COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: March 11, 2019
AGENDA NUMBER: 11
ITEM: Petition for the Impoundment of County Ditch 59-8 & 9

POLICY IMPACT: Policy
FISCAL IMPACT: Non-Budgeted

REQUEST
Adopt resolution receiving petition to create an impoundment on Ditch 59-8 and 59-9

BACKGROUND
At the January 28, 2019 the Board was informed that “The City of Blaine will be submitting a petition for the impoundment of 2 ditches to establish a wetland bank.”

On Friday March 1, the District received a “Petition for Impoundment”

At present, the area affected or influenced by these two weirs involves three property owners:

<table>
<thead>
<tr>
<th>Land Owner</th>
<th>Use</th>
<th>Ditch System</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Blaine</td>
<td>Nature Park</td>
<td>59-8</td>
<td>8.8</td>
</tr>
<tr>
<td></td>
<td>Nature Park</td>
<td>59-9</td>
<td></td>
</tr>
<tr>
<td>Critical Connections, Inc.</td>
<td>Wetland Restoration for wetland bank &amp; potential E&amp;T Bank</td>
<td>59-9</td>
<td>7.5</td>
</tr>
<tr>
<td>Bank</td>
<td>Owns land that was approved by the Board for</td>
<td>59-9</td>
<td>2.0</td>
</tr>
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</table>

ISSUES/CONCERNS
Process: Impoundment Proceedings are found in Minn. Stat. § 103E.227 (2018)

1. Petition.
   The City of Blaine is authorized to petition the District “to impound, reroute, or divert drainage system waters.” The Impoundment Petition must:
   (1) Contain the location of the installation, concept plans for the proposed project, and a map that identifies the areas likely to be affected by the project.
   (2) Identify the source of funds to be used to secure the necessary land rights and to construct the project. Minn. Stat. § 103E.227 (1)(c) (d) (2018).
The Petition must be filed with the District’s Secretary. The Secretary must then make a copy of the petition available to the public. (The petition could be posted on the District’s web site.) Minn. Stat. § 103E.227 (1)(b) (2012).

2. **Board Resolution that addresses**
   1. Accept the Petition for Impoundment;
   2. Make a copy of the Petition and supporting documentation available to the public; and
   3. Direct the District Engineer to investigate the effect of the proposed installation and file a report of findings.

3. **Engineers Report**: The District Engineer must file a report with the Board of Managers making findings on the nature, benefits and costs of the proposed impoundment

4. **Hearing**. After the Engineer has filed his report, the Board of Managers by order must set a date and time for a public hearing on the Petition.

   At the hearing the Board of Managers will consider
   • the Engineer’s report and
   • other evidence presented on the matter.

   If upon hearing the Board of Managers determines that the impoundment project “will be of a public or private benefit and that it will not impair the utility of the drainage system or deprive affected land owners of its benefit,” the Board of Managers shall make an order modifying the drainage system as proposed and authorizing the project. The Board of Manager’s order must also identify the parties responsible for construction, operation and maintenance of the drainage system modification (here City of Blaine).

**Notice**
At least ten days before the hearing the District must give notice by mail to
   1. Anoka County,
   2. Owners of property affected by the impoundments
   3. City of Blaine

Notice of the hearing must be published once a week for two successive weeks in the District papers and on its website.

**TIMELINE OPTIONS**

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>Engineer’s Report</td>
<td>March 25, 2019</td>
</tr>
<tr>
<td>Hearing</td>
<td>April 8, 2019</td>
</tr>
</tbody>
</table>
RECOMMENDATION

1. Accept City of Blaine’s petition by adopting the following resolution
2. Direct District Engineer to prepare a report on the nature, benefits and problems associated with the proposed impoundment for the March 25, 2019 Board meeting

RESOLUTION ACCEPTING PETITION FOR IMPOUNDMENT PROCEEDING FOR ANOKA COUNTY DITCH NO. 59-BRANCH 8 AND ANOKA COUNTY DITCH NO. 59-BRANCH 9

WHEREAS, on March 1, 2019 the Coon Creek Watershed District (District) received a petition from City of Blaine for an impoundment proceeding to impound water within a part of County Ditch No. 59-Branch 8 and County Ditch 59-Branch 9 as more particularly described in the attached Exhibit A;

WHEREAS, District legal counsel have reviewed the City of Blaine petition and concluded that it is sufficient to initiate impoundment proceedings pursuant to Minnesota Statutes section 103E.227 (2018), and can be accepted for such purpose by the District;

THEREFORE, BE IT RESOLVED that the Coon Creek Watershed District Board of Managers accepts the petition for an impoundment proceeding from City of Blaine and directs the Secretary of the Coon Creek Watershed District Board of Managers to make a copy of the petition and supporting documentation available to the public;

BE IT FURTHER RESOLVED that the Coon Creek Watershed District Board of Managers appoints the District Engineer to investigate the effect of the proposed impoundment and file a report of findings;

BE IT FURTHER RESOLVED that upon the Engineer’s filing its report of findings, the Coon Creek Watershed District Board of Managers will set a date for a public hearing on the petition, direct the notice for hearing and further proceed in accordance with Minnesota Statutes section 103E.227 (2018).
STATE OF MINNESOTA

COON CREEK WATERSHED

DISTRICT

COUNTY OF ANOKA

In the Matter of: PETITION FOR IMPOUNDMENT

Anoka County Ditch Nos. 59-8 and 59-9

To: The Honorable Board of Managers of the Coon Creek Watershed District:

The City of Blaine, a political subdivision of the State of Minnesota (City), respectfully states and alleges as follows:

1. Anoka County Ditch Nos. 59-Branch 8 and 59-Branch 9 are part of a public drainage system lying entirely within Anoka County and the Coon Creek Watershed District. The Coon Creek Watershed District has jurisdiction over and is the drainage authority for this drainage system.

2. The City is the owner of Pioneer Park, Anoka County, Minnesota, which is the land over which the drainage system passes, Exhibit A. The City desires to install a dam or other control work at the following locations: (1) on ditch 59-8 50 feet west of the section line between sections 3 and 4, (2) on ditch 59-9 100 feet south of the confluence of ditch 59-9 and ditch 59-9-D (further located on the attached map - attachment A) within Pioneer Park to impound water for beneficial use pursuant to Minn. Stat. § 103E.227. The beneficial uses to be restored include but are not limited to aquatic life, recreation and aesthetics. In addition these impounds will provide much needed retention and detention of water within the ditch 59-4 sub-watershed and thereby contribute to flood prevention of agricultural and residential properties in Blaine and areas downstream.

3. The location of the installation and concept plans for the proposed project are attached as Exhibit A. The areas likely to be affected by the proposed project are identified in the map attached as Exhibit B.

4. The City agrees to be responsible for the cost of installation and construction of the proposed structures.

5. The City will obtain all required permits including a public waters work permit and United States Army Corps of Engineers permit prior to installation and construction of the proposed project structures.

6. The proposed installation and resulting impoundment will be of public benefit and will not impair the utility of the drainage system or deprive affected land owners of its benefit.

7. The City agrees that the construction and later maintenance and repair of the proposed drainage system modification and installation will be done by the City.

WHEREFORE, pursuant to Minnesota Statutes section 103E.227 (2018) the City requests the Board of Managers of the Coon Creek Watershed District to appoint an engineer to
investigate the effect of the proposed installation and impoundment and to make a report of findings thereon, and that thereupon such further proceedings shall be taken as may be necessary or expedient for the construction of a dam or control work in the drainage system to impound water for beneficial use.

PETITIONER, CITY OF BLAINE

Dated: 02/27/2009

Tom Ryan, Mayor
10801 Town Square Dr NE
Blaine MN 55449

Dated: 02/27/2015

Clark Arneson, City Manager
10801 Town Square Dr NE
Blaine MN 55449
Main Street Wetland Mitigation Bank
Proposed Implementation Activities
February 2019

**Proposed Project Boundary**
**Pioneer Park Boundary**
**Public Ditch**

**Proposed Ditch Block/Weir for Hydrologic Restoration**
Locations are approximate

**CAUTION:** This portion of the northern bank is dominated by herbaceous species, but with ample Frangula alnus persisting. Implementation efforts in this area would include mowing and surface sprinkler under frozen conditions, followed by herbicide treatments to control non-native and invasive plant species, mainly Phalaris arundinacea.

**CAUTION:** This portion of northern bank is covered by dense coverage by Frangula alnus. Implementation work in this area would include removal of non-native and invasive woody species through foreway mowing, cutting, and grubbing. Follow-up work would include mowing and spraying to expose the native seed bank followed by herbicide application in subsequent growing seasons. Prescribed fire would also be used in this area.

**VW602:** Implementation work within the northern wet meadow area would focus on removal and control of Phalaris arundinacea and patches of Phragmites australis. Non-native or over abundant shrubs and trees will also be cleared from the area. This would be achieved through mowing and spraying under frozen conditions followed by targeted herbicide applications. Prescribed fire would also be used in this area. Some seed bank augmentation may be utilized in this area.

**VW605:** In areas of southern wet aspen forest, work will focus on removal and control of Rhamnus cathartica, Frangula alnus, and Phalaris arundinacea. Select cutting of Populus tremuloides, Fraxinus pennsylvanica, and Acer negundo may occur to stimulate a native herbaceous understorey. Cutting and chipping along with targeted herbicide applications and prescribed fire will be used within this plant community type.

**FD610:** Implementation within the southern dry-mesic oak (red maple) woodland will include removal of Rhamnus cathartica as well as control of non-native herbaceous species such as Bromus inermis. Woody species will be cut and stacked using manual equipment. Targeted herbicide applications will be used along with prescribed fire. Augmentation of the seed bank will likely be required in this area.
Main Street Wetland Bank Concept
Existing Ditch Systems
July 2018

Existing Drainage Features:
- Private Ditch
- Public Ditch
- Proposed Project Boundary
- Pioneer Park Boundary