

**MEETING DATE:** October 9, 2014

**TITLE:** Approve Record of Decision and the Negative Declaration of Need for an Environmental Impact Statement for the Long Lake Creek Corridor Improvement Project – Phase II

**RESOLUTION NUMBER:** 14-082

**PREPARED BY:** Michael Hayman

**E-MAIL:** mhayman@minnehahacreek.org

**TELEPHONE:** 952-471-8226

**REVIEWED BY:**  Administrator  Counsel  Program Mgr. (Name): \_\_\_\_\_  
 Board Committee  Engineer  Other

**WORKSHOP ACTION:**

<input type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance to Board meeting for discussion prior to action.
<input type="checkbox"/> Refer to a future workshop (date): _____	<input type="checkbox"/> Refer to taskforce or committee (date): _____
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input checked="" type="checkbox"/> Other (specify): <u>Approve at October 9, 2014 Workshop</u>	

**PURPOSE or ACTION REQUESTED:**

Approval of the Record of Decision and the Negative Declaration of Need for an Environmental Impact Statement for the Long Lake Creek Corridor Improvement Project – Phase II

**PROJECT/PROGRAM LOCATION:**

230 and 240 Orono Orchard Road, Long Lake

**PROJECT TIMELINE:**

- May 2014 - Award of Final Design Services
- August 2014 – Distribute EAW
- October 2014 – Approval of Record of Decision for EIS
- October 2014 – Review Design and Advertise for Bid
- November 2014 – Bid-Award/Contractor Approval
- December 2014 - Contractor Notice-to-Proceed
- May 2015 – Substantial Completion

**PROJECT/PROGRAM COST:**

Fund name and number: Long Lake Creek Restoration, 3142  
Current fund balance: \$637,000 (includes both Phase I and II)  
Requested amount of funding: N/A  
Is a budget amendment requested? No  
Is additional staff requested? No

## **PAST BOARD ACTIONS:**

- August 8, 2013 – Board review of Feasibility Study for Long Lake Wastewater Treatment Pond Restoration Project (no Board action)
- October 10, 2013 – Public Hearing for Long Lake Wastewater Treatment Pond Restoration Project (no Board action)
- December 19, 2013 – Ordering of Long Lake Wastewater Treatment Pond Restoration Project, Authorization to Execute Agreements, and Authorization to Solicit Design Services (13-110)
- May 22, 2014 – Authorization to execute a contract for design and construction oversight services for the Long Lake Wastewater Treatment Pond Restoration Project (14-046)
- August 14, 2014 – Authorization to distribute the Long Lake Creek Corridor Improvement-Phase II Environmental Assessment Worksheet (EAW) for 30-day comment period (14-063)

## **SUMMARY:**

In December 2013, the Board ordered the Long Lake Creek Corridor Improvement Project-Phase II (Wastewater Treatment Pond Restoration Project). This restoration involves dredging and disposing of excess sediments and reconnecting the basin to Long Lake Creek, resulting in a mixed-type wetland with the creek meandering through it. In May 2014 the Board authorized a contract for design and construction oversight services with RESPEC, contingent upon execution of a cooperative agreement with Metropolitan Council Environmental Services (MCES). Shortly thereafter, in June 2014, the cooperative agreement was executed with MCES which designates the District authority to design and construct the project with reimbursement of costs associated with sediment dredging and disposal being provided by MCES.

Under the State of Minnesota Environmental Rule 4410, the modification of a stream channel requires a mandatory Environmental Assessment Worksheet (EAW). This requirement means that the EAW must be completed prior to the project moving forward. The purpose of the EAW process is to disclose information about potential environmental impacts of a proposed project. The information disclosed in the EAW process has two functions: to determine whether an Environmental Impact Statement (EIS) is needed, and to indicate how a project can be modified to lessen its environmental impacts.

On August 14, 2014 the Board authorized distribution of the Long Lake Creek Corridor Improvement-Phase II Environmental Assessment Worksheet (EAW) for 30-day comment period. The EAW notice was published by the Environmental Quality Board on September 1, 2014.

The EAW examined the potential environmental effects of the proposed restoration project. Projects determined to have the potential for significant negative environmental effects must do further environmental review, in the form of an environmental impact statement (EIS). Review of the EAW is complete, with the 30-day comment period closing on October 1, 2014. Comments were received from Minnesota Historical Society State Historic Preservation Office, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, and the Metropolitan Council. Upon careful consideration of reviewer comments, MCWD Staff have determined that the Long Lake Creek Corridor Improvement Project – Phase II does not have the potential for significant negative environmental effects.

The Record of Decision – including Findings of Fact, Responses to Comments, and Conclusions – is attached to Resolution 14-082 as Exhibit A.

Staff is requesting that the Board adopt resolution certifying the environmental assessment worksheet (EAW) as an adequate examination of the environmental impacts and accepting the Record of Decision, declaring no need for an Environmental Impact Statement.

Attachments included with this document: 1) Exhibit A: Record of Decision – Findings of Fact, Responses to Comments, and Conclusions; and 2) four agency comment letters and Natural Heritage Review letter.

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**DRAFT for discussion purposes only and subject to Board approval and the availability of funds.  
Resolutions are not final until approved by the Board and signed by the Board Secretary.**

## RESOLUTION

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**RESOLUTION NUMBER:**    14-082

**TITLE:**            **Approve Record of Decision and the Negative Declaration of Need for an Environmental Impact Statement for the Long Lake Creek Corridor Improvement Project – Phase II**

- WHEREAS, the Minnehaha Creek Watershed District (MCWD) has adopted a watershed management plan (WMP) in accordance with Minnesota Statutes §103B.231;
- WHEREAS, the WMP identifies both a Stream Restoration project (5.8.5) and a Wetland Restoration project (5.8.2) in the Long Lake Creek corridor as capital improvement projects for the purpose of protecting and improving water quality in Long Lake Creek and Tanager Lake and providing other water resource benefits within the Long Lake Creek subwatershed;
- WHEREAS, on December 19, 2013, the MCWD Board of Managers ordered the Long Lake Wastewater Treatment Pond Restoration Project as a second phase to the Long Lake Creek Corridor Improvement Project;
- WHEREAS, the Long Lake Creek Corridor Improvement-Phase II project (“Project”) involves restoration of the former WWTP including dredge and disposal of excess sediments, reconnection of the creek channel to a more functional, historic alignment, and restoration of wetland and ecological functions throughout the site;
- WHEREAS, the MCWD, pursuant to and as required by Minnesota Rules 4410.4300, subpart 26, prepared an Environmental Assessment Worksheet (EAW) to determine if the Project has the potential for significant environmental effects, and distributed the EAW for review by governmental agencies and the public in accordance with the requirements of Minnesota Statutes chapter 116D and Minnesota Rules chapter 4410;
- WHEREAS, the MCWD, for purposes of the EAW, is both the Proposer and Responsible Government Unit (RGU) for the Project; and
- WHEREAS, the MCWD received comments from Minnesota Historical Society State Historic Preservation Office, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, and the Metropolitan Council, and has carefully reviewed each comment, prepared a specific written response to each in accordance with Minnesota Rules 4410.1700, subpart 4, which responses are attached hereto as Exhibit A and incorporated herein as the Record of Decision; and
- WHEREAS, the MCWD has prepared its plans and specifications for the Project to address specific concerns as described in the Record of Decision and a cumulative impacts analysis was completed and found that there are no negative cumulative impacts associated with proceeding with the Project; and
- WHEREAS, the Board of Managers finds, based on the findings of fact that an Environmental Impact Statement (EIS) for the Project is not necessary because: (1) the Project does not fall within a mandatory EIS category as set forth at Minnesota Rules 4410.4400; and (2) the Project does not have the potential for significant environmental effects according to the criteria and procedures set forth at Minnesota Rules 4410.1700;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Managers adopts the Record of Decision on the Long Lake Creek Corridor Improvement Project – Phase II incorporated herein; finds and determines, based upon the Record of Decision, no Environmental Impact Statement is required for the Project and directs staff to distribute this resolution and the attached Record of Decision within five days in accordance with Minnesota Rules 4410.1700, subpart 5.

Resolution Number 14-082 was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_.  
Motion to adopt the resolution \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions. Date: \_\_\_\_\_.

\_\_\_\_\_  
Secretary Date: \_\_\_\_\_

**Exhibit A**

**Minnehaha Creek Watershed District**  
**Hennepin County, Minnesota**

**RECORD OF DECISION**

**FINDINGS OF FACT, RESPONSES TO COMMENTS, and CONCLUSIONS**

DATE: October 9, 2014

RE: Determination of Need for an Environmental Impact Statement (EIS)

PROJECT: Long Lake Creek Corridor Improvement Project – Phase II

LOCATION: 230 and 240 Orono Orchard Road, Long Lake, Minnesota

**FINDINGS OF FACT**

1. The Minnehaha Creek Watershed District has ordered the Long Lake Creek Corridor Improvement Project – Phase II (“Project”), and is proposing to restore the former Long Lake Waste Water Treatment Plant (WWTP) including dredge and disposal of excess sediments, reconnection of the creek channel to a more functional, historic alignment, and restoration of wetland and ecological functions throughout the site; and
2. The Project falls within the mandatory Environmental Assessment Worksheet (EAW) category of Minnesota Rules part 4410.4300, Subpart 26 Stream Diversion; and
3. The Minnehaha Creek Watershed District, Hennepin County, Minnesota is serving as the Proposer and Responsible Government Unit (RGU) for the Project; and
4. An EAW was prepared by RE/SPEC Incorporated, on behalf of the Proposer, who submitted completed data portions of the EAW consistent with Minnesota Rules Part 4410.1400; and
5. The EAW was prepared using the form approved by the Minnesota Environmental Quality Board (MEQB) for EAWs in accordance with Minnesota Rules Part 4410.1300; and
6. The EAW is incorporated by reference in this Record of Decision; and
7. The EAW was filed with the MEQB and notice for its availability for public review and comment was published in the EQB Monitor on September 1, 2014. A copy of the EAW was sent to all persons on the MEQB Distribution List and to persons who requested a copy; and
8. The 30-day public review and comment period opened on September 1, 2014 and ended October 1, 2014, and comments were received from four state agencies; and
9. During the 30-day public review and comment period, four agencies submitted written comments on the EAW, including Minnesota Historical Society State Historic Preservation Office, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, and the Metropolitan Council.

**RESPONSES TO COMMENTS**

1. Comments by Sarah J. Beimers, Manager, Government Programs and Compliance, Minnesota Historical Society, State Historic Preservation Office. Letter received September 15, 2014.

Comment 1-1: Based on our review of the project information, we conclude that there are no properties listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

Response: Comment noted

2. Comments by Karen Kromar, Planner Principal, Environmental Review Unit, Resource Management and Assistance Division, Minnesota Pollution Control Agency (MPCA) Letter received September 30, 2014.

Comment 2-1: Please note that a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for project related wetland impacts may be necessary. Please be aware that if a USACE Section 404 Individual Permit is required for any project activity, then an MPCA CWA Section 401 Water Quality Certification or waiver must also be obtained as part of the permitting process. The Section 401 Water Quality Certification ensures that the activity will comply with the state water quality standards. Any conditions required within the MPCA 401 Certificate are then incorporated into the USACE 404 Permit.

Response: The USACE has determined that this project qualifies under the guidelines of the Regional General Permit with the USACE rather than a Section 404 individual permit. MPCA CWA Section 401 Water Quality Certification of the general permit and individual certification is not required.

Comment 2-2: 11.a Surface water. As noted in the EAW, Long Lake is listed on the MPCA Inventory of Impaired Waters located on the MPCA website at <http://www.pca.state.mn.us/water/tmdl303dlist.html>. Long Lake is listed as impaired for mercury and nutrients. The nutrient impairment will dictate additional increased stormwater treatment during construction and require additional increased permanent treatment post construction. These requirements will be included in the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit. The Project proposer should determine that compliance with these increased stormwater water quality treatments can be achieved on the Project site or elsewhere.

Response: This project is downstream of and does not flow to Long Lake and therefore does not trigger the requirement of the NPDES/SDS permit for additional stormwater treatment during construction activities. Post construction conditions will result in restoration of the site, bringing about improvements to water quality and ecological function.

Comment 2-3: 11.b Surface waters - wetlands. An expanded discussion about the in-water best management practices would be helpful, such as what specific sediment controls will be used in the water to prevent sediment transfer downstream.

Response: In addition to the incorporation of extensive best management practices (reinforced rock check dams, silt fence, sediment control logs, etc.), it is also important to note that construction will occur in the winter and is scheduled to be completed under frozen conditions, thus minimizing sediment transport and dust.

Comment 2-4: The operation of heavy equipment in and near lakes, streams, and wetlands obligates the Project proposers to develop a plan for managing fuels and lubricants, including a plan of action to implement in the event of spills. Project proposers and their contractors should be prepared to respond to spills and to recover and contain spilled material as quickly and thoroughly as possible. For petroleum spills that are five or more gallons, the Project proposers and/or their contractors are required to contact the State Duty Officer.

Response: More specific details have been added to the Storm Water Pollution Prevention Plan with regard to spill response procedures, including calling the State Duty Officer, Owner, and Project Engineer. Activity on the site shall cease until the spill has been adequately addressed.

Comment 2-5: A cumulative potential effects analysis is applicable and must be conducted for the EAW to be complete. This requires an analysis of specific projects that may interact with the proposed Project in such a way as to cause cumulative impacts. The responsible governmental unit must inquire whether a proposed project, which may or may not individually have the potential to cause significant environmental effects, could have a significant effect when considered along with other projects that (1) are already in existence or planned for the future; (2) are located in the surrounding area; and (3) might reasonably be expected to affect the same natural resource(s). The cumulative potential effects assessment should:

- Consider *existing projects*, as well as anticipated *future projects* that have been planned or for which a 'basis of expectation has been laid' (future projects for which permit applications or EAWs have been submitted either at the state or local level, or projects for which plats have been approved on the local level may be considered to demonstrate the required basis of expectation).
- Consider a limited geographic area surrounding the project, in which facilities may reasonably be expected to affect the same natural resource - for instance, a nearby lake – as the proposed Project.

In completing this item, your analysis must identify: a) the limited geographical area considered; b) any other projects as outlined above, (and explain how they were identified); c) the cumulative impacts that may occur as a result of interaction of the other project(s) with the proposed Project; and d) the natural resource(s) affected and how it may be affected.

Response: The Minnehaha Creek Watershed District completed a cumulative affects analysis following receipt of this comment and has determined that there are no cumulative impacts arising as a result of proceeding with the Project. The analysis identified a geographical area located along the Long Lake Creek corridor from Wayzata Boulevard to the Brown Road/Luce Line crossing, and found that the only planned projects, based on the outlined definition, are stabilization and restoration projects planned by the MCWD. The identified projects are two streambank stabilization projects, and one wetland restoration project. These projects have been preliminarily designed, but do not have a definitive construction schedule as land negotiations have not been finalized.

The Project will result in a restoration of geomorphic and ecological function of this segment of Long Lake Creek, which was previously and deleteriously impacted by channel ditching. Future projects that that may result in significant environmental effects are expected to result in improvements to Long Lake Creek and downstream resources. Lastly, regulatory measures are in place to ensure that no further significant environmental effects occur within the Long Lake Creek corridor.

3. Comments by Brooke Haworth, Environmental Assessment Ecologist, Central Region, MnDNR Division of Ecological and Water Resources. Letter received September 30, 2014.

Comment 3-1: The document does not include a hydrologic assessment nor a design of channel construction. These elements are critical to a successful channel restoration project. The DNR is aware that some of this work has been done during project planning. Including design details in the EAW would be helpful for understanding and evaluating the proposed work. We encourage the proposers to investigate and address the important elements of a natural channel design, such as geomorphology, hydrology, channel dimension, slope grading, and use of riparian vegetation.

Response: Final hydrologic assessment and channel design had not been completed at the time of EAW drafting. This work has since been finalized and is available through the Minnehaha Creek Watershed District and has been provided to the MnDNR Area Hydrologist for review and comment. The MCWD considered all elements of channel design and function in determining the most suitable channel dimension, pattern and profile for the stream restoration.

Comment 3-2: The final paragraph of this section states: “The vegetative restoration is a major component of the project and a detailed design of seed mixes and plantings was completed to maximize project benefits.” Including the design of seed mixes and plantings in the EAW would be helpful for evaluating the vegetation restoration component of the project.

Response: The detailed planting and vegetative restoration plans have been provided to the MnDNR Area Hydrologist for review and comment.

Comment 3-3: This section would benefit from an interpretation of the MnRAM assessment and its applicability to the outcome of the project.

Response: The MCWD has completed a MnRAM assessment of the project location. The MnRAM assessment provides functional ratings as well as recommendations for consideration during design planning. The project has been designed with wetland restoration and vegetation management as a fundamental component to the project, taking not only the MnRAM assessment into account, but numerous other site assessments from restoration experts and preliminary surveys of various wildlife (bird, fish) to document reference point conditions.

Comment 3-4: The potential to impact the state-threatened Blanding’s turtle was not addressed. Please find attached the DNR’s Natural Heritage Information System report and comments for this project. This should be included in the EAW. We appreciate recent coordination and discussion with DNR rare species staff regarding this report.

Response: Previous data reviewed by the MCWD did not indicate rare or threatened species within the vicinity of the project area. The Natural Heritage Information System report and comments are appreciated. The Blanding’s turtle has not been specifically identified on the project site, but rather the Blanding’s turtle may be in the vicinity. As with all projects that the MCWD endeavors to complete, we recognize potential impacts are possible and take every precaution to ensure that there are no adverse effects. MCWD staff has continued discussions with MnDNR staff to ensure that all precautions are taken as we work to move this restoration project forward.

It is important to note that the Blanding’s turtle prefers to overwinter in deep water wetlands. In its current condition, the former Wastewater Treatment Pond (WWTP) maintains an average depth of less than 2-feet, likely freezes out annually, and is clay lined to prevent groundwater interaction. The project is an opportunity to transform a former WWTP to a more natural state, including restored geomorphic and ecological functions, as well as the creation of various wetland types – shallow and deep water – with robust native plant communities. The project specifications will include a contingency plan for dewatering in late-season conditions. This will include the presence of MCWD staff on site to relocate identified wildlife to the adjacent open water wetland.

MCWD will utilize the project to provide educational opportunities to local residents and the greater community in the form of a locally held Community meeting, the distribution of the MnDNR Blanding’s turtle fact sheet and flyer, and future restoration programming. Lastly, as requested, District staff will continue to keep the MnDNR Area Hydrologist informed of the situation through updated plans and specification, and ongoing correspondence.

Comment 3-5: This section states that the invasive species Reed Canarygrass will be “removed prior to construction, during construction and throughout the maintenance period.” Control of this species is extremely difficult, especially with a parallel re-vegetation establishment activity. This section would benefit from a description of the management strategies planned for invasive control.

This section also addresses the target drawdown season (“early fall”) that will minimize impacts to non-game wetland species. Ideally, dewatering in the winter should be avoided to protect overwintering wildlife species. Given that environmental review and permitting are still in process,



this timeline and associated activities need to be revisited. A discussion of late-season drawdown activities and herpetofauna impact avoidance would be appreciated.

Additional recommendations for the protection of wildlife include: a) given the proximity to wetland habitats and stated project goals, we recommend the use of wildlife-friendly erosion materials throughout the project (see attached factsheet); b) we recommend the use of over-sized culverts where at least 2' of the culvert opening is above the ordinary high-water mark to facilitate passage for wildlife such as turtles and waterfowl.

Response: The Minnehaha Creek Watershed District has detailed planting and vegetative restoration plans, including post-construction operations and maintenance protocol. In addition, the project specifications will include contingencies for potential late-season dewatering (see above response to comment 3-4) and wildlife-friendly construction materials. MCWD staff will continue communications with the MnDNR Area Hydrologist and will provide updated plans and specifications for review and comment.

4. Comment by LisaBeth Barajas, Manager, Local Planning Assistance, Metropolitan Council. Letter received October 1, 2014.

Comment 4-1: Metropolitan Council staff completed its review of the EAW to determine its accuracy and completeness in addressing regional concerns. The staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes.

Response: Comment noted

Comment 4-2: This project may have potential impacts on multiple Metropolitan Council Interceptors in multiple locations. To assess the potential impacts to our interceptor system, prior to initiating this project, preliminary plans should be sent to Scott Dentz, Interceptor Engineering Manager at the Metropolitan Council Environmental Services for review and comment.

Response: The Minnehaha Creek Watershed District will submit plans and specifications to Mr. Scott Dentz for review and comment.

## **CONCLUSION**

The written comments received do not support the need for an Environmental Impact Statement on the Proposed Project.

STATE HISTORIC PRESERVATION OFFICE

September 12, 2014

Mr. Michael Hayman, Planner  
Minnehaha Creek Watershed District  
15320 Minnetonka Blvd  
Minnetonka, MN 55345



RE: EAW – Long Lake Creek Corridor Improvement Project – Phase II  
T118 R23 S35 SW  
Long Lake, Hennepin County  
SHPO Number: 2014-2850

Dear Mr. Hayman:

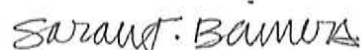
Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

Based on our review of the project information, we conclude that there are **no properties** listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, Procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal permit or license, it should be submitted to our office by the responsible federal agency.

Please contact our Compliance Section at (651) 259-3455 if you have any questions regarding our review of this project.

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance



# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us) | Equal Opportunity Employer

September 30, 2014

Mr. Michael Hayman  
Planner  
Minnehaha Creek Watershed District  
15320 Minnetonka Boulevard  
Minnetonka, MN 55345

Re: Long Lake Creek Corridor Improvements - Phase II Environmental Assessment Worksheet

Dear Mr. Hayman:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Long Lake Creek Corridor Improvements - Phase II project (Project) located in Long Lake, Minnesota. The Project consists of restoration of the outlet channel of Long Lake and restores a decommissioned wastewater treatment pond into a mixed type wetland. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

### **Permits and Approvals (Item 8)**

Please note that a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for project related wetland impacts may be necessary. Please be aware that if a USACE Section 404 Individual Permit is required for any project activity, then an MPCA CWA Section 401 Water Quality Certification or waiver must also be obtained as part of the permitting process. The Section 401 Water Quality Certification ensures that the activity will comply with the state water quality standards. Any conditions required within the MPCA 401 Certificate are then incorporated into the USACE 404 Permit. You can find additional information about the MPCA's 401 Certification process at [www.pca.state.mn.us/water/401.html](http://www.pca.state.mn.us/water/401.html). For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Bill Wilde at 651-757-2825.

### **Water Resources (Item 11)**

- 11.a Surface water. As noted in the EAW, Long Lake is listed on the MPCA Inventory of Impaired Waters located on the MPCA website at <http://www.pca.state.mn.us/water/tmdl/tmdl-303dlist.html>. Long Lake is listed as impaired for mercury and nutrients. The nutrient impairment will dictate additional increased stormwater treatment during construction and require additional increased permanent treatment post construction. These requirements will be included in the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit. The Project proposer should determine that compliance with these increased stormwater water quality treatments can be achieved on the Project site or elsewhere. Information regarding the MPCA's Construction Stormwater Program can be found on the MPCA's website at <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html>. Questions regarding Construction Stormwater Permit requirements should be directed to Brandon Dahl at 651-757-2279.
- 11.b Surface waters – wetlands. An expanded discussion about the in-water best management practices would be helpful, such as what specific sediment controls will be used in the water to prevent sediment transfer downstream.



**Contamination/Hazardous Materials/Wastes (Item 12)**

The operation of heavy equipment in and near lakes, streams, and wetlands obligates the Project proposers to develop a plan for managing fuels and lubricants, including a plan of action to implement in the event of spills. Project proposers and their contractors should be prepared to respond to spills and to recover and contain spilled material as quickly and thoroughly as possible. For petroleum spills that are five or more gallons, the Project proposers and/or their contractors are required to contact the State Duty Officer at 651-649-5451 or 800-422-0798. Information on reporting spills and leaks is available on the MPCA website at: <http://www.pca.state.mn.us/index.php/view-document.html?gid=2807>.

**Cumulative Potential Effects (Item 19)**

A cumulative potential effects analysis is applicable and must be conducted for the EAW to be complete. This requires an analysis of specific projects that may interact with the proposed Project in such a way as to cause cumulative impacts. The responsible governmental unit must inquire whether a proposed project, which may or may not individually have the potential to cause significant environmental effects, could have a significant effect when considered along with other projects that (1) are already in existence or planned for the future; (2) are located in the surrounding area; and (3) might reasonably be expected to affect the same natural resource(s). The cumulative potential effects assessment should:

- Consider *existing projects*, as well as anticipated *future projects* that have been planned or for which a 'basis of expectation has been laid' (future projects for which permit applications or EAWs have been submitted either at the state or local level, or projects for which plats have been approved on the local level may be considered to demonstrate the required basis of expectation).
- Consider a limited geographic area surrounding the project, in which facilities may reasonably be expected to affect the same natural resource – for instance, a nearby lake – as the proposed Project.

In completing this item, your analysis must identify: a) the limited geographical area considered; b) any other projects as outlined above, (and explain how they were identified); c) the cumulative impacts that may occur as a result of interaction of the other project(s) with the proposed Project; and d) the natural resource(s) affected and how it may be affected.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and the notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me at 651-757-2508.

Sincerely,



Karen Kromar  
Planner Principal  
Environmental Review Unit  
Resource Management and Assistance Division

KK:bt

cc: Craig Affeldt, MPCA, St. Paul  
Theresa McDill, MPCA, St. Paul  
Jim Brist, MPCA, St. Paul  
Brandon Dahl, MPCA, St. Paul  
Bill Priebe, MPCA, St. Paul

# Minnesota Department of Natural Resources

Division of Ecological and Water Resources  
1200 Warner Road  
Saint Paul, MN 55106-6793



September 29, 2014

Transmitted by Electronic Mail

Michael Hayman, Project Manager  
Minnehaha Creek Watershed District  
15320 Minnetonka Boulevard  
Minnetonka, MN 55345

Re: EAW for Long Lake Creek Corridor Improvement Project – Phase II, Hennepin County

Mr. Hayman,

The Department of Natural Resources (DNR) has reviewed the EAW for the Long Lake Creek Corridor Improvement Project – Phase II, and offers the following comments for your consideration. While we are in support of this project, we find the EAW does not present project details and design elements that allow for a thorough review of project activities and impacts. Most of our comments offer suggestions for information that would be helpful to reviewers. We are aware that much of this work has been done, and encourage the MCWD to continue to develop the project by incorporating reviewer comments.

#### Item 6.b. Construction Details

The document does not include a hydrologic assessment nor a design of channel construction. These elements are critical to a successful channel restoration project. The DNR is aware that some of this work has been done during project planning. Including design details in the EAW would be helpful for understanding and evaluating the proposed work. We encourage the proposers to investigate and address the important elements of a natural channel design, such as geomorphology, hydrology, channel dimension, slope grading, and use of riparian vegetation. An introduction to this method is available on the web at:

<http://www.fws.gov/chesapeakebay/StreamReports/NCD%20Review%20Checklist/Natural%20Channel%20Design%20Checklist%20Doc%20V2%20Final%2011-4-11.pdf>.

#### Item 11.b.ii. Stormwater

The final paragraph of this section states: “The vegetative restoration is a major component of the project and a detailed design of seed mixes and plantings was completed to maximize project benefits.” Including the design of seed mixes and plantings in the EAW would be helpful for evaluating the vegetation restoration component of the project.

[mndnr.gov](http://mndnr.gov)

An Equal Opportunity Employer

DNR Information: 651-296-6157

1-888-646-6367

651-296-5484

1-800-657-3929

Item 13.a. Sensitive ecological resources-description

This section would benefit from an interpretation of the MnRAM assessment and its applicability to the outcome of the project.

Item 13.b. Sensitive ecological resources-rare features

The potential to impact the state-threatened Blanding's turtle was not addressed. Please find attached the DNR's Natural Heritage Information System report and comments for this project. This should be included in the EAW. We appreciate recent coordination and discussion with DNR rare species staff regarding this report.

Item 13.c. Sensitive ecological resources-impacts of project

This section states that the invasive species Reed Canarygrass will be "removed prior to construction, during construction and throughout the maintenance period." Control of this species is extremely difficult, especially with a parallel re-vegetation establishment activity. This section would benefit from a description of the management strategies planned for invasive control.

This section also addresses the target drawdown season ("early fall") that will minimize impacts to non-game wetland species. Ideally, dewatering in the winter should be avoided to protect overwintering wildlife species. Given that environmental review and permitting are still in process, this timeline and associated activities need to be revisited. A discussion of late-season drawdown activities and herpetofauna impact avoidance would be appreciated.

Additional recommendations for the protection of wildlife include: a) given the proximity to wetland habitats and stated project goals, we recommend the use of wildlife-friendly erosion materials throughout the project (see attached factsheet); b) we recommend the use of over-sized culverts where at least 2' of the culvert opening is above the ordinary high-water mark to facilitate passage for wildlife such as turtles and waterfowl.

We appreciate the opportunity to review this project. Please contact DNR staff with any questions regarding these comments.

Sincerely,

*Brooke Haworth*

Environmental Assessment Ecologist, Central Region  
MnDNR Division of Ecological and Water Resources  
1200 Warner Road, St. Paul, MN 55106  
Phone: 651-259-5755  
Email: [Brooke.haworth@state.mn.us](mailto:Brooke.haworth@state.mn.us)

Reference Document: ERDB 20150037

Attachments: NHIS Review and Comments; Blanding's Turtle Factsheet; Blanding's Turtle Avoidance Measures; Wildlife Friendly Erosion Control Factsheet

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## Minnesota Department of Natural Resources

Division of Ecological and Water Resources, Box 25

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St. Paul, Minnesota 55155-4025

Phone: (651) 259-5109 E-mail: [lisa.joyal@state.mn.us](mailto:lisa.joyal@state.mn.us)

September 23, 2014

Correspondence # ERDB 20150037-0002

Ms. Emily Javens  
Respec  
1935 West County Road B2, Suite 320  
Roseville, MN 55113

RE: Natural Heritage Review of the proposed Long Lake Creek Improvement  
T118N R23W Section 35, Hennepin County

Dear Ms. Javens,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, rare features have been documented within the search area (please visit the Rare Species Guide at <http://www.dnr.state.mn.us/rsg/index.html> for more information on the biology, habitat use, and conservation measures of these rare species). Please note that the following **rare features may be adversely affected** by the proposed project:

- Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been reported from the vicinity of the proposed project. Blanding's turtles use upland areas up to and over a mile distant from wetlands, as well as wetlands. Uplands are used for nesting, basking, periods of dormancy, and traveling between wetlands. Because of the tendency to travel long distances over land, Blanding's turtles regularly travel across roads and are therefore susceptible to collisions with vehicles. Any added mortality can be detrimental to populations of Blanding's turtles, as these turtles have a low reproduction rate that depends upon a high survival rate to maintain population levels. Other factors believed to contribute to the decline of this species include wetland drainage and degradation, and the development of upland habitat.

These rare turtles could be impacted from this project through direct fatalities or habitat disturbance/destruction due to dewatering, excavation, fill, or other construction activities associated with the project. For your information, I have attached a Blanding's turtle fact sheet that provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. Please refer to the first list of recommendations for your project. If greater protection for turtles is desired, the second list of recommendations can also be implemented. Additional actions to minimize disturbance to this rare turtle (and other wildlife) may include, but are not limited to, the following recommendations:

- To protect overwintering wildlife, avoid dewatering after September 15<sup>th</sup>;
- If erosion control mesh will be used, use only wildlife-friendly materials (see enclosed fact sheet);
- To facilitate wildlife passage, use over-sized culverts where the culvert opening is two feet above the ordinary high-water mark; and
- Where feasible, use fences/barriers to prevent wildlife from entering the adjacent roadways and/or to funnel the wildlife to existing culverts.



The attached flyer should be given to all contractors working in the area. If Blanding's turtles are encountered on site, please remember that state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they should be moved by hand out of harm's way, otherwise they should be left undisturbed.

- The Environmental Assessment Worksheet should address whether the proposed project has the potential to adversely affect the Blanding's turtle and, if so, it should identify specific avoidance or mitigation measures that will be implemented. Sufficient information should be provided so the DNR can determine whether a takings permit will be needed for any of the above protected species.
- Please include a copy of this letter in any DNR license or permit application.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. **If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.**

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or for an updated review if construction has not occurred within one year.

The Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. To determine whether there are other natural resource concerns associated with the proposed project, please contact your DNR Regional Environmental Assessment Ecologist (contact information available at [http://www.dnr.state.mn.us/eco/ereview/erp\\_regioncontacts.html](http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html)). Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,



Lisa Joyal  
Endangered Species Review Coordinator

enc. Blanding's Turtle Fact Sheet and Flyer  
Wildlife-friendly Erosion Control

cc: Brooke Haworth  
Erica Hoaglund



September 29, 2014

Michael Hayman, MCWD Planner  
Minnehaha Creek Watershed District  
15320 Minnetonka Boulevard  
Minnetonka, MN 55345

RE: **Long Lake Creek Corridor Improvements – Phase II  
Environmental Assessment Worksheet (EAW)**  
Metropolitan Council District 3  
Metropolitan Council Review File No. 21280-1



Dear Mr. Hayman:

The Metropolitan Council received the Environmental Assessment Worksheet (EAW) for Long Lake Creek Corridor Improvements – Phase II on August 21, 2014. The project is located in the City of Long Lake. The project proposes the restoration of the previously ditched outlet channel of Long Lake similar to its historical meandering alignment, and restores a decommissioned wastewater treatment pond into a mixed type wetland. The purpose is to improve water quality, increase habitat value, and create additional floodplain storage.

Metropolitan Council staff completed its review of the EAW to determine its accuracy and completeness in addressing regional concerns. The staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes.

We offer the following comments for your consideration.

**Item 11 - Water resources** (Roger Janzig, 651-602-1119)

This project may have potential impacts on multiple Metropolitan Council Interceptors in multiple locations. To assess the potential impacts to our interceptor system, prior to initiating this project, preliminary plans should be sent to Scott Dentz, Interceptor Engineering Manager (651-602-4503) at the Metropolitan Council Environmental Services for review and comment.

This will conclude the Metropolitan Council's review of the EAW. Please note that the Council will take no formal action on the document. Please contact Michael Larson, AICP, Principal Reviewer, at 651-602-1407 with any questions.

Sincerely,



LisaBeth Barajas, Manager  
Local Planning Assistance

cc: Crystal Shepcke, Minnesota Housing  
Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division  
Jennifer Munt, Metropolitan Council District 3  
Freya Thamman, AICP, Sector Representative  
Michael Larson, AICP, Principal Reviewer  
Raya Esmacili, Reviews Coordinator

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