

**Meeting: Board of Managers** Meeting date: 9/11/2025 Agenda Item #: 10.1

Item type: Permit

Title: Permit 24-580: Trunk Highway 5 Road Reconstruction Project

**Applicant: Carver County** 

Prepared by: Maggie Menden

mmenden@minnehahacreek.org

#### Recommendation

Approval of the Minnehaha Creek Watershed District (MCWD) permit on the following conditions:

- Execution of Programmatic Maintenance Agreement between MCWD and Carver County
- Applicant to provide receipt of purchased wetland banking credits
- Applicant to provide contractor name, email, and phone number for inspection correspondence
- Applicant to provide any plan addendums and associated materials to MCWD, subject to staff and engineering review

#### **Project Location and Scope**

#### <u>Project Purpose and Scope</u>

Carver County (Applicant or Project Team) proposes to expand and reconstruct a 6.03-mile-long portion of Trunk Highway 5 (TH5 or HWY 5), CSAH 41, and CSAH 13 in the cities of Victoria and Chanhassen. The TH5 project proposes to expand the existing roadway from two to four lanes between Highway 41 in Chanhassen and Commercial Avenue in Victoria, intersection changes, widening of the Lake Minnewashta causeway, reconstruction of Rolling Acres Road/Bavaria Road, and addition of public trails (Project).

Highway 5 is an A-Minor Arterial roadway that connects neighborhoods, cities, job centers, and regional destinations. The Applicant proposes to reconstruct and widen the road to account for experienced delays, crash issues, and projected development growth and increased density within the project corridor. Therefore, the purpose of the project is to reduce traffic congestion, improve safety, and enhance pedestrian and bicyclist safety.

This project is part of the Arboretum Area Transportation Plan (AATP), which resulted from a multi-agency study to identify and prioritize transportation improvements that support local needs and regional connectivity within the cities of Chaska, Chanhassen, and Victoria.

#### Location and Hydrology

The 6.03-mile long and 104.87-acre site is located within three subwatersheds of the Minnehaha Creek Watershed; the Six Mile Creek, Schutz Lake, and Lake Virginia subwatersheds, all of which ultimately drain into Lake Minnetonka. The eastern portion of the project, approximately 21% of the total area, is within the Riley Purgatory Bluff Creek Watershed District (RPBCWD).

#### Six Mile Creek Subwatershed

Approximately 13% of the project area is within the Six Mile Creek subwatershed, draining north to Steiger Lake through overland flow and a second order stream, ultimately discharging downstream to Halsteds Bay on Lake Minnetonka.

#### Schutz Lake Subwatershed

Approximately 33% of the project area is within the Schutz Lake subwatershed, draining north to Schutz Lake through Madelyn Creek, a second order stream, and ultimately discharging downstream to Smithtown Bay on Lake Minnetonka.

#### Lake Virginia Subwatershed

Approximately 32% of the project area is within the Lake Virginia subwatershed, draining to north through a wetland complex into Tamarack Lake. Within the subwatershed, the project area also drains directly into Lake Minnewashta. Both Tamarack Lake and Lake Minnewashta eventually drain northeast into Lake Virginia.

#### Bluff Creek Watershed

The eastern portion of the project, approximately 21% of the total project area, is within the Bluff Creek watershed, which is within the Riley Purgatory Bluff Creek Watershed District (RPBCWD).

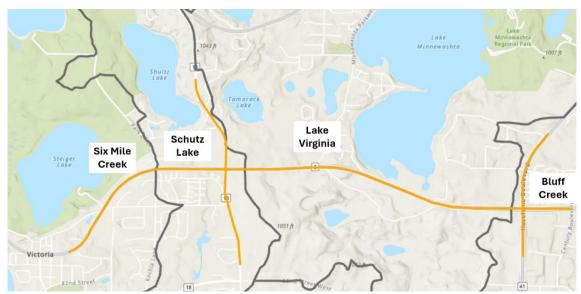


Figure 1. Subwatersheds within the TH5 Project Area

#### **Regulatory Framework and Reason for Board Consideration**

This project is being brought before the MCWD Board of Managers due to its large scale, cost, extent of natural resource impacts, and regional impact on development and transportation.

MCWD and RPBCWD have an executed Joint Powers Agreement (Attachment A) for this project, which allows MCWD to exercise regulatory authority over the entire project.

The Project is subject to MCWD's <u>Erosion Control</u>, <u>Floodplain Alteration</u>, <u>Stormwater Management</u>, <u>Waterbody Crossings & Structures</u>, and <u>Wetland Protection</u> Rules. MCWD staff and District Engineer have reviewed the Project and concluded that it meets the District criterion for each of these rules.

The Project is also subject to state and federal wetland permitting requirements and review. The project proposes impacts to 5.61 acres of wetlands, 5.41 of which are subject to the WCA, 0.20 of which are subject to MCWD regulations and have been reviewed under the District's Wetland Protection Rule. MCWD serves as the Local Government Unit (LGU) for the state's Wetland Conservation Act (WCA) within the City of Victoria, for wetlands outside of the state Right-of-Way (ROW). MnDOT is the LGU for all other wetlands, as the City of Chanhassen and the Minnesota Landscape Arboretum have deferred LGU authority to MnDOT. The United States Army Corps of Engineers (USACE) is reviewing the proposed impacts under Section 404 of the Clean Water Act.

Outside of MCWD regulations and wetland permitting requirements, the Project is subject to state and federal review as it relates to environmental impacts. The Project received a Finding of No Significant Impact (FONSI) from the Federal Highway Administration and a Findings of Facts and Conclusions (FOF&C) from the Minnesota Department of Transportation (MnDOT) with a negative declaration, meaning there is no need for an Environmental Impact Statement (EIS).

#### **MCWD Rule Analysis**

#### Erosion & Sediment Control

The Project proposes 100.8 acres of disturbance and 400,647 cubic yards of soil movement. Due to the extent of land disturbance of this project, the Applicant is required to meet the District's Erosion & Sediment Control Rule.

The Project proposes an Erosion and Sediment Control (ESC) Plan and a Stormwater Pollution Prevention Plan (SWPPP) (sheets 537-563 of Attachment B). These plans include perimeter control such as silt fences and bio logs around the downgradient water resources, in addition to proposed inlet protection and both temporary and permanent stabilization plans. The Applicant proposes to stabilize disturbed areas using MnDOT approved seed mixes and maintain the areas in accordance with MnDOT standards. Redundant erosion control measures will be in place in areas of environmental sensitivity, such as adjacent to downgradient water resources.

The Project will obtain coverage by the Minnesota Pollution Control Agency (MPCA) under the National Pollutant Discharge Elimination System (NPDES).

MCWD staff have reviewed the proposed erosion and sediment control measures and concur that the rule is being met.

#### Floodplain Alteration

Due to the road widening along Lake Minnewashta and work along Madelyn Creek, the Project is proposing fill, excavation, and grading between the Ordinary High Water (OHW) and the 100-year floodplain, and therefore MCWD's Floodplain Alteration Rule is applicable. For Lake Minnewashta, the OHW is 944.4 and the 100-year is 946.0 (NGVD29). For Madelyn Creek, the OHW is 967.7 and the 100-year is 970.05 (NGVD29).

The Project proposes 1,287 cubic yards of fill within the Lake Minnewashta floodplain. 1 cubic yard is proposed to be placed along the north side of the road, and 1,286 cubic yards are proposed to be placed along the south side of the road, as this is where the road expansion is occurring. To meet Section 4(a) of this rule, the project is providing no net fill by providing 1,293 cubic yards of compensatory floodplain storage. 1,022 cubic yards of cut are proposed along the north side and 270 cubic yards along the south side, resulting in a net gain of 6 cubic yards of floodplain storage (Attachment C).

In the Madelyn Creek floodplain, the Project is replacing an existing 66" RCP culvert with a 4' x 6' box culvert and doing grading work, such as constructing settling pools upstream and downstream of the culvert. This work will create 229 cubic feet (or 8.5 cubic yards) of net floodplain storage. As this is a watercourse, the applicant has demonstrated that these changes will not cause a change in upstream or downstream flood levels, therefore meeting the No-Rise Standard.

Staff and District Engineer have reviewed the proposal and confirmed that it meets MCWD's Floodplain Alteration Rule.

#### **Stormwater Management**

MCWD's Stormwater Management Rule is applicable due to the project being a Linear Transportation project that proposes more than one acre of new and reconstructed impervious surface.

In accordance with Section 2(a)1 of the rule, because the project proposes over an acre of new and reconstructed impervious surface and a net increase of impervious surface greater than 10,000 square feet, the project is required to provide rate control and volume control equal to the larger of: one inch of volume from new impervious surface or 0.5 inches of volume from new impervious and reconstructed impervious surface.

The project proposes 12.9 acres of new impervious surface, and therefore 1 inch over the new impervious surface would be 1.06 acre-feet of required volume abstraction. The project proposes 59.6 acres of new and reconstructed impervious surface, and therefore 0.5 inches over the new and reconstructed impervious surface would be 2.48 acre-feet of

required volume abstraction. 0.5 inches of volume from new impervious and reconstructed impervious surface (2.48 acre-feet) is the larger volume and is the applicable volume requirement.

Stormwater runoff from the road currently drains to roadside ditches and is conveyed via culverts to receiving waterbodies. In some areas, such as Lake Minnewashta, runoff sheet flows directly into the receiving waterbody.

To manage surface water, multiple stormwater management basins are proposed throughout the corridor to attenuate peak flow rates and provide water quality treatment. Additionally, existing stormwater basins will also be utilized for rate control and water quality treatment.

#### Volume Control

Per Section 3(a)2, the Project is required to provide volume reduction for 0.5 inches over the total new and reconstructed impervious surface (59.6 acres), which equates to 2.48 acre-feet of volume abstraction.

To meet these requirements, the Applicant is proposing to incorporate 14 Best Management Practices (BMPs) throughout the corridor (see sheets 529-529 of Attachment B). The project is proposing two infiltration basins in areas that have suitable soils for infiltration. In areas where the soils are predominantly clay, which represents much of the project, and therefore infiltration is prohibited, the project proposes six filtration facilities, two underground detention pipe galleries, and four wet ponds. The two proposed underground pipe galleries provide rate control but will not provide volume abstraction. Two of the proposed wet ponds do not meet Minnesota Stormwater Manual requirements to achieve credit toward volume control requirements.

The table below demonstrates the proposed stormwater facilities and their associated volume credits.

SW BMP	ВМР Туре	Credited Volume Control	
Enki*	Wet Pond	0.00	
Trillium	Filtration Basin	0.13 0.19	
Buckbean	Infiltration Basin		
Blazing Star	Filtration Basin	0.30	
Pipe Gallery A**	Underground	0.00	
Pipe Gallery B**	Underground	0.00 0.37	
Butterfly Weed	Filtration Basin		
Lady Slipper	Filtration Basin	0.16	
Trout Lily*	Wet Pond	0.00 0.09	
St. Moritz	Wet Pond		
Bog Aster	Infiltration Basin	0.34	
Goldenrod	Wet Pond	0.95	
CSAH 41 Basin	Basin Filtration 0.03		
CSAH 13 Ditch	Filtration	0.02	
7	2.58		

<sup>\*</sup>Proposed wet ponds which do not meet Minnesota Stormwater Manual requirements to achieve credit toward volume control requirements.

The project is required to provide 2.48 ac-ft of volume control, and is proposing to provide 2.58 ac-ft, therefore meeting the District's volume requirements.

<sup>\*\*</sup>Proposed detention pipe galleries which only provide rate control and do not achieve credit toward volume control requirements.

#### Water Quality

Per Section 3(a), for purposes of both volume and phosphorus control, a project must provide the required volume reduction. Within the rule, when a project provides the required volume reduction, phosphorus control is assumed to be met.

While the project meets the District's volume control requirements, because the Project has multiple receiving waterbodies, the District Engineer reviewed modeling to understand the project's impact on water quality for each receiving waterbody. Using the Minimal Impact Design Standards (MIDS) best management practice calculation, it was estimated that the project as a whole will reduce the annual total phosphorus load to downstream waterbodies by roughly 8.3 pounds per year.

Christmas Lake and the wetland near 82<sup>nd</sup> St are estimated to see no change in annual total phosphorus load. Lake Minnewashta, Steiger Lake, Tamarack Lake, and Bluff Creek are estimated to see a total phosphorus load reduction of between 2 and 6 pounds per year. Schutz Lake is estimated to see an increase of roughly 4 pounds per year increase in total phosphorus load.

The total phosphorus watershed load to Schutz Lake is roughly 715 pounds per year. The lake is not listed as Impaired Water per the Minnesota Pollution Control Agency standards. A 4-pound increase would account for roughly 0.56% of the annual load.

The Project Team and MCWD explored some potential opportunities to offset the 4-pound load increase, including the expansion or retrofit of existing BMPs, additional areas for treatment, and stabilizing a portion of Madelyn Creek to reduce the amount of channel erosion into Schutz Lake. Ultimately, the stream stabilization project was found to be the most feasible, as the existing BMPs are either already maximized and space constrained, or the estimated potential load increase through a retrofit is minimal. The Applicant did not pursue the stream stabilization project further as the Applicant understands it would necessitate further federal review through the EAW.

The project is providing the required stormwater volume reduction, and therefore meets section 3(a) of this rule.

#### Rate Control

Per Section 4, an action may not increase the peak runoff rate from the site, in aggregate, for the 2-,10-, and 100-year storm events.

The Project has 15 different discharge points, all of which do not increase runoff rates for the 2-, 10-, and 100-year storm events, meeting this section of the rule (see Table 6 in Attachment F).

#### Flood Separation

Per Section 6, there must be two feet of vertical separation between the 100-year high water elevation of a stormwater practice and the low opening of any structure unless the structure opening is hydraulically disconnected from the stormwater practice.

MCWD and the District Engineer have reviewed for sufficient flood separation between each of the proposed stormwater facilities and any nearby structures and have found that this criterion is met.

#### Impact on Downstream Waterbodies

Per Section 7(a), any new point sources must treat for sediment and phosphorus removal before discharging to a waterbody. The Project proposes to use sump manholes with SAFL Baffles upgradient of all new point sources, allowing sediment to settle before entering receiving waterbodies and therefore meeting this section of the rule.

Section 7(b) requires that bounce, inundation, and runout control elevation meet certain criteria. For each downgradient waterbody, bounce, inundation, and runout control elevation requirements are being met (see Table 7 in Attachment F).

#### Conclusion

The proposed project proposes to meet the Stormwater Management rule through the incorporation of 14 BMPs, meeting volume and rate control requirements, resulting in an estimated net decrease in phosphorus loading of 8.3 lbs/yr.

#### Waterbody Crossings & Structures

The Project is proposing to construct and reconstruct structures, such as storm sewer outlets, culverts, and BMP outlets, below the top of bank of waterbodies throughout the project area. The locations of these structures can be found on sheets 430-448 of Attachment B.

12 structures will be replaced in a way that will not cause a change in hydraulic, navigational, nor wildlife passage capacity, when applicable. 2 of these structures will be within a watercourse, which requires that the applicant demonstrate that there will be no change to upstream or downstream flood stage.

7 new structures are being proposed, including the construction of a span bridge that will reconnect Lake Minnewashta to the wetland to the south.

Section 3(a) states that the use of the bed or bank of a waterbody must serve a public purpose within public waters, and meet a demonstrated specific need in all other cases. All structures are within public waters and therefore must serve a public purpose. These structures serve a public purpose and meet the demonstrated need of conveying stormwater runoff from the roadway.

For the structures within a watercourse, per Section 3(b), modeling has been provided to demonstrate that these structures will not change upstream or downstream flood stage. The District Engineer has reviewed the analysis and concurs in it.

Section 3(c) requires that the Project preserves navigational capacity. The new and replaced structures will not create navigational capacity, as these are designed to convey stormwater and not meant for navigational passage.

Section 3(d) requires that aquatic and upland wildlife passage be preserved. For the culverts that are proposed to be replaced, there is no change in wildlife capacity. Of the proposed 7 new culverts there will be no impact to aquatic and upland wildlife passage, as the culverts will not extend into the waterbody in a way that could constrict passage. The proposed bridge on Lake Minnewashta will incorporate a wildlife passage bench.

Section 3(e) requires that the crossing be designed to not promote erosion or scour, or otherwise affect bed or bank stability or water quality within the waterbody. The proposed design includes riprap downstream of the culverts and outlets to disperse flows. The design has been reviewed by the District Engineer to ensure that the proposal has appropriate invert elevations and downstream dispersion of flows so as to not promote erosion, scour, or adversely affect water quality.

Section 3(f) requires that the crossing be the "minimal impact" solution to the specific need. The Applicant provided two alternatives to the proposed Project. One alternative was to make no changes to the existing structures. This would be the least impactful option but would not meet the purpose and need of the project to bring the roadway up to current safety standards. Another option would maintain the rural section roadway while still expanding the road. This option would require wetland impacts and floodplain fill. Alternatives analyzed for the Lake Minnewashta Causeway were nobuild, widening of the embankment, half bridges, or a full bridge. The chosen option met the needs and purpose of the Project's social, economic, and environmental impacts.

MCWD Staff and District Engineer have reviewed the alternatives analysis and have found that the proposal meets the minimal impact criterion.

#### **Wetland Protection**

#### Wetland Conservation Act (WCA)

Under Minnesota Rules Chapter 8420 (WCA), excavation in permanently or semi permanently flooded areas of wetlands, and any wetland fill, are subject to review and regulation. The project proposes 5.41 acres of wetland impacts that are subject to WCA regulations. When reviewing wetland impacts under WCA, the Applicant must show that they first avoided the impact to the greatest extent feasible and then minimized the impacts to the greatest extent before seeking replacement.

The Local Government Units (LGUs) for these impacts are MCWD and the Minnesota Department of Transportation (MnDOT). MCWD is the LGU for the wetland impacts within the City of Victoria and outside of the state ROW, which total to 0.26 acres. MnDOT is the LGU for all other wetland impacts, which totals to 5.15 acres.

The Project Team has coordinated with the LGU's (MCWD and MnDOT) and the Technical Evaluation Panel, which consists of staff from the Board of Water and Soil Resources, Department of Natural Resources, and Carver County Soil and Water Conservation District, to step through the WCA siting criteria such as impact avoidance, minimization, and replacement. The Project has demonstrated that the impacts cannot be avoided, as impacts are necessary for the road widening and implement safety measures. The Applicant would not be able to avoid the proposed impacts while meeting project goals. Minimization was achieved by considering multiple design alternatives, with varying options of roadway footprints. The Project is seeking a Notice of Decision for the approval of wetland replacement via wetland banking.

#### Excavation

Section 3 of the Wetland Protection rule is applicable due to the proposed wetland excavation of wetlands that are not subject to WCA.

The project proposes 0.20 acres of wetland excavation that are not subject to WCA regulations, and therefore are regulated under this rule and required to provide replacement at a 2:1 ratio, resulting in 0.40 acres of wetland replacement. Attachment D shows the Project's proposed impacts to wetlands.

To meet Section 2(c), the applicant has sited replacement in the following order.

- 1. Within the same District subwatershed: there are currently no available wetland credits available for purchase within the applicable subwatersheds.
- 2. Within the Minnehaha Creek watershed: there are currently no available wetland credits available for purchase within the Minnehaha Creek watershed.
- 3. Within the same eight-digit Hydrologic Unit Code watershed: the Project is proposing to purchase wetland credits within the 07010206 watershed, thereby meeting MCWD siting requirements.

#### Vegetated Buffer

Per Section 4, a buffer is required if District regulated wetlands are impacted, if the Waterbody Crossings & Structures Rule is applicable, and/or if the Stormwater Management Rule is applicable.

As this is a linear project and available buffer area is limited, the Project proposes to establish vegetated wetland buffers within the extent of available right-of-way. Buffers will be established using MnDOT approved native seed mix (Southern Tallgrass Roadside).

Per the Project's ESC, wetlands and buffer areas will be fenced to exclude construction operations and to prevent sediment movement into the buffer and wetland.

Per Section 5(c)3, a road authority is permitted to partake in maintenance measures as required to maintain public safety.

#### **Public Comments**

#### **Public Notice Process**

Per MCWD's Procedures Rule, a Public Notice is required to be sent to properties within 600 feet of the project area. On July 30<sup>th</sup>, 2025, MCWD sent out postcards to 757 property owners requesting comments on the Project as it relates to MCWD regulations.

On August 29<sup>th</sup>, a Board Consideration Notice was mailed to the same 757 property owners to inform them that the Project will be heard before the MCWD Board of Managers on September 11<sup>th</sup>, 2025. Both notices were also posted on our website.

#### **Public Comment Summary**

During the public notice period, MCWD received 4 inquiries. Two of the inquiries were related to traffic and detour concerns, which are not within MCWD's regulatory purview. The County provides project and construction updates via an email newsletter. Interested parties can subscribe to this newsletter on their website.

Full comments can be found in Attachment E.

#### **Public Comments**

#### Applewood Neighborhood (Bavaria Road)

A resident expressed concern about stormwater runoff along Bavaria Road, noting that it currently flows into ditches and ultimately into Applewood backyards, contributing to persistently wet conditions. They suggested adding curbs, storm drains, and surface inlets as part of the planned trail and resurfacing project to better capture and convey runoff and requested improvements to prevent additional water from being directed toward private property.

MCWD has reviewed these comments in coordination with the Project Team (Carver County), as MCWD does not prescribe specific design elements for applicants. The project proposes curb and gutter on the east side of Bavaria Road where the new trail will be constructed, while the west side will retain the existing ditch system to minimize impacts to properties on that side. Concrete flared end sections will be placed at low points on the east side to collect offsite runoff, which will be conveyed north to Madelyn Creek via storm sewer. This approach maintains existing drainage patterns where drainage is routed to ditches within the county-owned ROW.

#### Tristian Heights Neighborhood (Minnewashta Parkway)

A resident raised concern about the proposed stormwater pond and underpass near Minnewashta Parkway, citing potential impacts to a neighborhood park, trails, and nearby residences, as well as increased construction-related noise, dust, and vegetation removal. They stated that locating stormwater facilities on non-Arboretum property is inconsistent with local and MCWD plans that designate the area as park/open space, and noted that the Arboretum declined to host stormwater infrastructure. They also expressed concern that the project would divert runoff from Lake Minnewashta to Tamarack Lake, which they view as inconsistent with natural topography and potentially harmful to sensitive resources. They cited state investments to restore Tamarack Lake and urged MCWD to deny the pond as proposed, stating it conflicts with MCWD's Stormwater Management Rule.

MCWD directed comments related to construction impacts to the Project Team, as noise, dust, and visual impacts are outside MCWD's regulatory authority. While MCWD does not regulate land use or determine the specific siting of stormwater facilities, the Project does not propose a significant change to drainage areas in the Minnewashta/Tamarack area. Instead, it will capture and treat impervious surface runoff within this drainage area using the Butterfly Weed basin. While additional impervious surface will be routed through this area, modeled discharge rates to the wetland and Tamarack Lake will not increase; they are proposed to decrease from existing conditions.

Currently, runoff from TH 5 flows untreated into the wetland before reaching Tamarack Lake. Under the proposed Project, this runoff will be directed to a stormwater basin for treatment before discharging to the wetland and then Tamarack Lake, as shown in Table 7: Impact to Downgradient Waterbodies. Because there is currently little managed

stormwater treatment in the project area, this project presents an opportunity to add new treatment throughout the corridor and bring the conveyance and treatment system up to current standards.

#### Conclusion

The Applicant has applied for a Minnehaha Creek Watershed District permit under the Erosion Control, Stormwater Management, Floodplain Alteration, Waterbody Crossings and Structures, and Wetland Protection Rules.

Based on staff and MCWD Engineer analysis of the Applicant's submittals, the application meets all criteria for the applicable rules.

Therefore, staff recommend approval of the permit application, with the conditions listed at the beginning of this report.

#### **Attachments**

- A. Joint Powers Agreement
- B. Construction Plan Set
- C. Floodplain Exhibits
- D. Wetland Impacts
- E. Public Comments
- F. Figures

# Attachment A: Joint Powers Agreement

#### **Joint Powers Agreement**

# Between Minnehaha Creek Watershed District and Riley-Purgatory-Bluff Creek Watershed District

#### **MN Trunk Highway 5 Reconstruction Project**

This agreement is made by and between Minnehaha Creek Watershed District (MCWD) and Riley-Purgatory-Bluff Creek Watershed District (RPBCWD), each a political subdivision of the State of Minnesota with purposes and powers as set forth in Minnesota Statutes chapters 103B and 103D. This agreement is executed by both parties under authority of Minnesota Statutes section 471.59, which permits two or more governmental units to jointly and cooperatively exercise any power common to them.

#### **Recitals**

WHEREAS pursuant to Minnesota Statutes sections 103D.341 and 103D.345, MCWD and RPBCWD each has adopted and implements rules and permitting requirements applicable to land-disturbing activity, to manage and protect water resources within its legal boundaries;

WHEREAS County is the proponent of a road project known as MN Trunk Highway 5 Reconstruction Project ("Project"), which will involve land-disturbing activity within the boundaries of both MCWD and RPBCWD, but the great majority of which will occur within MCWD boundaries;

WHEREAS RPBCWD finds that MCWD regulation will protect water resources within RPBCWD boundaries to an extent at least equivalent to RPBCWD regulation, and MCWD and RPBCWD agree that for administrative efficiency, a single watershed district should exercise regulatory authority over the Project;

WHEREAS County, in the interest of permitting efficiency and consistency, concurs in MCWD exercise of regulatory authority over the entire Project and has confirmed this in the letter attached hereto as Attachment A, incorporated herein.

THEREFORE it is mutually agreed by and between MCWD and RPBCWD as follows:

- 1. MCWD will exercise its permitting authority over that part of the Project within RPBCWD boundaries as delineated on Attachment B hereto, incorporated herein, in the same manner as over that part of the Project within MCWD boundaries. RPBCWD will refrain from exercising its permitting authority over the Project, however it retains its statutory authority to enter and inspect the Project site.
- 2. An MCWD permit for the Project may include a condition requiring that a stormwater management facility be installed, inspected and maintained for a term of years, or in perpetuity. The permit also may authorize MCWD to enter property to inspect, do work or otherwise occupy the Project site. By this JPA, any such permit condition or exercise of authority is not placed in question by the fact that the part of the site on which the facility is located, or that MCWD crosses or occupies, is not within the MCWD legal boundary.
- 3. Neither party to this agreement agrees to be responsible for the acts or omissions of the other within the meaning of Minnesota Statutes §471.59, subdivision 1a.

**IN WITNESS WHEREOF**, intending to be legally bound, the parties hereto execute and deliver this agreement.

Riley-Purgatory-Bluff Creek Watershed District

Date: September 4, 2025

Terry Jeffery, Administrator

Minnehaha Creek Watershed District

James Wisker, Administrator

Date:

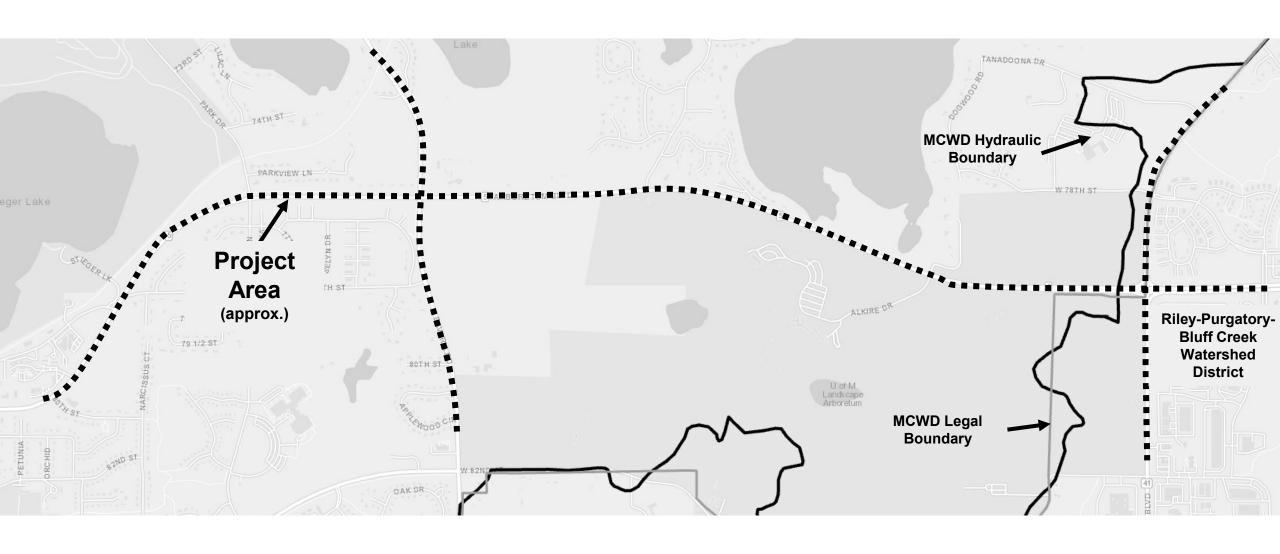
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### **EXHIBIT A**

## **Carver County Concurrence**

## **EXHIBIT B**

**Trunk Highway 5 Trail Project Boundaries** 



## Attachment B: Construction Plan Set

INDEX MAP

PLAN

PROFILE

CROSS-SECTION

GENERAL LAYOUT

# MINNESOTA DEPARTMENT OF TRANSPORTATION CARVER COUNTY

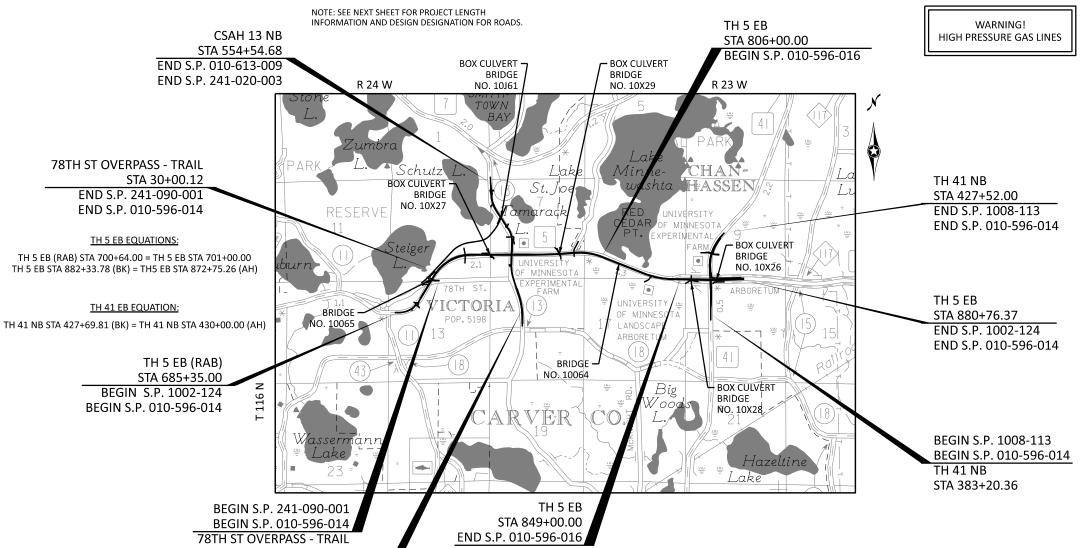
CONSTRUCTION PLAN FOR GRADING, BITUMINOUS SURFACING, ROUNDABOUTS, ADA IMPROVEMENTS, RETAINING & NOISE WALLS, SIGNALS, TMS, LIGHTING, PEDESTRIAN CROSSWALK FLASHER SYSTEM, AND

BRIDGES #10X26, #10X27, #10X28, #10X29, #10J61, #10064, #10065

 LOCATED ON
 T.H. 5
 FROM
 0.08 MILES EAST OF C.S.A.H. 11
 TO
 0.29 MILES EAST OF T.H. 41

 LOCATED ON
 T.H. 41
 FROM
 0.33 MILES SOUTH OF T.H. 5
 TO
 0.49 MILES NORTH OF T.H. 5

 LOCATED ON
 C.S.A.H. 13
 FROM
 0.05 MILES NORTH OF C.S.A.H. 18
 TO
 0.39 MILES SOUTH OF T.H. 7



TH ST OVERPASS - TRAIL STA 20+14.09

BEGIN S.P. 010-613-009

BEGIN S.P. 241-020-003

CSAH 13 NB

STA 477+24.39

PLAN REVISIONS

DATE SHEET NO. APPROVER

PROJECT LOCATION CARVER COUNTY METRO

MINN. PROJ. NO. STBG-CDS-RSTG-PRO-NHFP-TA 1025(262)

#### GOVERNING SPECIFICATIONS

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.

ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE LATEST "MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MN MUTCD), INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

SHEET NO.	<u>INDEX</u>			
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90-117	TYPICAL SECTIONS			
118-130	MISCELLANEOUS DETAILS			
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352-407	CIP RETAINING WALL PLAN & DETAILS			
408-420	REINFORCED SOIL SLOPE PLAN & DETAILS			
421-426	MOMENT SLAB DETAILS			
427-428	NOISE WALL PLAN & DETAILS			
429-453	DRAINAGE PLANS			
454-511	DRAINAGE PROFILES & TABULATIONS			
512-528	DRAINAGE SUMMARIES & DETAILS			
529-536	POND GRADING PLANS			
537-560	EROSION CONTROL & TURF ESTABLISHMENT PLANS			
561-563	STORM WATER POLLUTION PREVENTION PLAN			
564-649	SIGNING & STRIPING PLANS			
650-699	SIGNAL PLANS			
700-702	PEDESTRIAN CROSSWALK FLASHER SYSTEM			
703-721	LIGHTING PLANS			
722-729	CROSS SECTION MATCHLINE LAYOUT			
LS01-LS24	LANDSCAPING & IRRIGATION PLANS			
UT01-UT41	SANITARY SEWER & WATERMAIN PLAN			
TC1-TC185	STAGING & TRAFFIC CONTROL PLANS			
TCP1-TCP83	TEMPORARY CONSTRUCTION PLANS			
TSP1-TSP24	TEMPORARY SIGNAL PLANS			
SZ01-SZ40	TRAFFIC MANAGEMENT SYSTEM			
B1-B100	BOX CULVERT PLANS			
XSP001-XSP318	CROSS SECTIONS			
THIS PLAN CONTAINS 1544 SHEETS				



12224 NICOLLET AVENUE BURNSVILLE, MINNESOTA 55337 Phone: (952) 890-0509 Email: Burnsville@bolton-menk.com www.bolton-menk.com

PRINT NAME: _DENA_M, KING	$\sim$	
DATE: 03/14/2025	$\sim$	

PRINT NAM	E: _DENA_ M. KING 03/14/2025	SIGNATURE:	LICENSE # Dara M. King		
RECOMMEN	DED FOR APPROVAL		CARVER COUNTY EN	IGINEER	
RECOMMEN	DED FOR APPROVAL		CITY OF VICTORIA EI	NGINEER	
RECOMMEN	DED FOR APPROVAL		CITY OF CHANHASSE	EN ENGINEER	
DISTRICT S	TATE AID ENGINEER:	H STATE AID AND FEDERAL			
STATE AID E APPROVED		DERAL AID FUNDING			
OFFICE OF LA	AND MANAGEMENT API		ECTOR, LAND MANA	GEMENT	
APPROVED		STATE DESIGN EN			

S.P. 1002-124 (TH5=121), S.P. 1008-113 (TH41=12), S.P. 010-596-014, S.P. 010-596-016, S.P. 010-613-009, S.P. 241-020-003, S.P. 241-090-001

FOR PLANS AND UTILITIES SYMBOLS SEE TECHNICAL MANUAL

CHARGE IDENTIFIER

AGREEMENT NO. 1058994 CARVER COUNTY

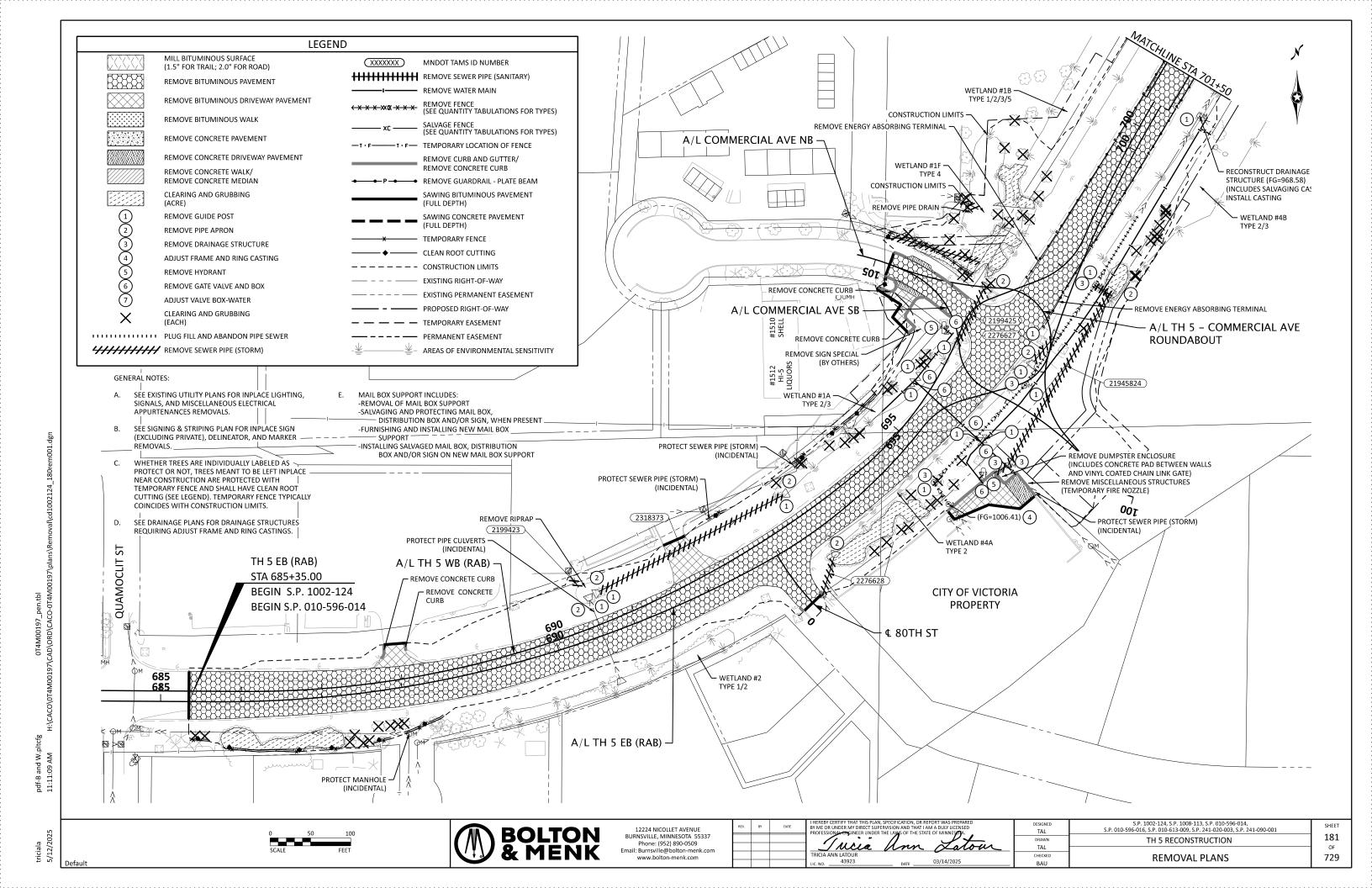
S.P. 1002-124 (T.H. 5 = 121)

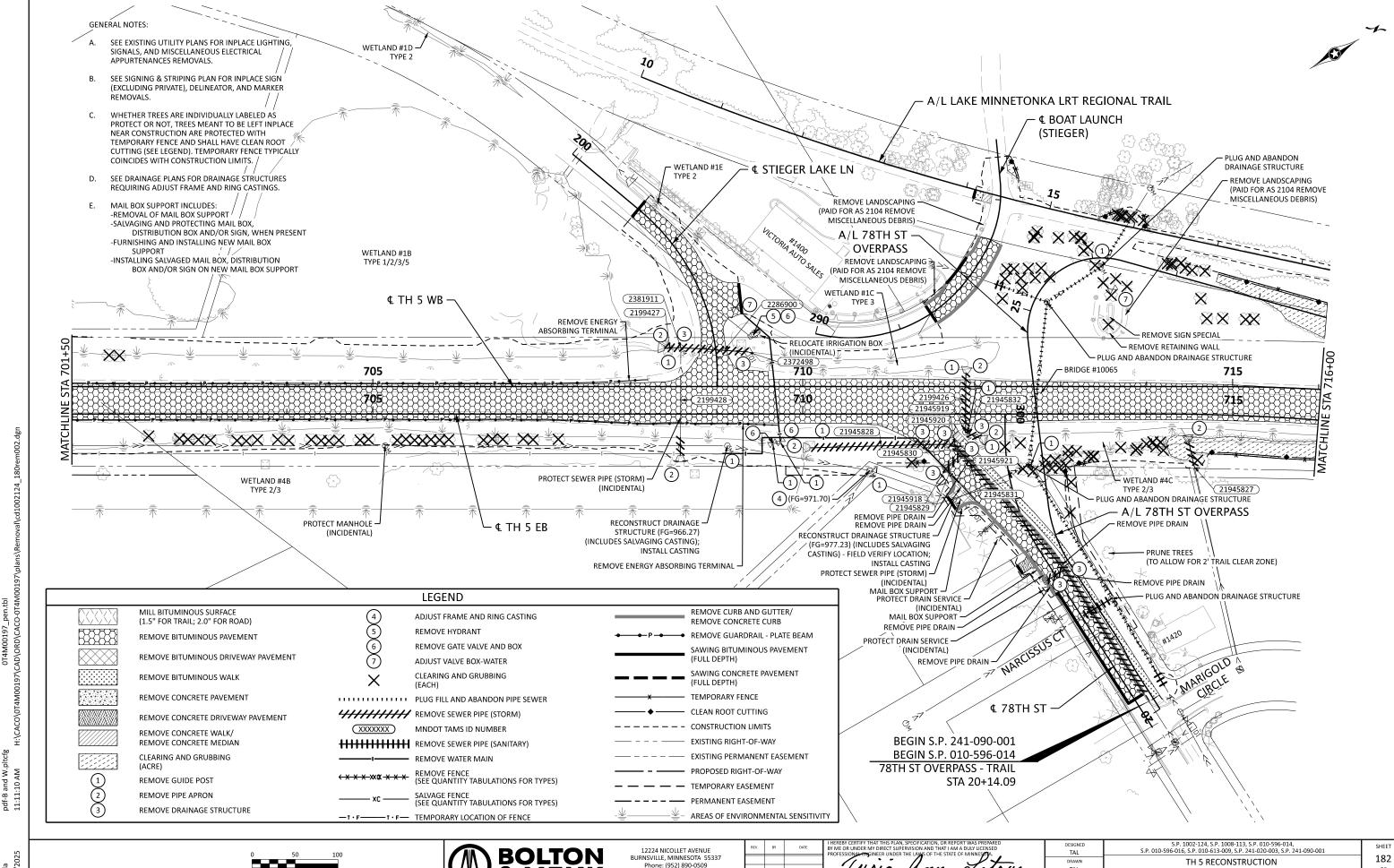
METRO DISTRICT

STATE PROJ. NO.

1002-124

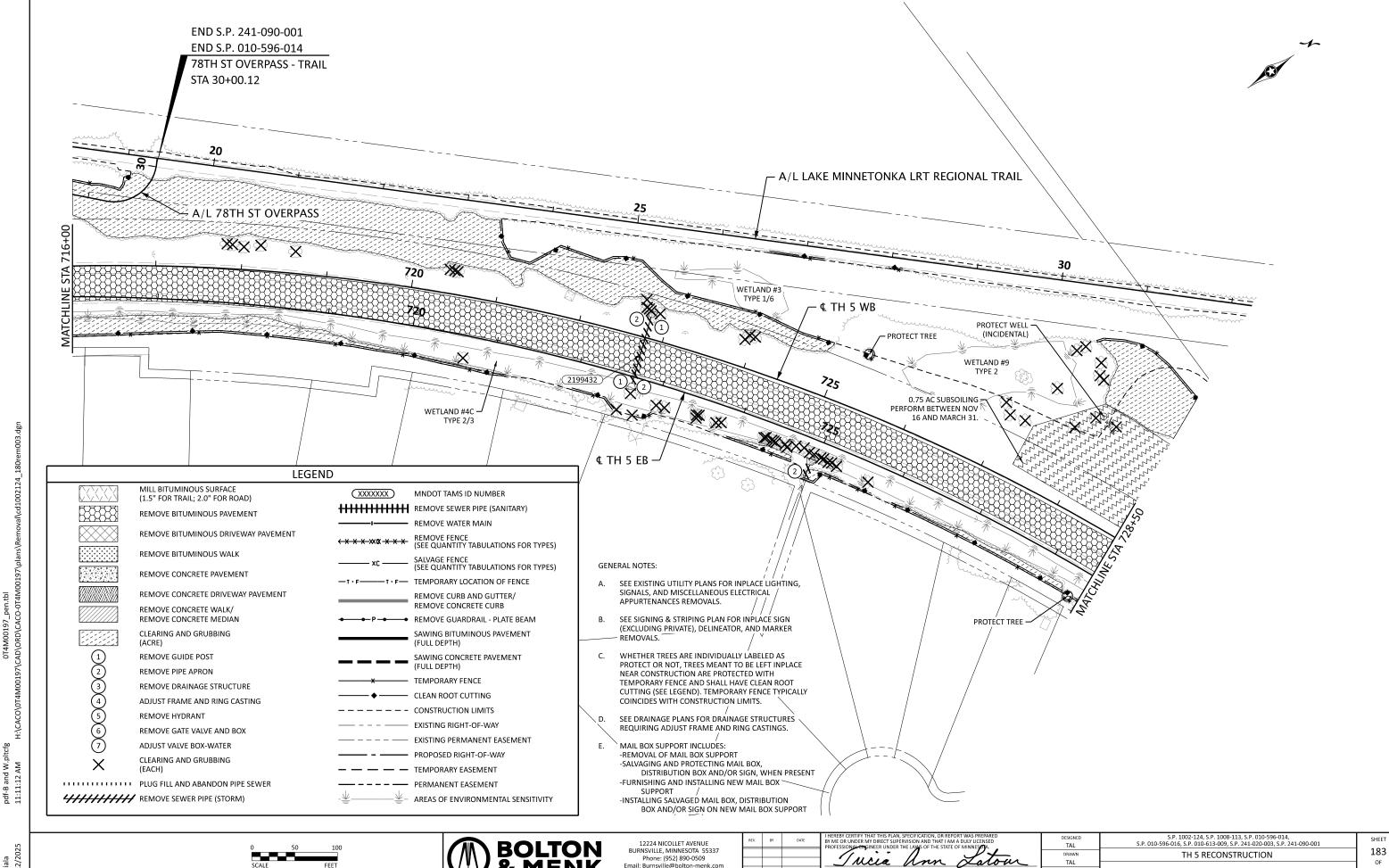
STBG-CDS-RSTG-PRO-NHFP-TA 1025(262)





Phone: (952) 890-0509 Email: Burnsville@bolton-menk.com www.bolton-menk.com

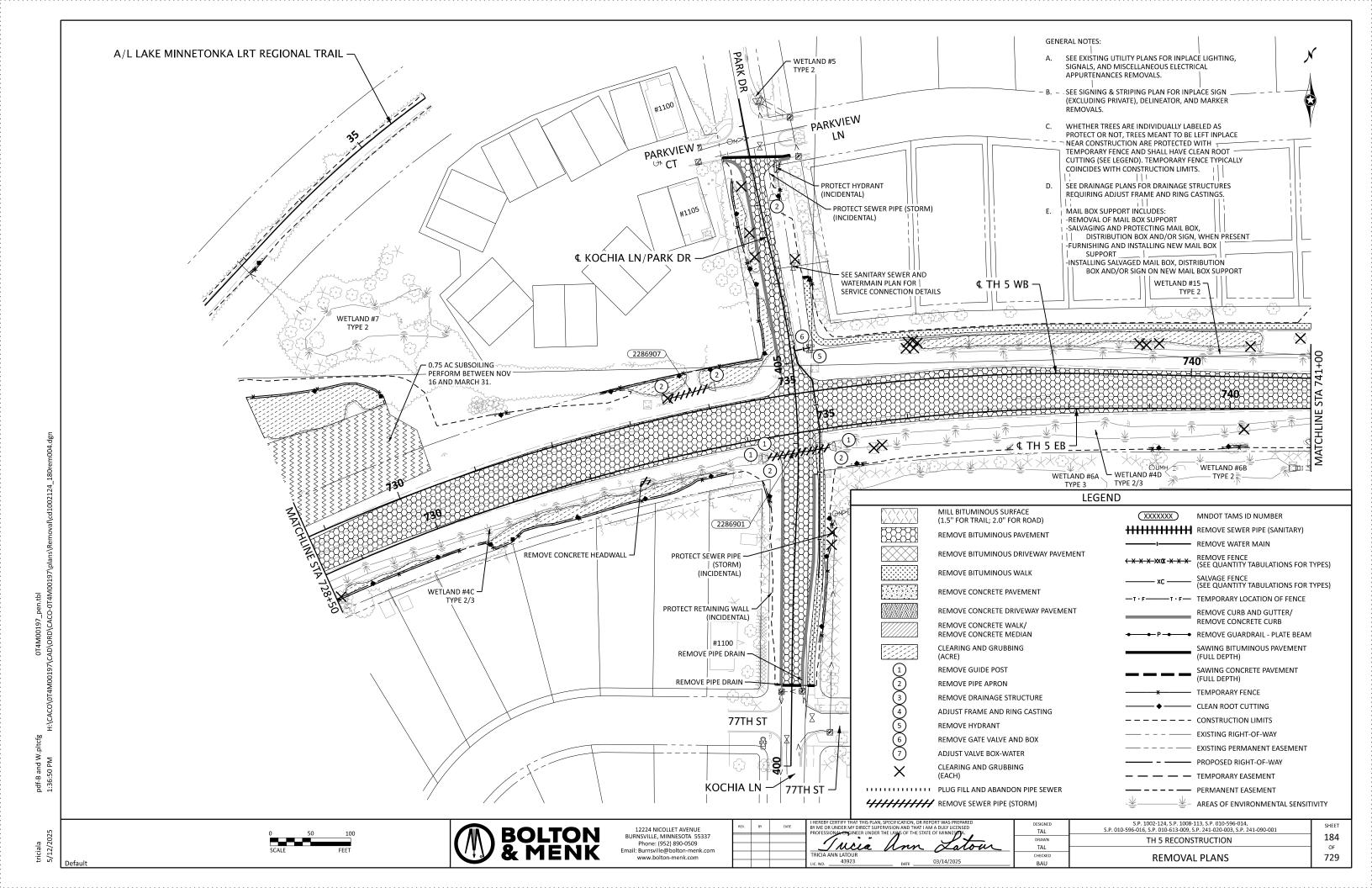
DRAWN TAL **REMOVAL PLANS** 729

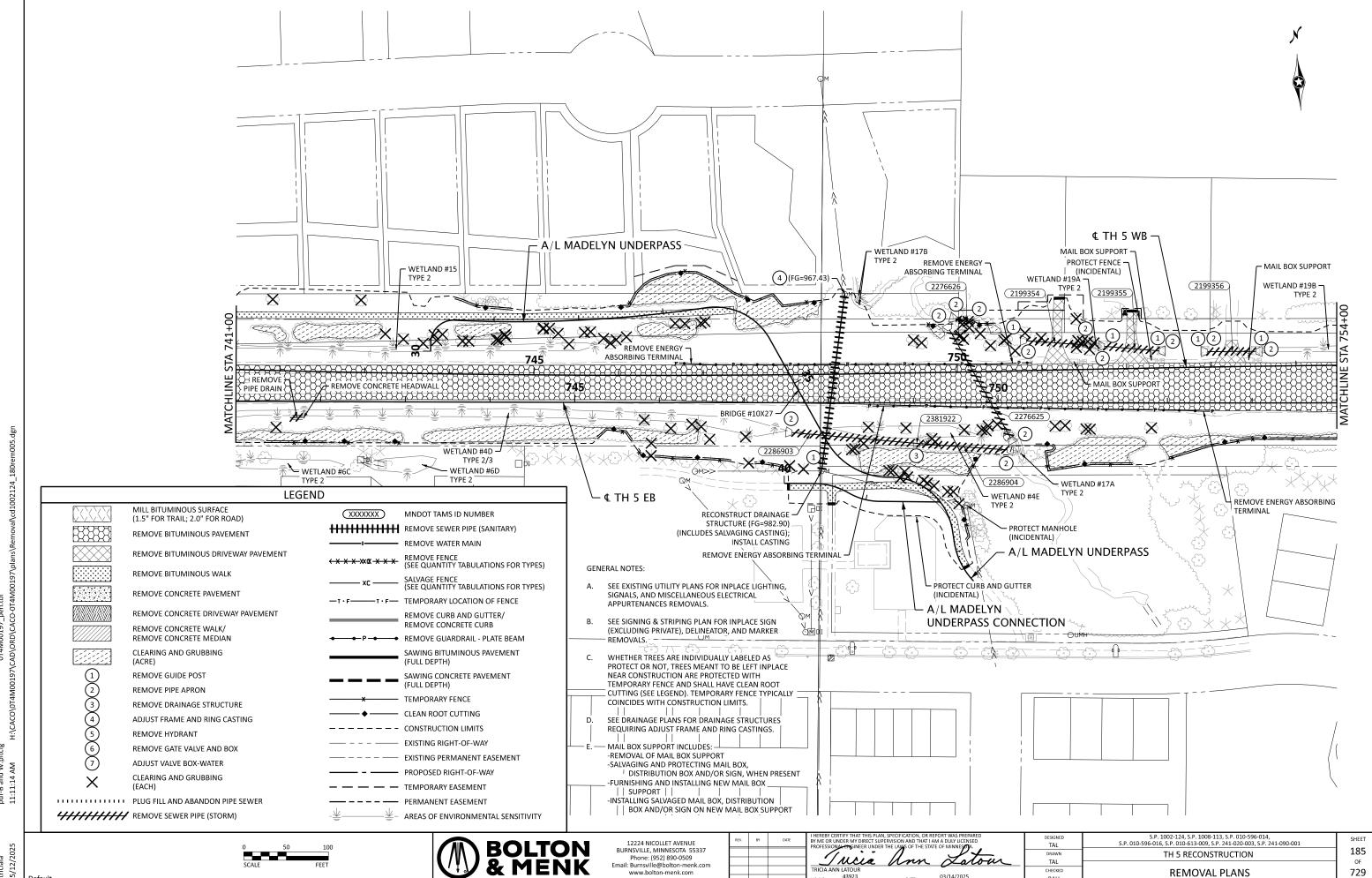


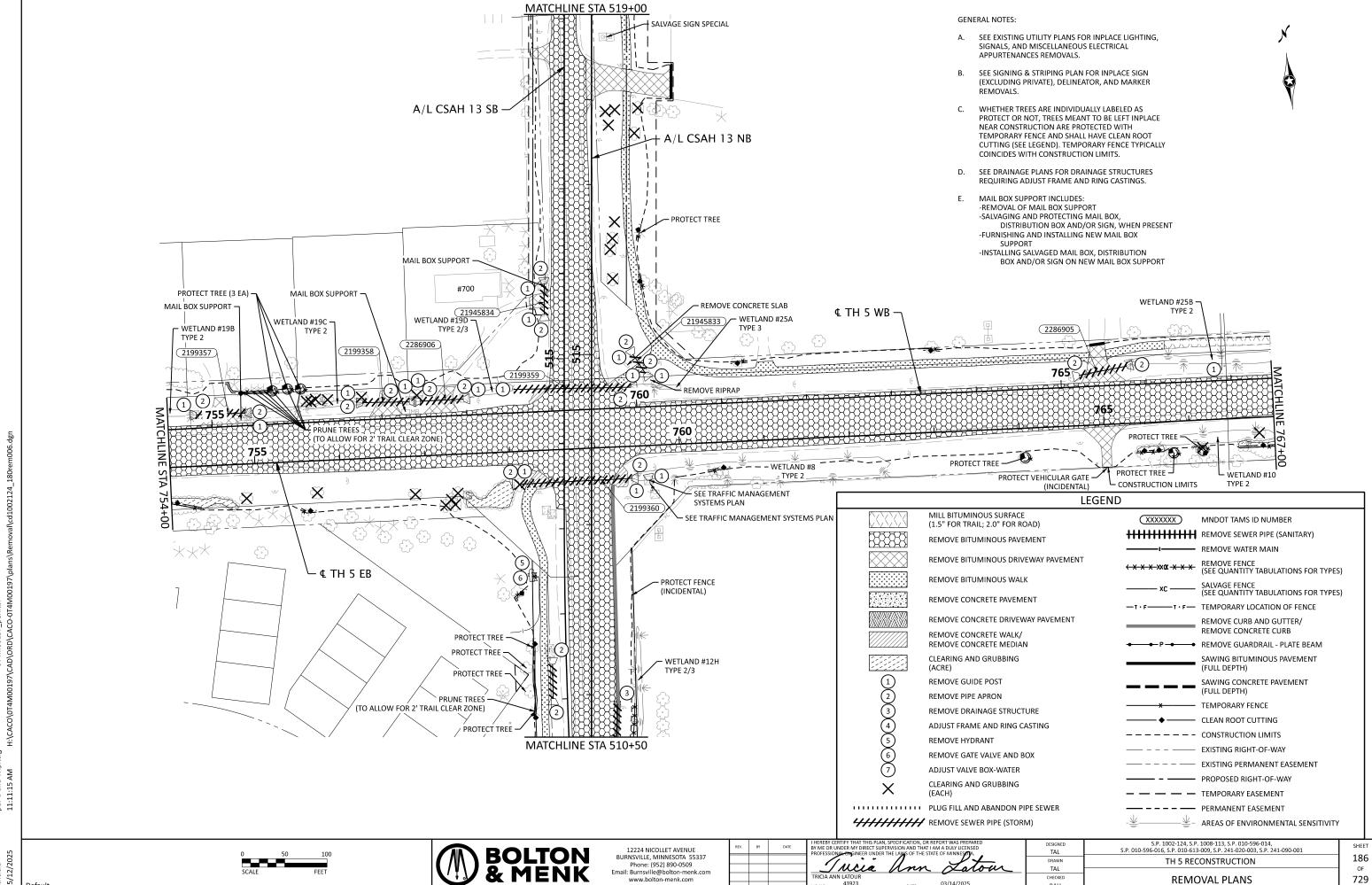
www.bolton-menk.com

**REMOVAL PLANS** 

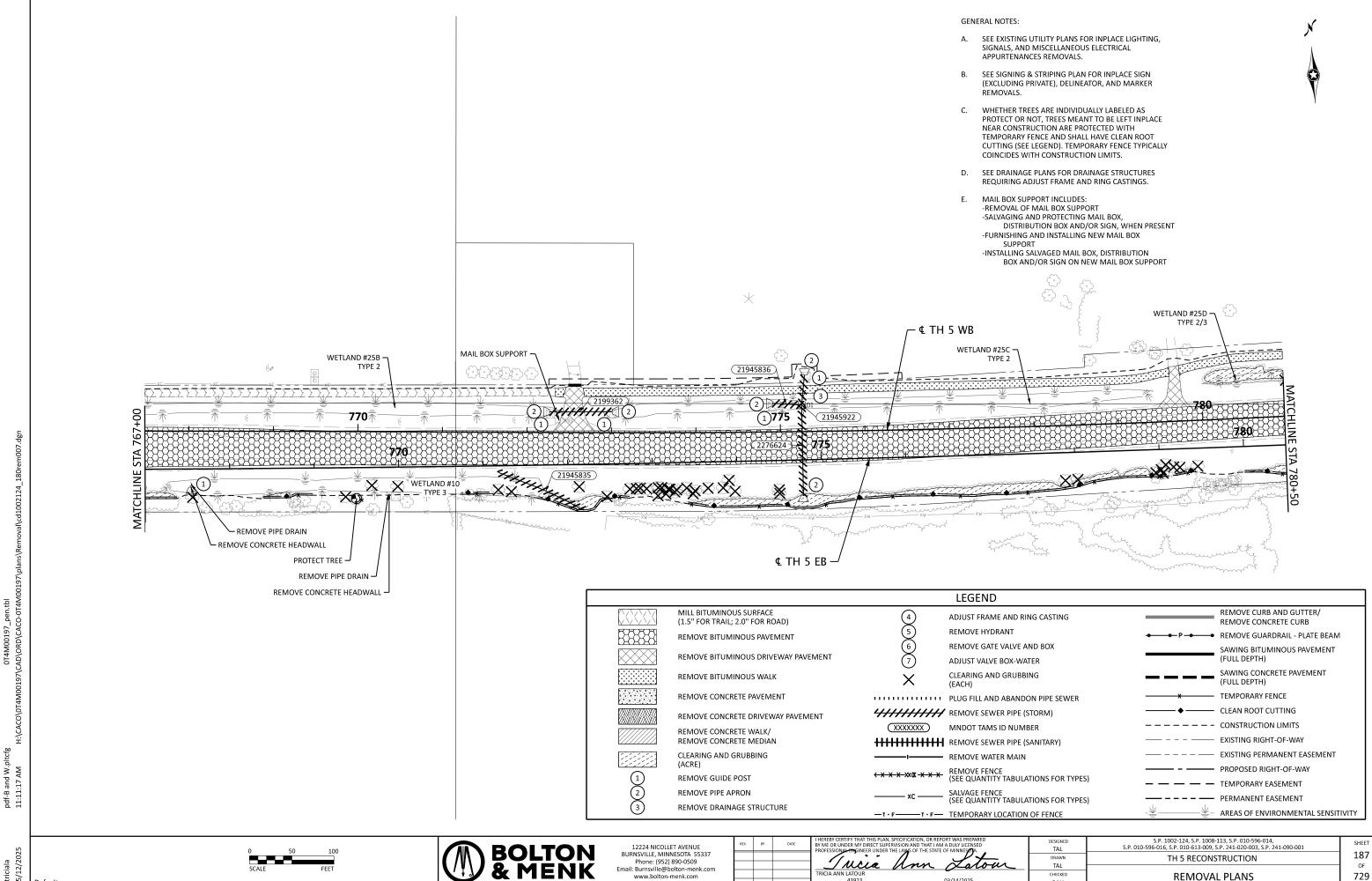
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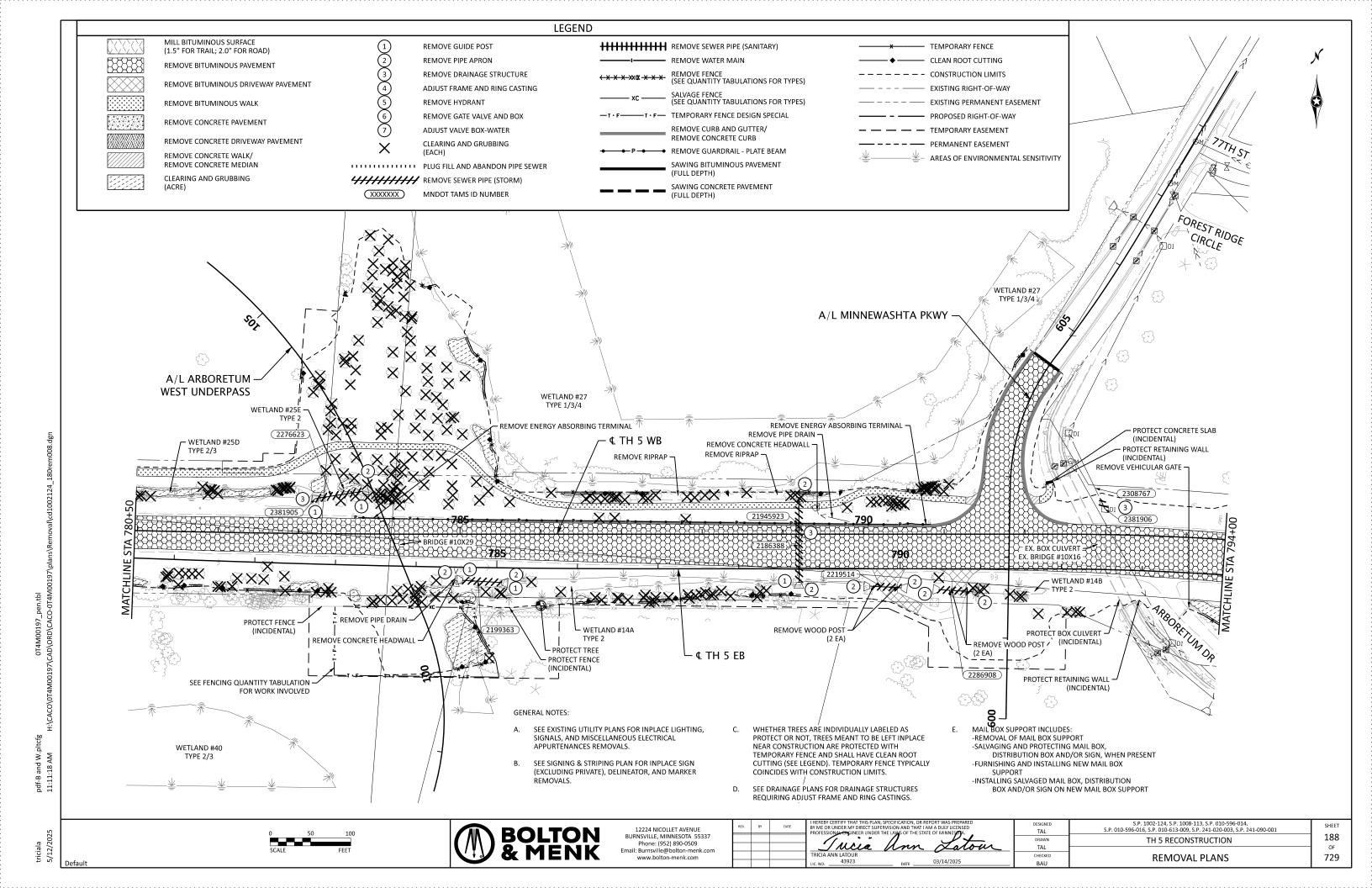


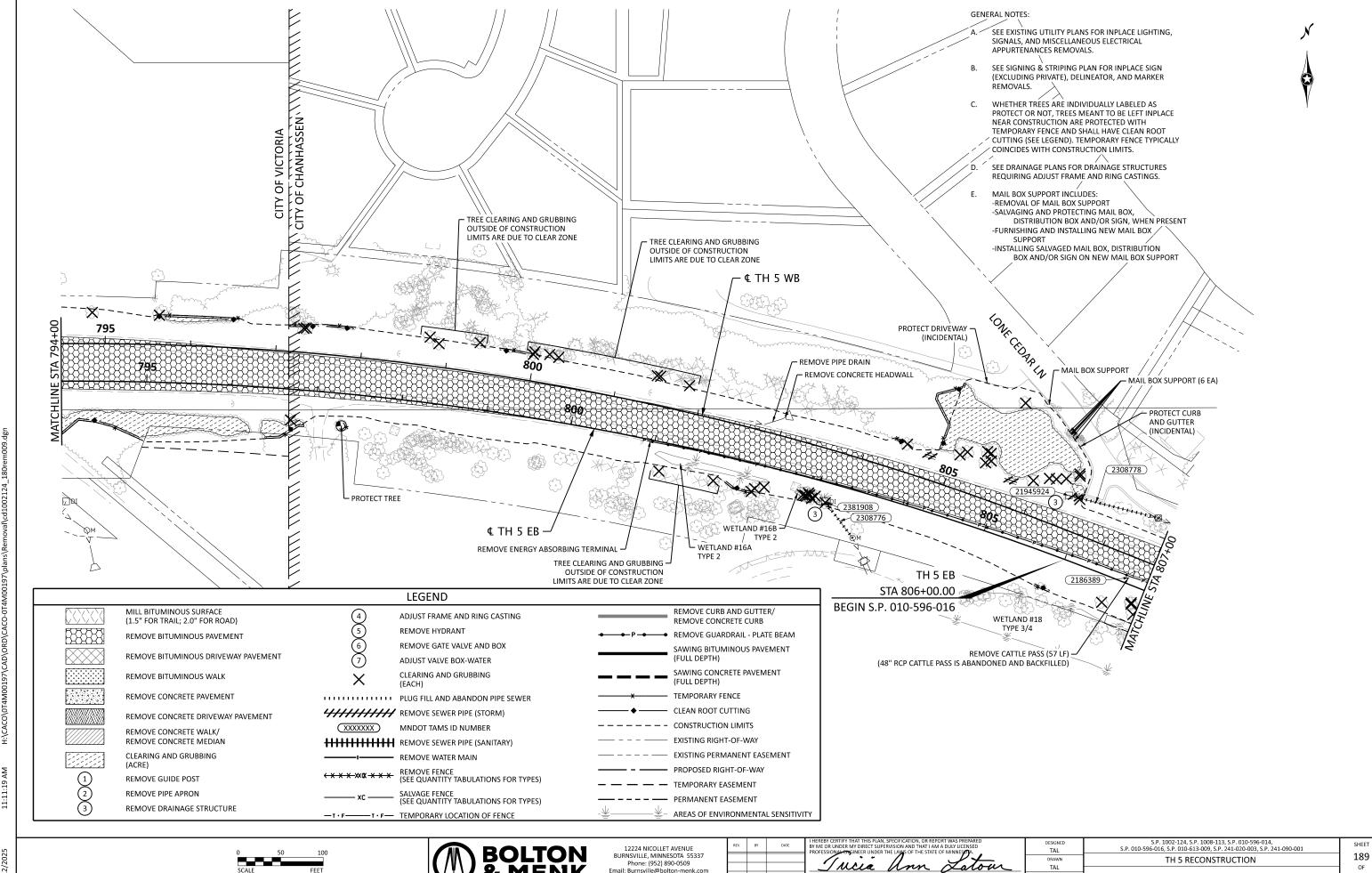
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**REMOVAL PLANS** RΔII





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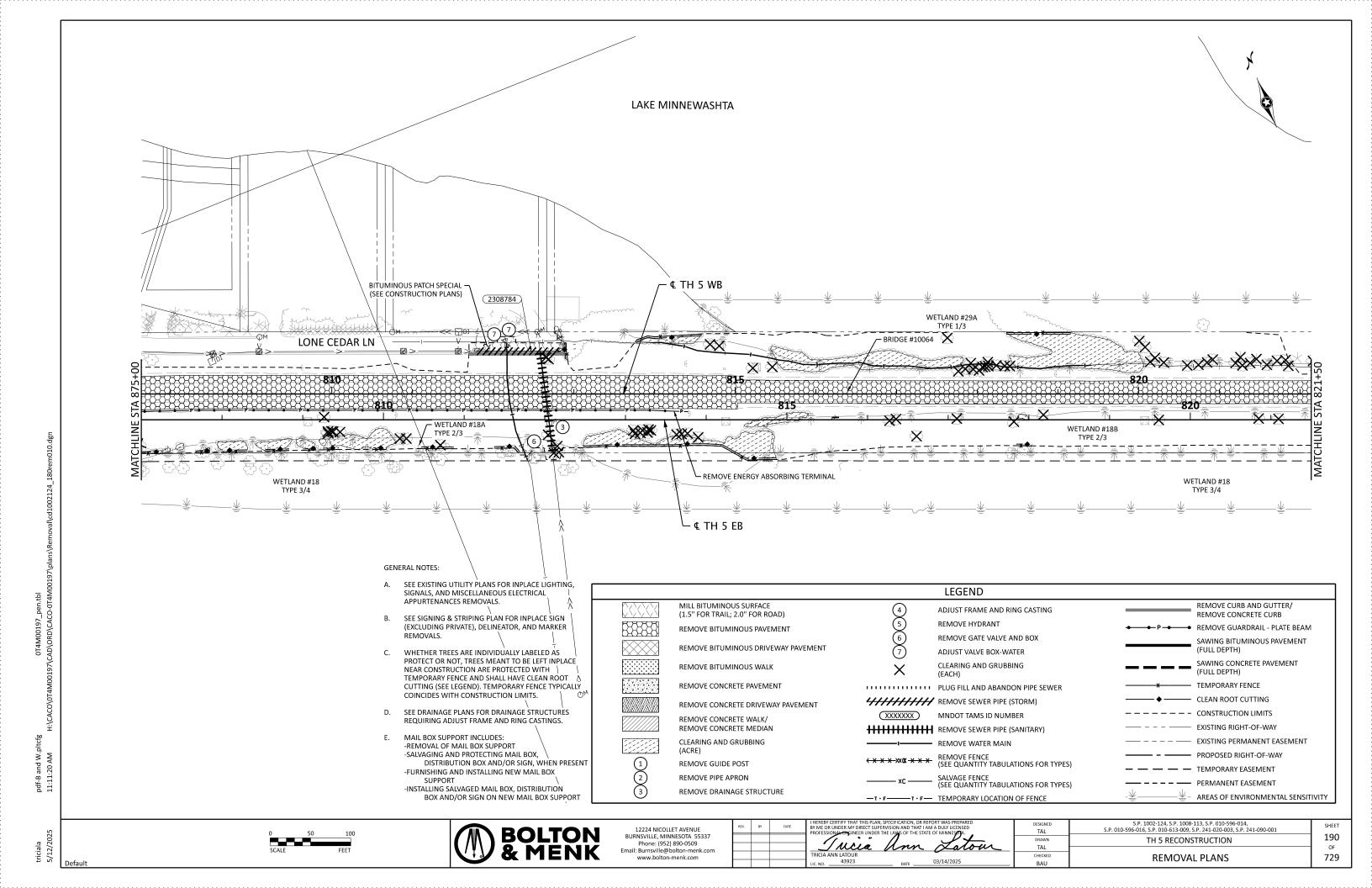
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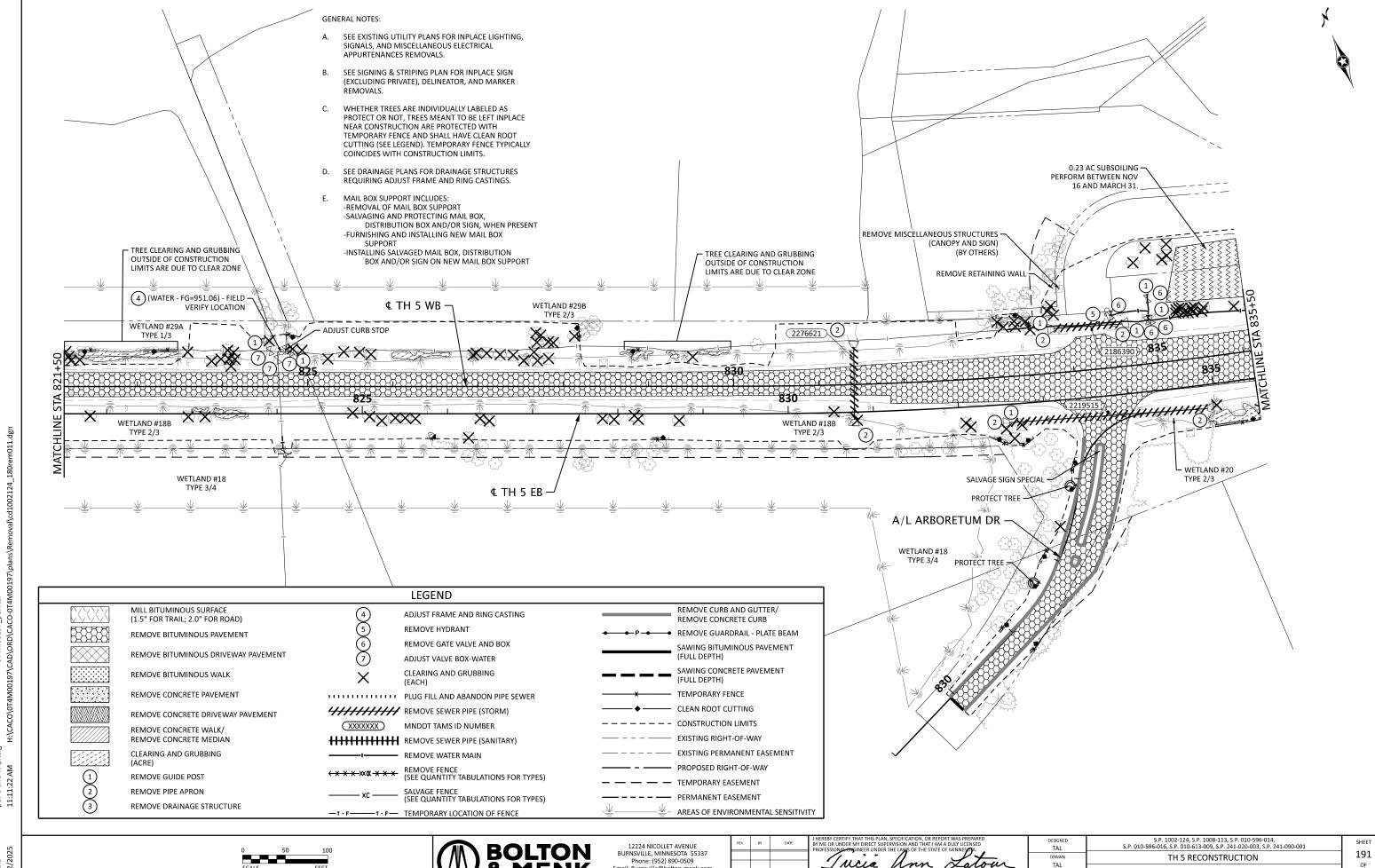
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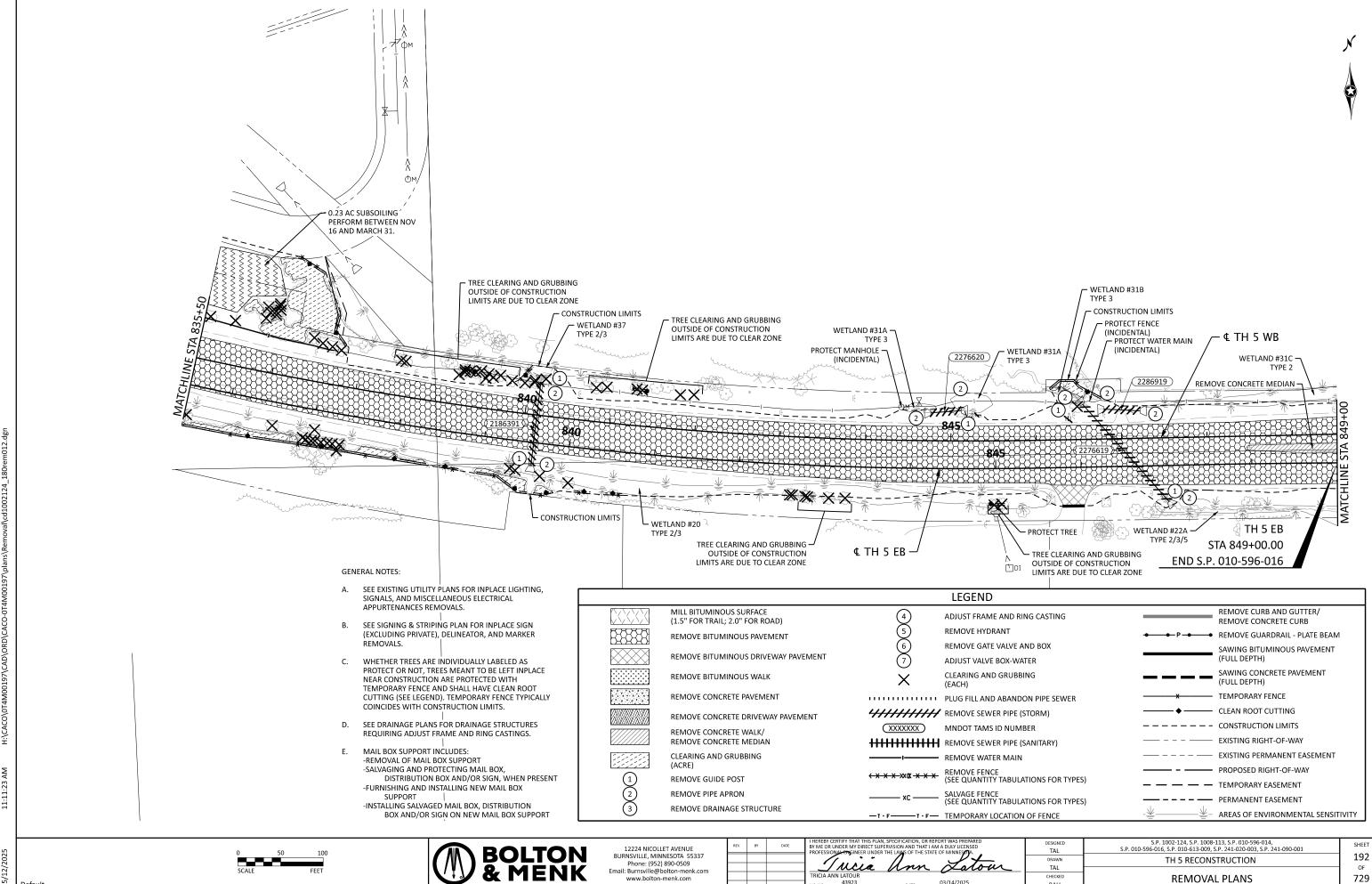




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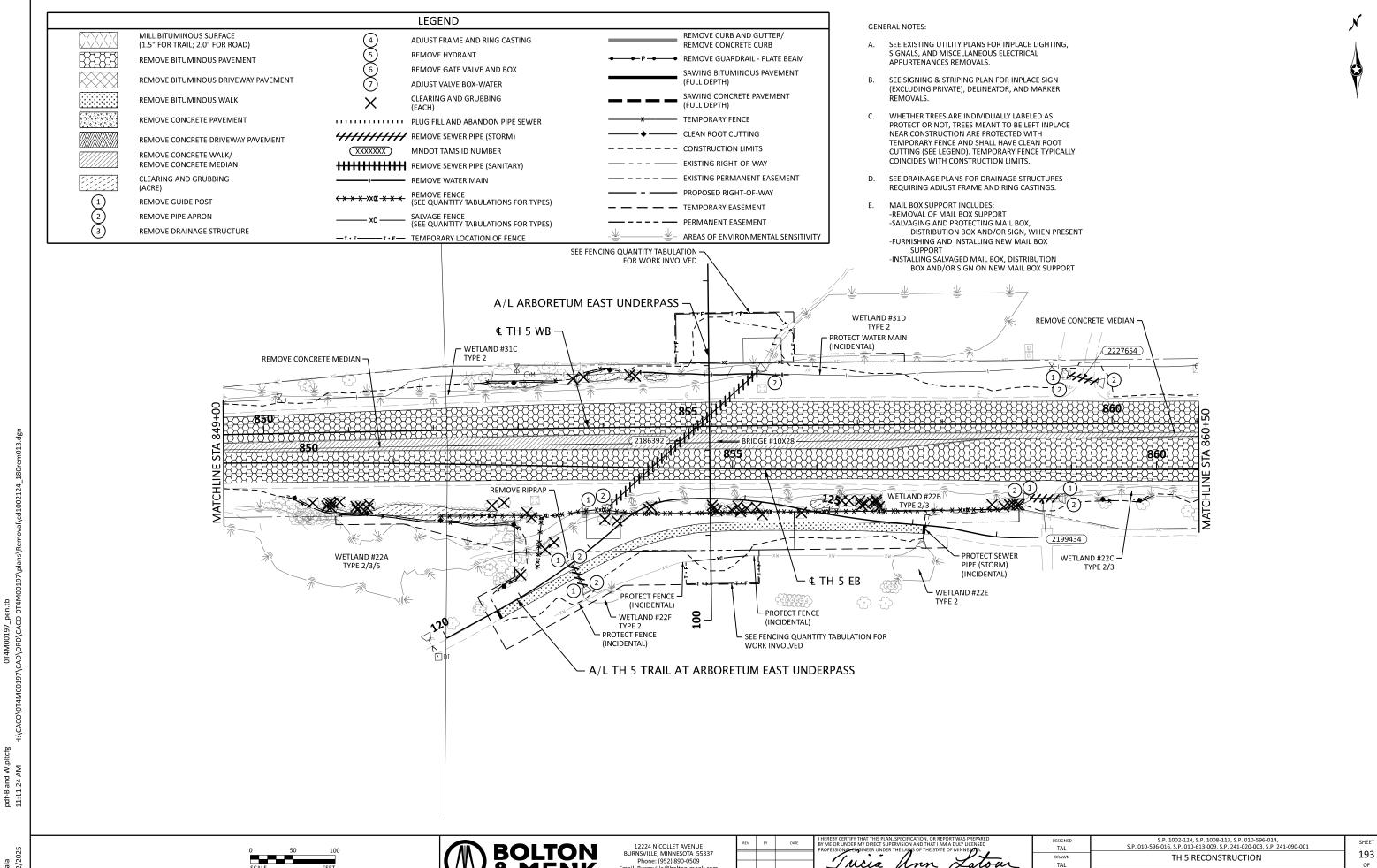
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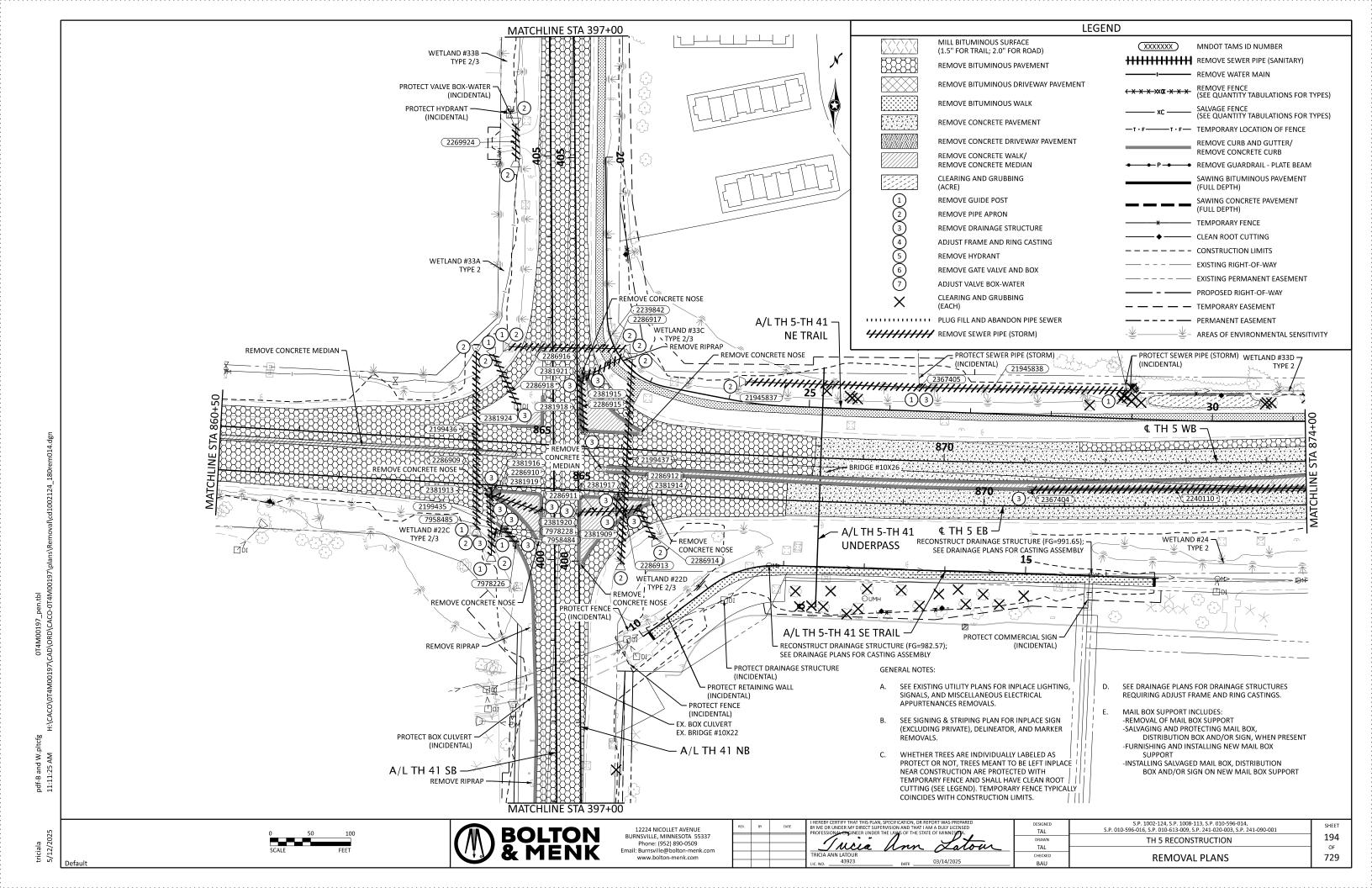
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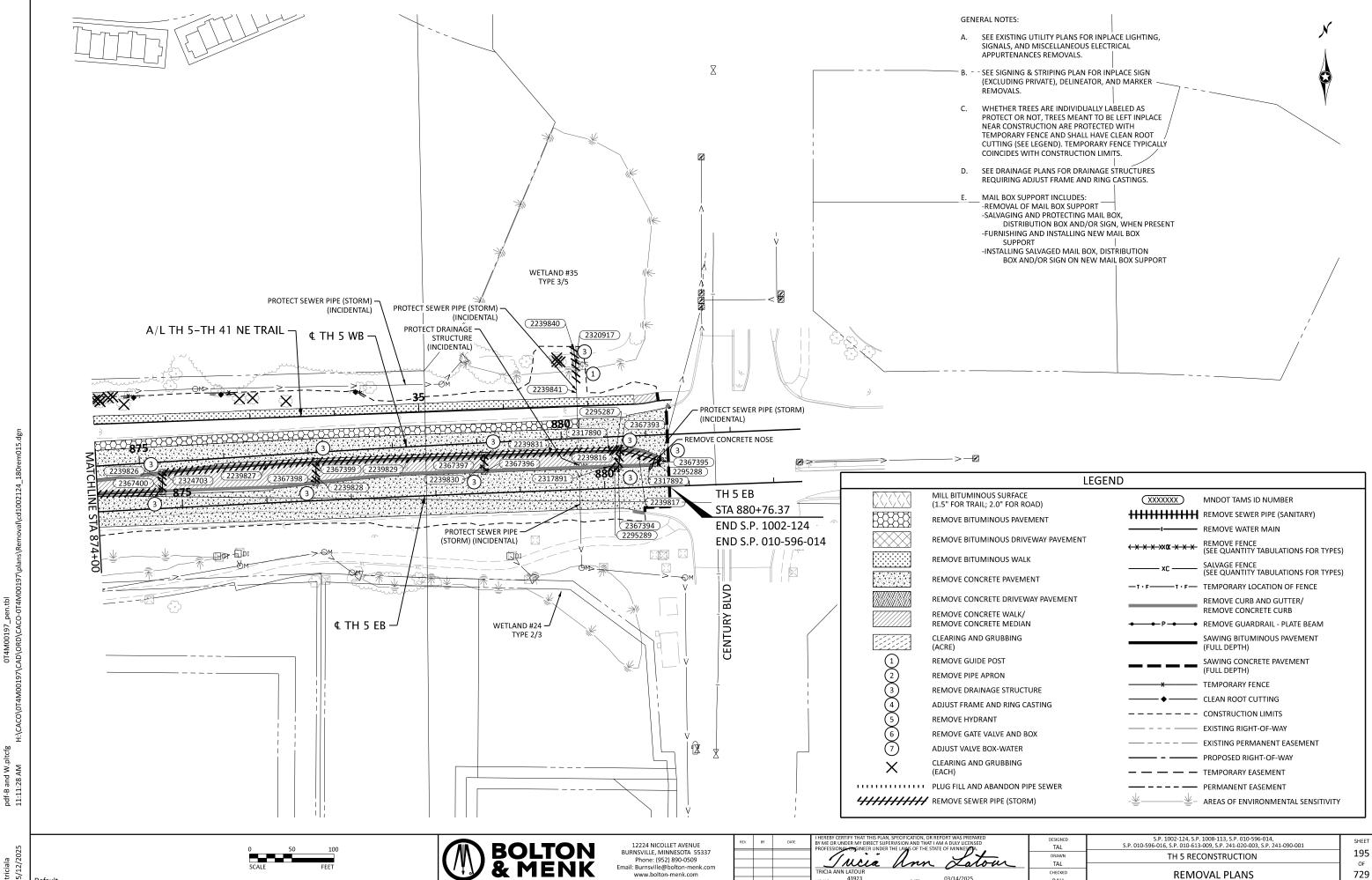


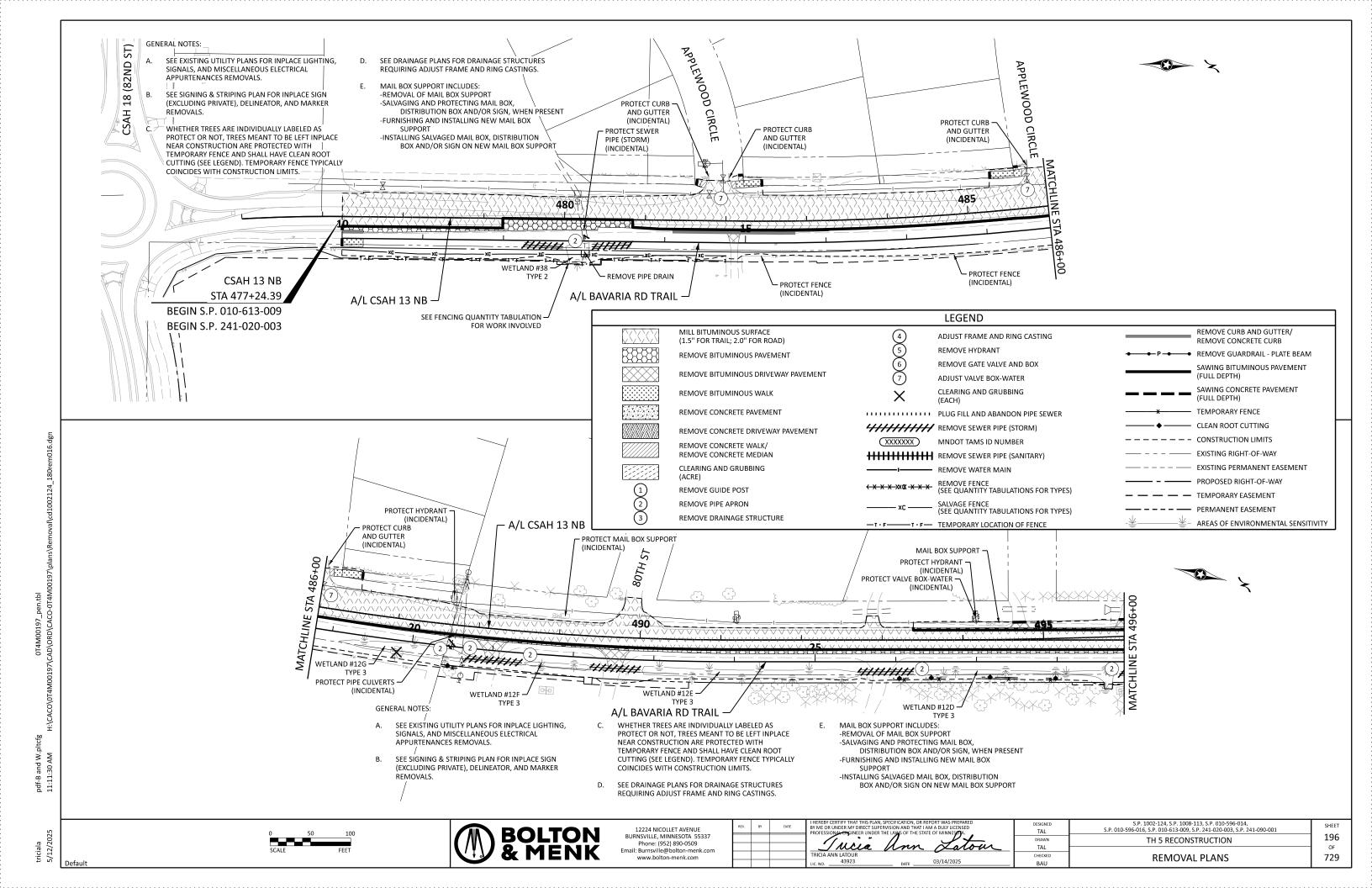
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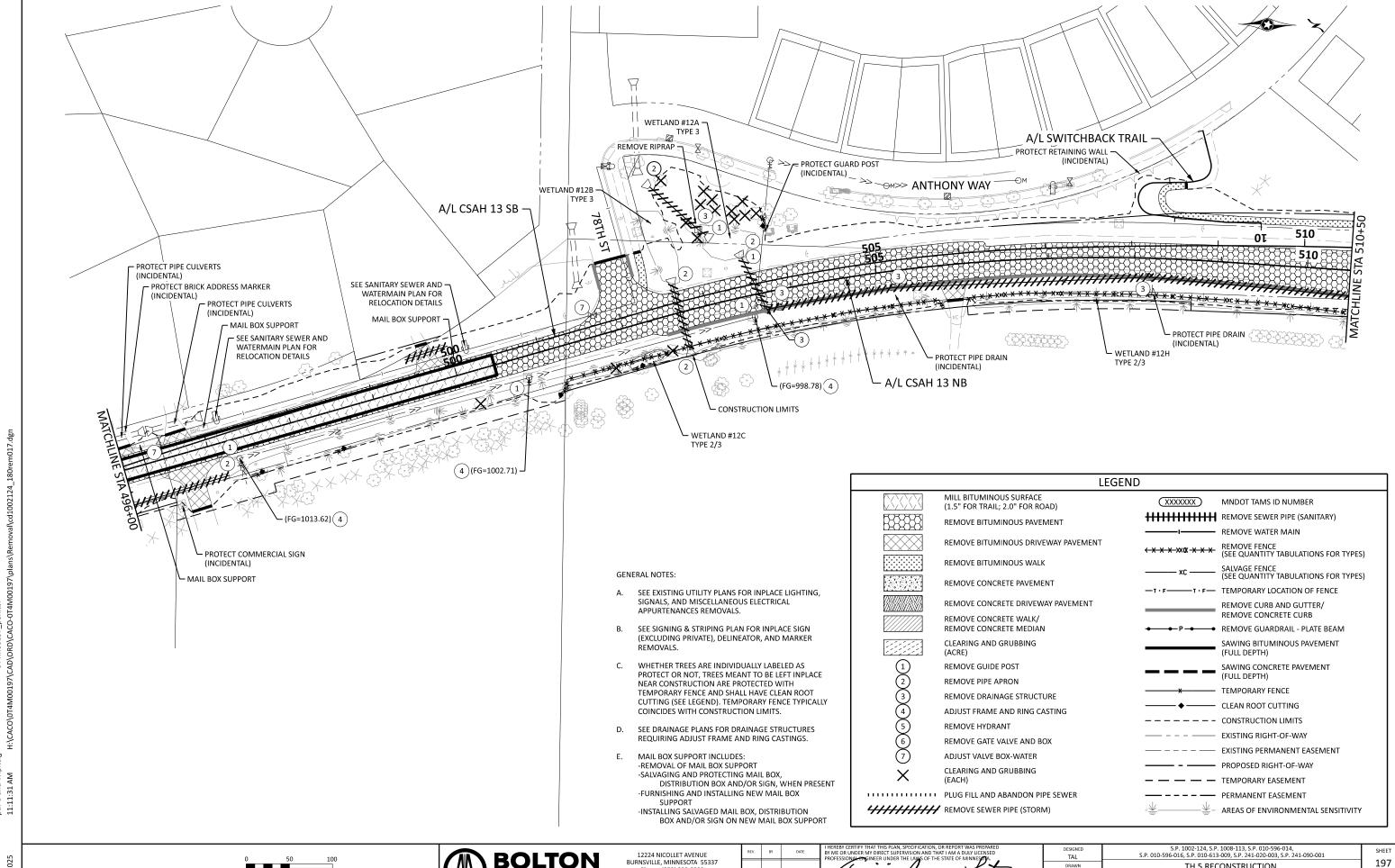
DRAWN TAL **REMOVAL PLANS** RΔII

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BOLTO & MEN

BURNSVILLE, MINNESOTA 55337 Phone: (952) 890-0509 Email: Burnsville@bolton-menk.com www.bolton-menk.com DATE BY ME OF UNDER MY DIRECT SUPERVISION AND THAT I AM A DUIT LICENSED PROFESSIONAL PRISINEER UNDER THE LAYS OF THE STATE OF MINNESPIX.

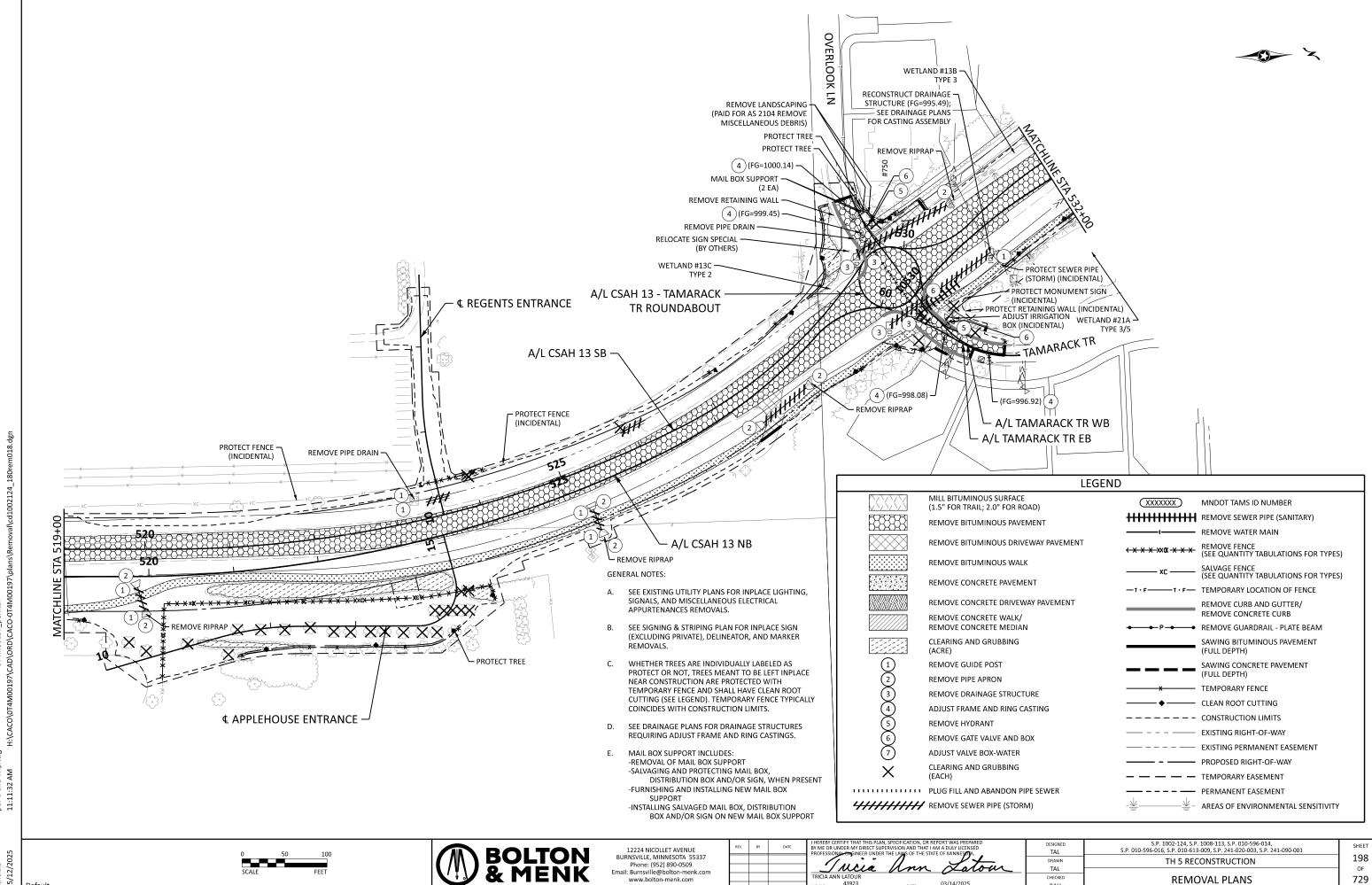
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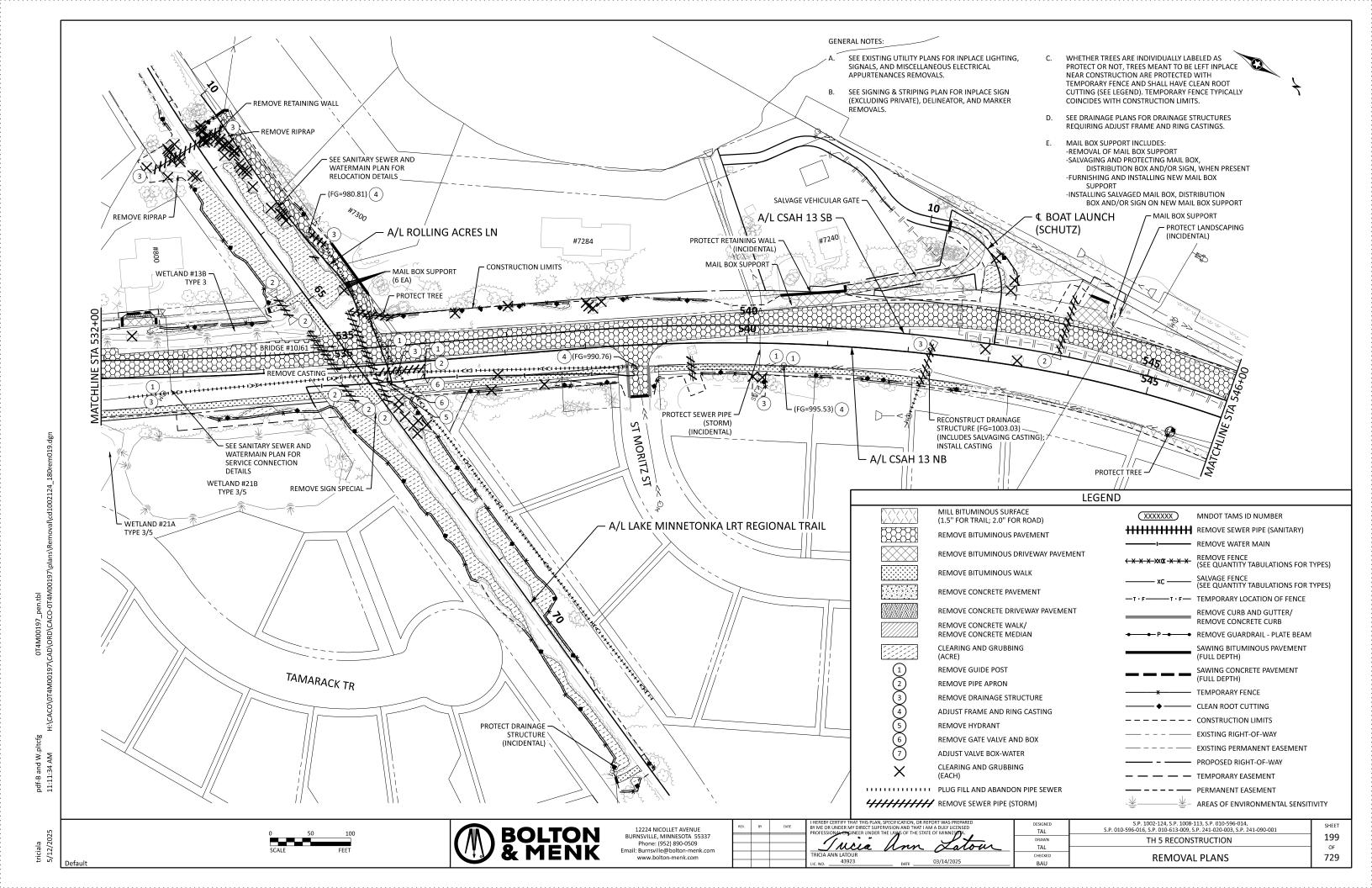
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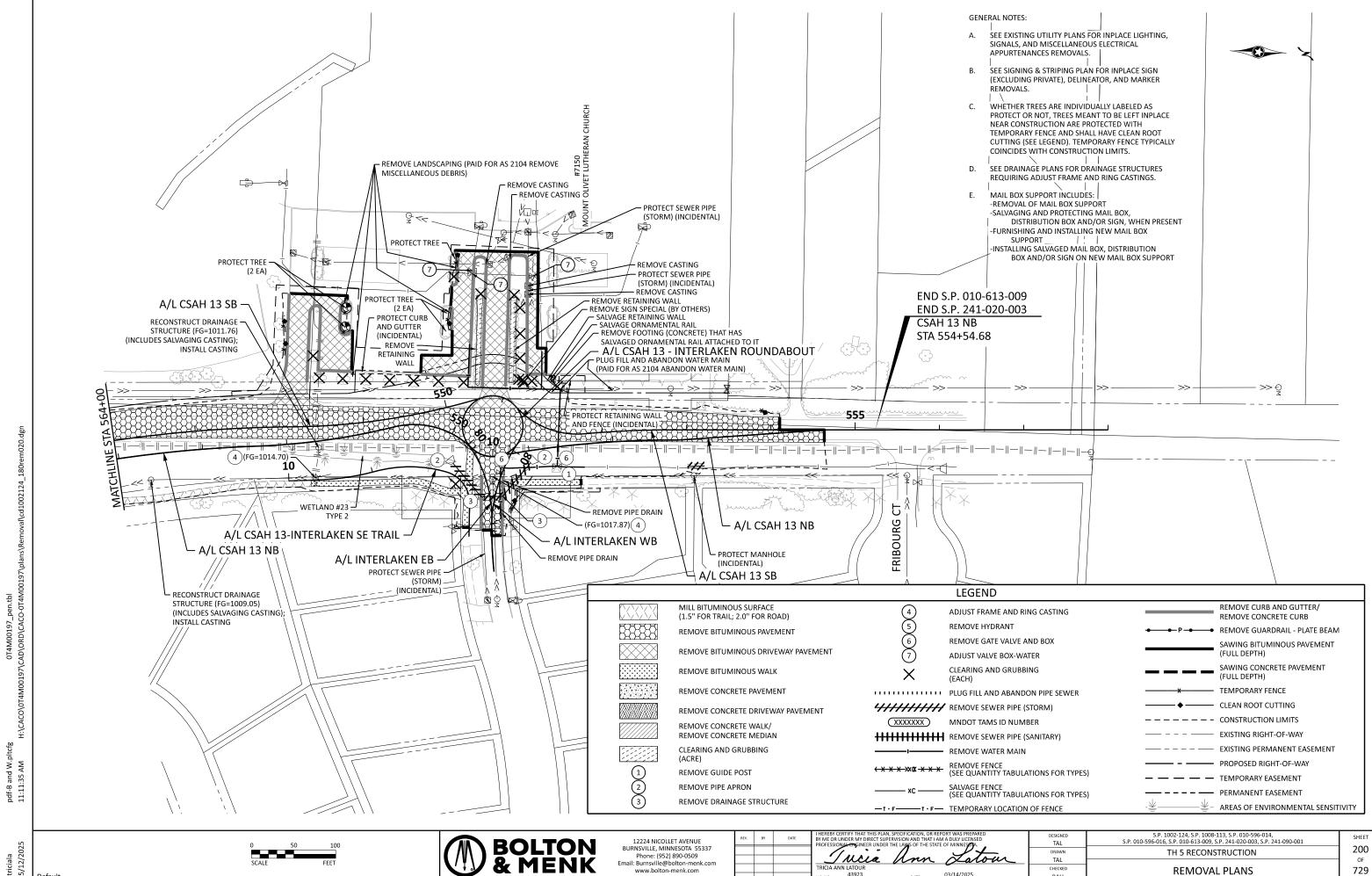
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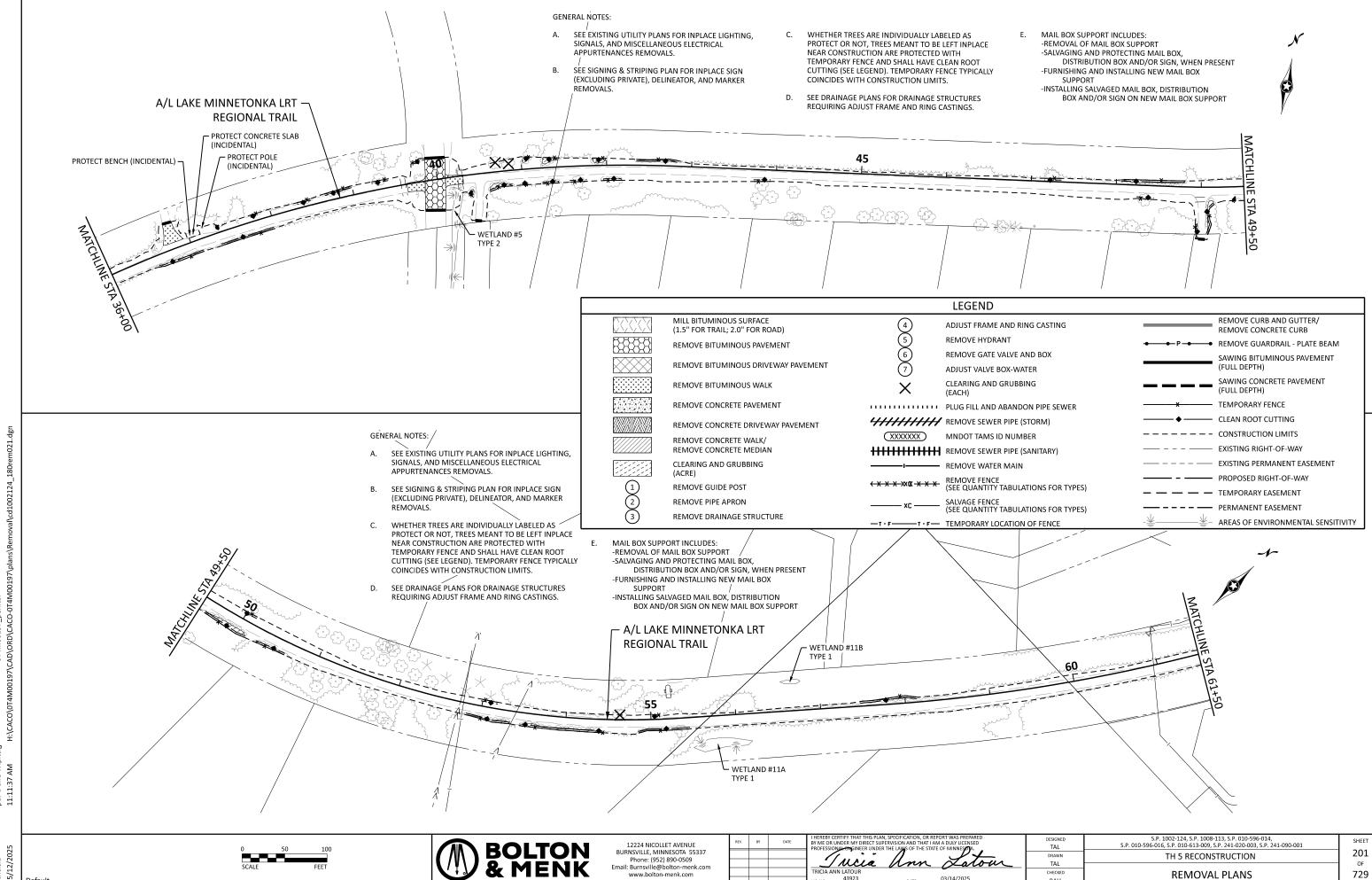
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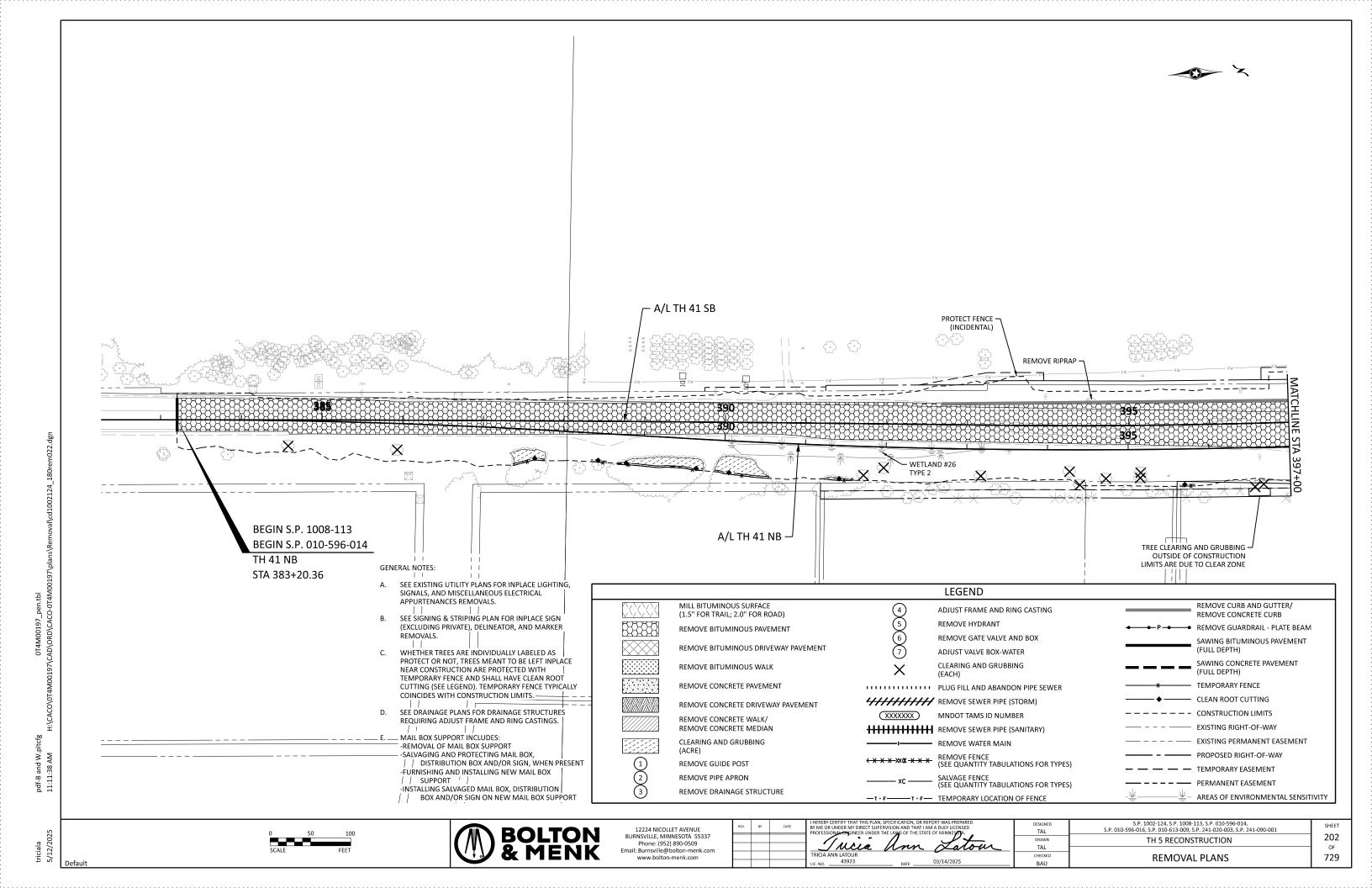
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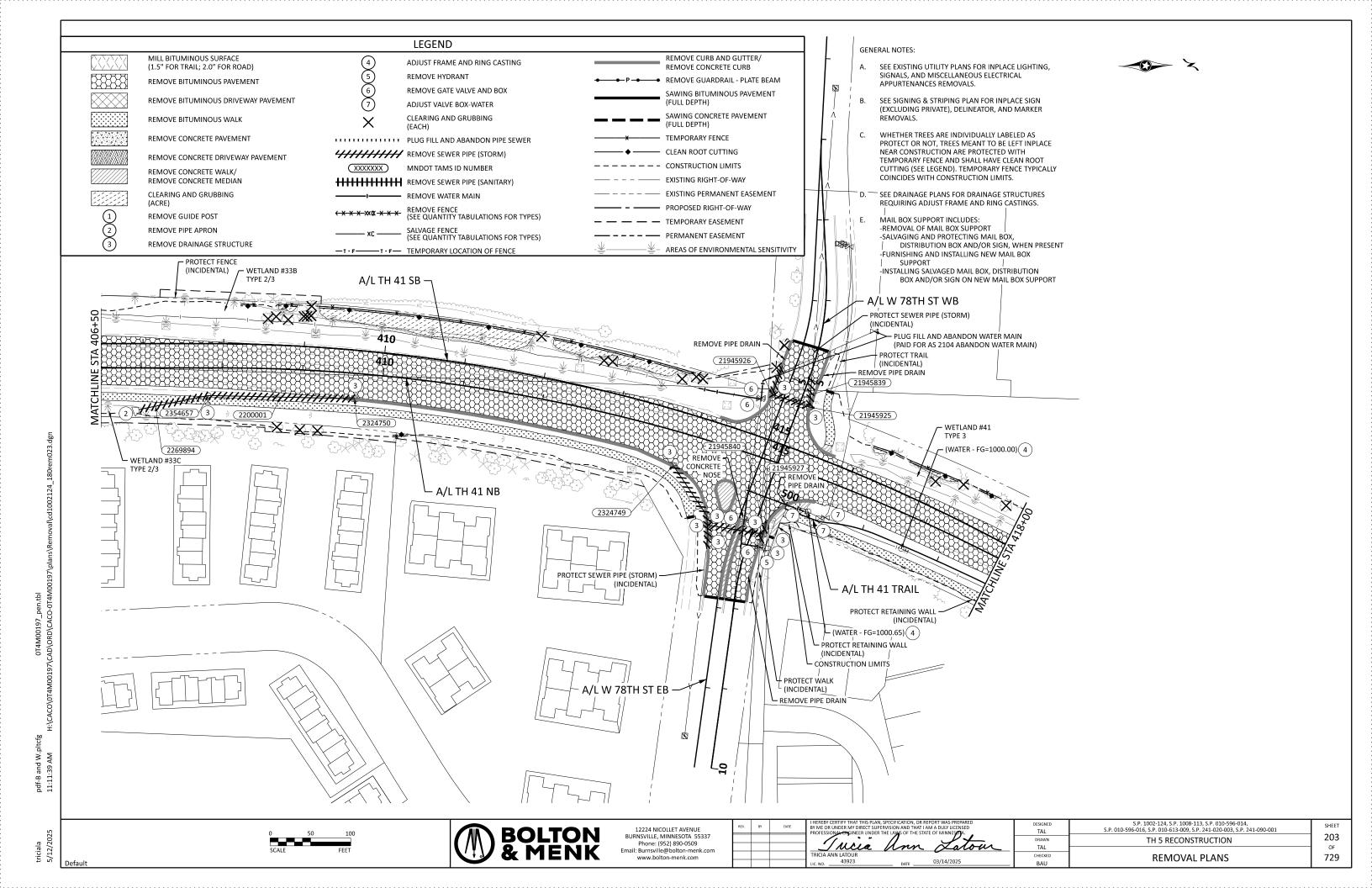


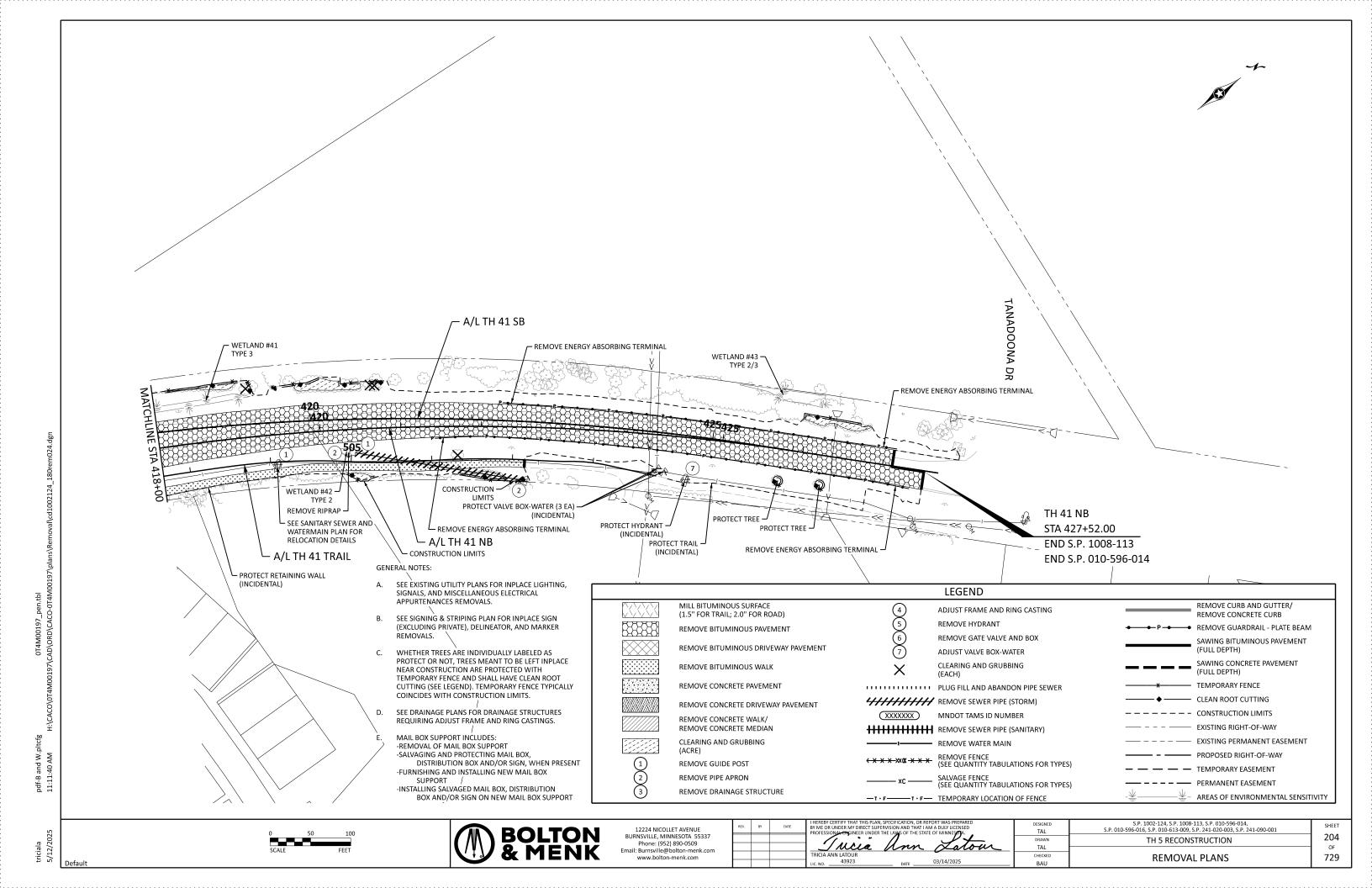


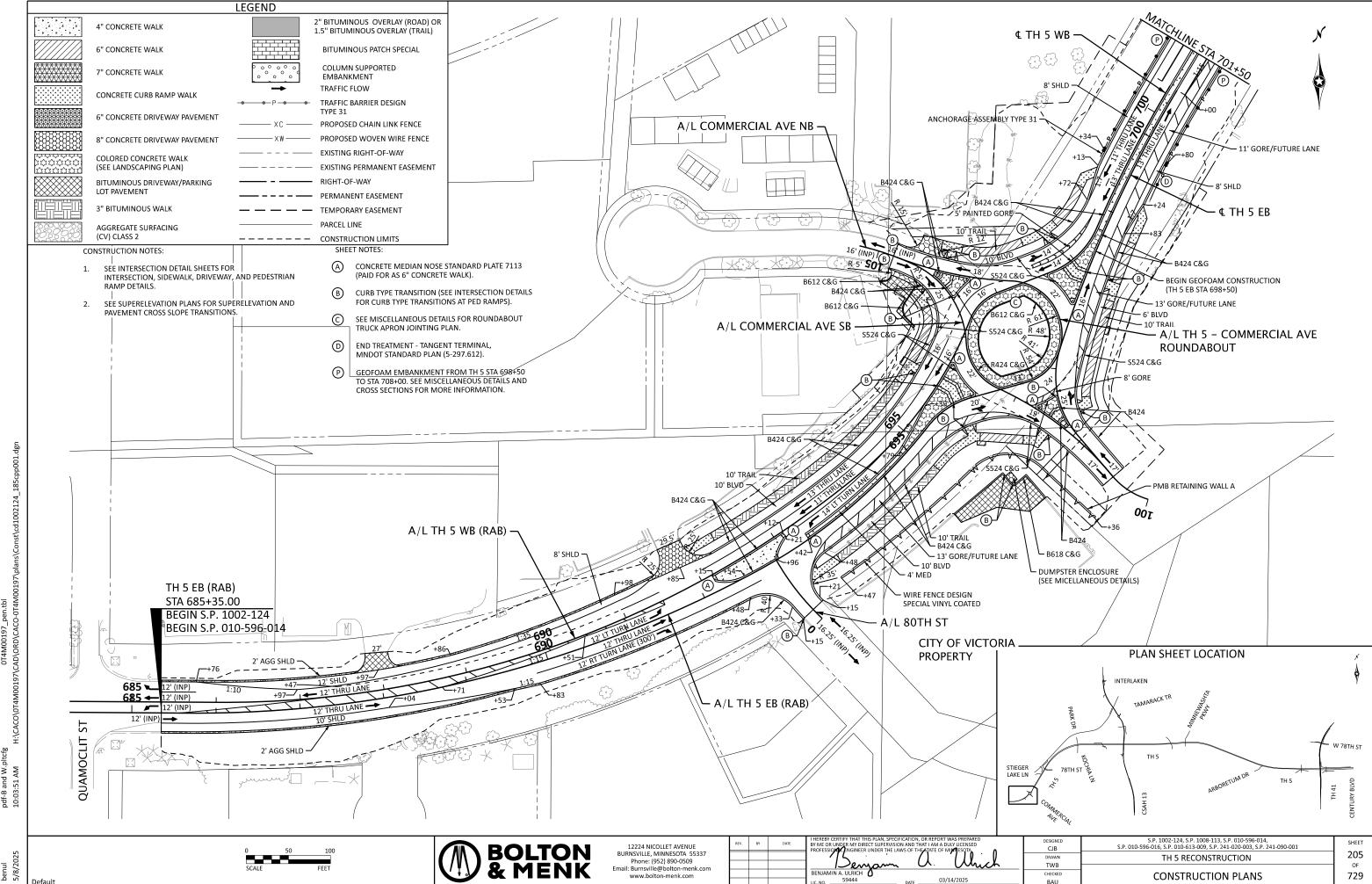


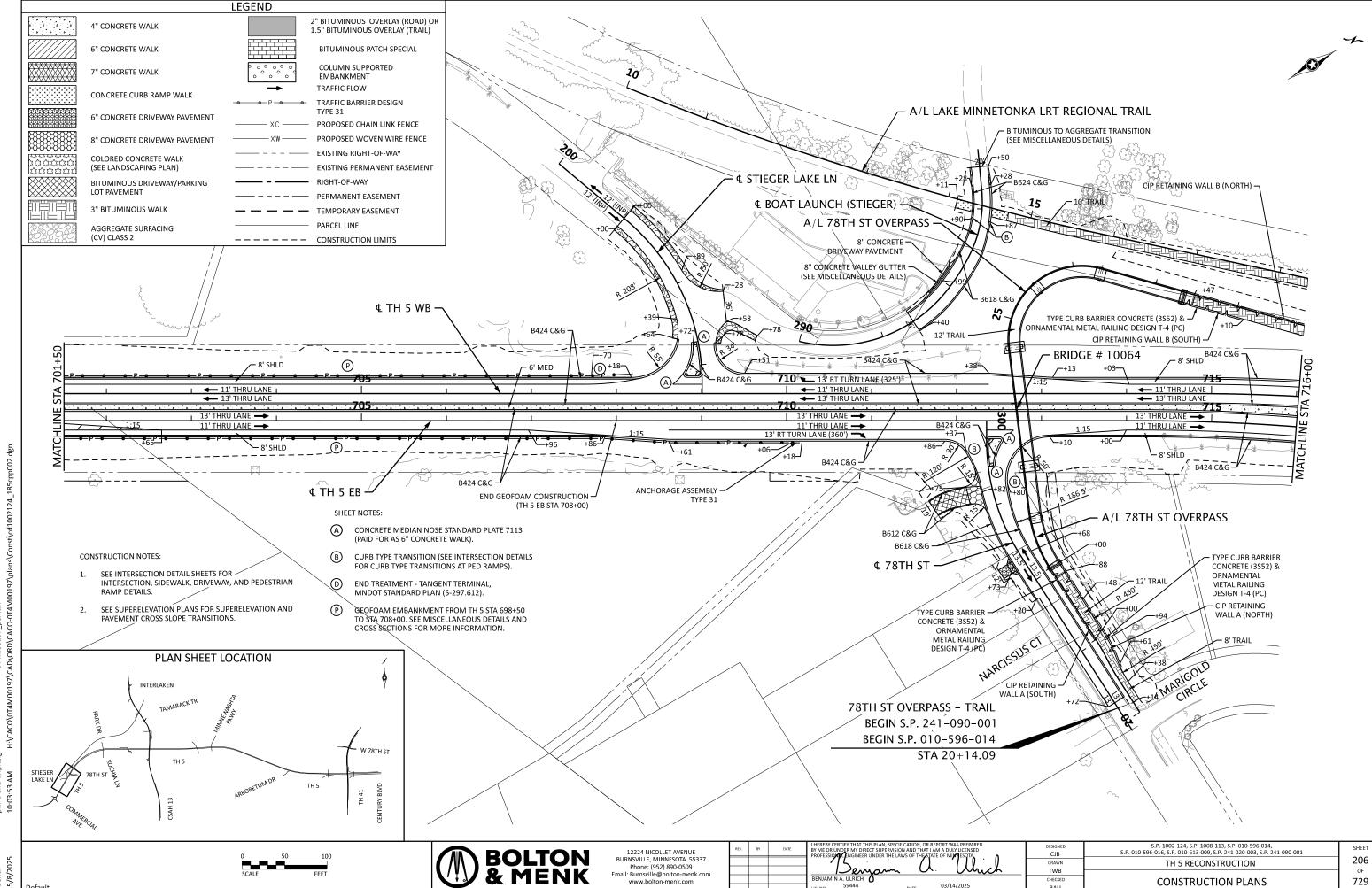


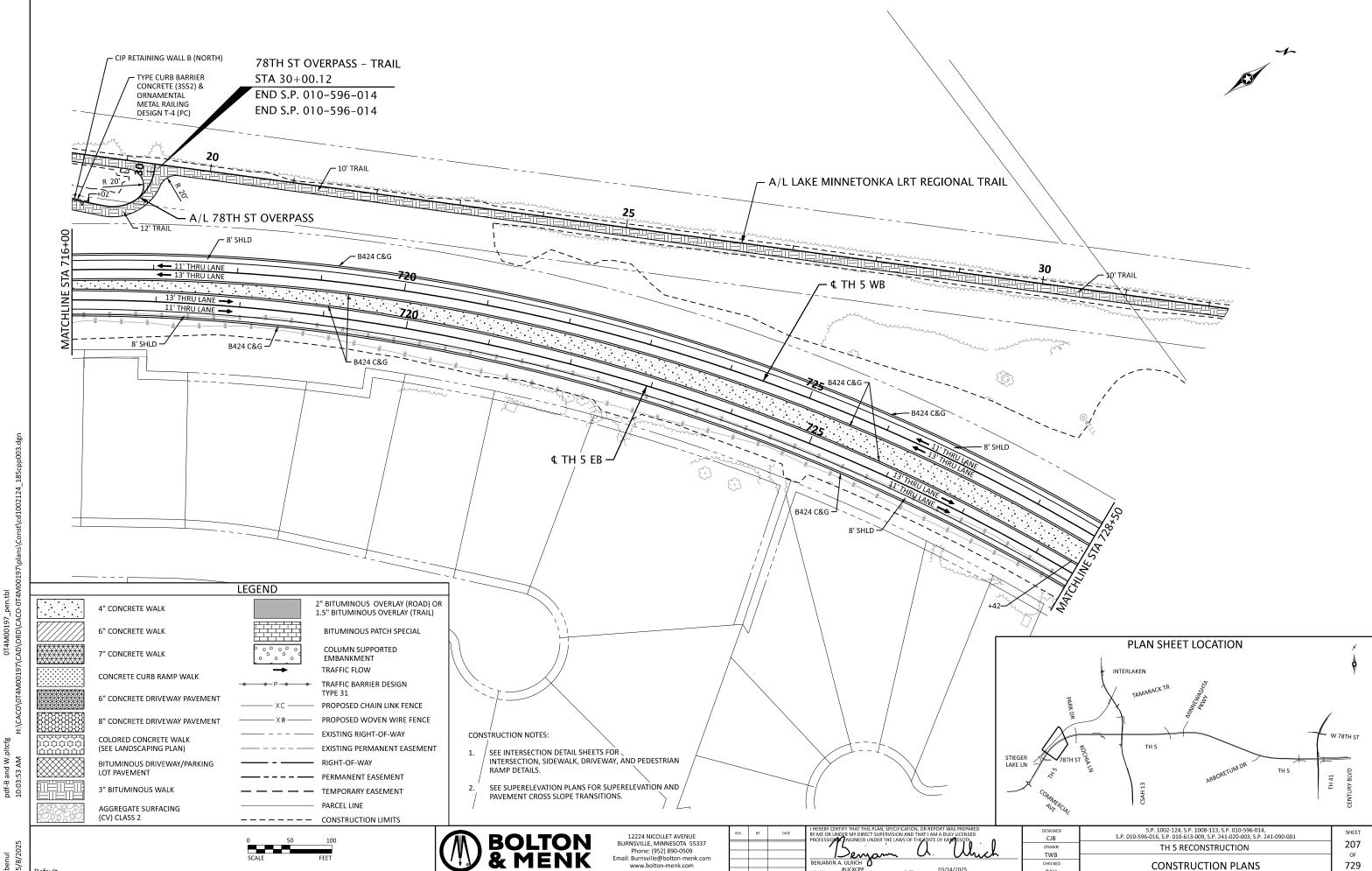


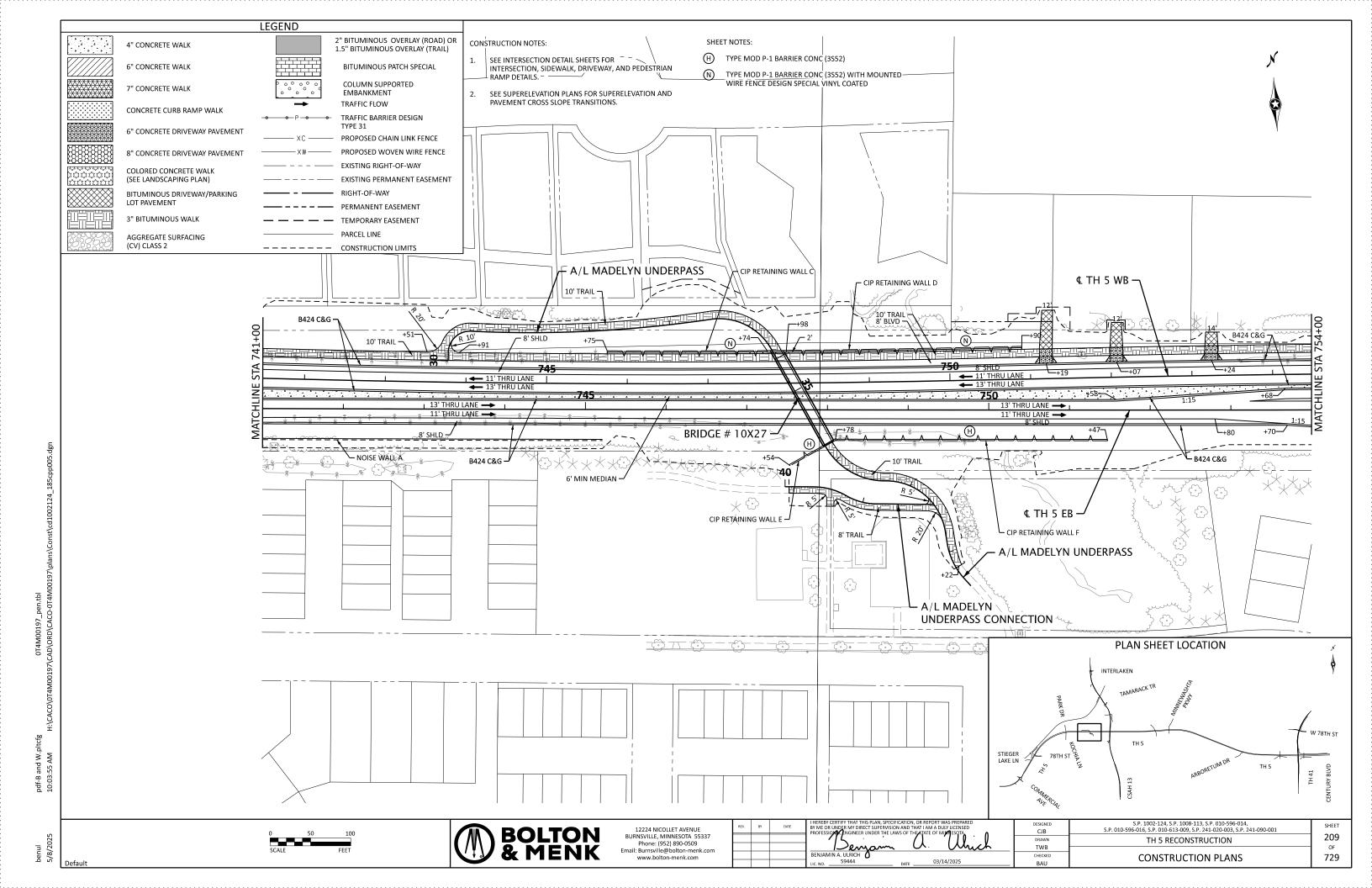


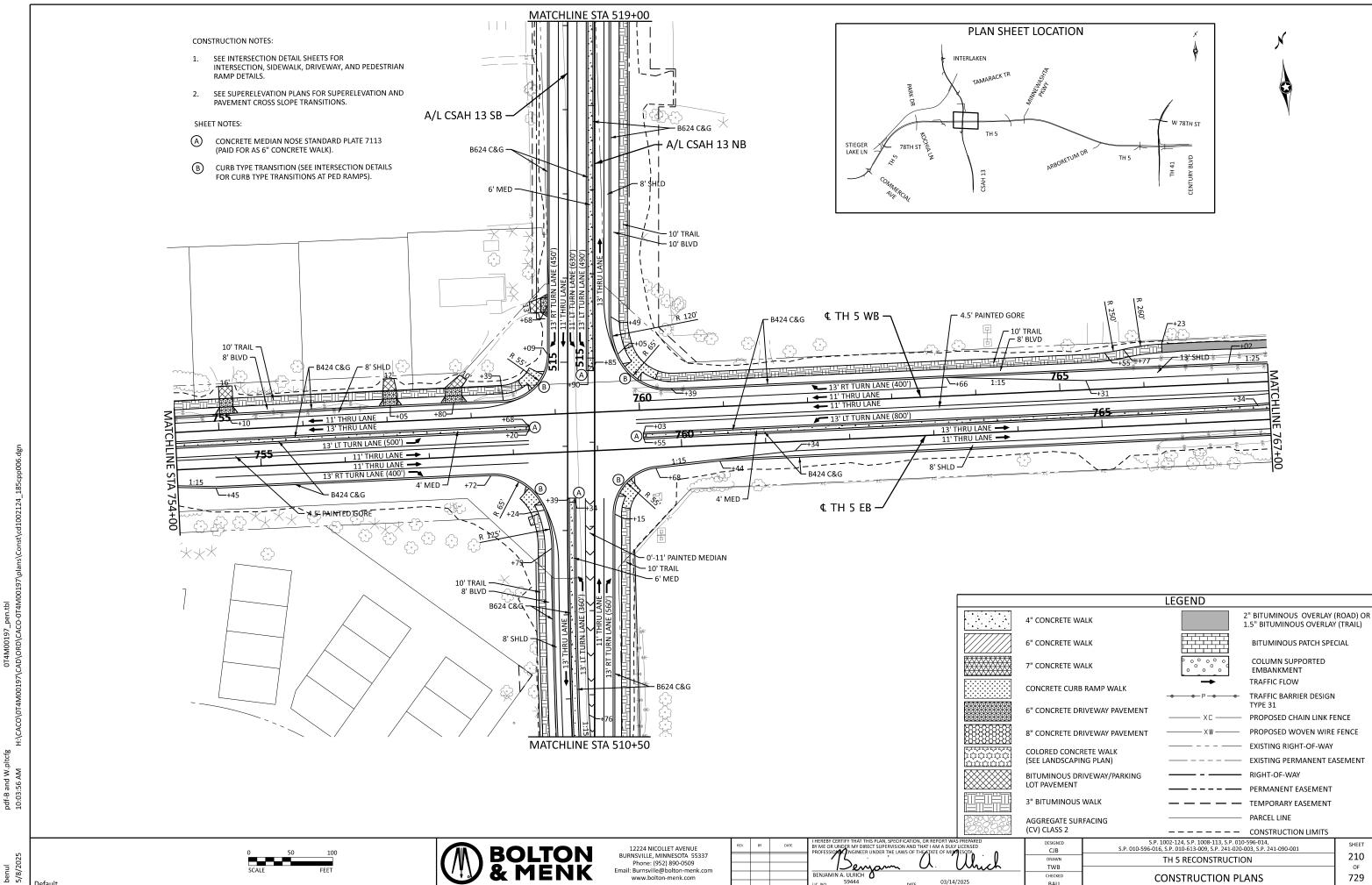


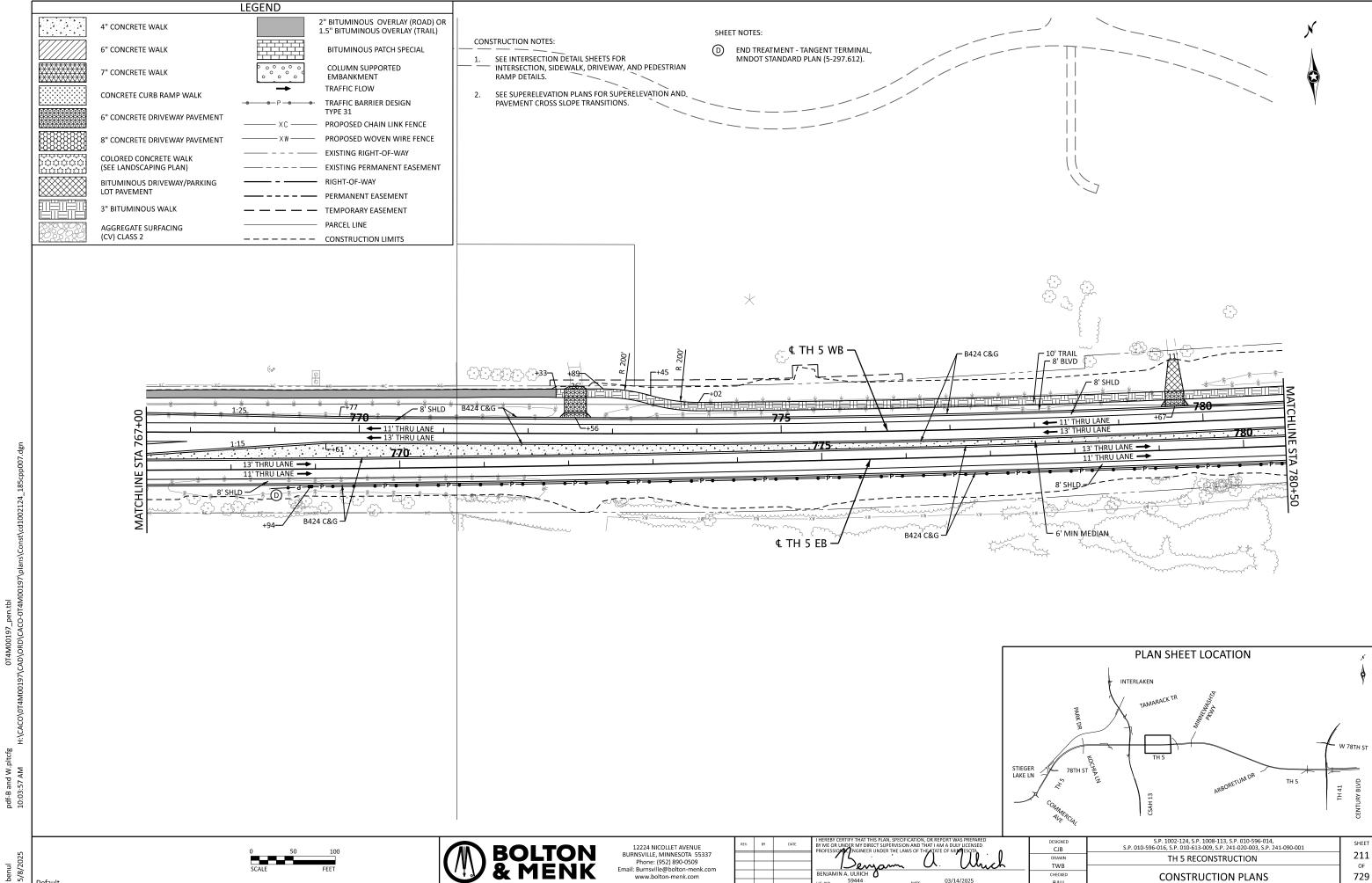


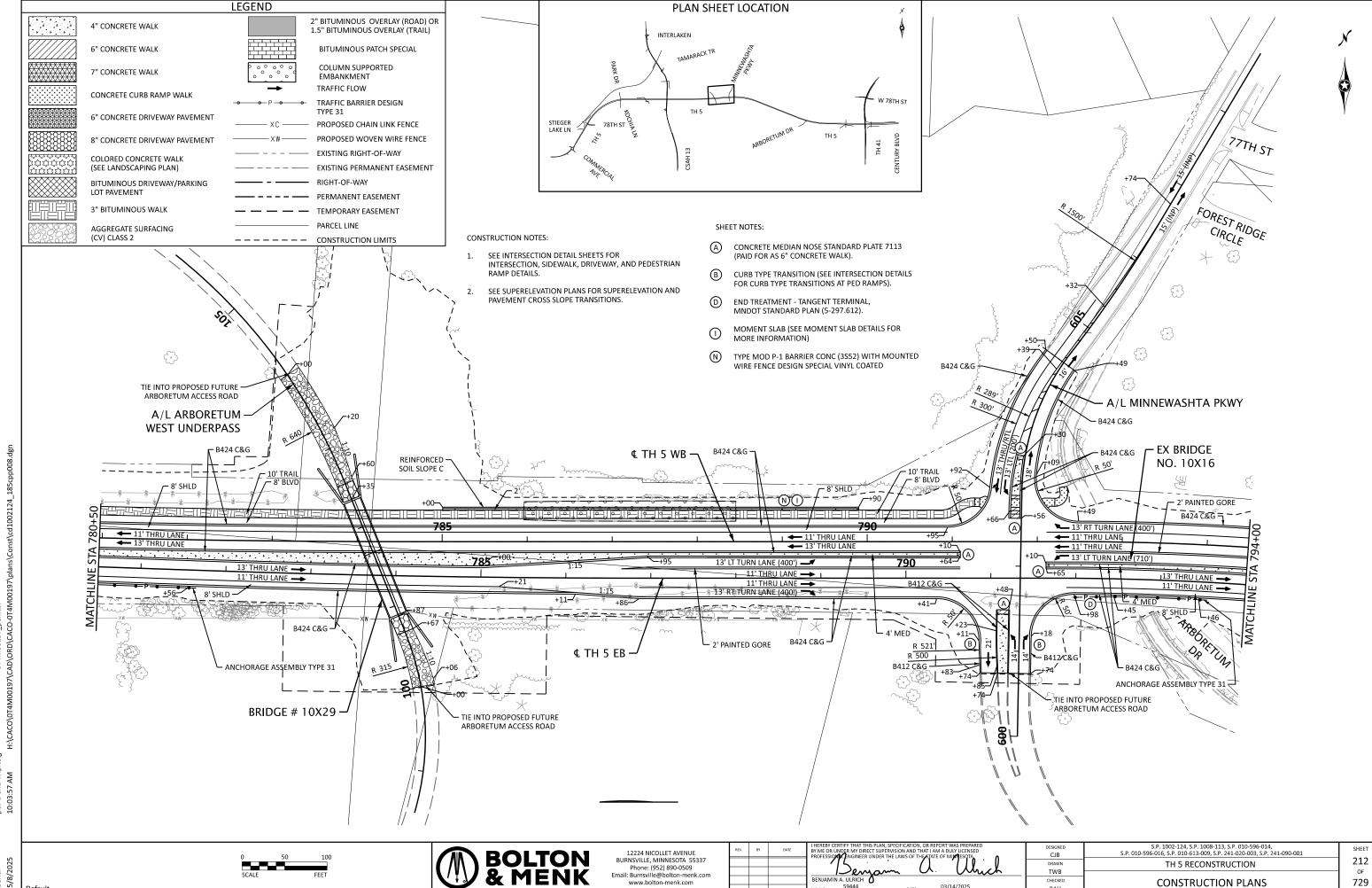












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