



MEMORANDUM

To: MCWD Board of Managers

From: Laura Domyancich, Project and Land Technician

Date: February 5, 2018

Re: Big Island Nature Park Easement and Orono Planning Update

Purpose:

To provide an update at the February 8, 2018 Board Meeting on recent District staff coordination with City of Orono staff in review of proposed improvements within the Big Island Nature Park; and to determine the appropriate level of District engagement in the City of Orono's associated planning process.

Background:

On August 8, 2017, District staff attended a meeting of the newly formed Big Island Committee to be advised of plans to contemplate various improvements within the City of Orono's Big Island Nature Park to enhance visitor experience and more fully utilize the resources available within the park. District staff were advised that initial activities were proposed to include the clean-up of garbage within the Park, and that the Committee was considering future invasive vegetation management, converting existing trails to meet ADA compliance, installing a new restroom facility, restoring an existing structure to serve as a visitor center, and exploring opportunities to provide security to the facilities from vandalism. The Big Island Committee expressed a desire to work with a consultant to develop a "mini-master plan" which could be used to seek grants to fund the planned improvements. At that time, District staff advised the Committee of the District's existing conservation easement and associated Management Plan which limited and guided management within Big Island Nature Park.

In mid-August 2017, District staff determined that violations to the conservation easement had occurred. District and City staff have been working to identify and implement corrective measures, and spring 2018 inspections of the easement area will determine if further mitigation is needed. These easement violations have highlighted misinterpretation of the easement and its associated Management Plan, and have underscored the need for District staff to work more closely with City of Orono staff to direct allowable management of Big Island Nature Park and further implement recommendations provided by the Management Plan. Over the last several months, District staff have met with City of Orono staff to discuss future management and how this work could be carried out while adhering to terms of the easement.

On January 31, 2018 District staff participated in a meeting with City of Orono staff, a representative of the City of Orono's Park Commission, and the City's consultant Bolton & Menk to provide an initial review of a master plan developed to contemplate various improvements to Big Island Nature Park. In order of the City's priority, these improvements include:

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1. Converting existing foot trails to meet ADA-accessibility requirements for surface, width, and grade and building a switchback trail from the existing dock area to a planned visitor service area;
2. Building a single restroom facility within the visitor service area;
3. Providing for park-wide security measures to prevent vandalism;
4. Refurbishing an existing building near the dock area to serve as a simple visitor center;
5. Installing bollards at trail access points to prevent illegal vehicle use within the Park;
6. Erecting a veteran's memorial (boulder and plaque) within the Park Recreation Area;
7. Constructing simple overlooks (picnic table or bench and interpretive signage) within designated areas of the Park Recreation Area.

A concept plan of the proposed improvements is included as Attachment A.

The City of Orono does not have an existing budget to carry out these improvements and intends to use the developed concept plan to seek grant funding for implementation.

Next Steps:

District staff were asked to provide a preliminary evaluation of the suitability of these proposed improvements and their alignment with the easement and Management Plan prior to the City's further investment in the planning process. Staff responded that the easement and management plan may allow for these types of improvements, but that final approval of the proposed work would be considered by the MCWD Board of Managers. An easement and Management Plan Summary document developed by MCWD staff to assist with the approval process is included as Attachment B.

The City of Orono staff outlined the following process for refining the concept plan and seeking approval from MCWD:

1. City of Orono staff discuss the concept plan with District staff to identify issues related to the terms of the easement and the Management Plan. (January 31, 2018).
2. City of Orono staff discuss the concept plan with Big Island Committee. City of Orono staff have asked MCWD staff to attend, and an Orono Councilmember has invited 1-2 MCWD Managers to attend. (February 2018)
3. City of Orono staff present the concept plan to the Orono Park Commission and communicate District feedback. (March 2018)
4. Public meeting incorporated into Park Commission meeting. (March 2018)
5. District staff present concept plan to MCWD Board. (March 2018)
6. City of Orono staff advance concept plan to Orono City Council. (April 2018)

At the February 8, 2018 Board Meeting, District staff will facilitate a discussion with the Board of Managers to consider the appropriate level of involvement by the District in the City of Orono's process to plan improvements to the Big Island Nature Park.

If there are questions in advance of the meeting, please contact: Laura Domyancich at ldomyancich@minnehahacreek.org or 952-641-4582.

Attachment A: Big Island Master Plan—Concept Plan; **Attachment B:** Big Island Nature Park Conservation Easement and Management Implementation Summary

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SINGLE STALL VAULT/PIT TOILET APPROXIMATE COST: \$75,000.00



SINGLE STALL SEPTIC TOILET APPROXIMATE COST: \$160,000.00



APPROXIMATE COST: \$160,000.00



STONE PICNIC TABLE APPROXIMATE COST: \$2,000-\$4,000



DIRT TRAIL LOWER COST/HIGHER MAINTENANCE



CRUSHED GRANITE TRAIL HIGHER COST/LOWER MAINTENANCE



LARGE PICNIC SHELTER



COVERED PICNIC TABLE

Big Island Nature Park Conservation Easement and Management Plan Implementation Summary

January 31, 2018

Introduction

The Big Island Nature Park conservation easement was conveyed to Minnehaha Creek Watershed District (MCWD) by the City of Orono in January 2006 in exchange for the District's grant of \$850,000 to the City which partially funded its purchase of the 56-acre property on Big Island in Lake Minnetonka.

The conservation easement limits permitted uses of the protected property and specifies uses to be detailed and conditioned in a written management plan developed and agreed to by the City of Orono and MCWD with the goal of preserving the Park's natural resources. The Management Plan, which was adopted in November 2011, provides a structure for defining and managing the natural, cultural, interpretive, and recreation resources of Big Island Nature Park and to establish a general long-term management direction for the Park.

This Implementation Summary document aims to summarize this management direction and provide a quick-reference to MCWD and City of Orono staff as management issues arise. A discrete proposed action is listed along with guidelines for allowing the action, specific prohibition of the action, circumstances involved in that determination, and notes on needed resolution. Guidance summarized in this document is taken directly from the conservation easement, the Management Plan, or a 2011 City of Orono ordinance that specifies restrictions for public use of the Park. A number of discrete management actions are currently unresolved and, over time, it is anticipated that issues may arise that are not specifically addressed by the easement or Plan. In such cases, MCWD and City of Orono staff will review and propose guidance. *All management outside of day-to-day operations requires approval by MCWD staff and Board of Managers.*

Review of requests for action within Big Island Nature Park Conservation Easement

Conservation Easement: Conservation Values as criteria for use evaluation

7500 feet of undeveloped frontage on Lake Minnetonka protecting water quality of Lake from non-point source pollution and providing habitat

7.6 acres of wetlands providing valuable habitat and deemed important for protection and enhancement of water quality in Lake Minnetonka

Undeveloped vegetated buffers and uplands, including significant stands of maple-basswood forest, that provide habitat and protect wetlands from pollution impacts that could be associated with future development or other uses of surrounding land including the protected property

A bald eagle nesting site, a Species of Special Concern in Minnesota

Opportunities for the general public to experience, appreciate, and learn about the natural environment through sustainable outdoor recreation and educational opportunities

Conservation Easement: Land Use Restrictions further defined by Management Plan (Recreation and Natural Areas)

Permitted uses limited to those specifically and explicitly provided in the Conservation Easement elaborated and conditioned by the Management Plan

- No activity that would impair the Conservation Values noted above
- No activity prohibited by the easement
- Property open to the general public for uses consistent with the Conservation Values
- Structures reasonably necessary for permitted uses will be accommodated, provided they are consistent with the Conservation Values
- Orono retains the responsibility and authority for day-to-day management and maintenance of the Protected Property
- Management Plan may address: limitations on organized events, pastured animals and household pets, vegetation management, disposal of brush or other material from vegetation management, office/residence for property caretaker, construction and maintenance of trails, docks, and use of personal motorized vehicles for handicapped access.

Management Plan: General

- Directed towards preservation and maintenance of the site's natural features and historical amenities, while maintaining a minimal level of physical facilities due to ongoing vandalism of basic park facilities after Orono acquired the property. City's commitment remains steadfast to managing this resource in a manner that supports the provisions of the MCWD conservation easement. It is incumbent upon the City to ensure that its employees and agents can readily identify the limits beyond which certain maintenance practices may not be employed.

Determination of Specific
Proposed Actions:
Infrastructure

PROPOSED ACTION	EASEMENT RESTRICTIONS	MANAGEMENT PLAN GUIDANCE
Maintenance of existing improvements	City may maintain and replace existing improvements without increasing their dimension	-Entry 'Office" Structure: need to assess/determine future use/if possible to suitably renovate and secure for "entry-point" function -Big Island Committee (2011) determined maintaining structural facilities at Park was not a reasonable expectations with costs outweighing value to public -City should establish a budget for ongoing maintenance and improvements and designate staff responsibility for ensuring performance management and maintenance
Disposition of existing septic systems		If used in future, inspect and pump or determine need to abandon
Maintenance of promenade staircase		Restoration TBD through future discussion
Provision of permanent or temporary toilet facilities		Determined to be infeasible due to ongoing vandalism
Establishment of visitor information area		Absent above structure, visitor kiosk or similar to be considered to provide information
Provision of a securable storage unit on site for maintenance		Allowable and completed in 2017
Construction of new structures within the Recreation Area	Structures constructed, maintained, or replaced in accordance with management plan	Specifically allows for one office/residence up to 1500 square feet for property caretaker
Installation of property signage		-Consider park boundary signage at shoreline and along western land terminus -Consider demarcating management areas with signage based on public use effects
Establishment of playground, sports fields, etc.		Not to be considered

PROPOSED ACTION	EASEMENT RESTRICTIONS	MANAGEMENT PLAN GUIDANCE
Maintenance or improvement of existing trails in Recreation Area	Maintenance allowed; widening, lengthening, relocating with MCWD approval only	Maintain pathways to respect natural character of park; identify areas to make ADA accessible
Maintenance or improvement of existing trails in Natural Area		-Limited to addition of limestone or crushed gravel in selected areas where necessary to provide stable walking surface
Establishment of new unpaved paths or foot trails	May be established in Recreation Area and Natural Area for recreational uses	-Construction of additional trails not warranted because existing trail system provides pedestrian access to all portions of park property -Consider feasibility/ appropriateness to extend/improve trails west to adjacent TRPD trail system -Evaluate need to provide erosion control where trail(s) threatened by erosion or erosion caused by trail, or consider relocating trail segments -Consider improved safety -Assess feasibility and requirements to make selected trail segments ADA accessible
Fencing	May be constructed, maintained, improved, replaced, or removed within Recreation Area; may be constructed under certain conditions within Natural Area	Use allowed to provide safe access or to protect natural and cultural resources
Docks/Beaching	Permitted within existing dock envelope only in Recreation Area	-Beaching of watercraft at certain locations of shoreline allowed where lake bottom conditions are suitable -Determine need to identify permitted beaching locations/prohibited beaching with signage
Other structures and improvements in Recreation Area	None allowed except as consistent with Management Plan and in Recreation Area; Orono must give MCWD notice prior to beginning permitted construction activities	
Structures, buildings, roads, or other improvements in Natural Area	None allowed	

PROPOSED ACTION	EASEMENT RESTRICTIONS	MANAGEMENT PLAN GUIDANCE
Vehicle use/Access	Limited to park operations and maintenance, emergency response, and handicapped access as identified in Management Plan	-Use of motorized vehicles within Park by users is prohibited -Access to Park by motorized vehicle is permitted over frozen lake when feasible; no use within Park property -Enforcement to consider: public education, signage, establishment and publication of steep penalties
Agricultural use	None in Natural Area	

Determination of Specific Proposed Actions:
Vegetation Management

PROPOSED ACTION	EASEMENT RESTRICTIONS	MANAGEMENT PLAN GUIDANCE
Tree and shrub planting		Recommended in Recreation Area with little existing shrub cover; species recommendations provided with local origin
Alteration of vegetation		-No alteration except for restoration, plant establishment, or maintenance -Review trails with Lake overlooks; determine whether selective trimming may enhance views
Herbicide application		Only applied by certified applicators and according to herbicide label
Buckthorn and other woody invasive species management		High priority due to erosion impacts; specific techniques provided
Dead tree management		Removed only if diseased or causing a safety hazard
Leafy spurge management		Biological control (flea beetle) or early spring mowing
Cool season grass management		Prescribed burning or mowing before May 15

Determination of Specific Proposed Actions:
Educational and Recreational Opportunities

PROPOSED ACTION	EASEMENT RESTRICTIONS	MANAGEMENT PLAN GUIDANCE
General use		<ul style="list-style-type: none"> -Establish, post, publicize Park hours (6 am to 10 pm daily), rules, limitations, etc. -Develop design, maintenance, operation guidelines and partnerships for implementation -Identify specific approaches to address resource protection within O&M programs -Emergency helipad location established directly north of main dock -Eliminate or avoid introducing attractive nuisances that could be used for unintended/unwanted purposes
Use by military veterans		Encourage use of park; consider establishing a memorial; preserve historically significant remnants from past uses of property
Exclusive use		Prohibited
Educational opportunities		As feasible with limited facilities (No Interpretive Center) such as trail maps or signs and interpretive brochures keyed to interpretive trail markers at locations of interest, but assess need before action; limit group size to small numbers
Recreational opportunities		<ul style="list-style-type: none"> -As feasible with minimal infrastructure, small groups, prohibit all for-profit uses, establish permit process for non-profit group and individual use within easement guidelines; ensure availability of access to all users not favoring one group or entity -All activities are expected to be self-sustaining
Volunteer opportunities		<ul style="list-style-type: none"> -Project assessment to be completed by City staff with MCWD approval; City to provide direction, training, background information -Utilize volunteers as much as possible where feasible; City to prepare list of appropriate volunteer activities -Consider establishing a "Friends" group
Park amenity management		Provide only facilities and amenities compatible with level of recreational and educational activities intended for park; provide shoreline, access, and signage that preserves natural, unique character
Provision of development and maintenance of picnicking areas		<ul style="list-style-type: none"> -Consider grassy picnic sites within defined Recreation Area; no picnic tables or benches unless vandal-proof -No temporary shelters, tents, etc. without permit*

PROPOSED ACTION	EASEMENT RESTRICTIONS	MANAGEMENT PLAN GUIDANCE
Installation of new boat docks		Need TBD based on demand levels determined by actual visitor counts and usage patterns; consider
Installation of designated fishing dock		Not proposed or requested by public, but would need to consider separation from main entry dock/prevent conflict w/ boaters
Establishment of defined swimming area		Will be considered, use of ropes, buoys, signage, or other demarcation to be investigated
Hunting and fishing		-Hunting and trapping are prohibited* -Shorefishing allowed except in swimming area; fishing from boat docks is prohibited*
Research activities		By permit only*
Natural and cultural resource disturbance		-All plant life, wildlife, and nesting locations protected* -All cultural resources protected*

*Detail taken from June 2010 Orono Ordinance for regulating Big Island Nature Park