



Title:	Resolution Supporting Boundary Adjustment Between Lower Minnesota River Watershed District and Minnehaha Creek Watershed District
Resolution number:	24-005
Prepared by:	Name: Alex Steele – GIS Coordinator Phone: 952-641-4581 asteele@minnehahacreek.org
Reviewed by:	Name/Title: Becky Christopher, Policy Planning Director
Recommended action:	Support a legal boundary change petition to adjust the shared legal boundary between Lower Minnesota River Watershed District and Minnehaha Creek Watershed District.
Schedule:	N/A
Budget considerations:	N/A
Past Board action:	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%
Total	578.9	22%	78%

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)



RESOLUTION

Resolution number: 24-005

Title: Resolution Supporting Boundary Adjustment Between Lower Minnesota River Watershed District and Minnehaha Creek Watershed District

WHEREAS, as a result of more precise topographic and storm sewer data, the hydrologic boundaries between the Lower Minnesota River Watershed District (LMRWD) and the Minnehaha Creek Watershed District (MCWD) can be more precisely determined; and

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

WHEREAS, improved data allow for the common legal boundary between MCWD and LMRWD to better follow the hydrologic boundary; and

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

WHEREAS, Minnesota Statutes Chapter 103B establishes a procedure for petition to the Minnesota Board of Water and Soil Resources (BWSR) to adjust watershed management organization 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

WHEREAS, the parcels changing watersheds are listed in Attachment B and shown in Attachment A; and

WHEREAS, MCWD and LMRWD will continue to closely coordinate on projects and permits along the shared legal boundary at MSP;

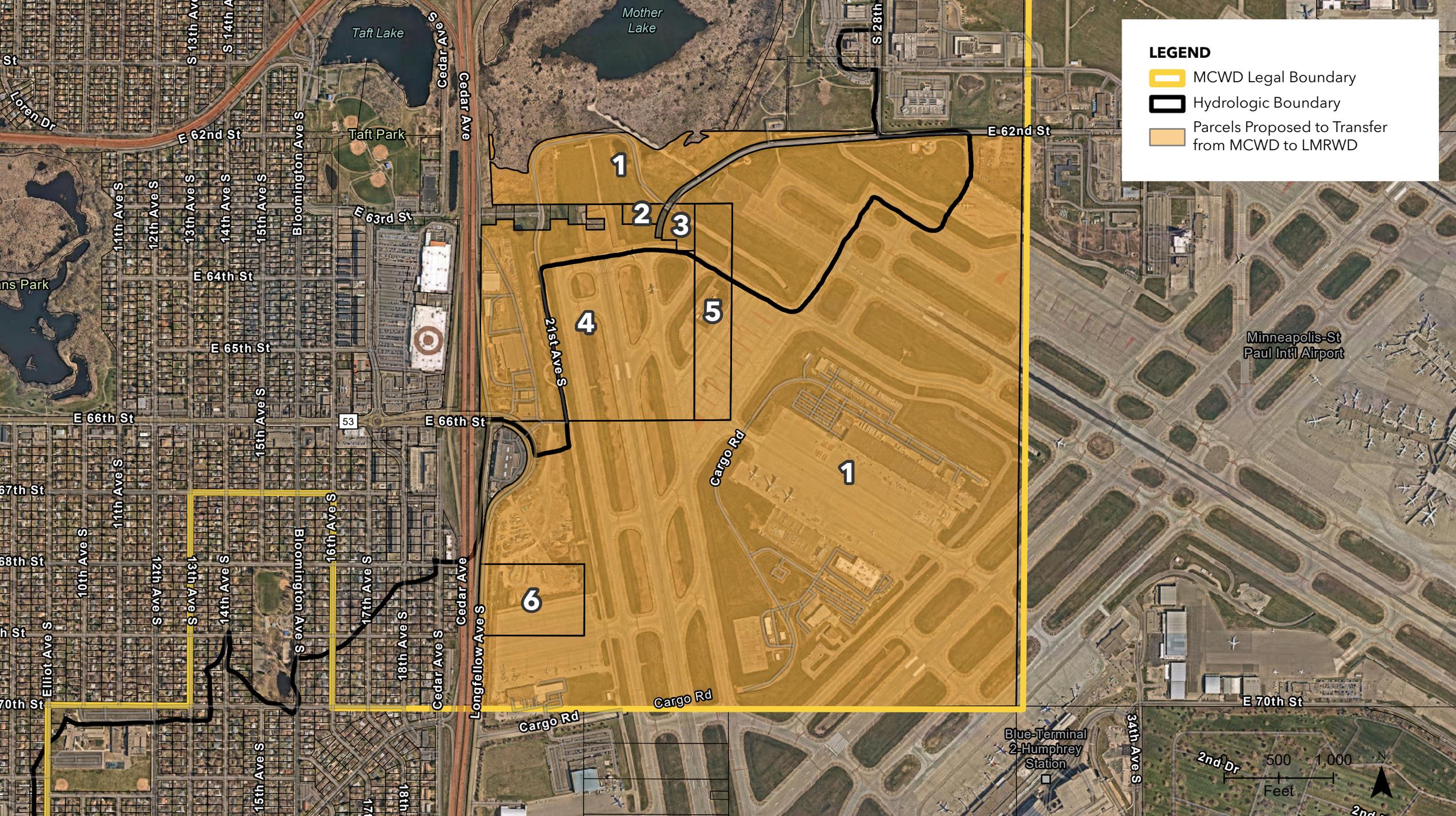
NOW, THEREFORE, BE IT RESOLVED that the Board of Managers supports the submission LMRWD’s petition to BWSR pursuant to Minnesota Statutes 103B to alter the boundaries of the LMRWD and MCWD.

BE IT FURTHER RESOLVED that the MCWD Board of Managers supports a boundary adjustment as described in Attachment B, and authorizes the MCWD District Administrator to sign a Letter of Concurrence in accordance with Minnesota Statutes 103B to be included in the petition to BWSR to adjust the common boundary of the LMRWD and MCWD; and

BE IT FURTHER RESOLVED that the MCWD Administrator is authorized to fulfill all responsibilities of the MCWD to implement the boundary adjustment as approved by BWSR.

Resolution Number 24-005 was moved by Manager _____, seconded by Manager _____. Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: 1/11/2024

 Secretary Date: _____



LEGEND

 MCWD Legal Boundary

 Hydrologic Boundary

 Parcels Proposed to Transfer from MCWD to LMRWD

Taft Lake

Mother Lake

Taft Park

Minneapolis-St Paul Intl Airport

Blue-Terminal 2-Humphrey Station

2nd Dr 500 1,000 Feet



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Bloomington Ave S
Cedar Ave
Longfellow Ave S
Cargo Rd

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6

Cargo Rd

Cargo Rd

34th Ave S

Loren Dr

ns Park

57th St

58th St

h St

70th St

2nd Dr

2nd Dr



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

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

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

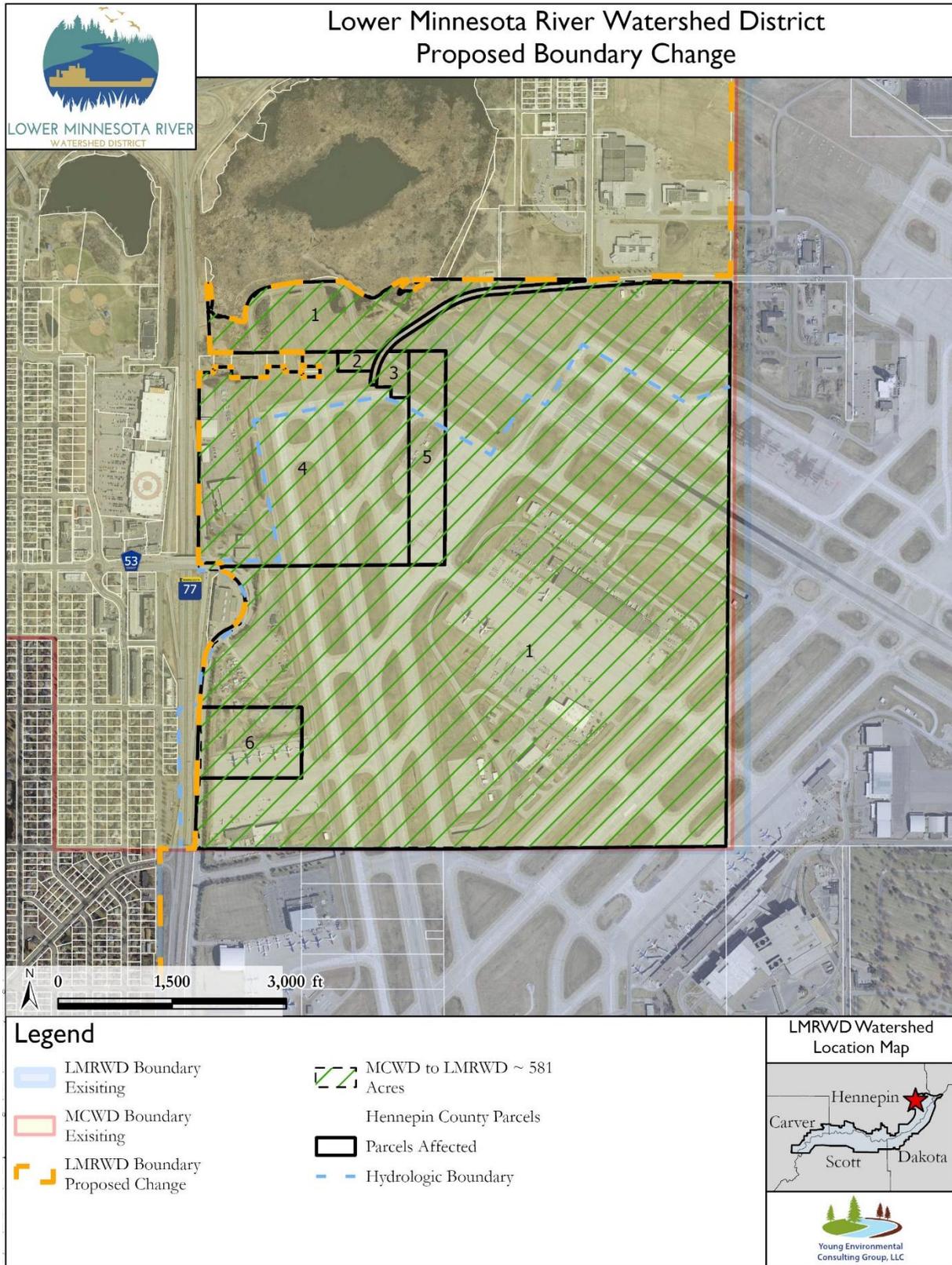


Exhibit C
Minnehaha Creek Watershed District – Resolution & Letter of Concurrence

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