COON CREEK WATERSHED DISTRICT
PERMIT REVIEW

MEETING DATE: March 23, 2020
AGENDA NUMBER: 13
FILE NUMBER: 20-016
ITEM: Flint Hills Resources Side Tap Stopple Tee

RECOMMENDATION: Approve with 4 Conditions and 1 Stipulation

APPLICANT: Flint Hills Resources
3120 117th St. E
Inver Grove Heights, MN 55077

PURPOSE: Pipeline maintenance activities

LOCATION: Approximately 2500 feet east of 138th Ave NE, Ham Lake

APPLICABILITY:
1. Any work in or adjacent to wetlands, lakes or water courses
2. The lands and waters that have been or may be covered by the regional flood.
3. Activities upstream from land that is dependent upon removal of water from the soil profile for their continued use (Drainage Sensitive Land Uses)
4. High water table, outwash and organic soils
5. High infiltration soils
6. Highly erodible soils
7. Endangered, Threatened or Special concern species, elements or communities

EXHIBITS:
1. Supplemental Information set (25 sheets); by Flint Hills Resources, dated 1/10/20, received 1/15/20.
2. MN Joint Application: by E3 Environmental, dated 1/14/2020, received 1/15/2020.

PREVIOUS ACTION TAKEN: This application was tabled at the January 27, 2020 board meeting with the following conditions:
1. Receipt of escrows.
2. Update construction plans to stabilize vegetation within 7 days of rough grading or inactivity.
3. Update construction plans to depict location of stockpiles and stabilize soil stockpiles within 7 days of inactivity.
4. Provide Dewatering plan and Water Appropriations Permit from the Minnesota Department of Natural Resources.
5. Provide DNR Public Water Work Permit.
6. Clarify the extent of wetland impacts.
7. Additional wetland impacts may be identified with construction access.
8. Provide wetland seed mix to be used for restoration.
9. Provide documentation from the DNR if the proposed includes endangered or threatened species, rare natural communities, colonial waterbird nesting sites, migratory waterfowl concentration areas, deer wintering areas or wildlife travel corridors.
FINDINGS:

Pre-application Meeting: The project as submitted has not received a general review during a pre-application meeting.

Ditches: There is not a public ditch on the property.

Ditch Hydraulics: A crossing of the ditch is not proposed.

Erosion and Sediment Control: Soils affected by the proposal are Lino and Isanti.
- Stabilizing vegetation is not proposed for disturbed areas within seven (7) days of rough grading.
- Soil stockpiles have not been proposed to be fitted with sediment-trapping measures to prevent soil loss and do not have a note to stabilize within seven (7) days of inactivity.
- Adjacent properties and stormwater ponds are protected from sediment deposition.
- Construction schedules detailing when sediment trapping measures will occur; stabilization of earthen structures and the general timing of construction phases have been provided.
- Stormwater runoff does not pass through a sediment basin or other sediment trapping BMP with equal or greater storage capacity and is not needed.
- Stabilization adequate to prevent erosion has been provided at the outlets of all storm sewer pipes.
- All storm sewer inlets are protected from sediment-laden water during construction.
- All work adjacent to water or related resource has taken precautions to contain sediment and stabilize the work area during construction.
- Provisions have been made to minimize transport of sediment (mud) by runoff or vehicle tracking onto the paved surface.
- Provisions have not been made for cleaning road surfaces where sediment is transported by the end of the day.
- Construction entrance points are clearly located on the erosion and sediment control plan.
- The erosion and sediment control plan does provide for the repair and maintenance of all temporary and permanent erosion and sediment control practices.
- Details provided for ESC (riprap, perimeter control, concrete washout, inlet protection, etc.)

Dewatering: Shallow ground water does exist on site. The project does require dewatering. The contractor will acquire a Water Appropriate Permit from the Minnesota Department of Natural Resources.

Floodplain: There is floodplain within the construction limits according to the District model and FEMA. The project does not propose to place permanent fill within the floodplain.
Groundwater: Geotechnical information was not collected for this project and is not needed.

The project site is not within the Emergency Response Area/10 Year Well Head Protection Area/Drinking Water Supply Management Area.

Historic Sites: The proposed project does not include sites of historic or archeological significance.

Local Planning & Zoning: The proposed project is consistent with local planning and zoning. There is an approved local water plan.

Maintenance: There are no proposed Stormwater Management features and treatment practices as a part of this project.

Stormwater & Hydrology: No impervious proposed as part of the project. Infiltration requirements do not apply.

Drainage sensitive uses do exist downstream from the proposed site. The rate of post-development runoff from the site does not exceed predevelopment rates, or rates which would interfere with sensitive downstream land uses. No increases in the volume, velocity and peak water flow rates of stormwater runoff anticipated as part of the project. No concentrated storm water anticipated as part of the project. No on-site constructed storm water conveyance channels are proposed as part of the project.

Water Quality: The proposed project does not cause an exceedance of State water quality standards. The project does not contribute to the adverse impact of wetlands through inundation or volume of flow. There are no discharges into wetlands/stormwater basins. All work adjacent to wetlands, waterbodies and water conveyance systems are protected from erosion. The proposal will not detrimentally affect the existing water quality of the receiving water. The proposal will not cause extreme fluctuations of water levels or temperature changes.

Impairments: This project is not within one (1) mile of and does not drain to an Impaired Water.

There are no new impervious surfaces proposed as part of this project.

Wetlands: Wetlands do exist on-site according to the 1987 Federal manual, NWI, PWI and Soil Survey. Wetlands have not been delineated. The wetland boundary has not been checked.

The wetland is a DNR Public Water ID 02052900.
The total proposed wetland impact is 0.2 acres. Wetland areas extend beyond the mapped NWI features. The temporary impact proposed is through fill/conversion in locations shown below:

TEP members have been notified with a complete plan and have been requested to submit comments. The project is not wetland dependent.

The areas of the project outside of the Public Water qualifies for a no-loss. Portions of the proposed excavation is within a Public Water and the CCWD does not have wetland jurisdiction.

The applicant does need to contact the DNR area hydrologist and the Corps of Engineers.

**Wetland Replacement Plan:** A wetland replacement plan has not been submitted and is not required.

**Wildlife:** The proposed project does include endangered or threatened species, rare natural communities, colonial waterbird nesting sites, migratory waterfowl concentration areas, deer wintering areas or wildlife travel corridors.

The applicant has contacted the MDNR natural heritage or endangered species program. The applicant has indicated that contact was made 1/14/20. MDNR has responded to the applicant.

If the project is present, the project does not propose substantial adverse alteration or significant detrimental impact on a species or removal of a plant species will occur.
Performance Escrow: $2085.00
Wetland Escrow: $ N/A
There are not ditch liens on the property.

### ISSUES/CONCERNS:

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<th>ISSUE</th>
<th>NEED</th>
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<tr>
<td>Wetlands: Wetlands will be impacted. The wetland is Public Water Basin #02052900.</td>
<td>1. Provide DNR Public Waters Work Permit or documentation that one is not needed from the Area Hydrologist.</td>
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<td>Proposed wetland impacts are conflicting. Joint application Part 4 and pg. 3 of Supplemental Information do not match.</td>
<td>2. Clarify the extent of wetland impacts. Joint applicant Part 4 needs to be updated.</td>
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<td>Location of construction matting is identified, however the NWI was used in lieu of a delineation. NWI is not accurate at this scale. It is expected the wetland extends further west and into the edge of the crop field and will be disturbed by large equipment.</td>
<td>3. Additional wetland impacts may be identified with construction access route. Provide note on plans that the contractor shall use construction matting to prevent rutting.</td>
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<td>Wetland restoration is not described.</td>
<td>4. The applicant must describe the methods, practices, approaches, BMPs, timing, follow up, etc. used for wetland restoration. The applicant has acknowledged the DNR’s recommendations for invasive species control and use of wildlife friendly BMPs. Update construction plans to address this.</td>
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### RECOMMENDATION: Approve with 4 Conditions and 1 Stipulation:

**Conditions:**

1. Provide DNR Public Waters Work Permit or documentation that one is not from the Area Hydrologist.
2. Clarify the extent of wetland impacts. Joint applicant Part 4 needs to be updated.
3. Additional wetland impacts may be identified with construction access route. Provide note on plans that the contractor shall use construction matting to prevent rutting.
4. The applicant must describe the methods, practices, approaches, BMPs, timing, follow up, etc. used for wetland restoration. The applicant has acknowledged the DNR’s recommendations for invasive species control and use of wildlife friendly BMPs. Update construction plans to address this.
Stipulations:

1. Provide site photos pre and post construction to verify contours are restored to pre-existing conditions.