

**PERMIT REPORT DRAFT**

**To:** Board of Managers

**From:** Heidi Quinn, Permitting Technician

**Date:** November 15<sup>th</sup>, 2018

**Re:** Permit 18-277: Fiber Optic Internet Network, St. Louis Park

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**Recommendation:**

Approval of MCWD permit application.

**Background:**

Mi-Tech Services has applied for a Minnehaha Creek Watershed District permit for Waterbody Crossings & Structures for the installation of a fiber optic internet network line which will be operated by Verizon Business. The fiber optic internet line is proposed to be directionally bored under Minnehaha Creek within the right-of-way (ROW) near the intersection of 34th Street West/Aquila Lane South Bridge and Minnehaha Creek in the City of St. Louis Park. The application was completed on October 26<sup>th</sup>, 2018 and a public notice was sent to property owners within 600 feet of the project on October 19<sup>th</sup>, 2018. Members of the public requested the permit application appear before the Board of Managers for consideration. A Board Consideration notification was sent to property owners within 600 feet of the project on November 5<sup>th</sup>, 2018. All land on which work will take place is within the ROW of city streets which are maintained by the City of St. Louis Park. MCWD has received written confirmation from City Staff authorizing the proposed work within the ROW (attachment 2).

The project triggers the District's Waterbody Crossing & Structures rule. The City of St. Louis Park exercises sole regulatory authority for erosion control in the city. The Applicant has not requested an Exception or Variance from the rule and is before the Board of Managers for consideration as a result of written request by three community members. Staff met with two of the residents on October 26<sup>th</sup>, 2018 to discuss the permit application.

**Waterbody Crossings and Structures**

The Waterbody Crossings and Structures Rule is triggered whenever a project proposes horizontal drilling under a waterbody or watercourse. The project proposes to horizontally bore under Minnehaha Creek for the installation of a fiber optic internet line, therefore the rule is applicable to the project.

Per section 3(a) of the rule, the use of the bed or bank of a public water must meet a demonstrated public benefit. Based on the narrative submitted by the Applicant, the installation of a fiber optic network will allow MCI-Verizon Business to offer fiber optic internet service to



the residential community and public sector community within the service geography. The applicant has demonstrated that the project provides a public benefit.

Per section 3(b) of the rule, use of the bed or bank shall retain adequate hydraulic capacity, and may not result in upstream or downstream increases in flood stage. The installation of the fiber optic internet line is proposed to be installed via directional bore, therefore no channel or bank disturbance will occur and no alteration of the existing 100-year floodstage will occur. The Applicant has met this provision of the rule.

Per section 3(c) of the rule, the use of the bed or bank shall retain adequate navigational capacity pursuant to any requirements of the waterbody's classification by the District. The project will change the hydrological cross-section or flow characteristics of Minnehaha Creek because the proposed work will take place entirely below the bed of Minnehaha Creek, therefore navigational capacity will be maintained from existing to proposed conditions.

Per section 3(d) of the rule, the use of the bed or bank shall preserve aquatic and upland wildlife passage along each bank and within the waterbody as follows:

- Where there is sufficient depth and width, waterbody crossings shall provide upland bank passage to the greatest extent feasible, graded to connect to the streambank on both the upstream and downstream ends;
- Where the depth or the width of is not sufficient to provide adequate upland bank passage, waterbody crossings shall provide multiple offset culverts;
- Where the multiple offset culverts are not feasible, waterbody crossings shall provide a wildlife shelf insert above bankfull height, unless such a structure will impact hydraulic capacity;
- Rural section low traffic roads that meet vertical and horizontal site distance for a vehicle speed of 40mph or less are exempt from the requirements.

The directional boring of the fiber optic internet line below the bed of Minnehaha Creek will have no effect on existing aquatic and wildlife passage from existing to proposed conditions as the bore pits will be set a minimum of 100 feet back from the creek bank. Aquatic and upland wildlife passage shall be preserved from existing to proposed conditions.

Per section 3(e) of the rule, use of the bed or bank shall not adversely affect water quality. The submitted design demonstrates that the entrance and exits bore pits will be encompassed by silt fence as an erosion control best management practice preventing sediment from leaving the project site and will ensure that water quality is not adversely affected.

Per section 3(f) of the rule, the use of the bed or bank shall represent the “minimal impact” solution to a specific need with respect to all other reasonable alternatives, including, but not limited to vegetation or bioengineering for bank stabilization, structural stabilization, acquisition of additional easements, or installation of upstream control to manage stream flow. The



Applicant provided an alternatives analysis narrative that demonstrated alternatives considered to demonstrate the proposed project represented the minimal impact solution in consideration of other options.

- A No-build scenario (do nothing), will not achieve the project goals. The no-build scenario results in limited or absent service for current and future Verizon Business customers; limiting the accessibility of a common utility.
- Alternative routes were considered, but all options examined involve a creek crossing in order to access the customer base. The alternative routes examined increased the disturbed area, due to the additional length of fiber line that would be necessary, and the number of directional boring pits that would be required to install the fiber optic line.

Various construction methods were also examined in pursuing the minimal impact solution:

- Attaching the conduit to existing bridge infrastructure. This would require additional bore pits that would be within the required 100 foot setback and may result in disturbance to the banks of the creek. This option was not chosen due to the impact to natural resources.
- Open trench installation. This method involves excavation and placement of utility line. This method requires dewatering, in-channel excavation, and upland natural resource disturbance. This option was not chosen due to the impact to natural resources.
- Trenchless horizontal boring under the Creek was chosen as the preferred construction method because it has the least amount of impact to natural resources. This method requires two 4 foot by 4 foot bore pits (with an erosion fence) be placed at least of 100 feet from the either side of the creek banks.

Staff have reviewed the submittals provided by the Applicant, and concur with the alternatives analysis provided, and have determined the proposed project represents the minimal impact solution with respect to other alternatives. Based on this analysis, the Applicant has met this criteria of the rule.

Per section 3(g) of the rule projects that propose to directionally bore under a watercourse or waterbody shall provide for a minimum of 3 feet of clearance below the bed of the water resource and provide a minimum setback of a 100 feet from the any streambank for pilot, entrance, and exits holes. The applicant has submitted plans that demonstrate that the exit and entrance pits will be located 100 feet (western pit) and 101 feet (eastern pit) away from the bank of the Minnehaha Creek and that the directional bore will be a minimum of 10 feet below the bed of Minnehaha Creek. The 100 foot setback and 3 foot depth of clearance criteria have been met.

Section 3(h) of the rule is not applicable, as no installation, modification, or excavation of sanitary sewer is proposed as a component of this project.

# MINNEHAHA CREEK



# WATERSHED DISTRICT

QUALITY OF WATER

QUALITY OF LIFE

In summary, the proposed horizontal directional boring under Minnehaha Creek for the installation of a fiber optic cable line has meet the criteria of the Waterbody Crossings and Structures rule.

Attachments:

1. Permit Application
2. City of St. Louis Park ROW permit
3. Site Plan

Print Form

**WATER RESOURCE PERMIT APPLICATION FORM**

Use this form to notify/apply to the Minnehaha Creek Watershed District (MCWD) of a proposed project or work which may fall within their jurisdiction. Fill out this form completely and submit with your site plan, maps, etc. to the MCWD at:  
15320 Minnetonka Blvd. Minnetonka, MN 55345.  
Keep a copy for your records.

**YOU MUST OBTAIN ALL REQUIRED AUTHORIZATIONS BEFORE BEGINNING WORK.**

1. Name of each property owner: MCImetro Access Transmission Services Corp  
 Mailing Address: 700 Commerce Drive Ste 235 City: Woodbury State: MN Zip: 55125  
 Email Address: andrew.frelte@verizon Phone: 651-308-7629 Fax: \_\_\_\_\_

2. Property Owner Representative Information (not required) (licensed contractor, architect, engineer, etc...)  
 Business Name: Mastec North America, Inc Representative Name: Cornelius Vanderford  
 Business Address: 700 Commerce Drive Ste 235 City: Woodbury State: MN Zip: 55125  
 Email Address: cornelius.vanderford@mastec.com Phone: 651-308-7629 Fax: \_\_\_\_\_

3. Project Address: 8901 W 34th St City: Hopkins  
 State: MN Zip: 55426 Qtr Section(s): SE1/4 Section(s): 18 Township(s): 117 Range(s): 21  
 Lot: 001 Block: 001 Subdivision: Minnehaha Gables Annex PID: 1811721240046

4. Size of project parcel (square feet or acres): 380 sq ft  
 Area of disturbance (square feet): 380 sq ft Volume of excavation/fill (cubic yards): 0  
 Area of existing impervious surface: 0 Area of proposed impervious surface: 0  
 Length of shoreline affected (feet): 10' Waterbody (& bay if applicable): Minnehaha Creek

5. Type of permit being applied for (Check all that apply):  
 EROSION CONTROL  WATERBODY CROSSINGS/STRUCTURES  
 FLOODPLAIN ALTERATION  STORMWATER MANAGEMENT  
 WETLAND PROTECTION  APPROPRIATIONS  
 DREDGING  ILLICIT DISCHARGE  
 SHORELINE/STREAMBANK STABILIZATION

6. Project purpose (Check all that apply):  
 SINGLE FAMILY HOME  MULTI FAMILY RESIDENTIAL (apartments)  
 ROAD CONSTRUCTION  COMMERCIAL or INSTITUTIONAL  
 UTILITIES  SUBDIVISIONS (include number of lots)  
 DREDGING  LANDSCAPING (pools, berms, etc.)  
 SHORELINE/STREAMBANK STABILIZATION  OTHER (DESCRIBE): \_\_\_\_\_

7. NPDES/SDS General Stormwater Permit Number (if applicable): n/a

8. Waterbody receiving runoff from site: n/a

9. Project Timeline: Start Date: 5/14/2018 Completion Date: 11/01/2018

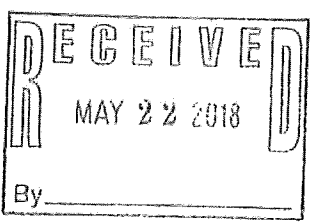
Permits have been applied for: City  County  MN Pollution Control Agency  DNR  COE   
 Permits have been received: City  County  MN Pollution Control Agency  DNR  COE

By signing below, I hereby request a permit to authorize the activities described herein. I certify that I am familiar with MCWD Rules and that the proposed activity will be conducted in compliance with these Rules. I am familiar with the information contained in this application and, to the best of my knowledge and belief, all information is true, complete and accurate. I understand that proceeding with work before all required authorizations are obtained may be subject to federal, state and/or local administrative, civil and/or criminal penalties.

[Signature] \_\_\_\_\_ Date: 5-11-18

Signature of Each Property Owner Date

*Mary Madson*  
 mmadson@mi-tech.us



# PERMIT

## City of St. Louis Park

5005 Minnetonka Blvd.  
 St. Louis Park, MN 55416-2290  
 952.924.2588  
 www.stlouispark.org



**Permit Type:** Public Works  
**Permit Number:** SL271323  
**Date Issued:** 02/05/2018

### Site Address: 3601 Phillips Pkwy

Lot: 000 Block: 000 Addition: Unplatted 18 117 21  
 PID: 18-117-21-34-0021  
 Use:

### Description:

Sub Type: Utility work below ground  
 Work Type: Fiber Optics  
 Description: Direct bore duct with fiber cable

**Comments:** 36th St, Flag, 34th, Sumter, Minnetonka, Texas, CLR, Texas, Wayzata Blvd

### Fee Summary:

<u>Description</u>	<u>Amount</u>	<u>Revenue Code</u>
Administrative Fee - Public Works	\$60.00	1501-4211
Work in ROW - Blvd hole	\$1,500.00	1501-4211
<b>Total:</b>	<b>\$1,560.00</b>	

### Contractor:

- Applicant -  
 MCImetro Access Transmission Services Corp  
 1200 Washington Ave N  
 Minneapolis MN 55401  
 (612) 326-7649

### Owner:

W Suburban Hsg VII Ltd  
 2200 Blaisdell Ave #203  
 Minneapolis MN 55404

Inspections made by the city are a public service and do not constitute any representation, guarantee or warranty, either implied or expressed, to any person as to the condition of the building inspected.

Applicant/Permitee: Signature

Issued By: Signature

