain nutrients and sediment.

(c) Where buffer strips are not vegetated or have been cultivated or otherwise disturbed within 5 years of the permit application, such areas shall be replanted and maintained. The buffer strip plantings must be identified on the permit application. The buffer strip landscaping shall comply with the following standards:

(i) Buffer strips shall be planted with a native seed mix approved by MnDOT, NRCS or SWCD, with the exception of a one-time planting with an annual nurse or cover crop such as oats or rye in addition to the native seed mix.

(ii) The seed mix shall be broadcast according to MnDOT, NRCS or SWCD specifications of the selected mix. The annual nurse or cover crop shall be applied at a minimum rate of 30 pounds per acre. The MnDOT or NRCS seed mix selected for permanent cover shall be appropriate for soil site conditions and free of invasive species. MnDOT, NRCS or SWCD approved mixtures appropriate for specific soil and moisture conditions can be used to meet these requirements.

(iii) Native shrubs may be substituted for native grasses and forbs. All substitutions and density of plantings must be approved by the District. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.

(iv) Any groundcover or shrub plantings installed within the buffer strip are independent of any landscaping required elsewhere by the municipality or county.

(v) Grasses and forbs shall be seeded or planted by a qualified contractor. The method of application shall be approved by the District prior to planting or seeding.

(vi) No fertilizer shall be used in establishing new buffer strips, except on highly disturbed sites when necessary to establish acceptable buffer strip vegetation and then limited to amounts indicated by an accredited soil testing laboratory.

(vii) All seeded areas shall be mulched immediately with clean straw at a rate of 1.5 tons per acre. Mulch shall be anchored with a disk or tackifier.

(viii) Buffer strips (both natural and created) shall be protected by erosion and sediment control measures during construction in accordance with Rule E. The erosion and sediment control measures shall remain in place until the buffer strip vegetation is established.

(d) Buffer strip vegetation shall be established and maintained in accordance with the requirements found in this Paragraph 8 based on an Establishment Plan submitted by the applicant and approved by the District prior to permit issuance and meeting the following requirements:

(i) Establishment plans must extend for the period beginning at the time of planting and extending two full years from completion of initial planting and mulching operations.

(ii) Establishment plans must include an irrigation or watering plan for the period beginning at the time of planting and extending one full year from completion of initial planting and mulching operations.

(iii) Establishment plans must include replacement of any buffer strip vegetation that does not survive during the two year period extending from the completion of the initial planting and mulching operations. Establishment maintenance and watering of replaced buffer strip vegetation shall extend one full year from completion of replacement planting and mulching operations.

(iv) The owner shall be responsible for reseeding and/or replanting if the buffer strip vegetation does not survive at any time through human intervention or activities.

(v) Establishment plans must include a schedule for weeding throughout the duration of the plan.

(vi) Establishment plans must be accompanied by an escrow account for the term of the establishment plan. At the end of the term of the establishment plan the balance of the account shall be returned to the permittee, less the amount required to complete the establishment of acceptable natural vegetation (if any).

9. COMPLETION. The following conditions must be met before the District will issue a Certificate of Completion and release buffer strip escrow:

(a) Buffer strip vegetation must be successfully established per Paragraph 8.

(b) Monumentation must be installed per Paragraph 7.

RULE K - FEES

1. POLICY. The managers find that it is in the public interest to require applicants to pay the cost of administering and reviewing permit applications and inspecting approved activities to assure compliance with these Rules, rather than using the District's annual administrative levy for such purposes.
2. APPLICATION. Each application for the issuance, transfer, or renewal of a permit under these Rules shall be accompanied by an application fee of $10.00 to defray the cost of recording and processing the application.
3. REVIEW. An applicant for the issuance, transfer, or renewal of a permit under these Rules shall pay a review fee equal to the actual cost of the District for the review and analysis of the proposed activity, including services of engineering, legal and other consultants. The District may require a deposit based on a good faith estimate of the cost to review an application at the time of filing. The review fee shall be payable upon issuance of an invoice after consideration of the application by the managers. No permit may be issued until the review fee has been paid.
4. INSPECTION. A permittee shall pay a field inspection fee equal to the actual cost of the District for field inspections and subsequent monitoring of the permitted activity, including services of engineering, legal and other consultants. The District may require a deposit based on a good faith estimate of the cost to inspect and monitor a proposed activity at the time the application is filed. Additional field inspection fees shall be payable within 10 days after issuance of an invoice if continued inspection and monitoring of an activity is required. A permit may be revoked, or a certificate of completion withheld, if the field inspection fee is not fully paid.
5. FAILURE TO OBTAIN PERMIT. Any person or political subdivision performing any activity for which a permit is required under these Rules without having first obtained a permit from the District, shall apply for and obtain a permit immediately and shall pay, in addition to such fines, court costs or other amounts as may be payable by law as a result of such violation, a field inspection fee equal to the actual cost of the District for field inspections, monitoring and investigation of such activity, including services of engineering, legal and other consultants. The field inspection fee shall be payable within 10 days after issuance of a statement by the District. No permit shall be issued for the activity if there are any unpaid field inspection fees or other outstanding violations of these Rules.
6. RECOVERY. The fees provided for in these Rules may be recovered by the District in any legal proceeding authorized by law.
7. AGENCIES EXEMPT. The fees in Paragraphs 2, 3, 4 and 5 above shall not be charged to the federal government, the state, or a political subdivision.

RULE L - SECURITY

1. POLICY. It is the policy of the managers to protect and conserve water resources by requiring a bond or other security to assure compliance with these Rules.
2. REQUIREMENT. The managers may require a deposit of cash, a performance bond, an irrevocable letter of credit or other security with the District as a condition to the issuance of a permit under these Rules.
3. AMOUNT. The amount of the security shall be set by the managers as the amount the managers deem necessary to cover the following potential liabilities to the District:
   (a) Post permit field inspection, monitoring and related fees authorized under Minnesota Statutes, section 103D.345;
   (b) The cost of maintaining and implementing erosion and sediment control required by the permit;
   (c) The cost of completing buffer strip landscaping in accordance with Paragraph 8(a) of Rule J; and
   (d) The cost of remedying damage resulting from noncompliance with the permit or these Rules or for which the permittee is otherwise responsible.
4. FORM AND CONDITIONS.
   (a) A performance bond or letter of credit must be in a form acceptable to the District and from a bank or surety licensed to do business in Minnesota.
   (b) The security shall be in favor of the District and conditioned upon the applicant's performance of the authorized activity in compliance with the permit and applicable laws, including these Rules, and the payment when due of any fees or other charges authorized or required by the permit, and these Rules.
   (c) The security shall be issued for a minimum term of one year. Security with a shorter term may be deposited with the District provided it is replaced at least 30 days before its expiration.
   (d) The District shall be authorized to make a claim or draw against the security after any default by the permittee under the permit or these Rules, or if the permittee fails to replace any security at least 30 days before its expiration.
5. POLITICAL SUBDIVISIONS. The general contractor for activities of a political subdivision shall provide any security required by the permit and these Rules.
6. RELEASE. Any security may be released by the District pursuant to Paragraph 13 of Rule B.

RULE M - VARIANCES

1. WHEN AUTHORIZED. The managers may grant variances from the literal provisions of these Rules. A variance shall only be granted when in harmony with the general purpose and intent of the Rules in cases where strict enforcement of the Rules will cause undue hardship, and when the terms of the variance are consistent with the District's water resources management plan and Minnesota Statutes, chapter 103D.
2. HARDSHIP. "Hardship" as used in connection with the granting of a variance means the land in question cannot be put to a reasonable use if used under the conditions allowed by these Rules; the plight of the applicant is due to circumstances unique to the land and not created by the applicant; and the variance, if granted, will not adversely affect the essential character of the locality and other adjacent land. Economic considerations alone shall not constitute a hardship if a reasonable use for the land exists under the terms of these Rules. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent land and the public health and general welfare of the District.
3. PROCEDURE. An application for a variance shall describe the practical difficulty or particular hardship claimed as the basis for the variance. The application shall be accompanied with such surveys, plans, data, and other information as may be required by the managers to consider the application.
4. TERM. A variance is valid for the term of the permit.
5. VIOLATION: A violation of any condition imposed in the granting of a variance shall be a violation of these Rules and the variance may be subject to termination.

RULE N - APPEALS

1. INTERESTED PARTY. For the purposes of this Rule N, "interested party" means a person or political subdivision with an interest in the pending subject matter.
2. APPEALS. An interested party may appeal a rule, permit decision or order made by the managers by a declaratory judgment action brought under Minnesota Statutes, Chapter 555.
3. PROCEDURES. The decision on appeal must be based on the record made in the proceeding before the managers. An appeal of a permit decision or order must be filed within 30 days of the managers' decision.

RULE O - ENFORCEMENT

1. MISDEMEANOR. A violation of these Rules, a stipulation agreement made, or permit or order issued by the managers pursuant to these Rules, is a misdemeanor subject to a penalty as provided by law.
2. ACTIONS. The District may exercise all powers conferred upon it by Minnesota Statutes, Chapter 103D, in enforcing these Rules, or a stipulation agreement made, or permit or order issued by the managers under these Rules, including criminal prosecution, injunction, or an action to compel performance, restoration or abatement, or other appropriate action.
3. ADMINISTRATIVE ORDER. The District may issue a cease-and-desist order when it finds that a proposed or initiated activity or project presents a serious threat of flooding, erosion, sedimentation, an adverse effect upon water quality, or otherwise violates these Rules.
4. ATTORNEYS' FEES AND COSTS. In any civil action arising from or related to these Rules, an order or a stipulation agreement made, or a permit issued or denied by the managers under these Rules, the court may award the prevailing party reasonable attorneys' fees and costs.

RULE P - ILLICIT DISCHARGE

1. POLICY. It is the policy of the managers to prohibit illicit discharges to the Prior Lake Outlet Channel.

2. DEFINITIONS: For the purposes of this Rule P, unless the context otherwise requires, the following words and terms shall have the meanings set forth below. Words and terms not defined in this Rule shall have the meanings set forth in Rule A.

   Illicit Connection – an illicit connection is defined as either of the following:

   1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 system, including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the system and any connections to the system from indoor drains and sinks, regardless of whether said drain or connection has been previously allowed, permitted, or approved by political subdivision.
   2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 system that has not been documented in plans, maps, or equivalent records and approved by a political subdivision.

   Illicit Discharge – any discharge to the MS4 that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

   Non-Stormwater Discharge – any discharge to the MS4 system that is not composed entirely of stormwater.

   Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

   Stormwater – means stormwater runoff, snow melt runoff, and surface runoff and drainage (Minn. R. 7090.0080, subp.12.).

3. REGULATION.

   (a) No person or political subdivision shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the Prior Lake Outlet Channel any pollutants or waters containing any pollutants, other than stormwater, unless specifically exempted by Paragraph 9 below.

   (b) The construction, use, maintenance, or continued existence of illicit connections to the Prior Lake Outlet Channel is prohibited.

(i) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law, rule, or practices applicable or prevailing at the time of connection.

(ii) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the Prior Lake Outlet Channel or allows such a connection to continue.

(iii) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system.

(iv) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the District requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the District.

4. SUSPENSION OF MS4 ACCESS. The District may, without prior notice, suspend MS4 discharge access when such suspension is necessary:

   (a) Suspension due to Illicit Discharges in Emergency Situations. The District may, without prior notice, suspend MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the District's MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the District may take such steps as deemed necessary to prevent or minimize damage to the District's MS4 or Waters of the United States, or to minimize danger to persons or the environment.

   (b) Suspension due to the Detection of Illicit Discharge. Any person discharging to the District's MS4 in violation of this Rule may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The District may issue an administrative order or pursue other enforcement action as provided in the District's Rule O to compel performance, restoration, abatement, and other appropriate action.

5. MONITORING OF DISCHARGES. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

   (a) Access to Facilities. The District shall gain consent or obtain a search warrant to enter buildings subject to regulation under this Rule to determine compliance with this Rule. The discharger shall make the necessary arrangements to allow access to representatives of the District.

   (b) Access to Records. The District may examine and copy records that must be kept under the conditions of an NPDES Permit to discharge stormwater or that concern the performance of any duties as defined by state or federal stormwater laws.

(c) If the District has been refused access to any part of the premises from which stormwater is discharged, then the District may seek issuance of a search warrant from any court of competent jurisdiction.

6. WATERCOURSE PROTECTION. Every person owning property, through which a watercourse passes, shall keep, and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that originate from the property owners use or activity on the property that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

7. NOTIFICATION OF SPILLS. It is the duty of every person to notify the District immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of the Prior Lake Outlet Channel, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution.

8. ENFORCEMENT. In addition to pursuing enforcement actions as provided in the District's Rule O, the District may utilize the following measures to enforce the provisions of this rule:

   (a) Notice of Violation. Whenever the District finds that a person has violated a prohibition or failed to meet a requirement of this Rule, the District may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

      (i) If the activity has been performed without an applicable District permit, that a permit be applied for and obtained immediately;

      (ii) The performance of monitoring, analysis and/or reporting;

      (iii) The elimination of illicit connections or discharges;

      (iv) That violating discharges, practices or operations will cease and desist;

      (v) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

      (vi) Payment of District costs of administrative and remediation;

      (vii) The implementation of source control or treatment BMPs.

   (b) Enforcement Measures. If a violation is not corrected pursuant to the Notice of Violation and subsequent District order, the District may seek enforcement of the Rule requirements and/or order through criminal prosecution, injunction, action to compel performance, restoration, abatement, and other appropriate action. The District may avail itself of any and all measures necessary to abate the violation and/or restore the property.

9. EXCEPTIONS. The following materials may be discharged to the Prior Lake Outlet Channel operated by the District:

   (a) Stormwater from a Municipal Separate Storm Sewer System connected to the Prior Lake Outlet Channel operated by the District, as specified in the Joint Powers Agreement / Memorandum of Agreement that governs the operation of the Prior Lake Outlet Channel.

(b) Discharges from public waters, including Prior Lake, Pike Lake, and Dean Wetland.

(c) The following minor discharges:

(i) Water line flushing

(ii) Landscape irrigation

(iii) Diverted stream flows

(iv) Rising ground waters

(v) Uncontaminated ground water infiltration

(vi) Uncontaminated pumped ground water

(vii) Discharges from potable water sources

(viii) Foundation drains

(ix) Air conditioning condensation

(x) Irrigation water

(xi) Springs

(xii) Water from crawl space pumps

(xiii) Footing drains

(xiv) Lawn watering

(xv) Individual residential car washing

(xvi) Flows from riparian habitats and wetlands

(xvii) Dechlorinated swimming pool discharges

(xviii) Street wash water

(d) Discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that a permit has been received from the District under all applicable rules.

(e) Discharges or flow from firefighting, and other discharges specified in writing by the Prior Lake Watershed District as being necessary to protect public health and safety.

(f) Dye testing is an allowable discharge but requires a verbal notification to the District prior to the time of the test.

PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT

RULES

Board Approved: May 10, 2022

Effective Date: June 1, 2022

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CERTIFICATION OF RULES

I, Frank Boyles, Secretary of the Prior Lake-Spring Lake Watershed District Board of Managers, certify that the attached is a true and correct copy of the Rules of the Prior Lake-Spring Lake Watershed District having been properly adopted by the Board of Managers of the Prior Lake-Spring Lake Watershed District.

Dated: May 10, 2022

_____

POLICY STATEMENT

The Prior Lake-Spring Lake Watershed District (the District) is a political subdivision of the state under the Minnesota Watershed Act, and a watershed management organization as defined in the Metropolitan Surface Water Management Act. These Acts provide the District with power to accomplish its statutory purpose - the conservation, protection, and management of water resources within the boundaries of the District through sound scientific principles.

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

Land alteration and utilization can affect the rate and volume and degrade the quality of surface water runoff within the District. Sedimentation from ongoing erosion and construction activities will reduce hydraulic capacity of waterbodies and degrade water quality. Water quality problems already exist in many waterbodies in the District.

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

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

RELATIONSHIP WITH MUNICIPALITIES AND COUNTY

The District recognizes that the control and determination of appropriate land use is the responsibility of the municipalities and the county. The District will review permit applications involving land subdivision before preliminary approval is received from the municipality or county so that District requirements will be considered in the review process.

The District intends to be active in the regulatory process to ensure that water resources are managed in accordance with its goals and policies. The District will require permits for developments and improvements in the watershed that meet the thresholds specified in the Rules. Municipalities will have the option of assuming a more active role within the permitting process after adoption of local water management plans approved by the District and implementation of local ordinances consistent with the approved plan. The District welcomes the execution of Memorandums of Agreement (MOA) with all its municipalities to define the purpose and roles of each organization for local water planning and regulation. With execution of an MOA, the District will continue to review and permit projects sponsored or undertaken by municipalities and other governmental units and will require security from the contractor in accordance with these Rules for governmental projects which have an impact on water resources of the District. These projects include but are not limited to, land development, road, trail, and utility construction. In addition, the District will review and offer comments to the municipality for projects undertaken by the private sector. In the interim, however, the District will direct the permitting process.

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

RULE A - DEFINITIONS

For the purposes of these Rules, unless the context otherwise requires, the following words and terms shall have the meanings set forth below.

References in these Rules to specific sections of the Minnesota Statutes or Rules include amendments, revisions, or recodifications of such sections.

The words "shall" and "must" are mandatory; the word "may" is permissive.

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

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

Applicant - any person or political subdivision that ~~submits an application~~applies to the District for a permit under these Rules.

Atlas 14 - the Precipitation Frequency Estimates released by the National Weather Service (NWS) Hydrometeorological Studies Design Center. Volume 8, released in 2013, provides precipitation frequency estimates for many Midwestern states including Minnesota. Precipitation Frequency Estimates may be obtained from NOAA's NWS Precipitation Frequency Data Server.

Best Management Practices or BMPs - techniques proven to be effective in controlling runoff, erosion and sedimentation including those documented in ~~the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (BWSR, 1988);~~ Protecting Water Quality in Urban Areas (MPCA, 2000); Minnesota Urban Small Sites BMP Manual (Metropolitan Council 2001); and Minnesota Stormwater Manual (MPCA, 2014): as such documents may be amended, revised, or supplemented.

Basic Management Class Wetland – any wetland not classified as a Natural Areas, Hydrology or Restoration/Enhancement Class Wetland.

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

Compensatory Storage - excavated volume of material below the floodplain elevation required to offset floodplain fill.

Compliance Agreement - an agreement required pursuant to Paragraph ~~7~~ 6 of Rule B to assure compliance with these Rules.

Critical duration flood event - means the 100-year precipitation or snow melt event with a duration resulting in the maximum 100-year return period water surface elevation. For purposes of these rules, the critical duration flood event is either the 100-year, 24-hour rainfall event as found in NOAA Atlas 14 or the ten-day snow melt event assumed to be 7.2 inches of runoff occurring on frozen ground (CN=100); note however that other durations (e.g., 6-hour) may result in higher water surface elevations.

~~**County** - Scott County, Minnesota.~~

Dead Storage - the permanent pool volume of a water basin, or the volume below the runout elevation of a water basin.

Detention Basin - any natural or manmade depression for the temporary storage of runoff.

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

~~**District** - the Prior Lake-Spring Lake Watershed District.~~

Directly Connected Impervious Surface – an impervious surface that is hydraulically connected to a conveyance system (i.e., streets, curb and gutter, catch basins, storm drains, etc.) without flowing over pervious areas.

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

Emergency Overflow (EOF) – means a high-capacity weir, spillway, or natural overflow placed at or above the 100-year storage elevation waterbody or detention basin. It must not be prone to clogging and stabilized such that flow of water does not cause erosion at the waterbody, pond, or downstream.

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

Erosion and Sediment Control Plan - a plan of BMPs or equivalent measures designed to control runoff and erosion and to retain or control sediment on land during the period of land disturbing activities in accordance with the standards set forth in Rule E.

Excavation - the artificial removal of soil or other earth material.

FEMA (Federal Emergency Management Agency) – an agency of the United States Department of Homeland Security (DHS). The agency's primary purpose is to coordinate the response to a disaster that has occurred in the United States and that overwhelms the resources of local and state authorities.

Fill - the deposit of soil or other earth material by artificial means.

Flood Insurance Study (FIS) - A compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community that is approved by FEMA.

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

High Value Resource Area (HVRA) – that portion of the District that contributes runoff to Spring, Upper and Lower Prior Lakes, exclusive of landlocked areas.

Hydrology Management Class Wetland – any wetland scoring "high" or "exceptional" for the MnRAM functions of Downstream Water Quality or Groundwater Interaction.

Impervious Surface - a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, driveways, parking lots, and concrete, asphalt, or gravel roads. Bridges over surface waters are considered

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

Land Disturbance or Land Disturbing Activity - an activity that changes or alters the existing ground cover (vegetative or non-vegetative) and/or the existing soil topography. Land disturbing activity includes, but is not limited to, development, redevelopment, public linear projects, clearing, grading, filling, excavation and borrow pits. The following are among those that do not constitute land disturbance: mill, reclamation and overlay of impervious surface; routine vegetation management activity such as the clearing of cattails from ditches; and the use of land for new or continuing agricultural activity, home gardens, or landscaping adjacent to existing structures. ~~any change of the land surface to include removing vegetative cover, excavation, fill, grading, stockpiling soil, and the construction of any structure that may cause or contribute to erosion or the movement of sediment into waterbodies.~~ The use of land for agricultural activities shall not constitute a land disturbing activity under these Rules.

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

Low Floor - the finished surface of the lowest floor of a structure.

Municipal Separate Storm Sewer System (MS4) – is a conveyance or system of conveyances that is: owned by a state, city, town, village, or other public entity that discharges to waters of the U.S., designed or used to collect or convey stormwater.

Mill, reclamation and overlay - the removal of the top layer(s) of an impervious surface (e.g., roadway, parking lot, sport court) by mechanical means, followed by the placement of a new layer of impervious surface, without disturbance of the underlying native soil.

Native Vegetation - Plant species that are indigenous to Minnesota or that expand the range into Minnesota without being intentionally or unintentionally introduced by human activity and that are classified as native in the Minnesota Plant Database, Minnesota Department of Natural Resources, St. Paul, 2002.

Natural Areas Management Class Wetland – any wetland scoring "high" or "exceptional" for the MnRAM functions of Vegetative Structure/Integrity or Wildlife Habitat Structure.

New development – any development that does not meet the definition of redevelopment.

~~**Managers** - the board of managers of the District.~~

~~**MnDOT** - the Minnesota Department of Transportation.~~

~~**Municipal Separate Storm Sewer System (MS4)** - the Prior Lake Outlet Channel, which is operated by the District and is designed and used to convey water from the outlet for Prior Lake.~~

~~**Municipality** - any city or township wholly or partly within the District.~~

~~**National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit** - a permit issued by the Minnesota Pollution Control Agency that authorizes the discharge of pollutants to waters of the State.~~

~~**NRCS** - the Natural Resource Conservation Service.~~

NURP Standard - the design criteria developed pursuant to the Nationwide Urban Runoff Program (U.S. EPA, 1983) and published by the Minnesota Pollution Control Agency in Protecting Water Quality in Urban Areas 1991" (sections 4.1-4 through 4.1-7), as may be amended~~the Nationwide Urban Runoff Program developed by the Environmental Protection Agency to study stormwater runoff from urban development~~.

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

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

Parcel - a parcel of land designated by plat, metes and bounds, registered land survey, auditors subdivision or other accepted means and separated from other parcels or portions by its designation.

Permanent cover - surface types that will prevent soil failure under erosive conditions. Examples include: gravel, asphalt, concrete, rip rap, roof tops, perennial vegetative cover, or other landscaped material that will permanently arrest soil erosion. To constitute permanent cover, perennial vegetative cover must be evenly distributed~~,~~ with~~out large~~little to no bare areas~~soil and with a uniform density covering 70% of the area to be vegetated~~. Permanent cover does not include temporary erosion control practices.

Permittee - the person or political subdivision in whose name a permit is issued pursuant to these Rules.

Pre-development condition - the condition at the site prior to the proposed activity that serves as the baseline against which to measure impacts of the proposed activity for compliance with stormwater management requirements.

Person - any individual, trustee, partnership, unincorporated association, limited liability company or corporation.

Political Subdivision - a municipality, county, or other political division, agency, or subdivision of the state.

Prior Lake Outlet Channel - a watercourse improved and maintained by the District to provide an outlet for Prior Lake.

Public Linear Project - a project in which a public agency is a permittee and that involves a roadway, sidewalk, trail, or linear utility not part of a development pursuant to subdivision.

Public Health and General Welfare - are defined in Minnesota Statutes, section 103D.011, subdivisions 23 and 24.

Public Waters - any waters as defined in Minnesota Statutes, section 103G.005, subdivision 15.

Public Waters Wetland - any wetland as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

Reconstructed Impervious Surface - area where impervious surface is removed down to the underlying native soil and the underlying native soil, as distinguished from roadway subgrade material, is disturbed. The following are among those that do not constitute impervious surface reconstruction: structure renovation; impervious surface mill, reclamation and overlay; and minor maintenance activities such as catch basin and pipe repair/replacement with same hydraulic capacity.

Redevelopment - any land disturbing activity where, prior to the start of disturbance, the areas to be disturbed have 15 percent or more of impervious surface~~the rebuilding, repair or alteration of a structure, land surface or facility for which over 50 percent of the parcel involved is disturbed by a land disturbing activity~~.

Restoration/Enhancement Management Class Wetland – any wetland or basin lacking wetland hydrology as a result of prior alteration ranked as high priority for restoration per the District's Comprehensive Wetland Plan dated April 2012, or as amended.

Runoff - rainfall, snowmelt or irrigation water flowing over the ground surface.

Sediment - soil or other surficial material transported by surface water as a product of erosion.

Sedimentation - the process or action of depositing sediment.

Shoreland Protection Zone - land located within a floodplain, within 1,000 feet of the OHW of a public water or public waters wetland, or within 300 feet of a river, stream or the Prior Lake outlet channel.

Standard - a preferred or desired level of quantity, quality, or value.

Stormwater Management Plan - a plan for the permanent management and control of runoff prepared and implemented in accordance with the standards set forth in Rule D.

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

Subdivision or Subdivide - the separation of a parcel of land into 2 or more parcels.

~~**SWCD** - the Scott Soil and Water Conservation District.~~

Water basin - an enclosed natural depression with definable banks capable of containing water that may be partly filled with public waters.

Waterbody - all water basins, watercourses and wetlands as defined in these Rules.

~~**Watercourse** - any natural or improved stream, river, creek, ditch (including Scott County Ditch 13), channel, culvert, drain, gully, swale or wash in which waters flow continuously or intermittently in a definite direction.~~**Watercourse** - any natural or improved stream, river, creek, ditch (including Scott County Ditch 13), channel or other waterway.

Water Resources Management Plan - the watershed management plan for the District adopted and implemented in accordance with Minnesota Statutes, section 103B.231.

Watershed - a region draining to a specific watercourse or water basin.

~~**Wetland** - land transitional between terrestrial and aquatic systems as defined in Minnesota Statutes, section 103G.005, subdivision 19.~~**Wetland** - any wetland as defined in Minnesota Statutes, section 103G.005, subdivision 19; and any public waters wetland as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

Wetland Conservation Act or WCA - the Minnesota Wetland Conservation Act of 1991.

RULE B - PROCEDURAL REQUIREMENTS

1. APPLICATION REQUIRED. Any person, or political subdivision, undertaking an activity for which a permit is required by these Rules shall first submit to the District for review a permit application, design data, plans, specifications, and such other information and exhibits as may be required by these Rules. Permit applications shall be signed by the owner, or the owner's authorized agent, except for activities of a political subdivision which may be signed by either the owner or the general contractor.
2. FORMS. Permit applications shall be submitted on forms provided by the District. Forms are available at the District office or District website at plslwd.org.
3. ACTION BY MANAGERS. The managers shall approve or deny within 60 days after receipt of an application containing all required information, exhibits and fees, and complete under Minnesota Statues, Section 15.99. Failure of the managers to deny an application within 60 days is approval of the application. If the mangers deny an application, they must state in writing the reasons for the denial at the time they deny the application. If the District receives an application not containing all required information, exhibits and fees, the 60-day limit starts over if the District sends notice within ~~10~~ 15 business days after receipt of the application telling the applicant what information is missing. If a state or federal law or court order requires a process to occur before the managers act on an application, or if an application requires prior approval of a state or federal agency, the deadline for the managers to approve or deny is extended to 60 days after completion of the required process or the required prior approval is granted. The managers may extend the initial 60-day period by providing written notice of the extension to the applicant. The notice shall state the reasons and anticipated length of the extension~~,~~ and may not exceed 60 days unless approved by the applicant. To the extent inconsistent with these Rules, the provisions of Minnesota Statutes, Section 15.99, shall apply.
4. CONFORMITY WITH SUBDIVISION PLAN. The managers will consider permit applications for subdivisions before preliminary approval is received from the municipality or county. The District shall furnish a copy of the approved permit to the municipality or county. The preliminary and final subdivision approval obtained from the municipality and county shall be consistent with the conditions of the permit approved by the District. The applicant shall furnish to the District copies of the resolutions granting preliminary and final subdivision approval within 30 days after adoption by the municipality or county.
5. SUBMITTAL. A complete permit application with all required information and exhibits shall be filed with the District at least ~~14~~ 21 calendar days prior to the scheduled meeting date of the managers. Late or incomplete submittals will be scheduled to a subsequent meeting date.
6. ~~NOTIFICATION. The District shall mail notice of the permit application to the owners of land within 500 feet of the described activity, and to the municipality or county with jurisdiction over the activity, at least 7 days prior to the scheduled meeting date of the managers at which the application will be considered. The names and addresses of the owners to be notified shall be obtained by the applicant from a licensed abstractor and furnished to the District with the permit application. The permit application will not be processed until the list of owners has been submitted. Neither the failure to give mailed notice to any owner nor any defect in the notice shall invalidate an action by the managers on a permit application.~~

~~7.~~6. CONDITIONS. A permit may be approved subject to reasonable conditions to assure compliance with these Rules. The conditions may include a requirement that the permittee and owner, including any mortgagee, enter into an agreement with and in form acceptable to the District to (a) specify responsibility for the construction and future maintenance of approved structures, (b) document other continuing obligations of the permittee or owner, (c) grant reasonable access to the proper authorities for inspection, monitoring and enforcement purposes, (d) affirm that the District or other political subdivisions can require or perform necessary repairs or reconstruction of such structures, (e) require indemnification of the District for claims arising from issuance of the permit or construction and use of the approved structures, and (f) reimburse the reasonable costs incurred to enforce the agreement. Permits and agreements may be filed for record to provide notice of the conditions and continuing obligations.

~~8.~~7. ISSUANCE OF PERMITS. The managers will issue a permit only after the applicant has satisfied all requirements of these Rules, paid all required fees, and submitted to the District any required security. Work must be performed under an active permit. If a permit approval requires conditions to be met before the permit will issue, those conditions must be met within one hundred twenty (120) days of approval, or the Board approval expires and the applicant must reapply for a permit application with all associated fees. ~~When the District issues a permit where plans are required, the District shall endorse in writing or stamp the plans and specifications as "approved."~~ All activity under the permit shall be done in accordance with the approved plans and specifications, one set of which shall be kept on the site of the activity at all times while the authorized work is in progress.

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

~~10.~~9. TERM AND EXPIRATION. A permit is valid for a period of 2-years. However, a permit shall expire and become null and void if the approved activity is not commenced within 180 days after approval by the managers, or if the approved activity is suspended or abandoned at any time after the activity is commenced for a period of 180 days. Before the activity can recommence~~d~~, the permit must be renewed. An application for renewal of a permit must be in writing~~,~~ and state the reasons for the renewal. Any plan changes and required fees must be included with the application. There must be no unpaid fees or other outstanding violations of the permit being renewed. The managers shall consider the application for renewal on the basis of the Rules in effect on the date the application is considered.

Any permittee may apply for an extension of time to commence the approved activity under an unexpired permit when the permittee is unable to commence the activity within the time required by these Rules. An application for an extension of a permit must be in writing~~,~~ and state the reasons for the extension. Any plan changes and required fees must be included with the application. There must be no unpaid fees or other outstanding violations of the permit being extended. The application must be received by the District at least 30 days prior to the permit's expiration. The managers shall consider the application for an extension on the basis of the Rules in effect on the date the application is considered. The managers may extend the time for commencing the approved activity for a period not exceeding 180 days upon finding

that circumstances beyond the control of the permittee have prevented action from being taken. No permit may be extended more than once.

~~11.~~10. MODIFICATIONS. The permittee shall not modify the approved activity or plans and specifications on file with the District without the prior approval of the managers.

~~12.~~11. INSPECTION AND MONITORING. After issuance of a permit, the District may perform such field inspections and monitoring of the approved activity as the District deems necessary to determine compliance with the conditions of the permit and these Rules. Any portion of the activity not in compliance shall be promptly corrected no later than 14 days after written notice of probable violation, sooner if identified in the notice. In applying for a permit, the applicant consents to entry upon the land for field inspections and monitoring, or for performing any work necessary to bring the activity into compliance. The cost of the District for field inspections and monitoring, including services of consultants, shall be payable by the permittee as provided in Paragraph 4 of Rule K.

~~13.~~12. SUSPENSION OR REVOCATION. The District may suspend or revoke a permit issued under these Rules wherever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any provision of these Rules, or if the preliminary and final subdivision approval received from the municipality or county is not consistent with the conditions of the permit.

~~14.~~13. CERTIFICATION OF COMPLETION. The District will certify completion of an activity for which a permit has been issued under these Rules and authorize the release of any required security upon inspection and submittal of information verifying completion of the activity in accordance with the approved plans and conditions of the permit. Copies of documents, with evidence of recording where appropriate, that establish easements or provide for maintenance of structures required by the permit shall be filed with the District before completion can be certified and any security released. All temporary erosion and sediment controls practices (such as silt fence) must be removed following approval of the certificate of completion and before security release. No activity may be certified as complete if there are any unpaid fees or other outstanding permit violations. If the District fails to make a determination as to compliance of an activity with the conditions of the permit within 60 days after submittal of the foregoing information verifying completion, the activity shall be deemed complete, and any surety shall thereupon be released.

~~15.~~14. PERMIT TRANSFERS. Transfer of a permit without a plan change may be administratively approved upon receipt of a permit application from the transferee with the applicable fees and any required surety. Transfer of a permit with plan changes shall be processed as a new permit application under these Rules. No permit may be transferred if there are any unpaid fees or other outstanding permit violations unless the District, in its discretion, agrees to the transferree's assumption of outstanding obligations. Permit transfer does not extend the permit term. ~~Permit~~ Property transfer does not release the original permittee from liability under the permit ~~or extend the permit term~~, absent a permit transfer.

~~16.~~15. OTHER PERMITS. The applicant shall secure all environmental permits and approvals required by other governmental entities, and promptly provide the District with copies of such permits and approvals after issuance.

~~17.~~16. ADMINISTRATION OF RULES. The District Administrator shall administer and enforce these Rules under the direction and control of, and subject to the powers expressly reserved to, the managers. ~~At any time within 5 days after a decision or determination by the District Administrator interpreting or applying these Rules, the applicant, permittee or any other person or political subdivision with an interest in the decision or determination, may appeal to the managers. The managers shall, at a regular or special meeting, consider and affirm, reverse or remand the decision or determination that is on appeal.~~

~~18. REGULAR MEETINGS. Regular meetings of the managers are held on the second Tuesday of each month at 7:30 p.m., unless notice of a different date or time is given.~~

~~19.~~17. SEVERABILITY. If any provision of these Rules is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these Rules shall not be affected thereby.

RULE C - GENERAL STANDARDS

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

2. REGULATION.

   (a) All land disturbing activities, whether requiring a permit under these Rules or otherwise, shall be undertaken in conformance with best management practices and in compliance with the standards and criteria in these Rules.

   (b) No person shall conduct land disturbing activities without protecting adjacent property and waterbodies from erosion, sedimentation, flooding or other damage.

   (c) Land disturbing activities shall be planned and conducted to minimize the extent of disturbed area, runoff velocities and erosion potential, and to reduce and delay runoff volumes. Erosion and runoff controls, consistent with best management practices, shall be properly installed before commencing land disturbing activities, and sufficient to retain sediment on-site. Erosion and runoff controls shall be regularly inspected and maintained. Disturbed area within 100 feet of a waterbody, storm sewer inlet or road shall be stabilized if work within the area ceases or will be suspended for more than 7 days on slopes greater than 3:1, or 14 days on slopes ranging from 3:1 to 10:1, or 21 days for flatter slopes. Vegetation shall be installed over the disturbed areas promptly if the land disturbing activity ceases or is suspended, and upon completion.

   (d) When possible, existing natural watercourses and vegetated soil surfaces shall be used to convey, store, filter and retain runoff before discharge into public waters or a stormwater conveyance system.

   (e) When possible, runoff from roof gutter systems shall discharge onto lawns or other pervious surfaces to promote infiltration.

   (f) Use of fertilizer and pesticides in the shoreland protection zone shall be done so as to minimize runoff into public waters by the use of earth material, vegetation, or both.

   (g) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

   (h) Whenever the District determines that any land disturbing activity has become a hazard to any person, or endangers the property of another, adversely affects water quality or any waterbody, increases flooding, or otherwise violates these Rules, the owner of the land upon which the land disturbing activity is located, or other person or agent in control of such land, upon receipt of written notice from the District, shall within the time period specified therein repair or eliminate such condition. The owner of the land upon which a land disturbing activity is located shall be responsible for the cleanup and any damages from sediment that has eroded from such land. The District may require the owner to obtain a permit under these Rules before undertaking any repairs or restoration.

RULE D - STORMWATER MANAGEMENT

1. POLICY. It is the policy of the managers to:

(a) Preserve natural infiltration, groundwater recharge and subsurface flows that support groundwater dependent resources including lakes, streams, channels, wetlands, plant communities and drinking water supplies.

(b) Preserve existing water storage capacity within wetlands and landlocked basins in the watershed to minimize the frequency and severity of high water.

(c) Minimize the amount of directly connected impervious surface created by ~~the~~ development and redevelopment, preserve the infiltration capacity of ~~the~~ soil, and incorporate infiltration practices into the design where feasible.

(d) Limit off-site stormwater runoff volume to prevent down-gradient flooding and impacts to waters within the District.

(e) Require management of stormwater runoff to limit nutrient and sediment concentrations conveyed to ground and surface waters and promote water quality.

~~(c)~~ Require that peak runoff rates for new development and redevelopment not exceed ~~existing~~ pre-development conditions and the capacity of downstream conveyance facilities ~~or contribute to flooding~~.

(f)

~~(a) Manage subwatershed discharge rates and flood storage volumes to be consistent with the goals of the water resources management plan.~~

(g) Control runoff rates by the use of regional or on-site detention or infiltration facilities where feasible.

~~(d) .~~

~~(e)~~ Review stormwater management structures based on the ~~100-year critical storm event~~critical duration flood event ~~for the drainage area~~.

(h)

~~(f) Route runoff to water treatment ponds or other acceptable facilities before discharging into waterbodies.~~

~~(g)~~ Promote the use of natural waterbodies for storing treated stormwater runoff ~~and improving water quality and other amenities~~.

~~(h) Promote natural infiltration of runoff.~~

(i) ~~Minimize the amount of directly connected impervious surface created by the development, preserve the infiltration capacity of the soil, and incorporate infiltration practices into the design where feasible.~~

2. REGULATION. An approved stormwater management permit is required before land disturbing activity or the development or redevelopment of land that meets any of the following criteria, unless specifically exempted by Paragraph 8. The District encourages applicants to consult the District at the concept stage.

(a) New development or redevelopment in incorporated areas and in unincorporated shoreland protection zones of a High Value Resource Area (HVRA) that results in a net increase of 3,500 square feet or more of impervious surface and includes more than 10,000 square feet of land disturbing activity. See Rule D Appendix D.1 for a map of the HVRA.

(b) A public linear project in incorporated areas and in unincorporated shoreland protection zones of a HVRA that creates 10,000 square feet or more of new or reconstructed impervious surface.

(c) New development, redevelopment, or a public linear project outside of a HVRA that creates one (1) acre or more of new or reconstructed impervious surface.

(d) New development or redevelopment of a parcel riparian to a public water that increases from existing conditions the percent of impervious surface and requires a variance from the local shoreland ordinance for the percent impervious surface limit for the property.

~~(a) No person or political subdivision shall commence a land disturbing activity or the development or redevelopment of land, unless specifically exempted by Paragraph 9 below, without first obtaining a permit from the District that incorporates and approves a stormwater management plan for the activity, development or redevelopment.~~

~~(b) Where the District has Memorandum of Agreements with municipalities for Local Water Planning and Regulation, the municipalities will comply with MS4 Permit requirements for Post-Construction Stormwater Management.~~

3. CRITERIA. Stormwater management plans shall comply with the following criteria:

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

~~(b)~~(a) Peak Runoff R~~r~~ates. Peak runoff rates for the ~~proposed activity~~developed condition shall not exceed ~~existing~~ pre-development peak runoff rates at each point of site discharge~~s~~ for the 2- year, 10-year and 100-year critical duration flood event~~storm events.~~, R~~and r~~unoff rates ~~may~~ at a particular point of discharge may increase if there is adequate conveyance capacity and this increase is offset by a decrease at another point of discharge to the same waterbody. Runoff rates may also be required to be restricted to less than the ~~existing~~ pre-development rates when necessary ~~for the public health and general welfare of the District~~due to the capacity of downgradient stormwater conveyance structures and features. Runoff rates shall be calculated in accordance with Paragraph 3(g).

~~(c)~~(b) Stormwater Volume. Volume must be managed as follows:~~Where a project creates one or more acres of new impervious surface, the stormwater runoff volume shall be retained on site in the amount equivalent to 1.0 inches of runoff over the new impervious surface. For a project that creates less than one acre of new impervious, the stormwater runoff volume shall be retained on site in the amount equivalent to 0.5 inches of runoff over the new impervious.~~

(i) New Development: The volume equal to 1.0 inches of runoff from impervious surfaces must be captured and treated~~Development that creates impervious surfaces must explicitly address the use of best management practices to limit the loss of~~

~~pervious area, and meet the volume reduction standards to the extent feasible considering site-specific conditions~~. This volume is calculated as follows:

Required Treatment Volume (ft3) = Entire Site Impervious Surface (ft2) x 1.0 (in) ÷ Volume Conversion Factor ÷12 (in/ft)

~~(i)~~

~~1) Volume reduction techniques considered shall include infiltration, reuse and rainwater harvesting, canopy interception and evapotranspiration, and/or additional techniques included in the *Minnesota Stormwater Manual*, as amended. High priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by water quality ponding BMPs.~~

~~2) The District may approve alternative BMPs instead of infiltration, provided that the proposed BMPs meet the requirements of the NPDES General Construction Permit, as amended.~~

(ii) Redevelopment: The volume equal to 1.0 inches of runoff from impervious surface must be captured and treated. This volume is calculated as follows~~BMPs shall be designed and installed in accordance with generally accepted design practices and guidance contained in the Minnesota Pollution Control Agency's *Minnesota Stormwater Manual*, as amended:.~~

1. If the project will disturb more than 50 percent of the site or reconstruct more than 50 percent of existing impervious surface:

   Required Treatment Volume (ft3) = Entire Site Impervious Surface (ft2) x 1.0 (in) ÷ Volume Conversion Factor ÷12 (in/ft)

2. If the project will disturb 50 percent or less of the site and reconstruct 50 percent or less of the existing impervious surface:

   Required Treatment Volume (ft3) = Area of New and Reconstructed Impervious Surface (ft2) x 1.0 (in) ÷ Volume Conversion Factor ÷12 (in/ft)

(iii) Public Linear: The volume equal to either 0.5 inches of runoff from all new and reconstructed impervious surfaces, or 1.0 inches of runoff from the net increase in impervious area, whichever greater, must be captured and treated. This volume is calculated as follows:

Required Treatment Volume (ft3) = Area of New and Reconstructed Impervious Surface (ft2) x 0.5 (in) ÷ Volume Conversion Factor ÷12 (in/ft), or

~~(ii)~~ Required Treatment Volume (ft3) = Net increase in Impervious Surface (ft2) x 1.0 (in) ÷ Volume Conversion Factor ÷12 (in/ft)

(c) Infiltration Feasibility. The volume control criteria must be met, to the extent feasible, by one or more volume reduction practices including infiltration, rainwater harvest and reuse, canopy interception and evapotranspiration, and other practices included in the MIDS calculator and the Minnesota Stormwater Manual. In assessing feasibility, the

applicant must consider site design that allows the siting of effective volume reduction practices. If volume reduction is claimed infeasible, the applicant must document the basis for infeasibility. Volume reduction relying on infiltration may be deemed infeasible if it is not possible to meet the design standards stipulated by the MPCA Construction General Permit, Minnesota Stormwater Manual or Minnesota Department of Health guidance.

(d) Alternative Compliance for Volume Control. If the stormwater volume control criteria is not fully met by a volume reduction practice, alternative management practices must be considered onsite to comply or partially comply with the criteria. The volume conversion factors for alternative management practices are as follows:

Table D.3.1 Volume Conversion Factors for Properly Designed Practices

BMP	**BMP Design Variation**	**Volume Conversion Factor***
Infiltration **	Infiltration Feature	1.00
Water Reuse **	Irrigation	1.00
Enhanced Filtration	Iron or other additive	0.70
Biofiltration	Underdrain	0.65
Stormwater Wetlands	Pond/Wetland	0.55
Stormwater Ponds ***	Multiple Pond	0.60
	Wet Pond	0.50

Source: Adapted from ~~Table 7.4 from~~ the Minnesota Stormwater Manual, MPCA.

* Refer to MPCA Stormwater Manual for additional information on practice performance. Volume conversion factors shown reflect comparative average annual total phosphorus percentage removal efficiencies to compare water quality treatment among various practices.

** These BMPs reduce runoff volume.

*** Stormwater ponds must also provide ~~2.5" of~~ dead storage for runoff from the 2.5-inch event.

For alternative management practices not found in Table D.3.1, or to deviate from a volume conversion factor found in Table D.3.1, the applicant may submit a volume conversion factor, expressed as annual percentage removal efficiency, with supporting technical data, for District approval.

(e) Water Quality. The following additional water quality standards apply:

(i) For New Development only, one or more stormwater management practices listed in Table D.3.1 shall be sized (without the conversion factor) to treat the volume of stormwater runoff that the developed site will generate for the 2-year, 24-hour precipitation event. Alternatively, water quality modeling may be provided

demonstrating that the proposed stormwater management practices result in a reduction of at least 60% of total Phosphorus and 90% of total suspended solids. Note the volume managed under 3(b)(i) counts towards this standard.

(ii) For any impervious surface subject to regulation under Paragraph 3(b), total suspended solids in runoff that is not captured by a practice under Paragraph 3(d) must be reduced to the maximum extent practicable. Compliance with this criterion may be achieved, for example, by incorporation of practices such as a SAFL Baffle®, sump manholes, or filter strips and vegetated swale along rural section roadways.

(f) Wetland Bounce and Inundation Period. A project must remain within the limits stated below for bounce in water level and duration of inundation, for a 24-hour precipitation event for each specified return period and for the downgradient wetland. The analysis must use NOAA Atlas 14 precipitation depths.

Wetland Susceptibility Class	**Permitted Storm Bounce**	**Inundation Period for Two-Year event**	**Inundation Period for 10-Year or Greater Event**
Highly susceptible	Existing	Existing	Existing
Moderately susceptible	Existing plus 0.5 feet	Existing plus 1 day	Existing plus 7 days
Slightly susceptible	Existing plus 1.0 feet	Existing plus 2 days	Existing plus 14 days
Least susceptible	No limit	Existing plus 7 days	Existing plus 21 days

* Adapted from "Stormwater and Wetlands Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Stormwater and Snowmelt Runoff on Wetlands," (Minnesota Stormwater Advisory Group, June 1997). Wetland susceptibility classification is determined based on wetland type:

- Highly susceptible wetland types include: sedge meadows, bogs, coniferous bogs, open bogs, calcareous fens, low prairies, coniferous swamps, lowland hardwood forests, and seasonally flooded basins.
- Moderately susceptible wetland types include: shrub-carrs, alder thickets, fresh (wet) meadows, and shallow & deep marshes.
- Slightly susceptible wetland types include: floodplain forests and fresh wet meadows or shallow marches dominated by cattail giant reed, reed canary grass or purple loosestrife.
- Least susceptible wetland includes severely degraded wetlands. Examples of this condition include cultivated hydric soils, dredge/fill disposal sites and some gravel pits.

(g) Calculating Off-Site Stormwater Flow. This paragraph governs calculation of site discharge under Paragraphs 3(a), 3(e) and 3(f). To calculate discharge, Soil Conservation Service TR-20 method shall be used. For New Development, the following curve numbers will be used for the pre-development condition:

Hydrologic Soil Group	Curve Number
A	30
B	55
C	71
D	77

For Redevelopment and Public Linear projects, curve numbers from NRCS Technical Release #55 (TR-55) representative of existing conditions, including impervious surfaces, may be used for the pre-development condition.

For all projects, a distributed curve number approach must be used to calculate flows; i.e., runoff from directly connected impervious surfaces must be modeled separately from pervious areas. For solar farm projects, the solar panel surface area may be composited with pervious areas.

To determine curve numbers for the post-development condition, the Hydrologic Soil Group (HSG) of areas within the construction limits must be lowered one classification for HSG B (to HSG C) and one-half classification for HSG A (to midway between HSG A and HSG B) to account for the impacts of grading on soil structure, unless the project specifications incorporate soil amendment or other method approved by the District to restore soil structure. This requirement only applies to that part of a site that has not been disturbed, tilled, or compacted prior to the proposed project.

(h) Wetland and Landlocked Basin Storage. Fill within wetland and landlocked basin floodplain is prohibited unless compensatory floodplain storage volume is provided within the floodplain of the same water body, and within the permit term. If offsetting storage volume will be provided off-site, it shall be created before any floodplain filling by the applicant will be allowed. This criterion does not apply to the floodplain of Prior Lake.

~~(d)~~(i) Infiltration Feature Design Considerations.~~features shall include the following~~Design of infiltration features shall:~~ design considerations:~~

(i) Include a minimum of one soil boring at the location of any proposed infiltration facility is required. Multiple borings may be needed dependent on the size of the infiltration practice and the variability of the geologic materials on the site. Soil borings shall include detailed information on depth to water table, if applicable, and extend at least 5 feet below the bottom of the proposed infiltration facility. Grain size analysis, either alone or in conjunction with a hydrometer analysis shall be used to verify the ASTM classification of the soil material controlling the rate of infiltration (the least permeable within 5 feet of the bottom of the proposed practice) at each proposed practice. The following table summarizes the soil lab analysis required for borings related to infiltration practices.

Lab Test	Description	When Required
Grain Size Analysis	Provides a distribution of particle size greater than 75µm (sand size	Always

	which correlates to the No. 200 sieve)	
Hydrometer Analysis	Provides a distribution of particle size less than 75µm (silt and clay sized particles)	Sample has greater than 10% fines as identified in the field or by lab test AND all soils classified as silty sand or SM.

(ii) Select soil infiltration rates based on the appropriate HSG classification and associated infiltration rates of the Minnesota Stormwater Manual – Design Infiltration Rate table. Notwithstanding, permeameter testing, via a method approved in advance by the District, may be used to determine the design infiltration rate.

~~(i)~~(iii) ~~The infiltration area shall b~~Be capable of infiltrating the required volume within 48 hours for surface and subsurface BMPs.

~~(ii) Infiltration areas will be limited to the horizontal areas subject to prolonged wetting.~~

~~(iii) Areas of permanent pools tend to lose infiltration capacity over time and will not be accepted as an infiltration practice.~~

(iv) Include ~~Stormwater runoff must be~~ pretreat~~ed~~ment of stormwater runoff to remove solids before discharg~~eing~~ to infiltration areas to maintain the ~~long term~~long-term viability of the infiltration areas. A pretreatment device such as a vegetated filter strip, small sedimentation basin, or water quality inlet (e.g., grit chamber) must be included in the design and sized according to MPCA Stormwater Manual guidance.

~~(e) Regional detention basins shall be utilized to manage peak flow rates and runoff volumes, and meet water quality objectives when feasible. On-site detention basins, infiltration facilities, and permanent sedimentation and water quality ponds will be utilized for land disturbing activities exceeding one acre when regional basins are not in place or feasible. A waiver may be granted for special circumstances described in Paragraphs 4(a) and 4(b) below.~~

~~(f) The applicant will provide water quality BMPs sized to infiltrate and/or retain the runoff volume generated on the site by the 2 year, 24 hour event under the developed condition for all points where discharges leave a site. For that portion of the 2 year, 24 hour event runoff volume that is not required to be infiltrated under paragraph (c), water quality BMPs or additional infiltration will be incorporated. The order of preference for water quality BMPs is biofiltration, filtration, wetland treatment system, extended detention, and wet detention in accordance with NURP standards.~~

~~(g) Analysis of flood levels, storage volumes and flow rates for waterbodies and detention basins shall be based on the range of rainfall and snow melt durations producing the critical flood levels and discharges.~~

~~(h)~~(j) Landlocked Basin Outlets. Landlocked ~~water~~ basins may be provided with outlets that:

(i) Retain a hydrologic regime complying with Rules F and G;

(ii) Provide sufficient dead storage to retain back-to-back 100-year, 24-hour rainfalls and runoff above the highest anticipated groundwater elevation and prevent damage to property adjacent to the basin; and

(iii) Do not create adverse downstream flooding or water quality conditions, or materially affect stability of downstream water courses.

~~(i)~~ Retention Pond Design Criteria. ~~Detention basins shall be designed to provide:~~

~~(i) An outlet structure to control the 2-year, 10-year and 100-year critical storm events to predevelopment runoff rates;~~

~~(ii) An identified overflow spillway sufficiently stabilized to convey a 100-year critical storm event;~~

~~(iii) A normal water elevation above the OHW of adjacent waterbodies; and~~

~~(iv) Access for future maintenance.~~

~~(j)~~(k) Permanent sedimentation and water quality ponds shall ~~be designed to the Wet Pond Design Standards set forth on Appendix A to these Rules and provide~~:

(i) ~~Water quality features~~Be consistent with NURP criteria and best management practices;

(ii) Have~~A~~ permanent wet pool with dead storage of at least the runoff from a 2.5-inch storm event;

(iii) ~~A~~ Have a normal water elevation above the OHW of adjacent waterbodies;

(iv) ~~An~~ Have an outlet skimmer to prevent migration of floatables and oils for at least the one-~~-~~year storm event; and

~~(iv)~~(v) Have an identified overflow spillway sufficiently stabilized to convey the 100-year critical duration flood event.~~and~~

~~(v) Access for future maintenance.~~

(l) Flood Elevation Freeboard. All new residential, commercial, industrial, and other habitable or non-habitable structures, and all stormwater basins, must be constructed so that the lowest floor and lowest entry elevations of structures comply with the following:

	Regional Elevations*		**Local Detention Basins & Wetlands**		**Infiltration Basins**			**Rain Gardens**
Elevation	100-yr	EOF	100-yr	EOF	Bottom	100-yr	EOF	EOF
Low Floor Freeboard	2-ft	1-ft	0-ft	NA	0-ft	NA	NA	NA
Low Entry Freeboard	NA	NA	2-ft	1-ft	NA	2-ft	1-ft	0.5-ft

Within a landlocked basin, lowest floor elevations must be at least one foot above the surveyed basin overflow elevation. Where an outlet structure is proposed below the overflow elevation of a landlocked basin, the lowest floor elevations must be a minimum of three feet above the high water level of the 100-year, ten-day runoff event or back-to-

back 100-year, 24-hour rainfalls, whichever is higher. Aerial photos, vegetation, soils, and topography will be used to derive a "normal" starting water elevation for the basin.

* Regional elevations are as established by FEMA or District SWMM model results in absence of a FEMA FIS elevation.

(m) Off-Site Stormwater Management. One or more of the applicable criteria of Paragraph 3 may be met by use of an off-site stormwater management practice upgradient of downstream receiving waters, provided there are no local rate, volume, water elevation or water quality impacts. An applicant must document permission to use available capacity of the practice and that it is in maintained condition, and the practice must be subject to a maintenance obligation under Paragraph 5. The practice must provide volume reduction to the same extent as would be feasible on the site.

(n) Local Stormwater Management Plan. A unit of government may prepare a plan by which regional stormwater management facilities may be constructed in anticipation of, or concurrent with, land disturbing activity within the jurisdiction of that unit of government. On finding that the criteria of this Rule D are met, the District will approve or approve with conditions. Thereafter, the plan will apply to subsequent applications for permits according to its terms.

(o) Volume Control Credits. Volume control provided in excess of the volume control criteria may be banked for use on another project. Excess banked volume control amounts shall not exceed the volume of two inches over the impervious surfaces of the drainage area to the BMP or the volume provided within the BMP, whichever is less.

To the extent an applicant has not met the volume control criteria by application of paragraphs 3(b), 3(c), 3(d), 3(m) and 3(n) the applicant may utilize District approved volume credits. If approved volume credits are not available, and if the applicant is a Public Road Authority, the District will establish debits that the applicant must meet by implementing future volume control measures, as approved by the District. Measures must be located within the same drainage area or subwatershed and cannot serve to meet an independent District-imposed regulatory requirement. The application must describe how debits will be met within a reasonable time specified by the District and the applicant must report to the District annually on the status of outstanding debits. The obligation will be formalized in a writing signed by the applicant. Regardless, total suspended solids in runoff from regulated impervious surface must be reduced onsite to the maximum extent practicable.

Transfer of banked volume credits between applicants is allowed. Applicants shall submit a letter to the District outlining the conditions of the transfer and confirming the volume of the transfer. The District must review and approve all credit transfers.

(p) Public Linear Project Cost Cap. For public linear projects, one or more of the applicable criteria of Paragraph 3 may be met by use of a public linear project cost cap where costs specific to satisfying the volume control criteria shall not exceed a cost cap which will be established in consultation with municipal partners and approved by the Board from time to time. The cap shall apply to costs directly associated with the design, testing, land acquisition, and construction of the volume reduction BMPs only. Unit costs for project components shall be developed by the applicant and approved by the District Engineer to

determine the cost of the volume reduction BMPs. The District may contribute the amount above the cap in order to meet the volume reduction criteria or it may allow the applicant to partially comply with the standards when the cap is met.

(q) Stormwater Impact Fund. If it is demonstrated that volume control is not feasible onsite and credits are not available, the applicant shall pay into the District's Stormwater Impact Fund to cover the cost of implementing equivalent volume reduction elsewhere in the watershed. The required amount to contribute to the Stormwater Impact Fund will be established in consultation with municipal partners and approved by the Board from time to time.

(i) Funds contributed from a local government unit shall be spent within that local government unit's jurisdiction to the extent possible.

(ii) Funds shall be allocated to volume reduction projects by the District according to the Stormwater Impact Fund Implementation Plan as approved by the District Board.

(r) Obligation to Ensure Performance. To find that the criteria of this rule have been met, the District shall require as-built drawings for all stormwater management practices within 60 days of substantial completion of construction. The District may also impose additional requirements as a specific condition of approval. The District may require monitoring or performance evaluation as a condition of approving a stormwater management practice that has not been adequately demonstrated in the proposed application.

~~(k) Unless a municipality or the county has adopted an ordinance prescribing a minimum low floor elevation, which ordinance shall govern, any new residential, commercial, industrial and other habitable structures shall be constructed with the following low floor elevation:~~

~~(l) In the case of a land-locked basin, the low floor elevation shall be at least 3 feet above the surveyed basin overflow or three feet above the high water level of the basin as determined from an estimate of high water levels using the higher of either the 100-year, 10-day runoff event and back-to-back 100-year, 24-hour rainfalls under full build-out conditions. Aerial photographs, vegetation, soils and topography shall be used to derive a "normal" water elevation for the basin to compute the 100-year elevation.~~

~~(m) In all other cases, the low floor elevation shall be at least 2 feet above the critical event 100-year high water elevation and three feet above the overflow elevation of nearby waterbodies and stormwater basins.~~

~~4. WAIVERS.~~

~~(a) The managers may waive the on-site runoff rate and water quality control design criteria in Paragraphs 3(a), 3(b), 3(d), 3(e), 3(f), 3(h), and 3(i) above, if a municipality has an approved local water management plan which provides for off-site stormwater facilities capable of controlling and treating runoff.~~

~~(b) The design criteria in Paragraphs 3(b), 3(c), 3(d), 3(e), and 3(i) above may be waived for sites with total new impervious surface of less than one acre, or for sites with land disturbing activities less than one acre; if volume control, runoff rate control, and water quality BMPs have been incorporated to the maximum extent possible.~~

~~5.~~4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in ~~both~~ electronic format ~~and hard copy~~. Exhibits for flowage and drainage easements and covenants shall be submitted as shapefiles. ~~The following exhibits shall accompany the permit application (one set full size, and two sets reduced to a maximum size of 11" x 17"):~~

(a) Property lines and delineation of lands under ownership of the applicant.

(b) Delineation of the subwatershed contributing runoff from off-site, proposed and existing subwatersheds on-site, emergency overflows and watercourses.

(c) Proposed and existing stormwater facilities location, alignment, and elevation.

(d) Delineation of existing on-site wetland, ~~marsh,~~ shoreland, drain tiling and floodplain areas.

(e) For applications proposing infiltration as a stormwater management practice, identification, description, permeability, and approximate delineation of site soils in both existing and proposed as-developed condition. Soil boring and lab analysis is required in accordance with Paragraph 3(i).

(f) Existing and proposed ordinary high and 100-year water elevations on-site.

(g) Existing and proposed site contour elevations at 2-foot intervals, referenced to ~~NGVD~~NAVD, ~~1929~~ 1988 datum.

(h) Construction plans and specifications of all proposed stormwater management facilities, including design details for outlet controls.

~~(h)~~(i) A maintenance schedule for all proposed facilities that will not be maintained by an MS4.

~~(i)~~(j) Runoff volume and rate analysis for the 2-year, 10-year, and 100-year critical storm events, existing and proposed.

~~(j)~~(k) All hydrologic, water quality and hydraulic computations made in designing the proposed stormwater management facilities.

~~(k)~~(l) Narrative addressing incorporation of infiltration BMPs.

(m) Delineation of any ponding, flowage or drainage easements, or other property interests, to be dedicated for stormwater management purposes.

~~(l)~~(n) Documentation as to the status of a National Pollutant Discharge Elimination System stormwater permit for the project from the Minnesota Pollution Control Agency, with the Storm Water Pollution Prevention Plan (SWPPP) being provided when it becomes available.

~~6.~~5. MAINTENANCE. The applicant, and all successors in title, is responsible to maintain in perpetuity all stormwater management facilities used to meet the criteria of Section 3. Unless the Board specifies otherwise, as a condition of permit issuance, the permittee must submit a maintenance instrument specifying the methods, schedule, and responsible parties for maintenance for District review and, after District approval, provide for the instrument to

be recorded or registered on the property title. In place of a recorded instrument, a public permittee may execute with the District a maintenance agreement that achieves the same purposes as an instrument on the title and provides that such an instrument will be recorded or registered if the public land is conveyed into private ownership. The District will make standard maintenance instruments and agreements available for permittee use. ~~All stormwater management structures and facilities shall be maintained in perpetuity to assure that the structures and facilities function as originally designed. The responsibility for maintenance shall be assumed either by the municipality or county with jurisdiction over the structures and facilities, or by the applicant entering into a compliance agreement with the District.~~

~~7.~~6. EASEMENTS. The applicant shall establish in form acceptable to the District temporary and perpetual easements for ponding, flowage, and drainage purposes over hydrologic features such as waterbodies and stormwater basins. The easements shall include the right of reasonable access for inspection, monitoring, maintenance, and enforcement purposes.

~~8.~~7. COVENANTS. The District may require that the land be subjected to restrictive covenants or a conservation easement, in form acceptable to the District, to prevent the future expansion of impervious surface and the loss of infiltration capacity.

~~9.~~8. EXCEPTIONS. No permit or stormwater management plan shall be required under this Rule for the following land disturbing activities:

(a) Minor land disturbing activities such as home gardens, repairs, and maintenance work.

(b) Construction, installation, and maintenance of individual sewage treatment systems.

(c) Construction, installation and maintenance of public utility lines or individual service connections ~~unless the activity disturbs more than one acre, in which event Paragraph 9(e) below shall apply~~.

(d) Linear trails no more than 10 feet wide, bordered downgradient by vegetated soil or filter strip at least 5 feet wide. If some but not all of a trail meets this criteria only those portions not meeting this criteria are subject to this rule.

~~(c)~~(e) The reconstructed impervious surface of a road that will remain rural-section that is bordered downgradient by vegetated open space or a vegetated filter strip with a minimum width of 5 feet with a slope less than 2 percent is exempt from the requirements of Paragraph 3(b)(iii). Note – a ditch bottom with perennial grasses may satisfy the width requirement and the slope criteria of this exception does not apply to adjacent driveways.

(f) Construction of any structure on an individual parcel in a subdivision with a stormwater management plan approved by the District, so long as ~~any~~ the land disturbing activity complies with the approved plan.

~~(d)~~(g) Land zoned as RR-1 (Rural Residential Reserve District) developed in conformance with County requirements.

~~(e) Development or redevelopment of, or construction of a structure on, an individual parcel with a land disturbing activity that does not cause off-site erosion, sedimentation, flooding or other damage, and disturbs:~~

~~(i) Less than 10,000 square feet in the shoreland protection zone; provided that, if a municipality or county with jurisdiction has adopted an ordinance requiring~~

~~stormwater management consistent with this Rule D that also regulates the activity, such ordinance shall govern the activity. Where the municipality or county with jurisdiction regulates the activity, the exemption shall increase from 10,000 square feet to one acre, at which point this Rule shall apply in addition to the municipal or county regulation for land disturbing activities greater than one acre; or~~

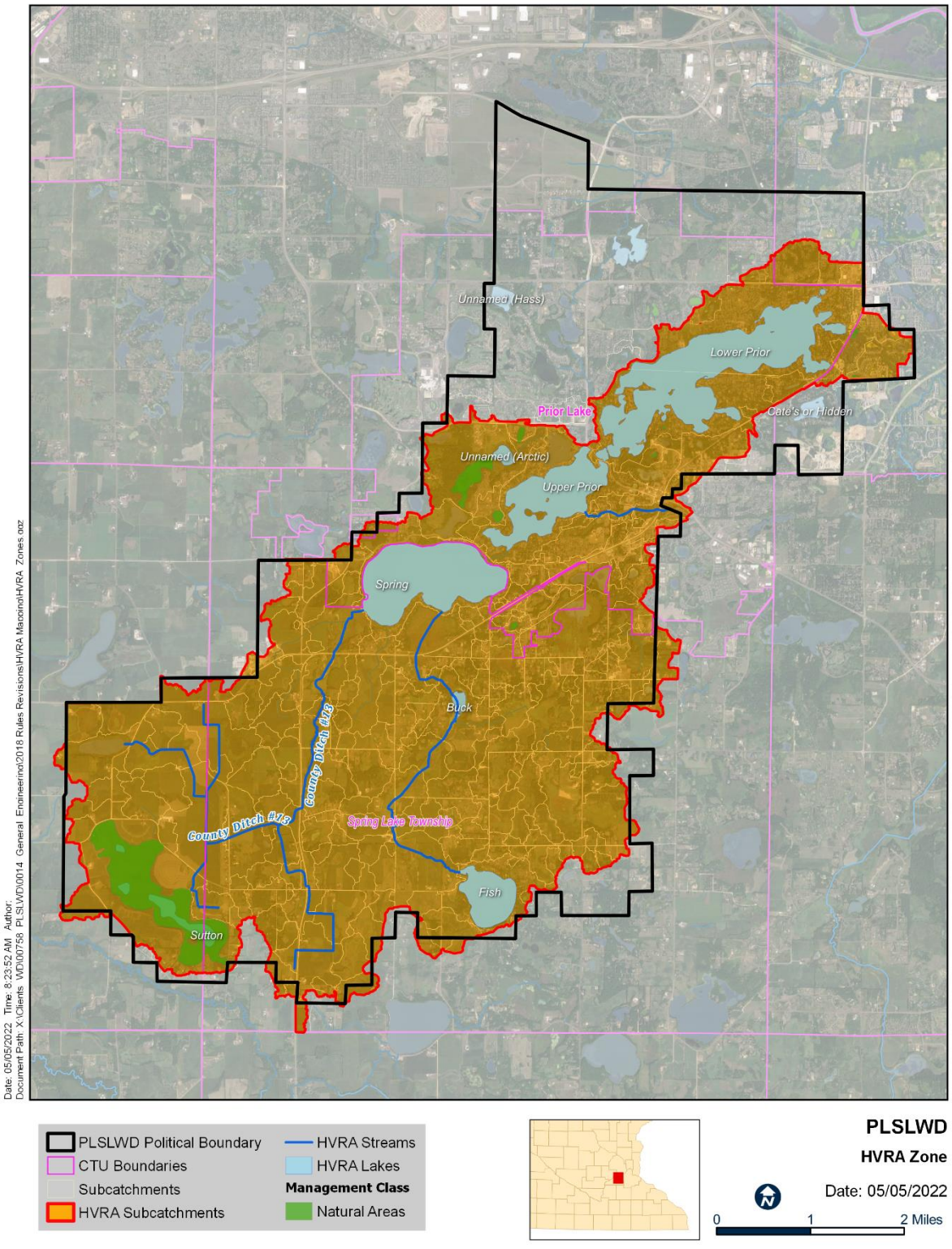
~~(ii) Less than one acre outside of the shoreland protection zone.~~

~~(f)~~(h) Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles.

~~(g) Emergency activity necessary to protect life or prevent substantial harm to persons or property.~~

(i) All land disturbing activities not required by this Rule to obtain a permit or have an approved stormwater management plan shall nevertheless be conducted in full compliance with Rule C.

APPENDIX D.1 – High Value Resource Area (HVRA)



~~(h)~~

RULE E - EROSION AND SEDIMENT CONTROL

1. POLICY. It is the policy of the managers to require the preparation and implementation of erosion and sediment control plans to control runoff and erosion and to retain or control sediment on land during land disturbing activities.

2. REGULATION. No person or political subdivision shall commence a land disturbing activity of more than 10,000 square feet~~or the development or redevelopment of land~~, unless specifically exempted by Paragraph ~~7~~ 10 below, without first obtaining a permit from the District that incorporates and approves an erosion and sediment control plan for the activity~~, development or redevelopment~~.

3. CRITERIA. Erosion and sediment control plans shall comply with the following criteria:

   (a) The plan must be prepared by a qualified individual showing proposed methods of retaining waterborne sediments on site during the period of construction and showing how the site will be restored, covered, or revegetated after construction, including a timetable for completion.

   ~~(a)~~(b) Natural site topography and soil conditions shall be used to control runoff and reduce erosion and sedimentation during construction and after completion of the land disturbing activity.

   ~~(b)~~(c) Erosion and sediment control measures shall be consistent with the standards of the General Permit Authorization to Discharge Stormwater Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued by the Minnesota Pollution Control Agency, except where more specific requirements apply, including:

      (i) Phasing to minimize disturbed areas subject to erosion at any one time.

      (ii) Implementation of BMPs to minimize the discharge of sediment and other pollutants. Redundant BMPs are required adjacent to all waterbodies, spaced a minimum of 5 feet apart except where conditions are limiting.

      (iii) All turbid or sediment-laden waters related to dewatering must be discharged to a temporary sediment basin on the project site unless infeasible. Permittees must provide appropriate Best Management Practices (BMPs) to water discharged to a surface water such that the discharge does not adversely affect the receiving water or downstream properties. Permittees must continuously monitor discharge to any surface water to ensure adequate treatment has been achieved. Discharge points must be adequately protected from erosion and scour through accepted energy dissipation methods.

      (iv) Use of temporary sediment basins are required where 10 or more acres of disturbed soil drain to a common location, or where 5 or more acres of disturbed soil are located within one mile of and discharge to a special or impaired water. Basin design and construction must comply with NPDES General Permit requirements.

      ~~(ii)~~

~~(iii) Treatment of dewatering discharge to limit total suspended solids. Dewatering activities shall be discharged in a manner that does not cause nuisance conditions.~~

~~(iv)~~(v) Proper storage and disposal of all construction site projects, materials or wastes.

~~(v)~~(vi) Site inspections and records of rainfall events.

~~(vi)~~(vii) Proper maintenance of all BMPs.

~~(vii)~~(viii) Management of solid and hazardous wastes on each project site.

~~(viii)~~(ix) Final stabilization upon completion of the construction activity.

(x) Provisions for the use of temporary sediment basins to control runoff and provide treatment during construction, when applicable.

(xi) Identification of wetland types and locations as identified in wetland delineation, as applicable.

~~(ix)~~(xii) Include contact information for the District's permit staff.

(d) The plan will specify measures for indefinite stabilization of exposed soil and stockpiled earth and erodible materials in the event that site work is suspended. These measures will be implemented within 7 days of a request by the District, unless, on the basis of permittee's written response and official inspection, the District finds that the site is active and actively managed under the erosion and sediment control plan. The District may set a later deadline for implementation if site conditions warrant.

(e) Requirement of site stabilization no later than November 15th of any given calendar year for exposed soil areas where construction activities have ceased and are not expected to continue until after frozen ground conditions.

(f) All erosion and sediment controls shall be installed before commencing the land disturbing activity, and shall not be removed without District approval or until the District has issued a certificate of completion pursuant to Paragraph ~~14~~ 13 of Rule B.

~~(e)~~(g) ~~-~~Use of erosion control blanket shall be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic mesh netting or other plastic components.

4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in ~~both~~ electronic format~~. and hard copy. The following exhibits shall accompany the permit application (one set full size, and two sets reduced to a maximum size of 11" x 17").~~:

   (a) An existing and proposed topographic map showing contours on and adjacent to the land, property lines, all hydrologic features, the proposed land disturbing activities, and the locations of all runoff, erosion and sediment controls and soil stabilization measures.

   (b) Plans and specifications for all proposed runoff, erosion and sediment controls, dewatering methods, and temporary and permanent soil stabilization measures.

(c) Detailed schedules for implementation of the land disturbing activity, the erosion and sediment controls, and soil stabilization measures.

(d) Detailed description of the methods to be employed for monitoring, maintaining, and removing the erosion and sediment controls, and soil stabilization measures.

~~(d)~~(e) Contact information for the person(s) responsible for erosion and sediment control inspection and maintenance.

~~(e)~~(f) Soil borings if requested by the District.

~~(f)~~(g) For projects over one acre of disturbed area, documentation that the permittee has applied for the NPDES General Construction Permit from the Minnesota Pollution Control Agency (MPCA) shall be submitted, in addition to the Stormwater Pollution Prevention Plan (SWPPP) prepared for the NPDES Permit.

~~(g)~~(h) Other project site-specific submittal requirements as may be required by the District.

5. CONSTRUCTION ACTIVITY REQUIREMENTS. Any activity subject to a permit under this Rule must conform to the standards of the NPDES General Construction Permit, as amended, regarding construction site erosion and sediment control.

6. INSPECTION. The permittee shall be responsible for inspection of all erosion and sediment control measures until final soil stabilization is achieved.

7. MAINTENANCE. The permittee shall be responsible for proper operation and maintenance of all erosion and sediment controls, and soil stabilization measures, in conformance with Best Management Practices, the Minnesota Stormwater Manual and the requirements of the NPDES General Construction Permit, as amended. The permittee shall, at a minimum, inspect and maintain all erosion and sediment controls and soil stabilization measures daily during construction, weekly thereafter until vegetative cover is established, and after every rainfall event exceeding 0.5 inches. Inspection and maintenance schedule should follow time requirements outlined in the District's Permit Handbook, Log of Activities – Erosion & Sediment Control (Form 6).

~~7.~~8. VEGETATION ESTABLISHMENT. The permittee shall prepare soils, sod, seed and/or otherwise stabilize the permit project areas according to the approved plans submitted with the permit application unless other written approval has been received by the District for an alternate vegetation establishment plan. ~~If a~~After initial vegetative establishment efforts lasting no longer than one year~~,~~ the site ~~has not reached 70% uniform cover within a year~~shall contain little or no bare soil and shall exhibit a dominance of established permanent cover. If vegetation establishment does not meet this standard, the area must be prepped and reseeded, and covered with blanket, mulch or straw as recommended by the District. Erosion control blanket is required on all seeded areas with a slope greater than or equal to 3:1, unless otherwise approved by the District in writing.

~~8.~~9. SECURITY. Any bond or other security required in accordance with Rule L shall be maintained until final soil stabilization and removal of erosion and sediment controls, and the payment of all fees and other amounts due the District.

~~9.~~10. EXCEPTIONS. No permit or erosion control plan shall be required under this Rule for the following land disturbing activities:

~~(a) Minor land disturbing activities such as home gardens, repairs and maintenance work.~~

~~(b)~~(a) Construction, installation, and maintenance of individual sewage treatment systems.

~~(c)~~(b) Construction, installation and maintenance of public utility lines or individual service connections unless the activity disturbs more than ~~one acre, in which event Paragraph 7(e) below shall apply~~10,000 square feet.

~~(d)~~ Construction of any structure on an individual parcel in a subdivision with an erosion and sediment control plan approved by the District, so long as any land disturbing activity complies with the approved plan.

~~(e) Development and redevelopment of, or construction of a structure on, an individual parcel with a land disturbing activity that does not cause off-site erosion, sedimentation, flooding or other damage, and disturbs:~~

~~(i) In the shoreland protection zone, an area less than 10,000 square feet; provided that, if a municipality or county with jurisdiction has adopted an ordinance requiring stormwater management consistent with this Rule E that also regulates the activity, such ordinance shall govern the activity, and the exempt area shall increase from 10,000 square feet to one acre (at which point this Rule shall apply in addition to the municipal or county regulation); or~~

~~(ii)~~(c) ~~Outside of the shoreland protection zone, an area of less than one acre.~~

~~(f)~~(d) Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles.

~~(g)~~(e) Emergency activity necessary to protect life or prevent substantial harm to persons or property.

~~(h)~~ All land disturbing activities not required by this Rule to obtain a permit or have an approved erosion and sediment control plan shall nevertheless be conducted in full compliance with Rule C. All drainage alterations not required by this Rule to obtain a permit shall nevertheless be conducted in full compliance with Rule C.

RULE F - FLOODPLAIN ALTERATION

1. POLICY. It is the policy of the managers to:

   (a) Preserve existing water storage capacity below the 100-year critical duration flood elevation on all waterbodies in the District to minimize the frequency and severity of high water.

   (b) Minimize development in the floodplain which will unduly restrict flood flows or aggravate known high water problems. Require compensatory storage for unavoidable floodplain fill.

2. REGULATION. No person or political subdivision shall alter or fill land below the 100-year critical duration flood elevation of any public waters, public waters wetland or other wetland without first obtaining a permit from the District.

3. CRITERIA.

   (a) Floodplain alteration or filling shall not cause a net decrease in flood storage capacity below the projected 100-year critical duration flood elevation unless it is shown that the proposed alteration or filling, together with the alteration or filling of all other land on the affected reach of the waterbody to the same degree of encroachment as proposed by the applicant, will not cause high water, or aggravate flooding on other land and will not unduly restrict flood flows.

   (b) All new structures shall be constructed with the low floor at a minimum of two feet above the 100-year critical duration flood elevation.

   (c) A land disturbing activity within a floodplain may require a District permit under Rules D and E.

   (d) An activity that alters or fills a wetland within a floodplain may require a permit under Rule G.

4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in ~~both~~ electronic format ~~and hard copy. The following exhibits shall accompany the permit application (one set full size, and two sets reduced to a maximum size of 11" x 17").:~~

   (a) Site plan showing boundary lines, delineation and existing elevation contours of the work area, ordinary high water level, and 100-year critical duration flood elevation. All elevations shall be referenced to ~~NGVD~~NAVD, ~~1929~~ 1988 datum.~~—~~

   (b) Grading plan showing any proposed elevation changes.

   (c) Preliminary plat of any proposed subdivision.

   (d) Determination by a registered professional engineer of the 100-year critical duration flood elevation before and after the proposed activity.

   (e) Computation of the change in flood storage capacity as a result of the proposed alteration or fill.

   (f) Erosion control and sediment plan which complies with Rule E.

   (g) Soil boring results if available.

5. EXCEPTIONS. If a municipality or county has adopted a floodplain ordinance which prescribes an allowable degree of floodplain encroachment, the applicable ordinance shall govern the allowable degree of encroachment and no permit will be required under this Rule ~~F~~.

RULE G - WETLAND ALTERATION

1. POLICY. It is the policy of the managers to:

   (a) Achieve no net loss in the quantity, quality, and biological diversity of wetlands in the District.

   (b) Increase the quantity, quality, and biological diversity of wetlands in the District by restoring or enhancing diminished or drained wetlands.

   (c) Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality and biological diversity of District wetlands as determined using the Minnesota Routine Assessment Method (MnRAM) for Evaluating Wetland Functions Version ~~2.0~~3.4, or subsequent version.

   (d) Replace affected wetlands where avoidance is not feasible and prudent.

2. REGULATION. Where the District is the local government unit responsible to administer the Minnesota Wetland Conservation Act (WCA), it will do so in accordance with WCA statutes and rules.~~No person or political subdivision shall drain, fill, excavate or otherwise alter a wetland without first obtaining the approval of a wetland replacement plan from the local government unit with jurisdiction over the activity.~~

3. CRITERIA.

   (a) Any drainage, filling, excavation, or other alteration of a wetland shall be conducted in compliance with Minnesota Statutes, section 103G.245, the ~~wetland~~ Wetland ~~conservation~~ Conservation A~~a~~ct, and regulations adopted thereunder.

   ~~(b) A wetland may be used for stormwater storage and treatment only if the use will not adversely affect the function and public value of the wetland as determined by the local government unit.~~

   ~~(c) Other activities which would change the character of a wetland shall not diminish the quantity, quality or biological diversity of the wetland.~~

   ~~(d)~~(b) A land disturbing activity within a wetland may require a District permit under Rules D and E.

   ~~(e)~~(c) An activity within a wetland that alters or fills a floodplain may require a District permit under Rule F.

~~4. LOCAL GOVERNMENT UNIT. The District intends to serve as the local government unit for administration of the wetland conservation act, unless a particular municipality in the District has elected to assume that role in its jurisdictional area.~~

RULE H - BRIDGE AND CULVERT CROSSINGS

1. POLICY. It is the policy of the managers to regulate crossings of watercourses for driveways, roads, and utilities to maintain channel profile stability and conveyance capacity.

2. REGULATION. No person or political subdivision shall construct, improve, repair, or alter a driveway, road or utility across the Prior Lake outlet channel or a watercourse with a tributary area in excess of 100 acres without first obtaining a permit from the District.

3. CRITERIA. Crossings shall:

   (a) Retain adequate hydraulic capacity, which for any crossing over the Prior Lake outlet channel shall be based on the hydraulic model for the outlet channel.

   (b) Retain adequate navigational capacity.

   (c) Not adversely affect water quality.

   (d) Represent the "minimal impact" solution to a specific need with respect to all reasonable alternatives.

   (e) Allow for future erosion, scour, and sedimentation considerations.

   ~~(f) Require a permit under Rules D and E if part of a land disturbing activity or subdivision.~~

4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in ~~both~~ electronic format ~~and hard copy.~~ ~~The following exhibits shall accompany the permit application (one set full size, and two sets reduced to a maximum size of 11" x 17").~~ :

   (a) Construction plans and specifications.

   (b) Analysis prepared by a registered professional engineer showing the effect of the project on hydraulic capacity and water quality.

   (c) An erosion and sediment control plan which complies with Rule E.

5. MAINTENANCE.

   (a) The maintenance, reconstruction and stabilization of any public crossing shall be the responsibility of the political subdivision with jurisdiction over the crossing.

   (b) The maintenance, reconstruction and stabilization of any private crossing shall be the responsibility of the owner of the crossing.

   (c) If a crossing over the Prior Lake outlet channel is determined by the District to be causing significant erosion of the outlet channel cross-section or profile, the District may order the owner of the crossing to make necessary repairs or modifications to the crossing and outlet channel. If the owner of the crossing fails to make the necessary repairs or modifications ~~after notice from the managers~~, the District, after notice and hearing before the managers, may repair, modify, or remove the crossing or repair or modify the outlet channel. ~~The owner shall pay the cost of the District to repair, modify or remove the crossing and outlet channel within 10 days after issuance of a statement by the District.~~ The District will seek

reimbursement for the cost it incurs for such work ~~amounts payable to the District under this Rule H shall be collectable~~ in the same manner as fees under Rule K.

(d) As a condition to the approval of a permit under this r~~R~~ule ~~H~~, the District may require the applicant and owner to enter into a compliance agreement with the District.

RULE I - DRAINAGE ALTERATIONS

1. POLICY. It is the policy of the managers that surface water may be drained only in a manner which does not unreasonably burden upstream or downstream land.

2. REGULATION. No person or political subdivision shall artificially drain surface water, nor obstruct or redirect the natural flow of runoff where the drainage area exceeds 50 acres, so as to affect a drainage system established under Minnesota Statutes, Chapter 103E, or the public health and general welfare of the District, without first obtaining a permit from the District.

3. CRITERIA. The applicant for a drainage alteration shall:

   (a) Describe the overall environmental impact of the proposed drainage alteration and demonstrate that:

      (i) There is a reasonable necessity for such drainage alteration;

      (ii) Reasonable care has been taken to avoid unnecessary injury to upstream and downstream land;

      (iii) The utility or benefit accruing to the land on which the drainage will be altered reasonably outweighs the gravity of the harm resulting to the land receiving the burden; and

      (iv) The drainage alteration is being accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practicable natural drain, a reasonable and feasible artificial drainage system is being adopted.

   (b) Provide a hydraulic design which complies with Rules F and G, and if the alteration involves a landlocked basin, the alteration must comply with Rule D.3(~~f~~j) for outlets from landlocked basins.

   (c) Provide a stable channel and outfall.

   (d) Obtain a permit under Rules D and E if the drainage alteration is part of a land disturbing activity or a development or redevelopment of land.

4. EXHIBITS. The following are to be prepared and certified by a professional engineer registered in the State of Minnesota, registered land surveyor, or other appropriate professional, and submitted to the District with the application for stormwater management permit. All submittals shall be in ~~both~~ electronic format ~~and hard copy. The following exhibits shall accompany the permit application (one set full size, and two sets reduced to a maximum size of 11" x 17").~~ :

   (a) Map showing location of proposed alteration and tributary area.

   (b) Existing and proposed cross sections and profile of affected drainage area.

   (c) Description of bridges or culverts required.

   (d) Narrative and calculations verifying compliance with Paragraph 3(a) and 3(b) above.

5. EXCEPTIONS.

(a) No permit shall be required under this Rule for the alteration of drainage in connection with the use of land for agricultural activities.

(b) The managers may waive the requirement of Paragraph 4(d) above if the applicant submits easements or other documentation in a form acceptable to the District evidencing the consent of the owner of any burdened land to the proposed alteration. Such easements or other documentation shall be filed for record and evidence thereof submitted to the District.

(c) All drainage alterations not required by this Rule to obtain a permit shall nevertheless be conducted in full compliance with Rule C.

RULE J - BUFFER STRIPS

1. POLICY. Natural vegetation around watercourses and wetlands is integral to maintaining the water quality and ecological functions these resources provide. Vegetative buffers reduce the impact of surrounding development and land use on watercourse and wetland functions by stabilizing soil to prevent erosion, filtering sediment from runoff, and moderating water level fluctuations during storms. Buffers provide essential habitat for wildlife. Requiring buffers recognizes that watercourse and wetland quality and function are related to the surrounding upland.

~~1.~~2. REGULATION. For any parcel created or redeveloped after ~~the effective date of this Rule J~~August 12, 2003, a buffer strip shall be maintained around the perimeter of all watercourses~~, natural ponds or~~ and wetlands. The buffer strip provisions of this Rule shall not apply to any parcel of record as of the date of this Rule until such parcel is subdivided or redeveloped. The District does, however, strongly encourage the use of buffer strips on all parcels in the District.

~~2. DEFINITIONS: For the purposes of this Rule J, unless the context otherwise requires, the following words and terms shall have the meanings set forth below. Words and terms not defined in this Rule shall have the meanings set forth in Rule A.~~

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

~~**Watercourse** - any natural or improved stream, river, creek, ditch (including Scott County Ditch 13), channel or other waterway with a tributary area in excess of 50 acres.~~

~~**Wetland** - any wetland as defined in Minnesota Statutes, section 103G.005, subdivision 19; and any public waters wetland as defined in Minnesota Statutes, section 103G.005, subdivision 15a.~~

3. GENERAL PROVISIONS.

   (a) This Rule shall apply to all lands containing watercourses or wetlands and lands within the buffer strips required by this Rule. Watercourses and wetlands shall be subject to the requirements established herein and other applicable federal, state, and local ordinances and regulations.

   (b) This Rule does not apply to any wetland with a surface area equal to or less than the area of wetland impact allowed without replacement as de ~~miminis~~ minimis under the Wetland Conservation Act.

   (c) An applicant shall determine whether any watercourse or wetland exists on land or within the applicable buffer strip on adjacent land, and shall delineate the boundary for any wetland on the land. An applicant shall not be required to delineate wetlands on adjacent property~~,~~ but must review available information to estimate the wetland boundary.

   (d) Documentation identifying the presence of any watercourse or wetland on the applicant's land, including wetland delineation and buffer strip vegetation evaluation, must be provided to the District with a permit application.

   (e) Wetland and buffer strip identifications and delineations shall be prepared in accordance with state and federal regulations.

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

(a) Best management practices shall be followed to avoid erosion and sedimentation during land disturbing activities.

(b) When a buffer strip is required the applicant shall, as a condition to issuance of a permit:

(i) Submit to the District for its approval a conservation easement for protection of approved buffer strips. The easement shall describe the boundaries of the watercourse or wetland and buffer strips, identify the monuments and monument locations, and prohibit any of the alterations set forth in Paragraph 5(~~e~~f) below and the removal of the buffer strip monuments within the buffer strip or the watercourse or wetland;

(ii) File the approved conservation easement for record and submit evidence thereof to the District; and

(iii) Install the wetland monumentation required by Paragraph 7 below.

(c) All open areas within the buffer strip shall be seeded or planted in accordance with Paragraph 8 below. All seeding or planting shall be completed prior to removal of any erosion and sediment control measures. If construction is completed after the end of the growing season, erosion and sediment control measures shall be left in place and all disturbed areas shall be mulched for protection over the winter season.

~~5. BUFFER STRIPS~~CRITERIA.

~~(a)~~5. ~~For any parcel created or redeveloped after the effective date of this Rule J, a buffer strip shall be maintained around the perimeter of all watercourses or wetlands. The buffer strip provisions of this Rule shall not apply to any parcel of record as of the date of this Rule until such parcel is subdivided or redeveloped. The District does, however, strongly encourage the use of buffer strips on all parcels in the District.~~

~~Buffer strips on watercourses shall be a minimum of 20 15 feet wide with an average width of 30 feet, measured from the ordinary high water level of the watercourse or wetland.~~

(a) Buffers on wetlands, as measured from the delineated edge of the wetland, shall comply with the following minimums and averages:

Management Class	Minimum Width [ft]	Average Width [ft]
Natural Areas Wetland	50	75
Hydrology Wetland	25	50
Restoration/Enhancement & Basic Wetland	15	30

~~(b)~~ —

(b) Buffer strips on watercourses shall be a minimum of 15 feet wide with an average width of 30 feet, measured from the ordinary high water level of the watercourse.

(c) Buffer strips shall apply whether or not the watercourse or wetland is on the same parcel as a proposed development.

~~(c)~~(d) Buffer areas of specific concern, including locations with significant flow accumulation, must be at least the average buffer width.

~~(d)~~(e) Buffer strip vegetation shall be established and maintained in accordance with Paragraph 8 below. Buffer strips shall be identified within each parcel by permanent monumentation in accordance with Paragraph 7 below.

~~(e)~~(f) Subject to Paragraph 5(g~~f~~) below, alterations including building, storage, paving, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application, are prohibited within any buffer strip. Noxious vegetation, such as European buckthorn, purple loosestrife, and reed canary grass, may be removed as long as the buffer strip is maintained to the standards required by the District. Alterations would not include plantings that enhance the natural vegetation or selective clearing or pruning of trees or vegetation that are dead, diseased or pose similar hazards.

~~(f)~~(g) The following activities shall be permitted within any buffer strip, and shall not constitute prohibited alterations under Paragraph 5(f~~e~~) above:

(i) Use and maintenance of a~~n~~ single, unimproved access strip through the buffer, not more than ~~20~~ 5 feet in width in incorporated areas and 20 feet in width in unincorporated areas, and maintained only by means of mowing, for recreational access to the watercourse or wetland and the exercise of riparian rights;

(ii) Placement, maintenance, repair or replacement of utility and drainage systems that exist on creation of the buffer strip or are required to comply with any subdivision approval or building permit obtained from the municipality or county, so long as any adverse impacts of utility or drainage systems on the function of the buffer strip have been avoided or minimized to the extent possible; and

(iii) Construction, maintenance, repair, reconstruction, or replacement of existing and future public roads crossing the buffer strip, so long as any adverse impacts of the road on the function of the buffer strip have been avoided or minimized to the extent possible.

6. ALTERNATE BUFFER STRIPS.

(a) Because of unique physical characteristics of a specific parcel, narrower buffer strips may be necessary to allow a reasonable use of the parcel; and in combination with other best management practices may provide equivalent water quality treatment performance. The District may choose to ~~will~~ permit an alternative buffer width if any one or more of the following conditions is met:

(i) The proposed activity, development or redevelopment of land will not increase runoff volumes for the 5-year critical storm event, not including the 10-day snow melt event, that is discharged to the watercourse or wetland; or

(ii) The applicant demonstrates that a combination of best management practices to be incorporated with the proposed activity, development or redevelopment of land will provide storm water quality treatment performance equivalent to ~~a 30-foot~~the average-width buffer required by Paragraphs 5(a) or (b); or

(iii) The dominant wetland type, as determined by methods acceptable under the Minnesota Wetland Conservation Act, is a low-~~-~~quality Type 1 or 2 Wet Meadow, where low quality is defined as having a highly impacted vegetative community such that reed canary grass comprises more than 40 percent cover, and/or European buckthorn, if present, comprises greater than 30 percent cover, and/or vegetation was frequently (at least three of the past five years) removed by cropping.

(b) The use of alternative buffer strips will be evaluated as part of the review of a stormwater management plan under Rule D. Where alternative buffer strip standards are approved, the width of the buffer strips shall be established by the managers based on a minimum width of ~~16~~ 15 feet. Alternative buffer strips must be in keeping with the spirit and intent of this Rule. The District may require maintenance agreements, restrictive ~~covenants~~covenants, or easements, in form acceptable to the District, to cover best management practices used to justify the alternative standard, to assure maintenance in perpetuity and that best management practices continue to function as originally designed.

7. MONUMENTATION. A monument shall be required at each parcel line where it crosses a buffer strip and at each point where the bearing of the buffer strip boundary line changes. ~~and~~ Monuments shall have a maximum spacing of 200 feet along the edge of the buffer strip. Additional monuments shall be placed as necessary to accurately define the edge of the buffer strip. A monument shall consist of a post and a buffer strip sign. The signs shall be obtained from the District and include warnings about disturbing or developing the buffer strip. The signs shall be 5-inch wide x 7-inch vertical, have a brown field with white lettering, and shall be securely mounted on a ~~4" x 4" wooden~~U-channel post to a minimum height of 4 feet above grade.

8. VEGETATION ESTABLISHMENT.

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

(i) Has a continuous, dense layer of perennial native grasses and forbs that has been uncultivated or unbroken for at least 5 consecutive years; or

(ii) Has an overstory of trees and/or shrubs that has been uncultivated or unbroken for at least 5 consecutive years; or

(iii) Contains a mixture of ~~the plant~~ communities described in Subparagraphs 8(a)(i) and (ii)~~. above that has been uncultivated or unbroken for at least 5 years.~~

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

(i) It is composed of undesirable plant species including but not limited to common buckthorn, purple loosestrife, leafy spurge, or noxious weeds; or

(ii) It has topography that tends to channelize the flow of runoff; or

(iii) For some other reason it is unlikely to retain nutrients and sediment.

(c) Where buffer strips are not vegetated or have been cultivated or otherwise disturbed within 5 years of the permit application, such areas shall be replanted and maintained. The buffer

strip plantings must be identified on the permit application. The buffer strip landscaping shall comply with the following standards:

(i) Buffer strips shall be planted with a native seed mix approved by MnDOT, NRCS or SWCD, with the exception of a one-time planting with an annual nurse or cover crop such as oats or rye in addition to the native seed mix.

(ii) The seed mix shall be broadcast according to MnDOT, NRCS or SWCD specifications of the selected mix. The annual nurse or cover crop shall be applied at a minimum rate of 30 pounds per acre. The MnDOT or NRCS seed mix selected for permanent cover shall be appropriate for soil site conditions and free of invasive species. MnDOT, NRCS or SWCD approved mixtures appropriate for specific soil and moisture conditions can be used to meet these requirements.

(iii) Native shrubs may be substituted for native grasses and forbs. All substitutions and density of plantings must be approved by the District~~. Such shrubs may be bare root seedlings and shall be planted at a minimum rate of 60 plants per acre~~. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.

(iv) Any groundcover or shrub plantings installed within the buffer strip are independent of any landscaping required elsewhere by the municipality or county.

(v) Grasses and forbs shall be seeded or planted by a qualified contractor. The method of application shall be approved by the District prior to planting or seeding.

(vi) No fertilizer shall be used in establishing new buffer strips, except on highly disturbed sites when necessary to establish acceptable buffer strip vegetation and then limited to amounts indicated by an accredited soil testing laboratory.

(vii) All seeded areas shall be mulched immediately with clean straw at a rate of 1.5 tons per acre. Mulch shall be anchored with a disk or tackifier.

(viii) Buffer strips (both natural and created) shall be protected by erosion and sediment control measures during construction in accordance with Rule E. The erosion and sediment control measures shall remain in place until the ~~area crop~~buffer strip vegetation is established.

(d) Buffer strip vegetation shall be established and maintained in accordance with the requirements found in this Paragraph 8 based on an ~~e~~Establishment ~~p~~Plan submitted by the applicant and approved by the District prior to permit issuance and meeting the following requirements:~~.~~

(i) Establishment plans must extend for the period beginning at the time of planting and extending ~~through the end of the fifth growing season~~two full years from completion of initial planting and mulching operations.

(ii) Establishment plans must include an irrigation or watering plan for the period beginning at the time of planting and extending ~~through the end of the first complete growing season~~one full year from completion of initial planting and mulching operations.

(iii) Establishment plans must include replacement of any buffer strip vegetation that does not survive ~~.~~ d~~D~~uring the ~~first two full growing seasons~~two year period extending

from the completion of the initial planting and mulching operations~~, the owner must replant any buffer strip vegetation that does not survive~~. Establishment maintenance and watering of replaced buffer strip vegetation shall extend one full year from completion of replacement planting and mulching operations.

(iv) The owner shall be responsible for reseeding and/or replanting if the buffer strip vegetation does not survive at any time through human intervention or activities.

(v) Establishment plans must include a schedule for weeding throughout the duration of the plan.

~~The owner shall be responsible for reseeding and/or replanting if the buffer strip changes at any time through human intervention or activities.Establishment plans must be approved by the District.~~

(vi) Establishment plans must be accompanied by an escrow account for the term of the establishment plan. At the end of the term of the establishment plan the balance of the account shall be returned to the permittee, less the amount required to complete the establishment of acceptable natural vegetation (if any)~~At a minimum the buffer strip must be maintained as a "no mow" area~~.

9. COMPLETION. The following conditions must be met before the District will issue a Certificate of Completion and release buffer strip escrow:

(a) Buffer strip vegetation must be successfully established per Paragraph 8.

(b) Monumentation must be installed per Paragraph 7.

~~(d) The conservation easement described in Paragraph 4(b)(i) must be recorded with Scott County.~~

RULE K - FEES

1. POLICY. The managers find that it is in the public interest to require applicants to pay the cost of administering and reviewing permit applications~~,~~ and inspecting approved activities to assure compliance with these Rules, rather than using the District's annual administrative levy for such purposes.
2. APPLICATION. Each application for the issuance, transfer, or renewal of a permit under these Rules shall be accompanied by an application fee of $10.00 to defray the cost of recording and processing the application.
3. REVIEW. An applicant for the issuance, transfer, or renewal of a permit under these Rules shall pay a review fee equal to the actual cost of the District for the review and analysis of the proposed activity, including services of engineering, legal and other consultants. The District may require a deposit based on a good faith estimate of the cost to review an application at the time of filing. The review fee shall be payable upon issuance of an ~~statement~~ invoice after consideration of the application by the managers. No permit may be issued until the review fee has been paid.
4. INSPECTION. A permittee shall pay a field inspection fee equal to the actual cost of the District for field inspections and subsequent monitoring of the permitted activity, including services of engineering, legal and other consultants. The District may require a deposit based on a good faith estimate of the cost to inspect and monitor a proposed activity at the time the application is filed. Additional field inspection fees shall be payable within 10 days after issuance of an ~~statement~~ invoice if continued inspection and monitoring of an activity is required. A permit may be revoked, or a certificate of completion withheld, if the field inspection fee is not fully paid.
5. FAILURE TO OBTAIN PERMIT. Any person or political subdivision performing any activity for which a permit is required under these Rules without having first obtained a permit from the District, shall apply for and obtain a permit immediately and shall pay, in addition to such fines, court costs or other amounts as may be payable by law as a result of such violation, a field inspection fee equal to the actual cost of the District for field inspections, monitoring and investigation of such activity, including services of engineering, legal and other consultants. The field inspection fee shall be payable within 10 days after issuance of a statement by the District. No permit shall be issued for the activity if there are any unpaid field inspection fees or other outstanding violations of these Rules.
6. RECOVERY. The fees provided for in these Rules may be recovered by the District in any legal proceeding authorized by law.
7. AGENCIES EXEMPT. The fees in Paragraphs 2, 3, ~~and~~ 4 and 5 above shall not be charged to the federal government, the state, or a political subdivision.

RULE L - SECURITY

1. POLICY. It is the policy of the managers to protect and conserve water resources by requiring a bond or other security to assure compliance with these Rules.
2. REQUIREMENT. The managers may require a deposit of cash, a performance bond, an irrevocable letter of credit or other security with the District as a condition to the issuance of a permit under these Rules.
3. AMOUNT. The amount of the security shall be set by the managers as the amount the managers deem necessary to cover the following potential liabilities to the District:
   (a) Post permit field inspection, monitoring and related fees authorized under Minnesota Statutes, section 103D.345;
   (b) The cost of maintaining and implementing erosion and sediment control required by the permit;
   (c) The cost of completing buffer strip landscaping in accordance with Paragraph ~~10~~8(a) of Rule J; and
   (d) The cost of remedying damage resulting from noncompliance with the permit or these Rules or for which the permittee is otherwise responsible.
4. FORM AND CONDITIONS.
   (a) A performance bond or letter of credit must be in a form acceptable to the District and from a bank or surety licensed to do business in Minnesota.
   (b) The security shall be in favor of the District and conditioned upon the applicant's performance of the authorized activity in compliance with the permit and applicable laws, including these Rules, and the payment when due of any fees or other charges authorized or required by the permit, and these Rules.
   (c) The security shall be issued for a minimum term of one year. Security with a shorter term may be deposited with the District provided it is replaced at least 30 days before its expiration.
   (d) The District shall be authorized to make a claim or draw against the security after any default by the permittee under the permit or these Rules, or if the permittee fails to replace any security at least 30 days before its expiration.
5. POLITICAL SUBDIVISIONS. The general contractor for activities of a political subdivision shall provide any security required by the permit and these Rules.
6. RELEASE. Any security may be released by the District pursuant to Paragraph ~~14~~ 13 of Rule B.

RULE M - VARIANCES

1. WHEN AUTHORIZED. The managers may grant variances from the literal provisions of these Rules. A variance shall only be granted when in harmony with the general purpose and intent of the Rules in cases where strict enforcement of the Rules will cause undue hardship, and when the terms of the variance are consistent with the District's water resources management plan and Minnesota Statutes, chapter 103D.
2. HARDSHIP. "Hardship" as used in connection with the granting of a variance means the land in question cannot be put to a reasonable use if used under the conditions allowed by these Rules; the plight of the applicant is due to circumstances unique to the land and not created by the applicant; and the variance, if granted, will not adversely affect the essential character of the locality and other adjacent land. Economic considerations alone shall not constitute a hardship if a reasonable use for the land exists under the terms of these Rules. Conditions may be imposed in the granting of a variance to ~~insure~~ensure compliance and to protect adjacent land and the public health and general welfare of the District.
3. PROCEDURE. An application for a variance shall describe the practical difficulty or particular hardship claimed as the basis for the variance. The application shall be accompanied with such surveys, plans, data, and other information as may be required by the managers to consider the application.
4. TERM. A variance ~~shall expire one year after it is granted, unless used by the applicant within the one-year period~~is valid for the term of the permit.
5. VIOLATION: A violation of any condition imposed in the granting of a variance shall be a violation of these Rules and ~~shall automatically terminate the variance~~the variance may be subject to termination.

RULE N - APPEALS

1. INTERESTED PARTY. For the purposes of this Rule N, "interested party" means a person or political subdivision with an interest in the pending subject matter.
2. APPEALS. An interested party may appeal a rule, permit decision or order made by the managers by a declaratory judgment action brought under Minnesota Statutes, Chapter 555.
3. PROCEDURES. The decision on appeal must be based on the record made in the proceeding before the managers. An appeal of a permit decision or order must be filed within 30 days of the managers' decision.

RULE O - ENFORCEMENT

1. MISDEMEANOR. A violation of these Rules, a stipulation agreement made, or permit or order issued by the managers pursuant to these Rules, is a misdemeanor subject to a penalty as provided by law.
2. ACTIONS. The District may exercise all powers conferred upon it by Minnesota Statutes, ~~chapter~~ Chapter 103D, in enforcing these Rules, or a stipulation agreement made, or permit or order issued by the managers under these Rules, including criminal prosecution, injunction, or an action to compel performance, restoration or abatement, or other appropriate action.
3. ADMINISTRATIVE ORDER. The District may issue a cease-and-desist order when it finds that a proposed or initiated activity or project presents a serious threat of flooding, erosion, sedimentation, an adverse effect upon water quality, or otherwise violates these Rules.
4. ATTORNEYS' FEES AND COSTS. In any civil action arising from or related to these Rules, an order or a stipulation agreement made, or a permit issued or denied by the managers under these Rules, the court may award the prevailing party reasonable attorneys' fees and costs.

RULE P - ILLICIT DISCHARGE

1. POLICY. It is the policy of the managers to prohibit illicit discharges to the Prior Lake Outlet Channel.

2. DEFINITIONS: For the purposes of this Rule P, unless the context otherwise requires, the following words and terms shall have the meanings set forth below. Words and terms not defined in this Rule shall have the meanings set forth in Rule A.

   Illicit Connection – an illicit connection is defined as either of the following:

   1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 system, including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the system and any connections to the system from indoor drains and sinks, regardless of whether said drain or connection has been previously allowed, permitted, or approved by political subdivision.
   2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 system that has not been documented in plans, maps, or equivalent records and approved by a political subdivision.

   Illicit Discharge – any discharge to the MS4 that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

   Non-Stormwater Discharge – any discharge to the MS4 system that is not composed entirely of stormwater.

   Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

   Stormwater – means stormwater runoff, snow melt runoff, and surface runoff and drainage (Minn. R. 7090.0080, subp.12.).

3. REGULATION.

   (a) No person or political subdivision shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the Prior Lake Outlet Channel any pollutants or waters containing any pollutants, other than stormwater, unless specifically exempted by Paragraph ~~3~~ 9 below.

   (b) The construction, use, maintenance, or continued existence of illicit connections to the Prior Lake Outlet Channel is prohibited.

(i) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law, rule, or practices applicable or prevailing at the time of connection.

(ii) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the Prior Lake Outlet Channel~~,~~ or allows such a connection to continue.

(iii) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system.

(iv) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the District requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the District.

4. SUSPENSION OF MS4 ACCESS. The District may, without prior notice, suspend MS4 discharge access when such suspension is necessary:

   (a) Suspension due to Illicit Discharges in Emergency Situations. The District may, without prior notice, suspend MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the District's MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the District may take such steps as deemed necessary to prevent or minimize damage to the District's MS4 or Waters of the United States, or to minimize danger to persons or the environment.

   (b) Suspension due to the Detection of Illicit Discharge. Any person discharging to the District's MS4 in violation of this Rule may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The District may issue an administrative order or pursue other enforcement action as provided in the District's Rule O to compel performance, restoration, abatement, and other appropriate action.

5. MONITORING OF DISCHARGES. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

   (a) Access to Facilities. The District shall gain consent or obtain a search warrant to enter buildings subject to regulation under this Rule to determine compliance with this Rule. The discharger shall make the necessary arrangements to allow access to representatives of the District.

   (b) Access to Records. The District may examine and copy records that must be kept under the conditions of an NPDES Permit to discharge stormwater or that concern the performance of any duties as defined by state or federal stormwater laws.

(c) If the District has been refused access to any part of the premises from which stormwater is discharged, then the District may seek issuance of a search warrant from any court of competent jurisdiction.

6. WATERCOURSE PROTECTION. Every person owning property, through which a watercourse passes, shall keep, and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that originate from the property owners use or activity on the property that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

7. NOTIFICATION OF SPILLS. It is the duty of every person to notify the District immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of the Prior Lake Outlet Channel, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution.

8. ENFORCEMENT. In addition to pursuing enforcement actions as provided in the District's Rule O, the District may utilize the following measures to enforce the provisions of this rule:

(a) Notice of Violation. Whenever the District finds that a person has violated a prohibition or failed to meet a requirement of this Rule, the District may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(i) If the activity has been performed without an applicable District permit, that a permit be applied for and obtained immediately;

~~(i)~~(ii) The performance of monitoring, analysis and/or reporting;

~~(ii)~~(iii)The elimination of illicit connections or discharges;

~~(iii)~~(iv) That violating discharges, practices or operations will cease and desist;

~~(iv)~~(v) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

~~(v)~~(vi) Payment of District costs of administrative and remediation;

~~(vi)~~(vii) The implementation of source control or treatment BMPs.

(b) Enforcement Measures. If a violation is not corrected pursuant to the Notice of Violation and subsequent District order, the District may seek enforcement of the Rule requirements and/or order through criminal prosecution, injunction, action to compel performance, restoration, abatement, and other appropriate action. The District may avail itself of any and all measures necessary to abate the violation and/or restore the property.

9. EXCEPTIONS. The following materials may be discharged to the Prior Lake Outlet Channel operated by the District:

(a) Stormwater from a Municipal Separate Storm Sewer System connected to the Prior Lake Outlet Channel operated by the District, as specified in the Joint Powers Agreement / Memorandum of Agreement that governs the operation of the Prior Lake Outlet Channel.

(b) Discharges from public waters, including Prior Lake, Pike Lake, and Dean ~~lakes~~Wetland.

(c) The following minor discharges:

(i) Water line flushing

(ii) Landscape irrigation

(iii) Diverted stream flows

(iv) Rising ground waters

(v) Uncontaminated ground water infiltration

(vi) Uncontaminated pumped ground water

(vii) Discharges from potable water sources

(viii) Foundation drains

(ix) Air conditioning condensation

(x) Irrigation water

(xi) Springs

(xii) Water from crawl space pumps

(xiii) Footing drains

(xiv) Lawn watering

(xv) Individual residential car washing

(xvi) Flows from riparian habitats and wetlands

(xvii) Dechlorinated swimming pool discharges

(xviii) Street wash water

(d) Discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that a permit has been received from the District under all applicable rules.

(e) Discharges or flow from firefighting, and other discharges specified in writing by the Prior Lake Watershed District as being necessary to protect public health and safety.

(f) Dye testing is an allowable discharge~~,~~ but requires a verbal notification to the District prior to the time of the test.

	Entity	Page[1]	Comment on 45-Day Review Draft (9/3/2019)	Discussion	Revision (Y/N)
General Comments					
1	MetC	-	The proposed rules are consistent with Council policies and the Council's Water Resources Management Policy Plan. The majority of changes are to Rule A- Definitions, Rule D- Stormwater Management, and Rule E- Erosion and Sediment Control. We appreciate that the revisions have provided clarity to help communities and developers successfully navigate the permitting process, while also providing some flexibility if site conditions do not allow certain requirements to be met.	So noted.	N
2	BWSR	-	Where used in text, suggest defining acronyms prior to use (e.g., MS4, MnRAM, NRCS, SWCD, and EOF).	This suggestion has been implemented.	Y
3	County	-	We appreciate and support the District's efforts to protect the public health, welfare, and natural resources. Coordinating Rule updates with multiple stakeholders is a difficult task. We commend the District for their collaborative work so far. We find that some of the current draft revisions continue to be inconsistent with the District's Water Resources Management Plan (WRMP), goals for this rules revision process as presented in the memo dated 8/8/2017. Particularly these portions: "Promoting consistency with other regulations such as NPDES Construction Permit to minimize the regulatory burden on developers" and "Coordinate regulatory standards and requirements with Scott County and other jurisdictions to simplify and adopt similar standards where appropriate." We are still waiting to receive requested studies or data to back up the need for these proposed rule changes. A clear need supported by strong scientific evidence should be provided for these changes. We acknowledge that revisions have been made to the draft rules for redevelopment and linear projects from the initial drafts presented to the TAC groups, however, we still feel that the proposed rules are not in line with the previously stated goals for the rule revisions, are a large departure from County and State standards, and will not achieve water quality goals through efficient and effective use of funding and resources. We request the District continue revision efforts.	The District does not agree that there is an inconsistency and have addressed this concern with the County at numerous meetings and communications, both written and verbal with County staff. The rule revision goals referred to in the memo dated 8/8/2017 are restated from the District's 2013 WRMP. In 2013, the District's standards were similar to the Scott WMO but the WMO had greater flexibility on how those standards could be met. In addition, the District' 0.5-inch volume control standard was not consistent with the reissued NPDES Construction Permit requiring volume control for the 1-inch event. These are the standards and additional flexibility the stated goal regarding "adoption of similar standards" was seeking to address. The District believes that additional studies are unnecessary. The Prior Lake Stormwater Management & Flood Mitigation Study (2016) and the Spring and Upper Prior Lake TMDL and Implementation Plan (2012) clearly point to the need for additional upper watershed storage to improve water quality and provide flood reduction benefits. The standards of the current draft rules are not dissimilar from state standards and the thresholds at which development is regulated more closely align with municipal standards as pointed out in comments to Scott WMO during its 2018 standards revision process. Finally, through rule exceptions, the District has more closely aligned its regulatory threshold with the County in unincorporated areas.	N
Relationship With Municipalities and County					
4	County	2	This section is confusing. Please clearly define what requirements must be met for a municipality/county to obtain/maintain a sole regulatory role consistent with M.S.103B.211, subdivision 1(a) (3). Preventing dual permitting programs and building collaborative relationships is an important goal for Scott County.	The District supports this goal and fully intends to pursue Memorandums of Agreement (MOA) with the County and municipalities, the requirements of which will be detailed during the MOA renewal process. It is envisioned that the requirements will much the same as followed for establishment of original MOAs with determination of equivalency and detailing of the responsibilities of the County and District.	N
Rule A - Definitions					
5	BWSR	3	Atlas 14 PFEs – May be helpful to identify specific station(s) to be utilized.	NOAA ATLAS 14 Point Precipitation Frequency Estimates vary spatially across the District. The definition has been revised to include a link to NOAA's online interactive PFE map: https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=mn	Y

6	BWSR	3	Clarify consistency with use of 'critical duration flood event' with similarly used terminology throughout the proposed document (see below bullets). Additionally verify design considerations for the 10-day snowmelt event. Rule A Definitions identifies (generally) as 100-yr 24-hr precip event or 10-day snowmelt event. Most references to terminology in document pertain specifically to 100-year critical flood event. The only references to specific events that include the 10-day snowmelt are in as a general policy in Rule D.1.h ('critical duration flood event') and in Alternate Buffer Strips in Rule J.6.a.i ('not including the 10-day snow melt'). It's not clear if the District's intent was to incorporate additional design considerations for the 10-day snowmelt event, and it did not translate into the text references, or not. • Rule D Section 3 (pg. 14) references '100-year critical duration flood event' • Rule D Section 3.k.v (pg. 20) references '100-year critical storm event' • Rule D Section 4.j (pg. 23) reference '100-year critical storm events' • Rule F '100-year critical flood elevation' terminology referenced throughout	As drafted, the "Critical duration flood event - means the 100-year precipitation or snow melt event with a duration resulting in the maximum 100-year return period water surface elevation. For purposes of these rules, the critical duration flood event is either the 100-year, 24-hour rainfall event as found in NOAA Atlas 14 or the ten-day snow melt event assumed to be 7.2 inches of runoff occurring on frozen ground (CN=100); note however that other durations (e.g., 6-hour) may result in higher water surface elevations." Current guidance for simulation of snowmelt is the USDA SCS Hydrology Guide for Minnesota (Figure 1-12), therefore the definition as stated is valid. All flood event references in the draft rules have been revised for consistency as the "critical duration flood event".	Y
7	MetC	6	The definition for Redevelopment on page 6 states that redevelopment is "development on a site that is currently developed below 15% impervious surface, or was developed beyond 15% impervious surface, but has been razed to below that measure in anticipation of redevelopment." We believe this should be corrected to be "development on a site that is currenting developed above 15% impervious surface…".	This definition has been revised for clarity. See response to Comment #8.	Y
8	Savage	6	Redevelopment. The definition for redevelopment states "development on a site that is currently developed below 15% impervious surface, or was developed beyond 15% impervious surface, but has been razed to below that measure in anticipation of redevelopment". The redevelopment definition as a part of the MS4 general permit states "any construction activity where, prior to the start of construction, the areas to be disturbed have 15 percent or more of impervious surface(s)". *City Comment: In our opinion the definition in the MS4 general permit is clearer to understand and adopting this definition would fall in-line with the watersheds goal of adopting rules that are consistent with other regulatory standards".*	The definition has been revised to state, "Redevelopment - any land disturbing activity where, prior to the start of disturbance, the areas to be disturbed have 15 percent or more of impervious surface."	Y
9	County	3, 4, 6	[Wetland Management Classes] Scott County links buffer width requirements to MnRAM assessment of vegetative diversity. The proposed definitions for different classes of wetlands within the rules are confusing and each definition uses a different MnRAM category or district map source for categorizing. Suggest simplifying the definitions to use only one MnRAM category.	The District's Wetland Management Classes (Basic, Hydrology, Natural Areas and Restoration/Enhancement) were intentionally defined during development of the District's Comprehensive Wetland Management Plan (2012) based prioritized wetland functions ultimately pinpointing wetlands that currently provide or have potential to provide stormwater management functions for downstream resources.	N
10	County	4	Solar Panels do not appear to meet the definition of "impervious surface." We understand that solar panels have unique regulatory challenges, however, the soils below solar panels throughout Minnesota infiltrate and are fully vegetated. Please provide infiltration rates for soils beneath solar panels, and scientific evidence from solar gardens/farms installed in Minnesota supporting the statement that solar panels "prevent or retard the entry of water into the soils." Alternatively, please remove solar panels from the definition.	Please refer to the Minnesota Stormwater Manual which recognizes that solar panels are impervious. The Manual provides guidance for solar projects including determining compliance with the NPDES construction stormwater permit. Given state guidance recognizes that solar panels are impervious, they will remain part of the proposed definition. Also note that Rule D.3(g) acknowledge the disconnected nature of the solar panel impervious surface in calculating runoff volumes. This is commonly accepted practice.	N
11	County	6	A definition of reconstructed impervious area should be included.	See Page 6 "Reconstructed Impervious Surface".	N
Rule D - Stormwater Management					
12	Prior Lake	-	The PLSLWD's comment response document, dated 9/3/2019, makes references to the "Draft MS4 Permit language dated 5.7.2019". Please note that the MS4 permit is still in draft form and may be substantially revised in its final form. Unless the MS4 permit is generally referenced by the PLSLWD rules, any specific language pulled from the draft MS4 permit will need to be reviewed and potentially updated when the final version of the updated MS4 permit is released.	So noted. The proposed draft rule language does not pull language directly from the draft MS4 permit language.	N

13	BWSR	12	Suggest clarifying extent of intent in Policy 1.f. Rate control policy for new development is specified (1.f) however criteria (3.a) seems to encompass new and re-development as 'the developed condition'.	Policy 1.f has been revised to include "redevelopment" as well as "new development".	Y
14	County	12	Item 2.a. and 2.b. – What is the justification for small threshold of impervious surface being regulated? Scott County rules require stormwater management for projects creating an acre or more of impervious surface. If the goal of the rules is to simplify and adopt similar standards this section is not meeting those goals.	The thresholds at which development is regulated closely align with municipal thresholds. Prior Lake, Savage and Shakopee require stormwater management for new impervious surface amounts of 3,500 SF (net increase), 5,000 SF and 10,000 SF, respectively. In addition, through rule exceptions, the District has more closely aligned its regulatory threshold with the County in unincorporated areas. That said, the District in consultation with municipalities has introduced a High Value Resource Area (HVRA) and will apply these lower thresholds within the HVRA. Outside of the HVRA the applicability threshold for stormwater management is proposed to align with the MS4 post-construction stormwater management trigger of 1 or more acres of new or reconstructed impervious surface.	Y
15	Prior Lake	12	[Rule D, Section 2.c.] This rule would require that lots generally smaller than ¼ acre provide stormwater management. Additional information was requested, and in the PLSLWD comment response document, dated 9/3/2019, the PLSLWD proposes to take on review, design guidance, inspection, and enforcement for projects regulated under this rule. Additional clarification is requested, including how PLSLWD will coordinate with City staff during this new review process. Due to the high percentage of impervious surface coverage on developed shoreland lots, please consider applying this rule only to sites where the proposed impervious surface coverage exceeds 30% AND that percentage is higher than the existing impervious cover on the lot. Sites requiring a City variance for being above 30% impervious surface, where the proposal is to reduce impervious coverage from the existing amount while still exceeding the 30% coverage threshold (example, small site going from 38% to 32% impervious surface coverage), should not be subject to stormwater management requirements.	Rule D.2(c) has been revised as suggested to state, "New development or redevelopment of a parcel riparian to public water that increases the percent impervious surface and requires a variance from the impervious surface limit for the property." Coordination and permitting for this development scenario are proposed to be detailed during renewal of the MOA between the City and District for Local Water Planning and Regulation.	Y
16	County	12, 15	Item 3.a. the curve numbers given in section 3(g) are much more consistent with pre-settlement curve numbers. If the goal is to regulate to pre-settlement then that should be stated. Pre-development curve numbers would generally be much higher.	The term "pre-development" is intentional in Rule D.3(a) because of TAC consensus to regulate New Development but not Redevelopment or Public Linear Projects to pre-settlement runoff rates. Prescribed curve numbers for New Development in Rule D.3(g) are consistent with pre-settlement while Redevelopment and Public Linear Project may use existing condition curve numbers for pre-development.	N
17	MetC	13	In Rule D - Stormwater Management, Paragraph 3(b)(ii) states that under redevelopment, "The volume equal to 1.0 inches of runoff from new and reconstructed impervious surface must be captured and treated." Then subpart 1 underneath shows that for a project that disturbs more than 50 percent of the site or reconstructs more than 50 percent of impervious surface, the required treatment volume will be based on the entire site impervious surface, not just the new and reconstructed impervious. These statements contradict each other and may be confusing to follow. We recommend rewording this redevelopment volume section, so the intent is clear.	Paragraph 3(b)(ii) has been revised to eliminate this inconsistency by striking "new and reconstructed" from this paragraph.	Y
18	BWSR	13	Suggest clarifying Criteria 3.b.ii for consistency for impervious surfaces requiring volume reduction. Volume reduction specified in 3.b.ii is required from new and reconstruction impervious. 3.b.ii.1 requires entire site impervious including treatment from existing impervious.	See response to Comment #17.	Y

19	Prior Lake	13	[Rule D, Section 3.b.iii.] The MS4 Permit already provides baseline water quality treatment requirements on a statewide basis that address anti-degradation. The MS4 Permit does include the level of treatment required by the proposed PLSLWD rules as an option within the MIDS framework, but the MS4 permit also provides exemptions for linear projects that are not present in the proposed PLSLWD rules. No justification or cost-benefit analysis has been provided to show how making this change watershed-wide will benefit water quality within Prior Lake. Please consider applying this new rule only to projects within subwatersheds draining to impaired water bodies, and areas with TMDL Load Reduction Goals within approved TMDL Implementation Plans. A targeted approach to addressing water quality will have a better chance of meeting our shared water quality improvement goals, while also being mindful of taxpayer dollar expenditures.	Current District stormwater management standards are the same for all types of development, whether it be new, redevelopment or road reconstruction including: 1) peak rate control, 2) volume control (1.0-inch), and 3) water quality treatment – BMPs sized to retain, filter, or detain the 2-year, 24-hour event (2.8-inches). The proposed rule language significantly relaxes stormwater management standards for redevelopment and public linear projects – by eliminating the criteria to treat the 2-year event. While outright exemptions for linear projects are not proposed, significant flexibility to meet the proposed (relaxed) standard has been incorporated into the rule revisions including the ability to provide offsetting treatment via off-site stormwater management, regional ponding, and banking (credits/debits). In addition, provisions to minimize public expenditures are incorporated into the rule revisions including a linear cost cap and stormwater impact fund. Finally, the District has introduced a High Value Resource Area (HVRA) which results these standards only needing to be met outside of the HVRA if 1 or more acres of new or reconstructed impervious surface is proposed (in align with the MS4 post-construction stormwater management threshold).	Y
20	Shakopee	13	Rule D.3(b)(iii). The volume management calculation for public linear should be changed to only require treatment of 1-inch over the net additional impervious area. A road that is reconstructed with net zero increase in impervious area, or a reduction in impervious area should not require additional stormwater treatment since there is no net increase in water quality loading. Instead, it is recommended that the watershed district complete monitoring and/or BMP subwatershed assessments to identify high loading areas that can be targeted with a regional BMP.	This would be inconsistent with the MS4 Permit. However, the District has incorporated a High Value Resource Area distinction that address the later part of this comment – targeted treatment. Also see responses to Comments #14 and #19.	Y
21	Savage	13	The standard for public linear projects will be triggered when a project creates 10,000 square feet of new or reconstructed impervious surface. The rule requires stormwater volume to be managed by treating the volume equal to either 0.5 inches of runoff from all the new and reconstructed impervious surfaces, or 1.0 inches of runoff from the net increase in impervious area, whichever is greater. City Comment: The City does not support this proposed rule change. The costs of implementing this new standard needs to be truly understood and evaluated. Please provide information about the costs anticipated for a City to meet these new regulatory standards. These new standards are a significant change for how a City currently reconstructs its roadways. There are already concerns that communities are not able to keep up with the needs of replacing its aging infrastructure. This could further delay that effort. Additionally, the City supports regional BMPs as they are easier to track and maintain.	See response to Comments #14 and #19 and please refer to the previously provided memorandum (7/29/2019) comparing existing District Rule stormwater management standards to proposed standards for public linear projects. Also note that under existing rules, stormwater management standards are currently triggered with 10,000 SF of land disturbance considering that municipal stormwater management requirements are not consistent with existing District stormwater management standards.	Y
22	County	13	Item 3.b.iii – Regulating Public Linear projects to this small amount of impervious area will result in the need for significantly more stormwater management on small projects and is not an efficient use of taxpayer dollars. The NPDES permit regulates at 1 acre of disturbance along with Scott County regulations. Once again if the goal of the rules is to simplify and adopt similar standards this section is not meeting those goals. Please provide justification as to the need to regulate linear projects at this threshold including cost/benefit analysis of maintenance and water quality/quantity benefit.	See responses to Comments #14, #19 and #21. Also note the inclusion of Exception 8(e) which states that, "The reconstructed impervious surface of a road that will remain rural-section that is bordered downgradient by vegetated open space or a vegetated filter strip with a minimum width of 5 feet with a slope less than 2 percent is exempt from the requirements of Paragraph 3(b)(iii). Note – the slope criteria of this exception does not apply to adjacent driveways." This is principally relevant to a majority of public linear projects in unincorporated areas of the County.	Y
23	County	13	Item 3.b.iii – Public Linear. Please provide 5-10 examples of local permitting programs requiring stormwater management at 10,000 square feet or less where volume and rate control standards for public linear projects have been consistently achieved. Our experience has been public linear projects requiring stormwater management at such a low threshold rarely meet volume and/or rate control due to common site constraints (e.g., soils, lack of right of way, safety issues with ponding adjacent to roadways/homes/buildings/buried utilities) and variances are the norm.	The proposed draft rule revisions provide significant flexibility to meet the standards elsewhere if site constraints limit the ability to meet the standard onsite. This flexibility includes the ability to provide offsite stormwater management, regional ponding, and banking (credits/debits).	N
24	BWSR	13	Stormwater Management. Consider incorporation of specific limitations/prohibitions of infiltration infeasibility or provide relevant references to current NPDES CSW and/or NPDES MS4 Permit requirements. The current CSW permit includes new considerations including infiltration limitations in drinking water supply management areas (DWSMAs) and for specific entity types for NPDES industrial stormwater discharges. The proposed draft MS4 permit language also incorporates similar standards.	An additional reference has been added to Rule D.3(c) Infiltration Feasibility referring to the Minnesota Stormwater Manual Design Criteria for Infiltration Siting which refers to the Construction Stormwater Permit exclusions and Minnesota Department of Health guidance.	Y

25	County	14	Item 3.e.i What storm event would the 60% Phosphorus and 90% TSS removal need to be calculated for? Is it for a 2-YR event? Why is the additional water quality treatment being required here? The NPDES permit only has a requirement for infiltration not phosphorous and TSS.	The intent of this language is to provide flexibility for new/innovate stormwater management practices not listed in Table D.3.1 and would be assessed on a case-by-case basis.	N
26	County	14	Item 3.f Where are the Wetland Susceptibility Classes defined? These do not appear to be in the definitions.	This section has been revised to include susceptibility classification based on wetland type (verbatim from the source - Stormwater and Wetlands Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Stormwater and Snowmelt Runoff on Wetlands. (June 1997))	Y
27	Prior Lake	16	[Rule D, Section 3.i.] Please delete this section and replace with a reference to the Minnesota Stormwater Manual, for stormwater infiltration feature design considerations. There is already a statewide standard so making slight modifications locally without further analysis is unwarranted. Please provide an analysis of cost and time increase to complete this analysis, the number of times the PLSLWD has run into this problem in the past, and the benefit(s) to water quality realized by making this change.	EOR's experience with WD/WMO and municipal client regulatory programs has shown that this low-cost investment ($200+/- per soil boring grainsize and hydrometer analysis) has time and again avoided additional engineering cost for plan revisions, construction change orders or failed stormwater practices that result from assumed infiltration rates.	N
28	County	17	Item 3.k NPDES permit pond sizing criteria is the current standard while NURP standards are becoming outdated. Please explain the use of NURP and consider using NPDES pond sizing criteria.	NURP requires a wet volume corresponding to a 2.5" storm over the complete drainage area. This provides about 25% of extra capacity to extend life cycle and reduce maintenance.	N
29	County	17	Item 3.l – How are regional and local being defined? Language regarding landlocked basin for the overflow elevation and runout elevation being different is confusing. 2ft for low floor freeboard under 100 yr. regional elevations has safety factor built in, so why the need for 2' instead of a lesser amount?	As noted in the table footnote, regional elevations are as established by FEMA or District SWMM model results in absence of a FEMA FIS elevation. Local flood elevations would be determined by best available information – District SWMM model if discretely modeled or by modeling by the permit applicant. The 2-foot regional basin freeboard requirement is not a proposed change. The language regarding landlocked basin lowest floor requirements has been clarified.	Y
30	BWSR	17	Criteria 3.m. Suggest wording revision: 'an application must document permission to use *available* capacity of the practice and that it is maintained…'	This suggestion has been incorporated.	Y
31	Shakopee	18	Rule D.3(p). This is a good idea to include a cost cap to Linear Projects, however, it is not clear what the cost cap is, or how the board will set the cost cap.	The District will set the cost cap in consultation with its municipal partners leveraging analyses completed by other watershed districts while factoring local cost variables as necessary and appropriate. The language of this section has been revised to note this consultation.	Y
32	County	18	Item 3.p. – Overall this does not seem to be an efficient use of public dollars.	The inclusion of a cost cap came at the request of municipalities. It is not envisioned that municipalities would pursue this option if more cost-effective means to address the standard are available.	N
33	Prior Lake	18	The proposed PLSLWD rules include Linear Project Cost Cap [Rule D, Section 3.p.] and Stormwater Impact Fund [Rule D, Section 3.q.] options. While staff supports these concepts because they provide flexibility, more information is required before the City would be able to use them as part of a feasibility study for a new linear project. Please provide additional information, including annual cost cap amounts and Stormwater Impact Fund amounts and criteria, by December 31, 2019.	The City's request is noted. After adoption, the District will coordinate a TAC meeting with its municipal partners to discuss recommendations for establishment of the cost cap and stormwater impact fund values	N
34	Shakopee	18	Rule D.3(q). If infiltration is not feasible onsite, it is not clear what will be the required amount to contribute to the Stormwater Impact Fund, or how it will be calculated.	See response to Comment #33.	N
35	Prior Lake	18	[Rule D, Section 3.r.] It is not realistic to expect as-built drawings to be completed within 35 days of substantial completion of a project. Please consider revising this rule to allow 60 days, which is consistent with standard City development agreements.	Completion of as-built drawings has been revised to allow 60-days.	Y
36	Shakopee	18	Rule D.3(r). Completion of as-built drawings within 35 days of completion of construction is not realistic, consider 60- or 90-days.	See response to Comment #35.	Y
37	County	18	Item 3.r. – Obtaining as-built is difficult. Consider increasing the amount of time to provide the as-built and develop clear guidance as to what is expected from an as-built. Suggest a handout that can be provided to applicants during initial review of the project.	See response to Comment #35.	Y

38	County	20	Item 5 and 6. – "Applicant" is used under Maintenance; however, D & U easements go to the cities and townships. Suggest something accepting Developers Agreement approved by cities and twps.	The draft rule language is proposed to provide clarity and differentiate between facilities maintained by public and private entities under the scenario in which a MOA for Local Water Management and Planning is not in place. It is envisioned that MOAs will be executed with the County and municipalities and that the mechanisms in place at the local level will be deemed adequate to ensure maintenance in perpetuity.	N
39	County	20	Item 8.g – All rural residential within the unincorporated areas of the County should be exempted under this item. The County has several residential zoning districts beyond RR-1.	Exception 8.g has been revised to include RR-3 as well but has stopped short of excepting RR-1C and RR-2 given the amount of impervious typically involved with a cluster development and 2.5-acre lot developments including new roadways.	Y
40	Shakopee	21	Appendix D.1. This table summarizes design infiltration guidance based on soil classifications that are well established through the MN Stormwater manual. However, this table deviates from established design infiltration guidance for SM soils and requires a significant amount of additional analysis to arrive at design infiltration rates less conservative than what has been established for SM soils by the MN Stormwater manual. The district should consider just reference the MN Stormwater manual in Rule D.3(i)(ii) for guidance on design of infiltration basins instead of including this table.	See response to Comment #27.	N
Rule E – Erosion & Sediment Control					
41	County	22	Item 3.a. – We appreciate the District's flexibility efforts, but require additional understanding of what is considered qualified? We have applicants who may be the homeowner who fills out the plan that might have little to no background knowledge of ESC measures. Accessory structures, pools, additions in a lot of cases have marginal disturbance areas and BMPs may also be minimal or not even needed.	This was discussed extensively at the last TAC meeting and consensus of the TAC was to leave this undefined, at the discretion of the entity ultimately implementing these rules through MOAs.	N
42	County	23	Item 4. We appreciate the District's flexibility efforts, but require additional understanding of what is considered an appropriate professional? Scott County will accept Storm Water Pollution Prevention Plans from non-engineers, surveyors, or appropriate professionals as long as the plan still meets the requirements in our ordinance. This allows for flexibility on smaller projects where resource concerns might be minimal. SWPPPs are defined differently in the Scott County ordinance than an RMP or an ESC plan, which have requirements on who can prepare those plans.	See response to Comment #41.	N
43	BWSR	24	Section 7. Appendix reference not yet specified	"Appendix X" has been replaced with "District Permit Inspection Guidance"	Y
Rule F – Floodplain Alteration					
44	County	26	Item 3.a. Consider a de-minimis amount.	In light of the District's goals to increase upper watershed storage and decrease flooding, a de-minimis is not contemplated at this time.	N
45	County	26	Item 3.b. – Reconsider having a structure two feet above 100-year critical flood elevation since there is freeboard already figured into those determinations. Scott County has one foot above 100-year elevations.	In light of the increased frequency and intensity of rainfalls, the District is not inclined to change the 2-foot freeboard requirement which is existing rule, not a proposed change.	N
Rule G – Wetland Alteration					
46	BWSR	28	1.c. MnRAM Version 2 is reference. MnRAM is currently on Version 3.4. Consider revising.	Revised as recommended.	Y
Rule I – Drainage Alterations					
47	County	31	General Comment: Consider a de-minimis amount.	Considering the effort the District is undertaking to restore storage in the upper watershed its knowledge of and involvement in drainage alterations of any scope are deemed important from the perspective of minimizing increased drainage area to the Prior-Spring chain-of-lakes and exploration of partnerships with landowners for increasing runoff storage.	N
Rule J – Buffer Strips					
48	BWSR	33	Section 2 Regulation – Suggest clarifying 'redeveloped'. Is this used in the same context of the redevelopment definition used in consideration of stormwater management standards?	The use of "redeveloped" is consistent with the context of the "redevelopment" definition.	N

49	BWSR	33	Section 2 Regulation – Requires buffer strip also around natural ponds, however language in this Rule largely references watercourses and wetlands. Suggest clarifying.	“Natural ponds” has been removed from the regulation as this is existing rule language.	Y
50	BWSR	34	Section 5 Criteria – Suggest clarifying, the MN Buffer Law may in some cases require a more restrictive standard for some resources in the District.	This could be said of any criteria, Rule J or otherwise.	N
51	County	34	Item 5.b – These are different from the County requirements. Suggest matching the County rules for consistency.	See response to Comment #9.	N
52	County	34	Item 5.g.i – 5’ feet is very narrow for access. Equipment needs a minimum 20’ access for safety. Suggest maintaining the existing 20’ regulation or provide justification for such a narrow access.	This is not a maintenance access, but instead affords a recreational access through the required buffer to the waterbody in question.	N
Rule P – Illicit Discharge					
53	County	44	Item 4. – What is the definition of MS4 access? Many property owners along the natural parts of the channel had their stormwater drainage naturally flowing in that manner before the district started using the same flow paths. They have a prior right for stormwater discharge in that manner/direction which the district cannot suspend that prior right.	The Illicit Discharge rule is not under consideration with this round of rule revisions. Regardless, by definition, discharge comprised entirely of stormwater is not illicit discharge.	N
54	County	45	Item 6. – Reconsider to making this a District responsibility to maintain since the District is diverting water to this system. We feel as though this is the District’s responsibility rather than the landowners since it was a choice of the District’s to divert water to this system.	Again, the Illicit Discharge rule is not under consideration with this round of rule revisions.	N

[1] Page numbers reference the clean copy 45-day review draft dated 9/3/2019

County Scott County
MetC Metropolitan Council
BWSR Board of Water & Soil Resources

	Entity	Page[1]	Comment on 11/24/21 Review Draft	Discussion	Revision (Y/N)
General Comments					
1	County; SWMO	-	We appreciate and support the District's efforts to protect the public health, welfare, and natural resources. Coordinating Rule updates with multiple stakeholders is a difficult task. We commend the District for their collaborative work so far. The position of the County is that local water resource regulations should fill gaps in State and Federal regulations rather than duplicate. If it is already being reviewed and permitted, additional reviews and/or permits do not result in measurable resource benefits. We find that some of the current draft revisions continue to be inconsistent with the County's position, the current Watershed Management Study (page 3 Goal 2.), and the District's Water Resources Management Plan (WRMP), goals for this rules revision process as presented in the memo dated 8/8/2017. Particularly these portions of the memo: "Promoting consistency with other regulations such as NPDES Construction Permit to minimize the regulatory burden on developers" and "Coordinate regulatory standards and requirements with Scott County and other jurisdictions to simplify and adopt similar standards where appropriate." We are still waiting to receive requested studies or data to back up the need for these proposed rule changes. A clear need supported by strong scientific evidence should be provided for these changes. We acknowledge that revisions have been made to the draft rules for redevelopment and linear projects from the initial drafts presented to the TAC groups, however, we still feel that the proposed rules are not in line with the previously stated goals. Several are a large departure from County and State standards and/or result in duplicative reviews and permitting rather than filling gaps. Due to lack of supporting evidence for these changes it is assumed they will not achieve water quality goals through efficient and effective use of funding and resources. What they will do is create additional time and financial burdens on staff and citizens. If the Rules are adopted as proposed it will not be reasonable for the County to adopt them in their entirety. It will make the opportunity for an equivalency agreement extremely difficult. This will likely lead to the Watershed District needing to take on the full permitting responsibility of their Rules. We request the District balance their position with the needs of the citizens and stakeholders. We request the District continue revision efforts.	The District does not agree that there is an inconsistency and have addressed this concern with the County at numerous meetings and communications, both written and verbal with County staff. The rule revision goals referred to in the memo dated 8/8/2017 are restated from the District's 2013 WRMP. In 2013, the District's standards were similar to the SWMO, but the SWMO had greater flexibility on how those standards could be met. In addition, the District' 0.5-inch volume control standard was not consistent with the reissued NPDES Construction Permit requiring volume control for the 1-inch event. These are the standards and additional flexibility the stated goal regarding "adoption of similar standards" was seeking to address, not what the Scott WMO later adopted by reference as its standards – the less protective state MS4 / General Construction permit trigger thresholds and standards. The District believes that additional studies are unnecessary. The Prior Lake Stormwater Management & Flood Mitigation Study (2016) and the Spring and Upper Prior Lake TMDL and Implementation Plan (2012) clearly point to the need for additional upper watershed storage to improve water quality and provide flood reduction benefits. The standards of the current draft rules are not dissimilar from state standards and the thresholds at which development is regulated more closely align with municipal standards as pointed out in comments to Scott WMO during its 2018 standards revision process. Finally, through rule exceptions, the District has more closely aligned its regulatory threshold with the County in unincorporated areas.	N
2	Prior Lake	-	The City of Prior Lake appreciates the continued time and effort the Prior Lake-Spring Lake Watershed District (PLSLWD) has dedicated to updating its rules and the opportunity to participate in both the Technical Advisory Committee (TAC) and a smaller road authority group meetings as part of this process. We have understood the PLSLWD's stated goals for the rules revision process to include (PLSLWD Memo, 8/8/2017): • Standards need to be brought into agreement with current state guidance and advances in stormwater management science. • Improving water quality while providing flexibility to developers to incorporate new techniques and technologies. • Increasing requirements and incentives for volume management. • Promoting consistency with other regulations such as the NPDES Construction Permit to minimize the regulatory burden on developers. • Coordinate regulatory standards and requirements with Scott County and other jurisdictions to simplify and adopt similar standards where appropriate. While we still feel that many of goals were met during the revision process, there are also some significant rules changes that are not supported by the stated goals and we respectfully ask you to consider making additional updates to the proposed rules.	See response to Comment #1.	N

Relationship With Municipalities and County					
3	Prior Lake, County, SWMO	2	Please clearly define what requirements must be met for a municipality/county to obtain/maintain a sole regulatory role consistent with M.S.103B.211, subdivision 1(a) (3). Preventing dual permitting programs and building collaborative relationships is an important goal for [Scott County, SWMO, Prior Lake].	The District supports this goal and fully intends to pursue Memorandums of Agreement (MOA) with the County and municipalities for assumption of District Rule authority. The requirements for assumption of District Rule authority will most certainly vary by entity and therefore will not be detailed within the rules in order to afford flexibility in establishment of these agreements. It is envisioned that the requirements will be much the same as followed for establishment of the existing MOAs with determination of equivalency and detailing of the responsibilities of the MOA partners.	N
Rule D - Stormwater Management					
4	Prior Lake	13	*[Rule D, Section 2.a.]* This rule would require that lots generally smaller than ¼ acre provide stormwater management within a large zone of Prior Lake (the proposed HVRA) and this does not align with the Prior Lake standard threshold for triggering stormwater management requirements due to the removal of the text "…and includes more than 10,000 square feet of land disturbing activity."	The reference to 10,000 SF of land disturbing activity was an unintentional deletion. The final rule language includes "…and includes more than 10,000 square feet of land disturbing activity" to be consistent with the Prior Lake standard threshold for triggering stormwater management.	Y
5	Prior Lake	13	*[Rule D, Section 2.a. and 2.b.]* In the response to a previous Scott County comment (#14[from 45-day comments]), PLSLWD characterized that the threshold for requiring stormwater management for development within Prior Lake as being triggered at 3,500 SF. Note that the proposed PLSLWD threshold would not align with current City of Prior Lake requirements; Prior Lake's current threshold is triggered at 3,500 square feet of new impervious AND more than 10,000 square feet of land disturbing activity.	This was an unintentional mischaracterization; the final rule language has been revised. See response to Comment #4.	Y
6	County, SWMO	13	*[Item 2.a. and 2.b.]* What is the justification for small threshold of impervious surface being regulated? Scott County rules require stormwater management for projects creating an acre or more of impervious surface. If the goal of the rules is to simplify and adopt similar standards this section is not meeting those goals. Regulation of 3,500 sf of impervious area or 10,000 sf of impervious area on a linear project is a very low threshold for the unincorporated areas of the County. While lower thresholds can be justified in urban areas, we feel that this level of regulation in the unincorporated areas of the County will result in a large cost increase, significantly more stormwater management on small projects, and will not result in a measurable water quality benefit.	The thresholds at which development is regulated closely align with municipal thresholds. Prior Lake, Savage and Shakopee require stormwater management for new impervious surface amounts of 3,500 SF (net increase and >10,000 land disturbance), 5,000 SF and 10,000 SF, respectively. Furthermore, the District has introduced a High Value Resource Area (HVRA) and will apply these lower thresholds <u>within all incorporated areas</u> but only <u>within the Shoreland Overlay of unincorporated areas</u> within the HVRA. For all other areas of the District the applicability threshold for stormwater management is proposed to align with the MS4 post-construction stormwater management trigger of 1 or more acres of new or reconstructed impervious surface.	Y
7	Prior Lake	13	*[Rule D, Section 2.d.]* Additional information was requested, and in the PLSLWD comment response document, dated 9/3/2019, the PLSLWD proposes to take on review, design guidance, inspection, and enforcement for projects regulated under this rule. Additional clarification is requested, including how PLSLWD will coordinate with City staff during a potential new review process. Due to the high percentage of impervious surface coverage on developed shoreland lots, please consider applying this rule only to sites where the proposed impervious surface coverage exceeds 30% AND that percentage is higher than the existing impervious cover on the lot, as now outlined in Rule D, Section 2.d. Although the recent redline addition to Rule D, Section 2.d provides additional criteria to require stormwater permitting it does not exclude all parcels that are reducing impervious area as described above.	Sites requiring a City variance for being above the 30% impervious surface limit, where the proposal is to reduce impervious coverage from the existing amount while still exceeding the 30% coverage threshold (example, small site going from 38% to 32% impervious surface coverage), is not subject to stormwater management requirements as the rule is currently drafted. That said, it may be clearer if "from existing conditions" is inserted: "New development or redevelopment of a parcel riparian to a public water that increases <u>from existing conditions</u> the percent of impervious surface and requires a variance from the local shoreland ordinance for the percent impervious surface limit for the property." Coordination and permitting for this development scenario are proposed to be detailed during renewal of the MOA between the City and District for Local Water Planning and Regulation.	Y
8	County, SWMO	13	*[Rule D, Section 2.b]* Regulating Public Linear projects to this small amount of impervious area will result in the need for significantly more stormwater management on small projects and is not an efficient use of taxpayer dollars. The NPDES permit regulates at 1 acre of disturbance along with Scott County regulations. Once again if the goal of the rules is to simplify and adopt similar standards this section is not meeting those goals. Please provide justification as to the need to regulate linear projects at this threshold including cost/benefit analysis of maintenance and water quality/quantity benefit.	The final rule language has been revised to apply this lower threshold within all incorporated areas but only within the Shoreland Overlay of unincorporated areas within the HVRA. Also note the inclusion of Exception 8(e) which states that, "The reconstructed impervious surface of a road that will remain rural section that is bordered downgradient by vegetated open space or a vegetated filter strip with a minimum width of 5 feet with a slope less than 2 percent is exempt from the requirements of Paragraph 3(b)(iii). Note – the slope criteria of this exception does not apply to adjacent driveways." This is principally relevant to a majority of public linear projects in unincorporated areas of the County.	Y

9	County, SWMO	13	*[Rule D, Section 2.b]* Public Linear. Public linear projects are already regulated by MPCA. The role of local water resource agencies should be to fill gaps rather than create duplicative, redundant regulations and permits. [County only] Please provide 5-10 examples of local permitting programs requiring stormwater management at 10,000 square feet or less where volume and rate control standards for public linear projects have been consistently achieved. Our experience has been public linear projects requiring stormwater management at such a low threshold rarely meet volume and/or rate control due to common site constraints (e.g., soils, lack of right of way, safety issues with ponding adjacent to roadways/homes/buildings/buried utilities) and variances are the norm. [County and SWMO]	Refer to RCWD, CLFLWD, VBWD, MCWD, MSCWMO, VLAWMO, RPBCWD, BCWD, CRWD, CMSCWD, CWMO, and LMRWD rules. All of these water management organizations have linear project rules that are triggered by 10,000 square feet (or less). The proposed draft rule revisions provide significant flexibility to meet the standards elsewhere if site constraints limit the ability to meet the standard onsite. This flexibility includes the ability to provide offsite stormwater management, regional ponding, and banking (credits/debits).	N
10	County, SWMO	20	Item 3.p. – Overall this does not seem to be an efficient use of public dollars.	The District understands that this comment is based on the experience by County staff that the effort and/or engineering expense involved with redesign of a project, downsized to the cost cap, is not worth the construction cost savings afforded. This criterion is an option, not a requirement and therefore will remain per the request of municipalities. That said, Criteria 3(p) has been clarified as an option available only to public entities.	Y
11	Prior Lake	20	The proposed PLSLWD rules include a Linear Project Cost Cap option [Rule D, Section 3.p.] and Stormwater Impact Fund [Rule D, Section 3.q.] options. While staff supports these concepts because they provide flexibility, more information is required before the City would be able to use them as part of a feasibility study for a new linear project. Please provide additional information, including estimated annual cost cap amounts and Stormwater Impact Fund amounts and criteria.	The District intends to convene a municipal partner meeting within 90-days of adoption of the proposed rule revisions in order to establish these values. It is typical of watershed rules to exclude the values in rule language so as not to have to revise rules when the values are updated from time to time.	N
12	County, SWMO	22	Item 8.d – How will areas of trails be treated when a portion of the trail has less than 5 feet of filter strip? Would stormwater management rules just apply to the portion that does not meet the filter strip requirements or would this trigger stormwater management along the entire portion of the trail? Generally, a filter strip area between the trail and roadway is desired but there are times where design constraints result in less than a 5-foot filter strip [SWMO] Please add additional language clarifying under what conditions trigger the exemption. Is this an average? Is there a minimum of linear feet required? [County]	This exception has been revised to clarify that the stormwater rules would only apply to the portion of the trail that does not meet the filter strip requirement, not the entire project that triggers a permit.	Y
13	County, SWMO	22	Item 8.e – Please add clarifying language as to whether the 5 feet vegetated filter strip must be directly adjacent to the edge of impervious roadway or if discharging to a ditch bottom that meets the 5 feet would be sufficient. If a 5-foot filter strip is required directly adjacent to the shoulder area this would result in increased construction limits and additional right-of-way could be necessary. [SWMO] Is the filter strip slope less than 2% required to be directly adjacent to the impervious edge, or is within the project area sufficient? Please be cognizant that right of way limitations may not make this feasible in all situations and an additional exemption should be available. [County]	This exception has been revised to clarify that a ditch bottom can meet the criteria.	Y
14	County, SWMO	22	Item 8.g – All rural residential within the unincorporated areas of the County should be exempted under this item. The County has several residential zoning districts beyond RR-1 and RR-3. Please include UBR, UER, UERC, RR-2, RR-1C, RR-3, TR, TRC, and A-1.	Exception 8.g has been limited to RR-1 considering that the final rules apply the lower stormwater management thresholds only within the Shoreland Overlay of unincorporated areas within the HVRA. RR-1C, RR-2, and RR-3 are not exempted given the amount of impervious typically involved with cluster development, 2.5-acre lot development including new roadways, and suburban lots. The remaining reserve, cluster and agricultural zoning districts listed are not exempted because of their potential uses (such as ground mounted solar) and maximum impervious surface limits (30%).	Y
15	Prior Lake	23	*[Appendix D.1.]* The High Value Resource Area (HVRA) includes Lower Prior Lake which is not impaired for nutrients and its drainage area is not included in a TMDL implementation plan. We would ask that the HVRA area be revised to include only those areas that drain to impaired waters with approved or pending TMDL implementation plan with impairments that can be addressed through stormwater BMPs.	The watershed surrounding Lower Prior Lake is included in the HVRA to protect the water quality of Lower Prior Lake and to ensure that the lake will remain a recreational lake suitable for fishing and swimming. The Lower Prior Lake Diagnostic Study concluded that 58% (1,934 acres) of the watershed has high phosphorus loading rates (> 0.24 lb/ac). Primary load reduction implementation items identified in the study included regional public projects (such as the Fish Point Park and Sand Point Park IESFs). Including the Lower Prior Lake watershed in the HVRA would result in an increased amount of load reduction to the lake from smaller-scale and infill projects.	N

16	Savage	23	*[Appendix D.1.]* There are higher standards for areas within High Value Resource Areas (HVRA). The Cate's Lake watershed is within the HVRA; however, per the Cate's Lake water quality report card 2017-19 it states Cate's Lake has some of the best water Quality with a lake grade of an A. Why is Cate's Lake considered as a part of the HVRA? Current water quality is meeting state water quality standards.	As proposed, the watershed draining to Cate's Lake is not within the HVRA.	N
17	Shakopee	24	Appendix D.2. This table summarizes design infiltration guidance based on soil classifications that are well established through the MN Stormwater manual. However, this table deviates from established design infiltration guidance for SM soils and requires a significant amount of additional analysis to arrive at design infiltration rates less conservative than what has been established for SM soils by the MN Stormwater manual. The district should consider just reference the MN Stormwater manual in Rule D.3.(i).(ii) on Page 18 for guidance on design of infiltration basins instead of including this table.	Appendix D.2 has been stricken, instead reference to the MN Stormwater Manual has been incorporated as suggested.	Y
Rule E – Erosion & Sediment Control					
18	County, SWMO	25	Item 3.a. – We appreciate the District's flexibility efforts, but require additional understanding of what is considered qualified? We have applicants who may be the homeowner who fills out the plan that might have little to no background knowledge of ESC measures. Accessory structures, pools, additions in a lot of cases have marginal disturbance areas and BMPs may also be minimal or not even needed.	This was discussed extensively at the last TAC meeting and consensus of the TAC was to leave this undefined, at the discretion of the entity implementing these rules through MOAs to afford flexibility based on the scope and magnitude of the project rather than other options considered such as "certified professional."	N
Rule I – Drainage Alterations					
19	County, SWMO	34	General Comment: Consider a de-minimis amount.	Consistent with the County, a de-minimis of 50-acres has been added to this regulation. Note however that through the MOA approval process the District will seek to include a requirement that the County notice the District if alterations less than 50-acres are presented to the County that result in additional drainage area directed to Prior-Spring chain-of-lakes. District knowledge of drainage alterations of any scope are deemed important from the perspective of minimizing increased drainage area to the Prior-Spring chain-of-lakes and to explore potential partnerships with landowners for increasing runoff storage.	Y
Rule J – Buffer Strips					
20	Savage	37	*[Item 5.a]* The wetland management classes listed in Section 5.a use natural areas wetland, hydrology wetland, and restoration/enhancement & basic wetland. The definitions are a bit difficult to understand and not fully consistent with current standards. It is recommended to use the wetland management classes listed in the current version of the MNRAM for Evaluating Wetland Functions.	The wetland classes defined in the proposed rules are per the District's WMP and are not subject to change without revising the plan. Consistency between the District and City class of wetlands will be established during the MOA equivalency process.	N
21	County, SWMO	37	*Item 5.b [correct reference is 5.a]* – These are different from the County requirements. Suggest matching the County rules for consistency.	See response to Comment #20.	N
22	County, SWMO	38	*[Item 5.g.i]* 5' feet is very narrow for access. Equipment needs a minimum 20' access for safety. Suggest maintaining the existing 20' regulation or provide justification for such a narrow access.	Criteria 5(g)(i) has been revised to include a 20-ft wide access in unincorporated areas while still maintaining a 5-ft wide access in incorporated areas.	Y
Rule P – Illicit Discharge					
23	County, SWMO	49	*[Item 6.]* Reconsider to making this a District responsibility to maintain since the District is diverting water to this system. We feel as though this is the District's responsibility rather than the landowners since it was a choice of the District's to divert water to this system.	This item has been revised to clarify that the "trash, debris, and other obstacles" are those that originate from the property owners use or activities on the property, not items conveyed from or deposited by flows through the PLOC.	Y

[1] Page numbers reference the redlined rules in response to 45-day comments dated 11/24/2021

PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

WORKSHOP MEETING MINUTES
Tuesday April 12, 2022
Prior Lake City Hall
4:00 PM

Members Present: Mike Myser, Curt Hennes, Frank Boyles, Christian Morkeberg
Bruce Loney

Staff & Consultants Present: Joni Giese, District Administrator
Jeff Anderson, Water Resources Coordinator
Patty Dronen, Administrative Assistant
Allison Weyer, Permit Coordinator
Carl Almer, EOR

Others Present: Tammy Omdal, Northland Securities
Nick Anhut, Ehlers
Tony Havranek
Jim Fitzsimmons, Scott SWCD
Matt Tofanelli, CAC
Josh Accola, Stantec
Lisa Quinn, Spring Lake Township
Woody Spitzmueller, CAC
Zach Braid, City of Prior Lake

The meeting was called to order at 4:00 PM.

Public Finance Advisor Informational Interviews
Administrator Giese invited two Public Finance representatives to make presentations about their respective companies. Tammy Omdal with Northland Securities and Nick Anhut with Ehlers each presented their company's capabilities. Each were asked to present on their proposed approach to assist PLSLWD with bond planning, issuance, and management; key staff members that PLSLWD would work with; and general fee structure.

Take-aways from Northland:

- They currently work with the City of Prior Lake, have worked with the District in the past, and have worked with approximately 300 other cities in the Midwest

- They also serve as an underwriter, meaning they put their capital at risk
- They did over a billion dollars in business last year
- There are no incidental hidden fees
- They suggested doing private placements for structuring the PLSLWD bonds. They find a bank that is willing to purchase the bonds directly especially when the sale is one million dollars or less. Fees are much less using this process, usually between $5,000 and $7,000

Take-aways from Ehlers:

- They represent only Municipalities, smaller cities and rural communities
- Based on information provided by the District, it appears that $6,000,000 in Capital is needed to fund the Upper Watershed Blueprint near-term priority projects
- No upfront fees
- Fees are disclosed once the amount of the bond is decided

Carp Management Program

Jeff Anderson and Tony Havranek from WSB presented information about the PLSLWD's efforts in Carp Management. The Carp Management program began in 2011 and with grants throughout the years the program has grown.

This winter's attempts to seine were not successful. Alternative methods will be used at other times of the year to offset the winter seine. The most successful method is electro-fishing.

Manager Myser asked if the PLSLWD had commercial netters in place to help as needed. For the most recent aggregation of carp, commercial netter, Don Geyer, was considered as the first option but he had a large project going on at the same time in southern Minnesota. Other potential commercial netters were already committed.

This winter it was determined there were no aggregations on Spring Lake and one south of Knotty Oar on Upper Prior Lake.

Manager Myser would like to go after the fish no matter the cost.

Jeff stated that he has been pushing the DNR on permits.

Arlo cameras are focused on streams to determine the number of carp congregating there.

This spring through fall the PLSLWD will use the following methods to manage carp:

- Electro-fishing
- Gill netting
- Micro-seines
- Bated Box traps (this method works for only about two weeks)
- Open water seining

CAC Membership

Two current CAC members terms expired in March. It was recommended that Woody Spitzmueller be appointed for another 3-year term. Two additional people have applied to be on the CAC. Interviews with those candidates will take place this week.

A motion was made by Manager Hennes to approve Woody's appointment, with a second by Manager Boyles.
All ayes.

Goldfish on Cates Lake
Tabled to a future meeting.

Upper Watershed Blueprint (UWB) Update
Administrator Giese inquired if Manager Loney felt the UWB updates presented at the Board meetings during the staff program and projects update provided enough information. Manager Loney felt that yes, enough time is given and that the Workshop may be a better place to present information. Manager Loney reported that a property owners meeting took place on April 5th for the Buck Wetland Enhancement Feasibility Study and that it was successful.

Stormwater Inputs to Lakes
Manager Morkeberg reported that he and Manager Loney have talked about how leaves are kept out of the area lakes. Manager Morkeberg inquired if enough street sweeping is being done and if pipe outlets into lakes are being maintained. By doing this, the phosphorous levels can be reduced. In the past, Manager Loney stated he had met with the City of Prior Lake Water Resources Engineer, Pete Young, to discuss the City's street sweeping program. He reported that there are 70 inlets into the lake. It would be advantageous to clean leaves off the streets before they enter the storm drains which outlet to the lakes.

Draft Retreat Agenda
Manager Myser presented the draft meeting agenda. All managers approved the agenda.. Administrator Giese will attend a portion of the retreat. Manager Loney suggested inviting the CAC. Manager Myser advocated for having just Board of Managers attend the retreat.

4M and Banking Status Update
Administrator Giese reported that the 4M fund is set up and funds can start to be transferred into the account. Transfers from Old National and Northland will be made. She advocated that since we are making no interest in those accounts that funds should be transferred even before we have the associated US Bank account activated. About $380,000 could be transferred from the Northland account.

The new checking account with US Bank is being finalized. Deposit slips and checks need to be ordered. ACH is being considered for future claims payments. This has not been finalized. Only one signature is provided through for ACH through US Bank, where the District's approach is to have two signatures on checks. All signatories will be able to monitor the account as needed.

Liaison Updates
No updates

Meeting adjourned at 5:55pm.

PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

BOARD OF MANAGERS RETREAT MEETING MINUTES
Saturday, April 16, 2022
Prior Lake City Hall, Parkview Conference Room
9:00 AM

Members Present: Mike Myser, Curt Hennes, Frank Boyles, Christian Morkeberg Bruce Loney

Staff & Consultants Present: Joni Giese, District Administrator

Others Present: Matt Tofanelli, Manager Appointee

1.0 BOARD MEETING CALL TO ORDER & PLEDGE OF ALLEGIANCE

Myser welcomed managers to the annual retreat expressing gratitude to Administrator Giese, Watershed staff members, CAC Members, Farmer Led Council Members and Watershed Managers. While accomplishments have been made, work remains to be done. The hope is that this retreat will be the source of ideas and inspiration for the coming year.

2.0 PUBLIC COMMENT

None given.

3.0 APPROVAL OF AGENDA

4.0 BOARD DISCUSSION

During this portion of the meeting, Administrator Giese was not present.

Manager Myser asked for opening comments. One comment was about manager communication. Managers may go to Administrator Giese to ask questions or chat but not to direct that work be done. Managers should not talk with staff unless Administrator Giese is aware and in no case is any manager to direct a staff member.

There was a desire, as part of an upcoming workshop meeting, that an orientation be conducted so managers can understand how the staff works, who does what and what managers can do to support the staff.

Watershed members discussed what might be the best format for a manager/staff social and would like input from Administrator Giese.

4.1 Watershed Priorities: Setting or Reconfirming

4.1.1 Water Resource Management Plan: Define Priorities

The Watershed Water Management Plan is a 10-year planning document required by statute to direct the Watershed's activities. As such, it is a compendium of objectives, priorities, and intended outcomes which is legally enforceable.
There was discussion about the way the water management plan, Capital Improvement Program and Annual budget integrate to define direction, timeframe, and resources.

From retreat discussion it was clear that Managers support the "Big Six" Upper Watershed Projects.

There was discussion about whether a wetland banking program should be added to the priorities. Carl Almer from EOR is to be asked to see if there is extensive opportunity for wetland banking in the watershed.

4.1.2 What Programs/Projects should be Stopped or Reduced

There is considerable monitoring done. Focus should be on how much monitoring is required and desirable.

Memos of agreement with cooperators is important but should not be a long-term negotiated process.

Easements are important to enforcing watershed objectives and should be worked on for accuracy and enforceability.

An orientation should be done for new managers.

Work toward more cooperative and communicative relationship with SMSC.

5.0 BOARD AND ADMINISTRATOR DISCUSSION

At this point in the meeting, Administrator Giese joined.

Positive observations included that it was a good year. Financially, the Watershed is strong with money being laid aside for big projects. The new DA is doing a great job. There is a full staff in place.

Administrator Giese asked from the Managers that we all speak in one voice. Both staff and Giese hear mixed messages. One message is to have the greatest carp program but staff worries about having unsuccessful seines. It was clear that the Managers understand that with so many variables in the carp program it is not likely to be a winner every year.

After some discussion there was a manager consensus that the staff should provide a plan and execute it to the best of their ability given the many variables mother nature presents each year.

Changing banks and treasurers is difficult and time consuming-especially when concurrent. There was agreement that there should be a two-year term for Board treasurers to provide for greater transition stability. There was discussion on the use of Bills.com ($800 mo.) which is more expensive but with better features than ACH ($400 mo.).

MOTION MADE BY MANAGER HENNES SECOND BY LONEY TO UTILIZE BILLS.COM FOR CHECKING TRANSACTIONS. MOTION CARRIED. FIVE AYES.

5.1 Watershed Priorities: Setting or Reconfirming

5.1.1 Water Resource Management Plan: Defining Priorities

Administrator Giese stated her goals are the Upper Watershed Projects, wetland banking, Watershed rules, memorandums of agreement for rules, fee revisions, and collaborating optimally with partners.

The question was asked how we engage homeowners to help. SWCD and FLC are good liaisons to agricultural property owners.

TMDLs are an area we are getting behind. Many people do not know what they are. We have not capitalized on our accomplishments. The Farmer Led Council with the relationships they have established can help us.

The Watershed Management Study is in the second of five steps. The Managers believe that the next step should identify various means of improving working relationships and the watershed should support the effort to the completion of that step.

There was discussion about supportive advisory committees and their members like CAC and FLC to assure optimum working relationships.

5.1.2 What Programs/Projects should be stopped or reduced

There was concurrence that we should stop walleye stocking and wetland monitoring.

MOTION BY MANAGER HENNES SECOND BY MORKEBERG TO DISCONTINUE WALLEYE STOCKING AND WETLAND MONITORING. MOTION CARRIED, FIVE AYES.

5.1.3 District Staffing

The staff should seek out experts in public sector land acquisition to advance land use agreements with property owners so high priority projects are not delayed, and the cost of acquisition is deemed fair.

There was concurrence that there is merit in trying to re-establish and strengthen the one stop shop concept so that customers need only go to one government body and are assured that the requirements will be administered like the watershed.

The Managers will work harder to try to mitigate against 50-to-55-hour work weeks for staff. They will seek to engage in a better tone with greater expressions of appreciation.

Administrator Giese expressed her appreciation and enthusiasm for her staff. Each is enthusiastic and engaged in assuming new and important work responsibilities.

The managers were reminded that a sour look or side comments can be interpreted negatively by fellow managers, the staff, the public, our advisory bodies, and public and private bodies with whom we work. Greater self-awareness is in order.

MOTION BY MORKEBERG SECOND BY HENNES TO AUTHORIZE AN INCREASE IN PATTY DRONEN'S WEEKLY WORK HOURS TO 30. MOTION CARRIED, FIVE AYES.

The retreat adjourned by acclamation at 12:23pm.

CAC Meeting Minutes

Thursday, March 31, 2022
Subcommittee Gatherings: 6:00 – 7:30 PM
CAC Meeting: 7:30-8:00 PM
Prior Lake City Hall: Wagon Bridge Conference Room

Attendees:

CAC Members: 9 of 9 members present = 100% *(>50%)*

☑ Christopher Crowhurst (Chair)	☑ Woody Spitzmueller
☑ Loren Hanson (Vice Chair)	☑ Matt Newman
☑ Jim Weninger	☑ Ben Burnett (Secretary)
☑ Matt Tofanelli	☑ David Hagen
☑ Maureen Reeder	

Staff: Allison Weyer Joni Giese
Board members: Curt Hennes

Prior to meeting: *Subcommittee Gatherings – Summary Attachment #1*

Welcome & Introductions – Chair: *Christopher Crowhurst*

Christopher talked about his goal of wanting to increase CAC communications to a broader list of groups (e.g., City of Prior Lake, City of Savage, City of Shakopee, Scott County, etc.)

February Meeting Minutes Approval (emailed) Motioned by Jim; second: Loren; Passed

Approval of the March Agenda Motioned by Woody; second: Loren; Passed

CAC Business

- Recruitment
  - 1 new application; Asked SLA and PLA; Ben will talk to Curtis Witt
- Subcommittee Structure – 1 or 2 per member? Discussed, then adjusted members and committees – see *Attachment #1*

Staff Project Updates – Allison – see *Attachment #3 for slides*

- Allison Introduction
- Carp seine update
  - Didn't work out this year, carp didn't pool in pre-cleared areas (from previous years). The area needs to be cleared in the summer of underwater debris; fish need to aggregate in these places. They never did, they went to a center point in deeper water.
  - They did aggregate once late in year, but no commercial seiners would do it, not enough trucks, and too late
  - Moving to spring options: Narrow window – open water only in April
  - Will use PIT stations for tracking again.
- Presented the Aquatic Plant Management Policy
  - Goal: Want to encourage native plants and reduce AIS; also need education of public about "weeds"

        - Curly-leaf is targeted
        - Eurasian watermilfoil – will not be treated
    - Christopher comments: good document, one part mentioned "based on scientific method" but didn't mention a name or a paper.
    - Matt N. comments: Asked if overall consensus is "*get rid of pondweed and leave milfoil*", what if we find research for different approaches, are the policies and the staff open to suggestions? – Yes
        - Joni provided info that pondweed growing and death cycles is the problem, milfoil is not as much of a problem.
        - Document says: "WD will manage it using scientific methods" this should cover all concerns about being open to suggestions, as long as research is presented.
    - Matt T. talked about phosphorus load of each plant
    - Send any other feedback to Allison.

Board Liaison Updates & Requests to CAC – Curt Hennes

- March board meeting review; Board retreat on April 16th to discuss 2022
- New officers:
    - President: Mike
    - VP: Bruce
    - Treasurer: Christian
    - Secretary: Frank
    - CAC Liasson: Bruce

March Workshop & Board Meeting – CAC Report – Loren (see *Attachment #4*)

- April 12th Board Meeting CAC Attendee – Woody

Subcommittee Reports (Subcommittee Leads)

- Subcommittee reports, goals, tasks
    - see *Attachment #2*
- Any new business? - no

Other Topics and Announcements

- Prepare for summer watershed presentation at PLC chamber-fest event (promote results, gain support, and recruit CAC members)
- Announcement: Ice out event scheduled for May 2nd
- Future topic:
    - 5-10 min on new findings on elevations

Adjourn

8:03 Motion Matt N and Matt T.

Upcoming Meetings:

- Board Meeting: Tues, April 12, 2022 6:00 pm (wkshp 4-6)
- CAC Meeting: Thurs, April 28, 2022 6:30 – 8:00 pm
    - Subcommittee Mtg: 6:00 – 6:30 pm

Attachment #1 – Adjusted Subcommittees

A. Shoreline restoration:
   - Lead: David
   - Members: Loren, Matt N.

B. Lake life and water quality, AIS, fish stocking:
   - Lead: Matt T.
   - Members: Matt N., Ben

C. Storage/flooding:
   - Lead: Maureen
   - Members: Woody, Jim, Christopher

Attachment #2 – Subcommittee report backs

Shoreline restoration

Looked at storm water damage, reviewed research on water levels and depths

Prioritized proposed goals/tasks for 2022:

1. Enforcement of current No-Wake ordinances.
2. Add signage to inform boaters of unstable areas to emphasize No-Wake zones.
3. Enforce/Add speed limits.
4. Assess storm water drain damage around the lake.
5. Shut down a beach to push home to people importance of good conservation practices.
6. Dredging areas where sediment is most evident.

Lake life and water quality, AIS, fish stocking

No meeting, no report

Storage/flooding

Discussed flooding and storage issues, brainstormed ideas and discussed previous ideas

Prioritized proposed goals/tasks for 2022:

1. Review 2016 study and advocate for pushing storage options (enlarge pipe, etc.)
2. Research ag and forest preservation incentives and funding - make report
3. Research - neighboring WD for comparable info and regulations for developers, cities, etc.

For #2: Focus on upstream water storage through soil and farm land – SCWD

- Research funding sources to help staff plan ways to encourage farmers to help
- Current programs not working, find more grants and ideas…..NCR grants, etc.
- Look at FedBizOpps (old, now rfp.bidnet.com) - Federal Bid Opportunities (Ben)

Attachment #3 – Staff Update slides

Allison Weyer Intro

- Started March 1st
- M.S. in Environmental Policy and Management, Natural Resources Management focus – graduation date: 2023
- 12 years of prior research work at the University of Minnesota
  - Project Management Certificate honored in February 2022
  - Wetland Delineation Certificate July 2022
  - GIS Professional Certificate 2023
- Volunteer with Three Rivers Park District since 2001

Staff and Committee Vacancies

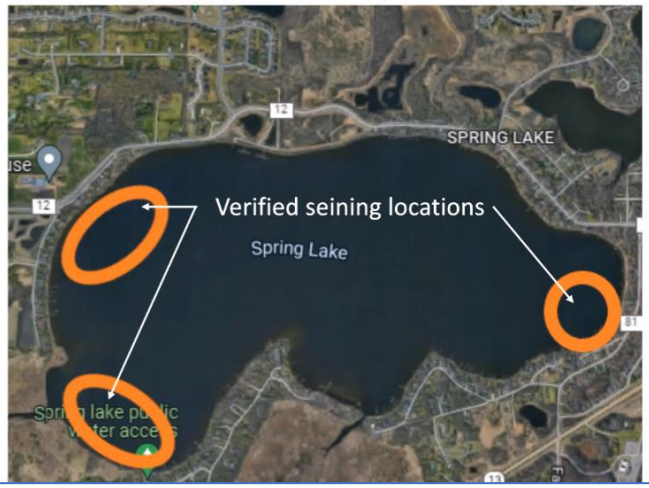
- CAC recruitment
  - Posted on social media
- Summer interns
  - 2 interns
  - 10 weeks
  - 1 accepted from Macalester College: Bachelor's Degree in Environmental Studies, interest in sustainability, climate justice and water quality
  - 1 pending offer

Carp!

Under ice commercial seining did not work out this winter

Spring Lake

- Did not aggregate in seining locations
- Unsuccessful District netting attempt
- Under ice speakers deployed and caused dispersion



Upper Prior Lake

- Late season aggregation and complications with lining up commercial crews
- Carp continuously on the move
- Unsuccessful District netting attempt

Moving into Spring

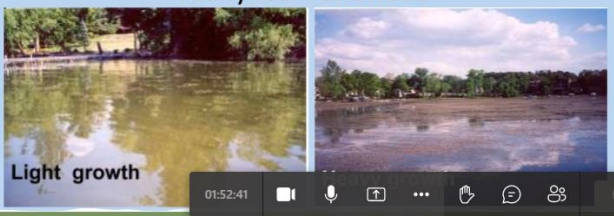
- Open water seining – Commercial crew available
  - More seining locations available
  - Smaller chance at larger aggregation
  - Seine right after ice-out and during April (Permit)
- Install PIT stations
  - Identify migration paths
  - Monitor barrier effectiveness
  - Monitor system mixing (Spring – Prior)

Aquatic Plant Management Policy

- Native Plants
  - We support their growth!
- Established AIS
  - Treat CLP and monitor EWM
- Property Boundaries
  - No treating within 150 feet of shoreline

Eurasian Watermilfoil

Curly-leaf Pondweed



01:52:41 Request control

Patty Dronen

Attachment #4 – March PLSLWD Board meeting report – Loren Hanson

March 8, 2022 - PLSLWSD Workshop, 4-6pm

President Myser introduced Allison Weyer as the new Permit Coordinator for the District.

Fish Lake Water Quality follow-up

There have been great improvements in the past 4 years due to the feedlot across from the lake not being utilized, and the fields have been transitioned to hay rather than cover crops thereby reducing the amount of runoff.

It was recommended that the district take a wait and see attitude to see if improvement continues. The board agreed on this recommendation.

Rules Revision – Equivalency Agreement

There has been progression towards an agreement which would reduce redundancy in many areas, but the main area would be in permitting, which would reduce the time it takes for residents in getting permits for projects. This agreement is between the county, cities and townships that are within the Watershed District.

Sutton Lake Management Plan

A meeting with landowners on March 1, 2022 went very well. There were lots of questions which indicates interest and concern. Most landowners are in favor of the project. Three questions were asked of the 12 landowners present, and a majority were in the “Completely Agree and Somewhat Agree” categories. Only 1 or 2 were “Completely Against” the project. The DNR has not approved full function of the project, but approval was expected in the March 17 meeting with the Watershed and DNR.

FY 2022/23 Watershed Based Implementation Funding

Scott County, PLSLWD, Soil/Water and municipalities within are going to convene to find projects to send to the BWSR for funding.

A discussion was held about the upcoming Board Retreat to decide on topics to be discussed. A couple items brought up were the 10-year management plan and continuation of the Carp Management program.

New Board member Christian Morkeberg “volunteered” and was selected to be the liaison to the Lower Minnesota River Watershed District.

March 8, 2022 - PLSLWD Monthly Meeting 6-8pm

President Mike Myser opened the meeting with attendees standing and reciting the Pledge of Allegiance.

One person spoke during the public commentary. He discussed the problem of the goldfish in Kate Lake in Savage. Would like research into resolving the problem.

New board member Christian Morkeberg was sworn in. Congratulations Christian!

A report was given on the Upper Watershed Projects. Jeff Anderson reported that a carp seining event was going to take place on March 12-13, 2022 just outside of Knotty Oar Marina. Unfortunately, there won’t be any seining on Spring Lake this year.

Land owners were going to be contacted about the Sutton Lake Sand Filter. The final feasibility study is complete.

Plans have been developed for the Buck Lake East project and there is a landowner meeting scheduled for April 5.

The Sutton Lake Outlet Modification is complete, but needs some vegetation established for aesthetics.

Steve McComas gave a great report about aquatic plants in the district. 5 Lakes were studied; Pike, Prior, Spring, Fish and Buck. Steve reported that the CLP(curly leaf pondweed) problem in Prior Lake has leveled off and there was no treatment done in 2021. He also stated that the CLP in Spring that was discovered in 2021 will continue to grow for 5-6 years and then level off as it did in Prior. They are monitoring the situation and will recommend treatment/removal as the problem dictates.

He mentioned that Spring Lake has 15 types of submerged plant species, which is very good. Steve said that 40% coverage of aquatic plants helps maintain good water quality. Spring was at 34% in 2021 and Upper Prior was 30%.

The I-Lids Project was renewed for 2022. There will be a more permanent solution for the post that holds the camera. Also, the Board asked that Spring Lake Association be responsible for putting a link to a website that gives more information about weed control and the need to clean boats and trailers.

There was a discussion about the Moen Drainage Swale Stabilization, near Lydia, to stop the erosion. This area drains to the Hwy 13 Ditch project. $30,080 was needed to fix the problem, of which 55% would be paid for by the SWCD and 45% by PLSLWD. This was passed.

- ***CAC Note:*** *This is interesting because David Hagen identified a drainage ditch entering Prior Lake that is causing a lot of erosion and sediment entering the lake and we are wondering who is responsible for its maintenance. How is it decided when the PLSLWD gets involved and when it is a different agency?*

5/10/2022

Prior Lake Spring Lake Watershed District
Claims list for Invoice Payments due for the prior month

Managers will consider approving this claims list - Staff payroll and Manager per diems have already been paid via ADP. After the managers vote, two Managers will sign checks within three days of the meeting for approve claims. Then, staff will US mail checks (written on the Sterling State Bank) to the claims list parties. Staff will request that all vendors provide information on their invoices to fit into the categories below

Vendor	Invoice	Description	Amount
1. Watershed District Projects (excluding staff payroll)			
MNL	32813	Cutting of Buckthorn	150.00
EOR	00758-0114	Sutton Lake Outlet Modification Plan	496.40
	00758-0152	General Engineering	1,110.00
	00758-0146	Buck Lake Esat Wetland Enhancement Feasibility	1,292.00
	00758-0148	Sutton Lake Management Plan	1,458.50
	00758-0152	District Monitoring Program	1,782.00
	00758-0152	Permitting	3,225.00
	00758-0152	Rule Revisions	465.00
Minnesota Pollution Control Agency	1000014145	Wastewater Individual Annual Permit Fee	1,230.00
Soil Keepers - Lance Kessig		Growing Healthy Soils Event	500.00
Smith Partners	43106	Easement document templates, Easement violation	298.80
	43106	City of Prior Lake stormwater credit deficit MOA	722.10
Gopher State One Call	2041337		6.75
WSB	R-019773-000-3	Carp Management	3,633.00
TechSales	325919	Flow monitoring equipment	807.00
Xcel Energy			18.07
		Subtotal	**$ 17,194.62**
2. Outlet Channel - JPA/MOA (excluding staff payroll)			
Smith Partners	43107	Beckler/Met Council Parcel easement	1,145.40
Minger Construction	Pay Request #2	PLOC Sediment Removal – Pike Lake Road Pond	20,056.40
EOR	00758-0153	Segment 4	2,196.08
		Nonspecific	987.33
	00758-0147	PLOC Seg 1 Bank Repair	261.88
	00758-0147	PLOC Seg 4 Bank Repair	1,734.96
	00758-0147	PLOC Seg 5A Bank Repair	1,276.67
	00758-0149	PLOC Pike Lake Road Sediment Removal	197.59
	00758-0157	2022 PLOC Vegetation/Stability Inspections	81.00
		Subtotal	**$ 21,201.80**
3. Payroll, Office and Overhead			
ADP Manager Per Diems			449.57
ADP Staff Payroll			20,988.51
ADP Taxes & Benefits			15,744.91
HSA Bank			265.38
Fidelity			165.38
NCPERS		Life Insurance Premiums - May	80.00
Reliance Standard		May LTD and STD Premiums	812.74
HealthPartners		Health Insurance Premiums	5,656.51
City of Prior Lake		Rent (June 2022)	2,250.00
ABDO	456412	2021 Audit	8,500.00
ABDO	457166	Balance Due	3,000.00
CLA		Monthly bookkeeping	980.00
		Payroll Services	600.00
		Technology and Client Support fee	110.00
		Audit Prep	620.00
Metro Sales	INV2013916	March-April Billing	103.00
Metro Sales	INV2034677	April-May Billing	103.00
Rymark		Monthly charge - April	852.50
		Docking Station	92.55
Domain Listings	242-1848	Annual Domain listing (plslwd.org)	288.00
VISA		March-April Billing	1,347.22
		Subtotal	**$ 63,009.27**
TOTAL			**$ 101,405.69**

X_____ X_____

Prior Lake-Spring Lake Watershed District
VISA Transactions 3/25/-4/24/2022

Trans Date	Merchant Name	Amount	Receipt?	Staff Approval	Class	Customer	Expense	Description
3/24/2022	AMAZON	$ 27.44	x	Jeff Anderson	611 Operations & Maintenance	Hwy 13 Wetland, FeCl System & Desilt Pond	876 Field Equipment & Maintenance	PPE
3/25/2022	PRIOR LAKE HDWE	$ 42.17	x	Jeff Anderson	611 Operations & Maintenance	Fish Mgmt - Pit Stations O&M	876 Field Equipment & Maintenance	Hardware
3/25/2022	GROUPGREETING	$ 4.99	x	Patty Dronen	405 General Fund		710 Office Expense Other	Sympathy card - Chris Knopik
4/11/2022	IRONCLAD STORAGE	$ 199.00	x	Jeff Anderson	611 Operations & Maintenance	Fish Mgmt - Equipment, Storage & Maintenance	876 Field Equipment & Maintenance	Equipment Storage
3/31/2022	HOLIDAY	$ 93.13	x	Elizabeth Froden	637 Monitoring & Research	Equipment Storage & Maintenance	801 Gas, Mileage	Gas for truck
4/1/2022	PRIOR LAKE HDWE	$ 75.12	x	Elizabeth Froden	637 Monitoring & Research	Lake Level Monitoring	876 Field Equipment & Maintenance	Pipe and saw blades for logger install
4/1/2022	DAVANNIS #20 - SAVAGE	$ 62.18	x	Patty Dronen	PLOC 839	PLOC Administrative Expenses	902 Meals and Lodging	PLOC Cooperators Lunch
4/3/2022	AMZN Mktp US*1H34W0470	$ 123.91	x	Jeff Anderson	637 Monitoring & Research	Stream Monitoring	876 Field Equipment & Maintenance	Conductivity standard and rain pants
4/3/2022	VZWRLSS*APOCC VISB	$ 13.04	x	Jeff Anderson	648 Regulation	LGU Permit & Inspections	876 Field Equipment & Maintenance	Cell service
		$ 32.66	x	Jeff Anderson	PLOC 839	PLOC Equipment & Maintenance	876 Field Equipment & Maintenance	Cell service
		$ 27.62	x	Jeff Anderson	611 Operations & Maintenance	Fish Mgmt - Equipment, Storage & Maintenance	876 Field Equipment & Maintenance	Cell service
4/3/2022	AMAZON.COM*1H2X77BN1 AM	$ 55.79	x	Jeff Anderson	611 Operations & Maintenance	Fish Mgmt - Equipment, Storage & Maintenance	876 Field Equipment & Maintenance	Jacket
4/4/2022	ECT MANUFACTURING	$ 80.33	x	Jeff Anderson	637 Monitoring & Research	Lake Level Monitoring	876 Field Equipment & Maintenance	Locking well caps
4/4/2022	LUNDS AND BYERLYS	$ 22.17	x	Elizabeth Froden	626 Planning	UWB-Buck Lake East Feasibility WBIF	902 Meals and Lodging	Snacks for landowner meeting
4/7/2022	USPS	$ 12.80	x	Elizabeth Froden	626 Planning	Planning and Program Development	701 Postage	Mailing board materials
4/8/2022	CANVAS SOLUTIONS INC	$ 8.52	x	Shauna Capron	648 Regulation	LGU Permit & Inspections	903 Dues/Fees/Subscriptions	Software
4/10/2022	ADOBE CREATIVE CLOUD	$ 56.90	x	Patty Dronen	626 Planning	Planning and Program Development	903 Dues/Fees/Subscriptions	Software
4/11/2022	WM SUPERCENTER #5992	$ 4.98	x	Patty Dronen	626 Planning	Planning and Program Development	902 Meals and Lodging	Water for Board Meetings
4/12/2022	MENARDS BURNSVILLE MN	$ 116.77	x	Elizabeth Froden	611 Operations & Maintenance	Fish Mgmt - Pit Stations O&M	876 Field Equipment & Maintenance	Wiring for PIT stations
4/12/2022	AMZN Mktp US*1A0EX2320	$ 36.22	x	Patty Dronen	405 General Fund		706 Office Supplies	Batteries, office products
4/12/2022	JIMMY JOHNS - 1206 - ECOM	$ 82.20	x	Patty Dronen	626 Planning	Planning and Program Development	902 Meals and Lodging	Board Manager meal
4/16/2022	CANVAS SOLUTIONS INC	$ 84.00	x	Shauna Capron	648 Regulation	LGU Permit & Inspections	903 Dues/Fees/Subscriptions	Software
4/19/2022	HOLIDAY STATIONS 0198	$ 73.29	x	Shauna Capron	637 Monitoring & Research	Equipment Storage & Maintenance	801 Gas, Mileage	Gas for truck
4/19/2022	MICROSOFT	$4.99		Patty Dronen	405 General Fund		710 Office Expense Other	
4/23/2022	INSTAGANTT	$7.00	x	Jaime Rockney	626 Planning	Planning and Program Development	903 Dues/Fees/Subscriptions	Software
	TOTAL DUE	**1,347.22**						

PLSLWD Board Staff Report
May 5, 2022

Subject |	Resolution 22-358: Authorization to Transfer Funds to the JPA/MOA Group of Funds
Board Meeting Date |	May 10, 2022 **Item No:** 5.6
Prepared By |	Joni Giese, District Administrator
Attachments |	Resolution 22-358: Authorization to Transfer Funds to the JPA/MOA Group of Funds
Proposed Action |	Approval of Resolution 22-358: Authorization to Transfer Funds to the JPA/MOA Group of Funds

Background

A Memorandum of Agreement for the Use, Operation and Maintenance of the Prior Lake Outlet Channel and Outlet Structure was approved by the "Cooperators" comprised of Prior Lake-Spring Lake Watershed District, the City of Prior Lake, the City of Shakopee, and the Shakopee Mdewakanton Sioux Community in May 2019

Discussion

This is the District's commitment to the JPA/MOA agreement for 2022. The District's portion of the 2022 budgeted costs was $222,500. However, there were unexpended funds from 2021 and a credit for historical interest income per the revised PLOC agreement, which totaled $203,352. Therefore, the net amount of $19,148 is transferred to the JPA/MOA group of funds to fulfill the Districts obligation to that agreement.

Recommendation

Staff recommends Manager's approval of Resolution 22-358: Authorization to Transfer Funds to the JPA/MOA Group of Funds.

Resolution 22-358

Authorization to Transfer Funds to the JPA/MOA Group of Funds

WHEREAS, A Memorandum of Agreement for the Use, Operation and Maintenance of the Prior Lake Outlet Channel and Outlet Structure was approved by the "Cooperators" comprised of Prior Lake-Spring Lake Watershed District, the City of Prior Lake, the City of Shakopee, and the Shakopee Mdewakanton Sioux Community in May 2019; AND

WHEREAS, The Memorandum of Agreement (MOA) specifies a cost-share allocation approach that allocates annual operations and maintenance costs among the four Cooperators; AND

WHEREAS, The Prior Lake-Spring Lake Watershed District's portion of the 2022 budgeted costs is $222,500; AND

WHEREAS, There were unexpended funds from 2021 and a credit for historical interest income per the revised PLOC agreement, which totaled $203,352;

THEREFORE, BE IT RESOLVED, the net amount of $19,148 is authorized to be transferred from the District's Implementation Fund to the JPA/MOA group of funds to fulfill the District's obligation to the JPA/MOA.

The question was called on the adoption of the Resolution and there were __ yeas and __ nays as follows:

	Yea	Nay	Absent
Boyles	☐	☐	☐
Hennes	☐	☐	☐
Loney	☐	☐	☐
Morkeberg	☐	☐	☐
Myser	☐	☐	☐

Upon vote, the chair declared the resolution adopted.

It is hereby certified that the Board of the Prior Lake-Spring Lake Watershed District adopted this Resolution at a duly convened meeting of the Board held on the 10th day of May 2022, and that such Resolution is in full force and effect on this date, and that such Resolution has not been modified, amended, or rescinded since its adoption.

_____ Dated: May 10, 2022

Frank Boyles, Secretary

PLSLWD Board Staff Report
May 4, 2022

Subject |	League of Minnesota Cities Liability Coverage Waiver		
Board Meeting Date |	May 10, 2022	**Item No.**	5.7
Prepared By |	Joni Giese, District Administrator		
Attachments |	League of Minnesota Cities Liability Coverage – Waiver Form		
Action |	Vote to not waive monetary limits on municipal tort liability		

Background

As a requirement of League of Minnesota Cities Insurance Trust coverage, PLSLWD must annually sign and submit a liability coverage waiver form. In 2020 and 2021, PLSLWD chose not to waive the monetary limits on municipal tort liability.

Recommendation

Staff recommends that the managers vote to select "The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04" on the waiver form.

LEAGUE of MINNESOTA CITIES

LIABILITY COVERAGE – WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to pstech@lmc.org.

The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than $500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to $1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.

- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to $2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is $2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to $2,000,000, regardless of the number of claimants.

- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name:
Prior Lake-Spring Lake Watershed District

Check one:

☑ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.

☐ The member **WAIVES** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: May 10, 2022

Signature:_____ Position: President

PLSLWD Board Staff Report
May 4, 2022

Subject |	2022 Regular Board Meeting Schedule (Revised May 10, 2022)		
Board Meeting Date |	May 10, 2022	**Item No.**	5.8
Prepared By |	Joni Giese, District Administrator		
Attachments |	2022 Regular Board Meeting Schedule (Revised May 10, 2022)		
Action |	Vote to approve the 2022 Regular Board Meeting Schedule (Revised May 10, 2022)		

Background

On January 11, 2022, the Board of Managers approved the 2022 Regular Board Meeting Schedule. Subsequent to the meeting schedule approval, it was determined that the August meeting was in conflict with the primary election and the November meeting was in conflict with election day. he the meetings are in conflict with state election dates

Recommendation

Staff recommends that the Managers vote to approve the 2022 Regular Board Meeting Schedule (Revised May 10, 2022)

PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

5.8 2022 Regular Board Meeting Schedule (Revised May 10, 2022)

Second Tuesday of each month (unless otherwise noted below*), starting at 6:00 PM in the Prior Lake City Hall Council Chambers.

January 11
February 15*
March 8
April 12
May 10
June 14
July 12
August 18*
September 13
October 11
November 15*
December 13

PLSLWD Board Staff Report
May 4, 2022

Subject |	Buck Wetland Enhancement Feasibility Study: Scope of Services Amendment
Board Meeting Date |	May 10, 2022 **Item No.** 5.9
Prepared By |	Joni Giese, District Administrator
Attachments |	Buck Wetland Enhancement Feasibility Study: Scope of Services Amendment
Action |	Vote to approve the Buck Wetland Enhancement Feasibility Study: Scope of Services Amendment

Background

PLSLWD and EOR agreed to a scope of service for EOR to prepare a feasibility study for the Buck Wetland Enhancement, one of the six Upper Watershed Blueprint near-term implementation priorities selected by the Board of Managers.

Discussion

To date, the potential phosphorus removal of the wetland enhancement has been estimated using very general assumptions. EOR proposes to conduct a more thorough investigation of the soils within the wetland. The findings from the wetland soils analysis will be used to create more refined estimates of potential phosphorus removal rates or may reveal the need to alter the design of the project.

Recommendation

Staff recommends the Managers vote to approve the Buck Wetland Enhancement Feasibility Study: Scope of Services Amendment

SCOPE OF SERVICES AMENDMENT

BUCK WETLAND ENHANCEMENT FEASIBILITY STUDY

PLSLWD	
CLASS:	626 - Planning
PROJECT:	Upper Watershed Blueprint Projects

EOR			
JOB:	00758-0146		
PHASE:	N/A	TASK:	N/A

START DATE: 06/21/2021

END DATE: 12/31/2022

ORIGINAL BUDGET: $24,825

PROPOSED AMENDMENT: $7,150

TOTAL PROJECT BUDGET: $31,975

OVERVIEW OF PROJECT SCOPE: EOR is requesting a work scope and fee amendment associated with the Buck Wetland Enhancement Feasibility Study. The original scope included Tasks 1-4. The proposed amendment includes Task 5, the purpose of which is to understand the project more definitively from a water quality perspective.

To date, the potential phosphorus removal of the wetland enhancement has been estimated using very general assumptions. The Upper Watershed Blueprint assumed that one half of the watershed could be routed through/treated by the wetland. The blueprint also assumed that the enhanced wetland would achieve a 40% reduction in phosphorus, thereby reducing the load of phosphorus to Prior Lake by 100 pounds.

EOR proposes to conduct a more thorough investigation of the soils within the wetland. The findings from this analysis will be used to evaluate the phosphorus dynamics of the potential wetland restoration. This information will be used to estimate potential phosphorus removal rates or may reveal the need to alter the design to include removal of sediment (wetland scrapping) prior to restoration.

PROJECT TEAM

PLSLWD	
PROJECT LEAD:	Maggie Karschnia
OTHER STAFF:	Jaime Rockney
EOR	
PROJECT LEAD:	Carl Almer
OTHER STAFF:	Pat Conrad, Trevor Rundhaug, Dan Mossing, Jimmy Marty, Jason Naber

SUMMARY OF TASKS

TASK 1: Base Mapping & Modeling	
SUMMARY:	This task consists of assessing the site suitability factors that will be evaluated such as: land use, topography, soils, wetland boundaries, and parcel ownership. In addition, this task includes refinement of the PCSWMM model for the subwatershed, as necessary, to reflect survey data (wetland basin individual cell storage, ditch profile, culvert inverts, channel cross sections, etc.) collected in Task 2. Finally, this task includes review of water quality monitoring data collected by the PLSLWD and update of FLUX modeling for the subwatershed.
DELIVERABLES:	1) Base Maps 2) Updated PCSWMM model 3) Updated FLUX model
TIMELINE:	June 2021 – July 2021
ESTIMATED COSTS:	$3,700

TASK 2: Survey and Wetland Conditions Assessment	
SUMMARY:	Field reconnaissance will be completed to assess feasibility of potential wetland impoundment (berm/weir/structure) locations and collect additional data to develop conceptual designs. Elevation data will be collected at key locations. Existing wetland condition will be evaluated using the District's Wetland Inventory MNRAM assessment in conjunction with an MPCA Rapid Floristic Quality Assessment (RFQA) conducted in the field. Rare species will be reviewed based on existing DNR NHIS desktop data. It is anticipated that a second day of survey will be required after initial alternatives are developed in order to assess potential impacts to structures and/or active land uses. Survey data will be collected via survey grade GPS.
DELIVERABLES:	1) Field reconnaissance visit 2) Survey data 3) RFQA data, mapping, and condition scores 4) NHIS rare species data within 1 mile
TIMELINE:	July 2021
ESTIMATED COSTS:	$5,475

TASK 3: Preliminary Assessment of Alternatives	
SUMMARY:	This task includes brainstorming of potential wetland impoundment (berm/weir/structure) locations and designs, assessment of potential wetland enhancements / adverse impacts, estimation of costs, a cost-benefit analysis, and selection of the preferred alternative to advance to concept design.
DELIVERABLES:	1) Technical memorandum summarizing cost-benefit analysis and recommended preferred alternative. 2) Meeting with PLSLWD staff to present information. 3) Meeting with landowners & PLSLWD staff to present information.
TIMELINE:	July 2021 – August 2022
ESTIMATED COSTS:	$10,650

TASK 4: Concept Design for Preferred Alternative	
SUMMARY:	This task includes development of a concept plan for the preferred alternative, preparation of a refined cost estimate and identification of assumptions and additional data needs for advancing the preferred alternative to final design.
DELIVERABLES:	1) Concept plan for preferred alternative (pdf) 2) Refined cost estimate, itemized table (xls) 3) Technical memorandum identifying assumptions and additional data needs 4) Meeting with staff to receive any additional comments
TIMELINE:	August 2022 – September 2022
ESTIMATED COSTS:	$5,000

TASK 5: Soil Phosphorus Investigation & 2nd Landowner Meeting	
SUMMARY:	This task includes collection of 20 samples throughout the wetland of extractable phosphorus using the Bray-1 method by the University of Minnesota Soil Testing Laboratory, along with a suite of related soil chemical properties. Extractable P is the amount of phosphorus that can be extracted, or removed, from the soil by using one of a number of different types of chemical extractants. These extractants have been developed to remove certain forms of P from the soil and are considered to be a more accurate index of what might be actually available for uptake by plants or algae.
DELIVERABLES:	1) Extractable P phosphorus summary 2) Presentation for second meeting with landowners
TIMELINE:	May 2022 – September 2022
ESTIMATED COSTS:	$7,150

ESTIMATED COST SUMMARY

DESCRIPTION		HOURS/ QUANTITY	ESTIMATED COST
TASK 1:	Base Mapping & Modeling	32	$ 3,700
TASK 2:	Survey and Wetland Conditions Assessment	40	$ 5,475
TASK 3:	Preliminary Assessment of Alternatives	79	$ 10,650
TASK 4:	Concept Design for Preferred Alternative	35	$ 5,000
TASK 5:	Soil Phosphorus Investigation	44	$7,150
EXPENSES:	Mileage Equipment rental Lab Analysis	****Included in the above estimated costs****	
		TOTAL	**$31,975**

NOTE: Actual costs per task may differ from the estimated costs listed above, but the TOTAL amount must not exceed $31,975.

ASSUMPTIONS: The estimated cost summary for the execution of the tasks in this Scope of Services is based upon the following assumptions:

1) District staff to provide data from others:
    a. District – flow and WQ monitoring data
    b. Water quality modeling data from Upper Watershed Blueprint
2) District staff to coordinate/notify landowners for site access for survey and investigation
3) District staff to coordinate meetings
4) Four meetings included; two of which are with landowners.

SIGNATURES:

The services described in this Scope of Services are being provided in accordance with the Master Services Consulting Agreement between PLSLWD and EOR dated December 13, 2019. Any changes to the project team, tasks, deliverables, timeline, or total cost will require a signed amendment/update to this Scope of Services.

Prior Lake-Spring Lake Watershed District		Emmons & Olivier Resources, Inc.	
Signature:		Signature:	
Name:	Joni Giese	Name:	Carl K. Almer
Title:	District Administrator	Title:	Water Resources Lead
Date:		Date:	May 4, 2022

PRIOR LAKE SPRING LAKE WATERSHED DISTRICT
Financial Report - Cash Basis
January 1, 2022 Through April 30, 2022

Reflects bills paid through April 30, 2022

Program Element		2022 Budget	2022 Actual Results		
			April 2022	YTD	YTD % of Budget
	General Fund (Administration)				
	Revenues				
	Property Taxes	$ 246,200	-	-	0%
	Grants	-	-	-	#DIV/0!
	Interest	-	5	8	#DIV/0!
	Other	-	-	-	#DIV/0!
	Total Revenues	**$ 246,200**	**5**	**8**	0%
	Expenditures				
	Administrative Salaries and Benefits	$ 133,800	8,849	33,725	25%
	703 · Telephone, Internet & IT Support	20,000	1,873	5,088	25%
	702 - Rent	27,400	2,250	9,000	33%
	706 · Office Supplies	10,000	252	2,033	20%
	709 · Insurance and Bonds	12,800	-	-	0%
	670 · Accounting	27,000	3,530	7,982	30%
	671 · Audit	7,700	-	-	0%
	903 · Fees, Dues, and Subscriptions	1,500	138	410	27%
	660 · Legal (not for projects)	6,000	50	625	10%
	General Fund (Administration) Expenditures	**$ 246,200**	**16,940**	**58,862**	24%
	Net Change in General Fund	**-**	**(16,934)**	**(58,854)**	

PRIOR LAKE SPRING LAKE WATERSHED DISTRICT

2022 Budget

January 1, 2022 Through April 30, 2022

Reflects bills paid through April 30, 2022

Program Element		2022 Budget	2021 Results 2021 Budget	YTD Actual Results	YTD percents
	Implementation Fund				
	Revenues				
	Property Taxes	$ 1,602,735	-	-	0%
	Grants/Fees	105,000	-	15,830	15%
	Interest	-	-	12	#DIV/0!
	Sales/Other	-	-	-	#DIV/0!
	Budget Reserves	252,700	-	-	0%
	Total Revenues	**$ 1,960,435**	**-**	**15,842**	1%
	Expenditures				
	Program Salaries and Benefits (not JPA/MOA)	$ 461,700	**33,363**	**127,177**	28%
Water Qual	550 Public Infrastructure Partnership Projects	$ 6,750	-	-	0%
Water Qual	611 Farmer-led Council	61,000	3,029	4,923	8%
Water Qual	611 Cost-Share Incentives	58,000	-	-	0%
Water Qual	611 Highway 13 Wetland, FeCl system & Desilt, O&M	65,000	72	129	0%
Water Qual	611 Fish Management, Rough Fish Removal	88,000	7,571	9,859	11%
Water Qual	611 Spring Lake Demonstration Project Maintenance	1,050	-	-	0%
Water Qual	611 Alum Internal Loading Reserve	250,000	-	-	0%
Water Qual	637 District Monitoring Program	109,000	2,503	2,528	2%
Water Qual	626 Planning and Program Development	20,000	3,504	4,114	21%
Water Qual	626 Engineering not for programs	15,000	326	2,325	16%
Water Qual	626 Debt Issuance Planning	10,000	-	-	0%
Water Qual	648 Permitting and Compliance	27,000	4,525	9,494	35%
Water Qual	648 Update MOAs with cities & county	10,000	-	-	0%
Water Qual	648 BMP and easement inventory & inspections	12,000	-	-	0%
Water Qual	626 Upper Watershed Blueprint	443,035	6,501	27,942	6%
Water Qual	752 Fish Lake Shoreline Restoration Project Maintenance	-	-	(600)	#DIV/0!
Water Qual	611 Fish Stocking	3,000	-	-	0%
	WQ TOTAL	**$ 1,178,835**	**28,031**	**60,713**	5%
Water Storage	550 District-wide Hydraulic & Hydrologic model	$ 5,000	-	-	0%
Water Storage	550 S&I Sutton Lake Outlet Structure Project	125,400	1,085	2,219	2%
	WS TOTAL	**$ 130,400**	**1,085**	**2,219**	2%
AIS	611 Aquatic Vegetation Mgmt	$ 7,000	-	-	0%
AIS	637 Automated Vegetation Monitoring (BioBase)	5,000	99	99	2%
AIS	637 Aquatic Vegetation Surveys	18,000	-	-	0%
AIS	637 Boat inspections on Spring, Upper & Lower Prior	30,000	-	-	0%
	AIS TOTAL	**60,000**	**99**	**99**	0%
Ed & Out	652 Education and Outreach Program	$ 10,000	-	-	0%
	E&O TOTAL	**$ 10,000**	**$ -**	**$ -**	0%
	PLOC Expenses	**$ 19,500**	**-**	**-**	0%
	Debt Payment Reserve	**100,000**	**-**	**-**	0%
	Total Implementation Fund	**$ 1,960,435**	**62,578**	**190,207**	10%
	Net Change in Fund Balance Implementation Fund	**-**	**(62,578)**	**(174,365)**	

	Grant Funds/Fees Anticipated	
Water Qual	**611 Farmer-led Council (BWSR Grant)**	$ 10,000
	648 New Easement Acquisition Fees	5,000
Water Qual	**648 BMP and easement violations fees**	500
	626 Upper Watershed Blueprint (BWSR WBIF Grant)	19,800
	550 S&I Sutton Lake Outlet (DNR Flood Hazard Grant)	62,700
AIS	**611 Aquatic Vegetation Mgmt. (Scott County)**	7,000
	Total Grant Funds/Fees Anticipated	**$ 105,000**

PLSLWD Monthly Treasurers Report Treasurer: Christian Morkeberg

Account balances as of 4/30/2022

Old National Bank (Checking Account)	$	1,186,787
Sterling Bank (Checking Account)	$	231,591
Total Uncleared Transactions	$	-
Northland Securities (Investments) (Cash)	$	380,799
SUBTOTAL	**$**	**1,799,177**

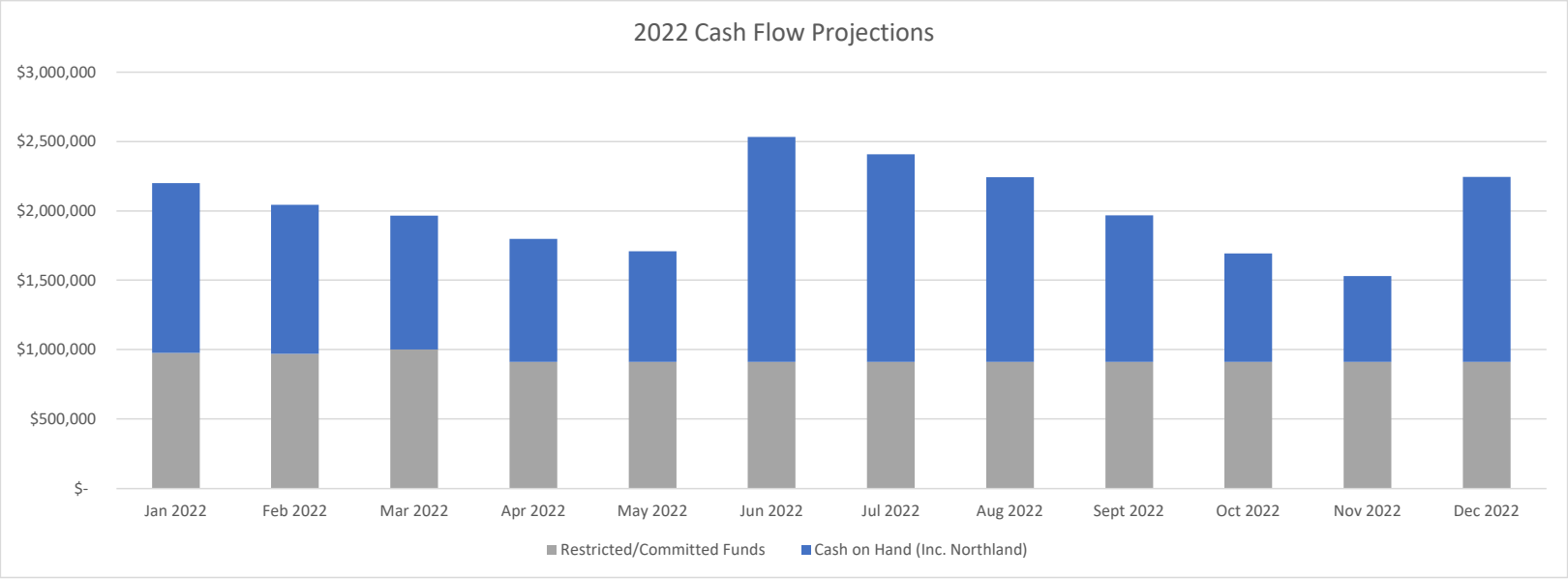
RESTRICTED/ASSIGNED FUNDS		
Restricted - Permit Deposits, etc.	$	84,501
Restricted - PLOC Contingency Reserve (850)	$	260,000
Restricted - PLOC O&M Funds (830)	$	147,664
Assigned - Alum Internal Loading Reserve	$	230,000
Assigned - Upper Watershed Blueprint Fund Balance	$	190,000
TOTAL DISTRICT/PLOC RESTRICTED OBLIGATIONS	**$**	**912,165**

Available cash at end of April 2022	**$**	**887,012**

38.6% of 2022 Budget

Cash Flow Chart

Month (End of Month)	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022
Cash on Hand (Inc. Northland)	$1,223,157	$1,072,763	$ 966,063	$ 887,012	$ 796,435	$1,621,283	$1,495,152	$1,330,672	$1,056,191	$ 781,711	$ 617,981	$1,332,555
Restricted/Committed Funds	$ 977,195	$ 970,484	$1,000,461	$ 912,165	$ 912,165	$ 912,165	$ 912,165	$ 912,165	$ 912,165	$ 912,165	$ 912,165	$ 912,165
Total Cash on Hand & Northland Securities	$2,200,352	$2,043,247	$1,966,524	$1,799,177	$ 1,708,600	$2,533,448	$2,407,317	$2,242,837	$1,968,356	$1,693,876	$1,530,146	$2,244,720



PLSL Watershed District

Starting cash on hand

Cash Minimum Balance Alert $ 150,000

	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Total
Cash on hand + Northland Securities(beginning of month)	$ 2,288,043	$ 2,200,352	$ 2,043,247	$ 1,966,524	$ 1,799,177	$ 1,708,600	$ 2,533,448	$ 2,407,317	$ 2,242,837	$ 1,968,356	$ 1,693,876	$ 1,530,146	
Cash Receipts													
Property Tax Levy	$ -	$ -	$ -	$ -	$ -	$ 980,686	$ -	$ -	$ -	$ -	$ 750	$ 868,999	$ 1,850,435
BWSR WBIF - Lower MN River	-	-	15,830	-	-	-	-	-	-	-	-	4,000	19,830
BWSR BWF Metro Grant						18,500							18,500
DNR Flood Hazard Mitigation Grant	-	-	-	-	-	-	31,350	-	-	-	-	31,350	62,700
Grants - Other	-	-	-	-	-	-	7,000	-	-	-	-	-	7,000
PLOC Contributions	-	-	-	-	98,403	-	-	-	-	-	-	-	98,403
Interest Income	6	6	7	10	10	10	10	10	10	10	10	10	109
Other Receipts	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Cash Reciepts	$ 6	$ 6	$ 15,837	$ 10	$ 98,413	$ 999,196	$ 38,360	$ 10	$ 10	$ 10	$ 760	$ 904,359	$ 2,056,977
Total Cash Available	$ 2,288,049	$ 2,200,358	$ 2,059,084	$ 1,966,534	$ 1,897,590	$ 2,707,795	$ 2,571,808	$ 2,407,327	$ 2,242,847	$ 1,968,366	$ 1,694,636	$ 2,434,505	
Cash Paid Out													
Salaries and Per Diems	$ 41,794	$ 37,100	$ 55,501	$ 42,212	$ 49,625	$ 49,625	$ 49,625	$ 49,625	$ 49,625	$ 49,625	$ 49,625	$ 49,625	$ 573,607
Office Expense, Audit, Accounting	3,423	5,751	8,095	9,738	9,367	9,367	9,367	9,367	9,367	9,367	9,367	9,367	101,940
PLSLWSD Program Costs	40,586	107,548	17,888	27,111	94,103	94,103	94,103	94,103	94,103	94,103	94,103	94,103	945,956
PLOC Contribution					19,500	-							19,500
PLOC Operations	1,894	6,712	11,076	88,296	16,396	21,253	11,396	11,396	121,396	121,396	11,396	36,690	459,296
Debt Service													
Subtotal	$ 87,697	$ 157,111	$ 92,560	$ 167,357	$ 188,990	$ 174,347	$ 164,490	$ 164,490	$ 274,490	$ 274,490	$ 164,490	$ 189,784	
Cash on Hand + Northland Securities (end of month)	$ 2,200,352	$ 2,043,247	$ 1,966,524	$ 1,799,177	$ 1,708,600	$ 2,533,448	$ 2,407,317	$ 2,242,837	$ 1,968,356	$ 1,693,876	$ 1,530,146	$ 2,244,720	
Investments - Northland Securities													
Starting Balance	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	
Additions						-	-	-	-	-	-	-	
Transfers In						-	-	-	-	-	-	-	
Transfers Out						-	-	-	-	-	-	-	
Ending Balance	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	$ 380,799	