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<b>Title:</b>	<b>Resolution Supporting Boundary Adjustment Between Lower Minnesota River Watershed District and Minnehaha Creek Watershed District</b>
<b>Resolution number:</b>	24-005
<b>Prepared by:</b>	Name: Alex Steele – GIS Coordinator Phone: 952-641-4581 asteele@minnehahacreek.org
<b>Reviewed by:</b>	Name/Title: Becky Christopher, Policy Planning Director
<b>Recommended action:</b>	Support a legal boundary change petition to adjust the shared legal boundary between Lower Minnesota River Watershed District and Minnehaha Creek Watershed District.
<b>Schedule:</b>	N/A
<b>Budget considerations:</b>	N/A
<b>Past Board action:</b>	N/A

**Background:**

Watershed districts and water management organizations are guided by Minnesota Statutes Chapters 103B and 103D. The purpose of these statutes is to facilitate water resource management on a watershed basis; therefore, legal boundaries of watershed management organizations should conform as closely as possible to hydrologic boundaries.

The Metropolitan Airports Commission (MAC) has previously expressed interest in adjusting the shared legal boundary between Lower Minnesota River Watershed District (LMRWD) and Minnehaha Creek Watershed District (MCWD) to better align with the hydrologic boundary at the Minneapolis-St. Paul International Airport (MSP). In the fall of 2023, LMRWD began the process of developing a petition of boundary change.

MCWD's legal boundary in this area was set as part of the establishment of MCWD in 1967, and it was drawn to follow Public Land Survey System (PLSS) sections lines. Since then, significant hydrologic changes have occurred due to a series of projects during the expansion of MSP through the first decade of the 2000's, the largest of which was the construction of a runway 17/35 and associated stormwater infrastructure. These projects at MSP changed where water flows in the area and has led to an unaligned legal and hydrologic boundary. LMRWD's petition for boundary change seeks to align those boundaries more closely.

**Summary:**

The Board of Water and Soil Resources (BWSR), who approves watershed boundary changes, advises that legal boundaries should follow parcels lines as close to the hydrologic boundary as possible. If the hydrologic boundary crosses through a parcel, it should be assigned to the watershed management organization that has greater than 50% of the parcel area.

The boundary change proposes to reassign six parcels, totaling approximately 579 acres, from MCWD to LMRWD. All six parcels are located at the MSP and are owned by the MAC. Of the total proposed area of change, approximately 22%

drains into MCWD and 78% drains into LMRWD. The table below shows the percent in MCWD vs LMRWD hydrologic boundary by parcel.

Parcel Number	Area (Acres)	Percent in MCWD	Percent in LMRWD
1	464.3	18%	82%
2	1.5	100%	0%
3	2.4	100%	0%
4	80.6	44%	56%
5	15.5	31%	69%
6	14.6	0%	100%
<b>Total</b>	<b>578.9</b>	<b>22%</b>	<b>78%</b>

Parcels 2 and 3, although completely within MCWD’s hydrologic boundary, are proposed to change to LMRWD (see Attachment A). Adjacent parcels are greater than 50% within LMRWD and completely envelop Parcels 2 and 3. Due to this, and the boundary requirement set by [Minnesota Statute 103D.251](#) that “watershed district as established or changed must define contiguous areas”, Parcels 2 and 3 are included in the proposed boundary change.

78% of the proposed change area, which drains into LMRWD, is routed through an underground stormwater network into a series of ponds near the Fort Snelling National Cemetery and then is discharged into the Minnesota River. The remaining 22% that flows into MCWD drains into Mother Lake via stormwater pipes, culverts, and overland flow.

MCWD Staff and the District Engineer have reviewed the petition and supplemental materials provided by LMRWD and MAC. Staff have also reviewed internal documents including previous permit applications and have analyzed external datasets, including topography and historic aerials. MCWD staff are supportive of the boundary change as proposed by LMRWD.

At the December 28, 2023 PPC meeting, staff provided the Committee with information related to the proposed boundary change including: site history, statutory requirements/process, relevant maps, and next steps. The Committee expressed comfort with the proposed change and provided guidance to bring the boundary change petition forward as a consent item at the January 11, 2024 Board Meeting.

Pursuant to Minnesota Statute 103B.215, Board action in support for the petition for boundary change includes:

- a resolution in support of the LMRWD boundary change petition,
- authorization for the District Administrator to sign a letter of concurrence with the proposed petition,
- authorization for the District Administrator to implement the boundary adjustment if approved by BWSR.

Following MCWD Board approval, the petition for boundary change will be submitted by LMRWD to BWSR. Before acting on the petition, BWSR will publish notice of the proposed boundary adjustment and will hold a public hearing if requested. Following the notice period, BWSR will establish the proposed boundary change, by order. BWSR will then file a certified copy of their order to the Secretary of State, the auditor of the county affected by the change, and the managers of the affected watershed organizations. The boundary change is effective on the date it is filed by the Secretary of State.

**Supporting documents:**

1. Attachment A – Map of proposed boundary change
2. Attachment B – Draft petition for boundary change (LMRWD)







# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, November 15, 2023

### Agenda Item

**Item 5. A. – Boundary Adjustment at MSP Airport between LMRWD and Minnehaha Creek Watershed Districts**

### Prepared By

Linda Loomis, Administrator

### Summary

The LMRWD and Metropolitan Airport Commission (MAC) have discussed amending the boundaries of watershed districts at the Minneapolis/St. Paul Airport (MSP) to better match the actual hydrological boundaries. LMRWD and MAC have had a number of discussions about stormwater issues at MSP and have mapped the proposed boundaries using GIS. Minnehaha Creek Watershed District (MCWD) staff have agreed to the proposed changes. The next step is to obtain official agreement from both MAC and MCWD in the form of a letter on concurrence or a resolution adopted by the respective Boards. Once concurrence has been received a petition will be submitted to BWSR requesting changes to the boundary. The amendment does not have any impact to the tax capacities of either watershed district, as MAC is a local unit of government and is tax-exempt.

Both MCWD and MAC have agreed in concept and are in the process of official agreement. In order to be prepared to submit the petition to BWSR, LMRWD staff is requesting the LMRWD Board of Managers approve the petition and adopt Resolution 23-14 - Resolution Supporting Change of Boundary Between Minnehaha Creek Watershed District and Lower Minnesota River Watershed District

### Attachments

Lower Minnesota River Watershed District Petition for Boundary Change

Resolution 23-14 - Resolution Supporting Change of Boundary Between Minnehaha Creek Watershed District and Lower Minnesota River Watershed District

### Recommended Action

Motion to approve Lower Minnesota River Watershed District Petition for Boundary Change and adopt Resolution 23-14 - Resolution Supporting Change of Boundary Between Minnehaha Creek Watershed District and Lower Minnesota River Watershed District

LOWER MINNESOTA RIVER WATERSHED DISTRICT  
PETITION FOR BOUNDARY CHANGE

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In the matter of boundary change between the  
Lower Minnesota River Watershed District and  
Minnehaha Creek Watershed District  
Pursuant to Minnesota Statutes section 103B.215  
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TO: Board of Water and Soil Resources  
520 Lafayette Road North  
Saint Paul, MN 55155

Lower Minnesota River Watershed District (LMRWD; petitioner), a Minnesota special-purposes unit of government with powers set forth at Minnesota Statutes chapters 103B and 103D, pursuant to LMRWD resolution 23-14, hereby petitions the Board of Water and Soil Resources for an order approving the adjustment of the common jurisdictional boundary between Lower Minnesota River Watershed District and Minnehaha Creek Watershed District (MCWD), pursuant to Minnesota Statutes section 103B.215, for the following reasons:

1. LMRWD is an existing watershed district within jurisdiction entirely within the Twin Cities metropolitan area, as defined at Minnesota Statutes section 471.121, subdivision 2;
2. In 2023, Metropolitan Airports Commission (MAC), requested a watershed boundary change due to storm sewer updates at MAC which changed the drainage boundaries between LMRWD and MCWD within MAC boundaries. LMRWD completed a review of the boundary change request by examining the storm sewer connections in the MAC 2019 Master Drainage Plan and area topography. The storm sewer connections were confirmed to drain to either MCWD or the LMRWD. Topography, in geographic information system format, was then used to confirm storm sewer drainage areas around the proposed boundary change. The analysis results show that six (6) parcels, totaling approximately 581 acres, should be reassigned from MCWD to LMRWD (specified in Exhibit A, attached to and incorporated into this petition) to ensure that the boundary more closely conforms to the hydrologic watershed divide between the two districts.
3. The six parcels to be reassigned are within the jurisdictional borders of the Metropolitan Airports Commission (MAC). Maps of the proposed reassignments are attached hereto and incorporated herein as Exhibit B.
4. The petitioned adjustments will serve the public benefit by causing the common jurisdictional boundary to more closely conform to the hydrological divide between the two entities and would facilitate watershed-based water resource planning and management, making the petitioned adjustment consistent with the purposes and requirements of the Metropolitan Surface Water Management Act, Minnesota Statutes sections 103B.205 to 103B.255;

5. In fulfillment of the requirements of Minnesota Statutes section 103B.215, subdivision 2(c), the watershed management organizations and governing body (Metropolitan Airports Commission) affected by the boundary change have concurred in this petition, as evidenced by the resolution and letter from each attached to and incorporated into this petition as follows: Minnehaha Creek Watershed District (Exhibit C) and Metropolitan Airports Commission (Exhibit D);
6. LMRWD, as a petitioner, represents that none of the parcels in the area of the proposed boundary change, as listed in Exhibit A, are subject to any outstanding indebtedness or assessment from either LMRWD or MCWD and that the boundary change will not affect any benefits or damages for previously constructed improvements, making the petition consistent with Minnesota Statutes 103B.225, as required by Minnesota Statutes section 103B.215, subdivision 2(b)(3).
7. A copy of the LMRWD Board of Managers resolution 23-14 is attached hereto and incorporated herein as Exhibit E.

WHEREFORE, in accordance with Minnesota Statutes 103B.215, LMRWD respectfully petitions the Board of Water and Soil Resources to issue an order implementing the boundary change requested herein.

**Lower Minnesota River Watershed District**

\_\_\_\_\_ Date: \_\_\_\_\_  
President

Exhibit A  
Parcels to be reassigned from MCWD to LMRWD



*Portions of parcels reassigned from MCWD to LMRWD*

<i>Map ID</i>	<i>Property Identification Number</i>	<i>Property Owner</i>
1	2502824110002	Metropolitan Airports Commission
2	2502824210015	Metropolitan Airports Commission
3	2502824210030	Metropolitan Airports Commission
4	2502824230153	Metropolitan Airports Commission
5	2502824240057	Metropolitan Airports Commission
6	2502824330070	Metropolitan Airports Commission

Exhibit B  
Map

Figure 1 Proposed LMRWD boundary change

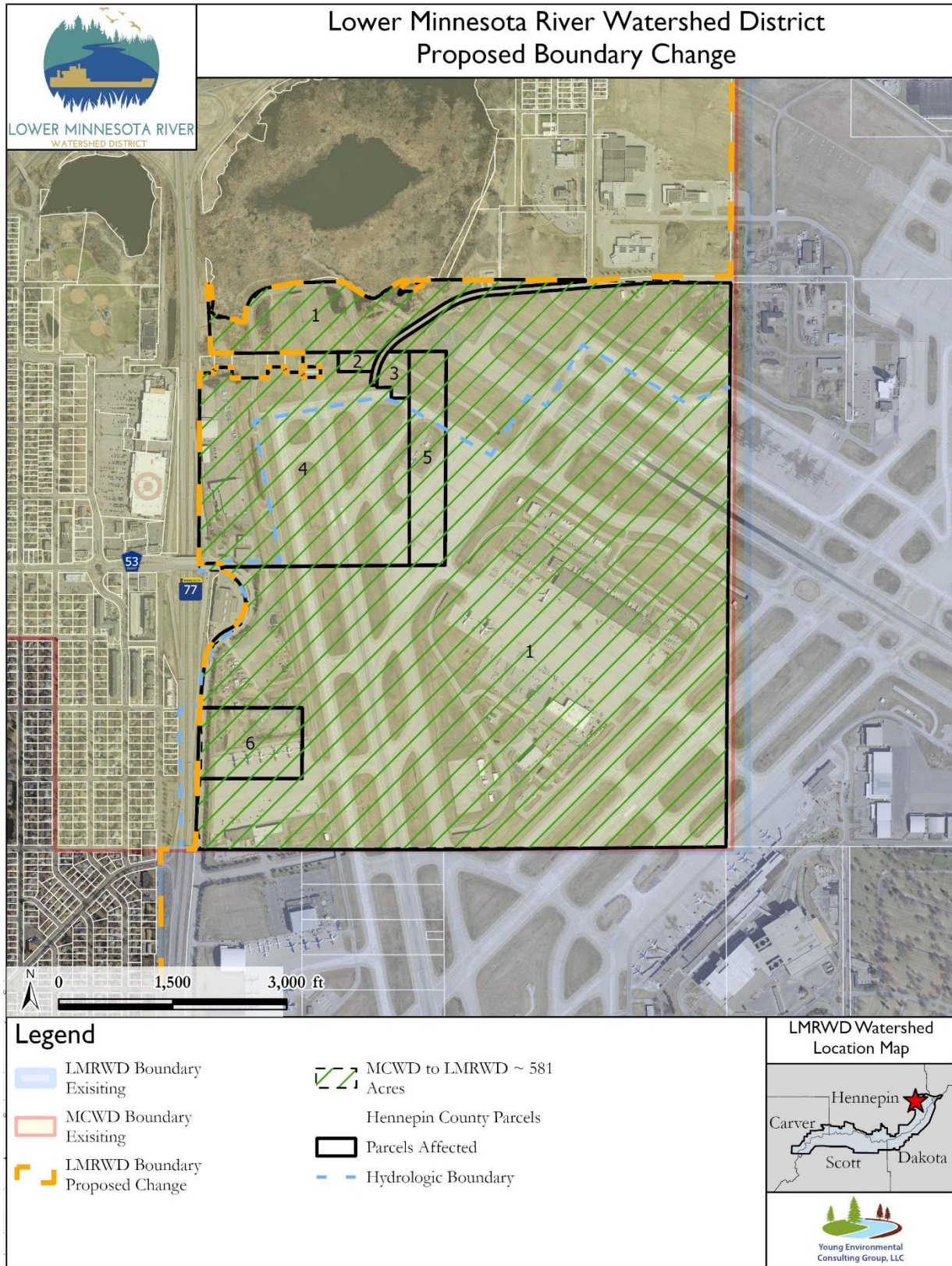


Exhibit C  
Minnehaha Creek Watershed District – Resolution & Letter of Concurrence

Exhibit D  
Metropolitan Airports Commission – Resolution & Letter of Concurrence

Exhibit E  
LMRWD Resolution

Manager \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION 23-14

RESOLUTION SUPPORTING CHANGE OF BOUNDARY BETWEEN  
MINNEHAHA CREEK WATERSHED DISTRICT, AND  
LOWER MINNESOTA RIVER WATERSHED DISTRICT

**WHEREAS**, the Lower Minnesota River Watershed District (LMRWD), a public body with purposes and powers set forth in Minnesota Statutes Chapters 103B and 103D, hereby petitions the Minnesota Board of Water and Soil Resources for an order approving the adjustment of the common jurisdictional boundary between the LMRWD and the Minnehaha Creek Watershed District (MCWD) pursuant to Minnesota Statutes Section 103B.215, and;

**WHEREAS**, as a result of storm sewer updates at the Minneapolis/St. Paul Airport (MSP) by the Metropolitan Airport Commission (MAC) which changed the drainage boundaries between the LMRWD and MCWD within MAC boundaries; and

**WHEREAS**, the MAC requested a watershed boundary change due to said updates; and

**WHEREAS**, the LMRWD completed a review of the boundary change requested by examining the storm sewer connections in the MAC 2019 Master Drainage Plan and area topography; and

**WHEREAS**, topography, in geographic information system format, was then used to confirm storm sewer drainage areas around the proposed boundary change and connections were confirmed to drain to either the LMRWD or the MCWD; and

**WHEREAS**, the analysis results show that portions of five (5) parcels, totaling approximately 491.1 acres, should be reassigned from the MCWD to the LMRWD to ensure that the boundary more closely conforms to the hydrologic watershed divide between the two districts; and

**WHEREAS**, the parcels changing watersheds are listed on Exhibit A, attached to and incorporated into this Resolution; and

**WHEREAS**, the purpose of Minnesota Statutes Chapters 103B and 103D is to facilitate water resource management on a watershed basis, and that the legal boundaries of watershed management organizations should conform as closely as is practicable to hydrologic boundaries; and

**WHEREAS**, the parcels to be allocated to each district are contiguous to each, and the alteration of the legal boundary of each watershed to include the identified parcels will advance the purposes of Minnesota Statutes Chapters 103B and 103D; and

**NOW, THEREFORE BE IT RESOLVED**, the Lower Minnesota River Watershed District supports the submission of a petition to the Minnesota Board of Water and Soil Resources pursuant to Minnesota Statutes 103D to alter the boundaries between the LMRWD and MCWD.

The question on the adoption of the Resolution was seconded by Manager \_\_\_\_\_.  
Upon a vote being taken there were \_\_\_ yeas and \_\_\_ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
AMUNDSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HARTMANN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Managers of the Lower Minnesota River Watershed District this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Joseph Barisonzi, President

ATTEST:

\_\_\_\_\_  
Lauren Salvato, Secretary

I, Lauren Salvato, Secretary of the Lower Minnesota River Watershed District, do hereby certify that I have compared the above Resolution with the original thereof as the same appears of record and on file with the LMRWD and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Lauren Salvato, Secretary