

BOARD MEETING AGENDA
Board Room
Coon Creek Watershed District Offices
Monday, January 23, 2023
5:30 p.m.

Board of Managers:

Matthew Herbst, President; Patrick Parker, Secretary; Mary Campbell, Treasurer; Dwight McCullough, Member at Large

Note: Individuals with items on the agenda or who wish to speak to the Board are encouraged to be in attendance when the meeting is called to order.

1. Call to Order

2. Approval of the Agenda (*Additions/Corrections/Deletions*)

3. Announcements

4. Discussion from the Floor

Anyone wishing to address the Board of Managers on an item not on the agenda or on the consent agenda may come forward at this time. Comments are limited to three minutes.

CONSENT ITEMS

The consent agenda is considered as one item of business. It consists of routine administrative items or items not requiring discussion. Items can be removed from the consent agenda at the request of a Board member, staff member or a member of the audience.

5. Approval of Minutes of January 9, 2023 Board Meeting

6. Approve Bills for Payment

POLICY ITEMS

7. Public Hearing: Comprehensive Plan Initial Planning Meeting

PERMIT ITEMS

DISCUSSION ITEMS

8. Annual Aquatic Invasive Species (AIS) Update

9. Ditch 59 Inspection Report

INFORMATIONAL ITEMS

10. Municipal Separate Storm Sewer System (MS4) Annual Reporting

11. Waters of the United States (WOTUS) Update

ADJOURN

COON CREEK WATERSHED DISTRICT BOARD OF MANAGERS' MEETING

The Board of Managers of the Coon Creek Watershed District held their regular meeting on, Monday, January 9, 2023, at the Coon Creek Watershed District Office.

1. Call to Order: The meeting was called to order at 11:01 AM

Board Members Present: Mary Campbell, Matthew Herbst, and Dwight McCullough.

Board Members Absent: Patrick Parker

Staff Present: Corinne Elfelt, Jenny Gooden, Maura Hearn, Tim Kelly, Abby Shea, and Michelle Ulrich

Staff Present via Zoom: Dawn Doering, Erin Edison, Jon Janke and Abbey Lee

2. Approval of the Agenda: Board Member McCullough made a motion to add Permit Review Items: 16.) 99th Avenue and Baltimore Roundabout Improvements; 17.) Coon Creek Blvd. Bridge Replacement; 18.) Mercy Hospital Ambulance Garage; 19.) Scooters Coffee and 20.) Tronson Apartments to the Consent Agenda. Seconded by Board Member Campbell. Motion carried with three yeas (Board Members Mary Campbell, Matthew Herbst, and Dwight McCullough) and no nays.

Board Member Campbell moved to Approve the Amended Agenda; Seconded by Board Member McCullough. Motion carried with three yeas (Board Members Mary Campbell, Matthew Herbst, and Dwight McCullough) and no nays.

3. Announcements:

Administrator Kelly stated that the Board members should have received a letter from the Campaign Finance Board and reminded them to update their information. He provided a copy of the letter to the Board members who had not received one.

4. Discussion from the Floor: None

CONSENT ITEMS

5. Approval of Minutes of December 12, 2022

6. Administrator's Report

7. Advisory Committee Report

8. Approval of Bills: Claims totaling \$211,884.64 for December 27, 2022, and \$45,450.95 for January 9, 2023, on the following disbursement(s) list will be issued and released upon Board approval.

December 27, 2022	
To	Amount
Advanced First Aid	713.00
Anoka County	125,086.63
Centerpoint Energy	456.29
City of Fridley	10,000.00
Dawn Doering	27.49
EOR	6,611.63
North Risk Partners	255.00
Sarah Grace Photography	1,956.00
Abby Shea	215.87
Stantec Consulting Services	46,818.50
U of MN Regents	18,600.00
Well Groomed Lawns	1,105.00
Xcel Energy	39.23
	211,884.64

January 9, 2022	
To	Amount
Connexus Energy	226.97
Loffler	108.01
Michelle J Ulrich PA	2,356.75
Julie Peterson	30.20
Stantec	21,099.43
US Bank	5,819.38
Chase Vanderbilt	182.31
Well Groomed Lawns	0.00
	29,823.05
To	Amount
A1 Floor & Carpet Care	1,056.25
APWU	286.25
Leymar Comp	1,054.00
Metro Watershed Partners	12,500.00
Poop 911	731.40
	15,627.90
TOTAL BOTH	45,450.95

The following Permit Items were moved to the Consent Agenda by motion:

16. 99th Avenue and Baltimore Roundabout Improvements Permit Review:

The purpose of this project is the reconstruction of an intersection to include a roundabout at the intersection of 99th Avenue and Baltimore Street in Blaine, Minnesota.

Staff recommendation was to Approve with 2 Conditions and 1 Stipulation as follows:

Conditions:

1. Receipt of Escrows, \$2,895.00.
2. Update the proposed catch basin sumps to have a minimum of 4-foot depth to prevent resuspension and to provide SHSAM calculations indicating TSS removal rates of at least 80% to meet the District's requirements.

Stipulations:

1. Submittal of as-builts for the following stormwater management practices, including critical elevations and proof of installation for hydrodynamic separators, if applicable:

Stormwater Treatment Practices	Number
Catch Basin Sumps	2

17. Coon Creek Blvd Bridge Replacement Permit Review:

The purpose of this project is the replacement of Bridge 02549 over Coon Creek at Coon Creek Boulevard in Coon Rapids, Minnesota.

Staff recommendation was to Approve with 3 Conditions and 2 Stipulations as follows:

Conditions:

1. Receipt of Escrows, \$2,995.00.
2. Update construction plans to stabilize soil stockpiles within 7 days of rough grading or inactivity.
3. Provide verification that wetland credits have been approved by BWSR.

Stipulations:

1. Submittal of as-built (invert, pipe material, pipe size) for culvert installation within County Ditch 57.
2. If dewatering is required, provide DNR dewatering permit prior to construction.
3. If a DNR permit is not required, provide well-field location, rates, discharge location, schedule, and quantities prior to construction.

18. Mercy Hospital Ambulance Garage Permit Review:

The purpose of this project is the expansion of the ambulance garage land relocation of the main entrance and stormwater treatment features located at 4050 Coon Rapids Blvd NW in Coon Rapids, Minnesota.

Staff recommendation was to Approve with 6 Conditions and 2 Stipulations as follows:

Conditions:

1. Receipt of Escrows, \$2,565.00.
2. Update the label of detail 1 on sheet C8.2 to "Underground Infiltration System Typical Section".
3. Clearly locate construction entrance points on the erosion and sediment control plan.
4. Provide calculations and inputs to indicate sumps are appropriately sized to meet district removal rates of 80% TSS. SHSAM can be used with an OK110 particle size. A minimum of 4-foot depth is required to prevent resuspension.
5. Ensure the existing Rain Guardian Turret that is to be relocated is shown in a consistent location on all plan sheets. Show the proposed Rain Guardian Turret on the site plan.
6. Provide an O&M Agreement that meets District requirements.

Stipulations:

1. Submittal of as-builts for the following stormwater management practices, including volume, critical elevations:

Stormwater Treatment Practices	Number
Underground Filtration Basin	1
Catch Basin Sump	3
Rain Guardian	1

2. Completion of a post construction infiltration test(s) on the underground infiltration system by filling the basin to a minimum depth of 6 inches with water and monitoring the time necessary to drain, or multiple double ring infiltration tests to ASTM standards. The Coon Creek Watershed District shall be notified prior to the test to witness the results.

19. Scooters Coffee Permit Review:

The purpose of this project is the construction of a new 678 square foot drive-thru coffee shop located at 170 89th Avenue NE in Blaine, Minnesota.

Staff recommendation was to Approve with 2 Conditions and 1 Stipulation as follows:

Conditions:

1. Receipt of Escrows, \$2,250.00.
2. Update construction plans to provide stabilization within 7 days of rough grading or inactivity.

Stipulations:

2. If dewatering is required, provide DNR dewatering permit prior to construction. If a DNR permit is not required, provide well-field location, rates, discharge location, schedule, and quantities prior to construction.

20. Tronson Apartments Permit Review: The purpose of this project is the construction of one single family home and a thirty-unit multi-family residential

development with associated stormwater features located at 1354 121st Avenue NW in Coon Rapids, Minnesota.

Staff recommendation was to Approve with 4 Conditions and 3 Stipulations as follows:

Conditions:

1. Receipt of escrows.
2. Provide note on construction plans that the bottom of P4 should be graded to drain towards outlet structure.
3. Provide an O&M Agreement that meets District requirements.
4. Provide proof of purchase of wetland credits after approval of the replacement plan.

Stipulations:

1. Submittal of as-builts for the following stormwater management practices, including volume and critical elevations:

Stormwater Treatment Practices	Number
Detention Basin	1
Infiltration Basins	3
Catch Basin Sump	3
Outlet Control Structure	4

2. Completion of post construction infiltration tests on Basins P1, P2, and P3 by filling the basin to a minimum depth of 6 inches with water and monitoring the time necessary to drain, or multiple double ring infiltration tests to ASTM standards. The Coon Creek Watershed District shall be notified prior to the test to witness the results.
3. If dewatering is required, provide DNR dewatering permit prior to construction. If a DNR permit is not required, provide well-field location, rates, discharge location, schedule, and quantities prior to construction.

Board Member McCullough moved to Approve the Consent Agenda Items; seconded by Board Member Campbell. Motion carried with three yeas (Board Members Mary Campbell, Matthew Herbst, and Dwight McCullough) and no nays.

POLICY ITEMS

9. Election of Officers

Administrator Kelly reported that the Board Chair elected in June 2022, is no longer on the Board. He reported that the Board is down two members. He stated that one of the positions has been posted and will be assigned by Anoka County Board of Commissioners.

He stated that under Minnesota Statutes 103D.315 the managers must elect different managers as President, Secretary, and Treasurer. He suggested that the Board recognize and elect the current Vice President to the President position as an act of succession.

Office	2023	Elect
President		Matt Herbst
Vice-President		
Secretary	Dwight McCullough	Dwight McCullough
Treasurer	Mary Campbell	Mary Campbell

Board Member Campbell moved to elect Vice President Herbst to President as an act of succession; seconded by Board Member McCullough. Motion carried with three yeas (Board Members Mary Campbell, Matthew Herbst, and Dwight McCullough) and no nays.

10. Designation of Depository

Administrator Kelly reported that the District is required to disclose its official depository.

Staff recommendation was to Adopt Resolution 2023-1 DESIGNATING THE US BANK AS THE OFFICIAL DEPOSITORY.

**RESOLUTION 2023-01
DESIGNATING THE US BANK AS
THE OFFICIAL DEPOSITORY**

WHEREAS, The Coon Creek Watershed District is authorized and formed under Minnesota Statutes 103D, and

WHEREAS, Minnesota Statutes 103D.351 requires the District to report its financial transactions, and Minnesota Statutes 103D.925 authorizes the District to issue warrants for payment of contracts and general expenses, and

WHEREAS, To accomplish both payment, and reporting the District must have a depository for its funds.

THEREFORE, BE IT RESOLVED THAT, The US Bank is the Official depository of the Coon Creek Watershed District.

Board Member McCullough moved to adopt Resolution 2023-01 DESIGNATING THE US BANK AS THE OFFICAL DEPOSITORY; seconded by Board Member Campbell. Motion carried with three yeas (Board Members Mary Campbell, Matthew Herbst, and Dwight McCullough) and no nays.

11. Designation of Fund Equity

Administrator Kelly reported that the State Auditor recommends that the District maintain an unreserved Fund Balance of approximately 35% to 50% of Operating Revenue or no less than five (5) months (42%) of operating expenditures.

Staff recommendation was to designate fund equities of \$998,248 for 2023.

Board Member Campbell moved to designate fund equities in the amount of \$998,248; seconded by Board Member McCullough. Motion carried with three yeas (Board Members Mary Campbell, Matthew Herbst, and Dwight McCullough) and no nays.

12. Designation of 2023 Mileage Rates

Administrator Kelly reported that the State Auditor has recommended that the Board explicitly adopt mileage rates effective for the year.

Staff recommendation was the Board adopt 2023 mileage rate of \$0.655 for reimbursement of staff use of personal vehicles.

Board Member Campbell moved to adopt the standard rate of \$0.655 /mile for reimbursement for use of a personal vehicle; seconded by Board Member McCullough. Motion carried with three yeas (Board Members Mary Campbell, Matthew Herbst, and Dwight McCullough) and no nays.

13. Board Waiver of Tort Liability

Administrator Kelly reported that effective for claims arising on or after July 1, 2009, the statutory municipal tort liability increased to \$500,000 per claimant and a total is \$1,500,000 per occurrence.

He stated that organizations obtaining liability coverage for the League of Minnesota Cities Insurance trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased.

Staff recommendation was to not waive the statutory tort liability limits.

Board Member McCullough inquired to Ms. Ulrich if it was in the best interest of the District to not waive the statutory tort liability limits.

Ms. Ulrich stated that it would be in the best interests and recommended not waiving the limit.

Board Member McCullough moved to not waive the statutory tort liability limits; seconded by Board Member Campbell. Motion carried with three yeas (Board Members Mary Campbell, Matthew Herbst, and Dwight McCullough) and no nays.

14. Designation of Official Paper

Administrator Kelly reported that historically, the Coon Creek Watershed District (CCWD) has designated the ABC newspapers, Anoka Union-Herald, and The Life, as the official

newspapers where legal notices pertaining the CCWD are published to ensure broad coverage to CCWD constituents.

He stated that staff recommends designate the ABC newspapers, Anoka Union-Herald, and The Life, as the official newspapers of the Coon Creek Watershed District.

**RESOLUTION 2023-02
DESIGNATING THE ABC NEWS AS THE OFFICIAL NEWSPAPERS**

WHEREAS, The Coon Creek Watershed District is authorized and formed under Minnesota Statutes 103D, and

WHEREAS, Minnesota Statutes 103D requires that under certain circumstances, the CCWD notice its meetings, hearings, and decisions, and

WHEREAS, the requirement and the CCWD goal of keeping the public informed is best served by always Noticing CCWD information in a specified source(s),

BE IT RESOLVED THAT, the ABC Newspapers Union Herald and The Life are designated as the official newspapers of the Coon Creek Watershed District where all legal notices pertaining to the Business of the District will be published.

BE IT FURTHER RESOLVED THAT, in addition to publishing its legal notices in the above official newspapers, the CCWD will also post its legal notices on the CCWD Website to facilitate public access to this information. The CCWD will post the legal notices in the same format and for the same period of time or longer as required for publication in the official newspapers.

Board Member Campbell moved to adopt Resolution 2023-02 DESIGNATING THE ABC NEWS AS THE OFFICIAL NEWSPAPERS; seconded by Board Member McCollough. Motion carried with three yeas (Board Members Mary Campbell, Matthew Herbst, and Dwight McCullough) and no nays.

15. 2023 Citizen Advisory Committee Appointment

Administrator Kelly reported that at the December 12, 2022 Board meeting, the Board of Managers reappointed six citizen members seeking re-appointment to the Citizens Advisory Committee. At that time, the Board did not decide on reappointment of technical member of Mr. Beardsley, but instead decided to wait until January 9, 2023, to re-appoint him, should he express an interest in continuing to serve on the CAC.

Administrator Kelly reported that the District received communication from Mr. Beardsley that he will not be seeking re-appointment as he is moving out the District.

No action was required from the Board members.

PERMIT ITEMS- moved to Consent Agenda

DISCUSSION ITEMS

21. Comprehensive Plan

Administrator Kelly reported that at the January 23, 2023, Board Meeting, a Public Meeting will be held for comments and feedback on the Comprehensive Plan.

22. Initial Planning Meeting

Administrator Kelly reported the next Board meeting will be the initial planning meeting for work on the Comprehensive Plan and reviewing comments received.

INFORMATIONAL ITEMS

23. Jeff Stalberger – MECA 2023 Industry Leadership Award

Administrator Kelly reported that a resident of the District, Jeff Stalberger, has been recommend by Erosion Control for Industry Leadership Award for his work on projects and awareness of erosion.

24. Star Tribune News Article

An informational article was provided to the Board members regarding the City of Blaine operating wells without a permit.

ADJOURN

Board Member McCollough moved to adjourn the Board Meeting; seconded by Board Member Campbell. Motion carried with three yeas (Board Members Mary Campbell, Matthew Herbst, and Dwight McCullough) and no nays.

The meeting adjourned at 11:38 AM.

Matthew Herbst, President

**COON CREEK WATERSHED DISTRICT
Request for Board Action**

MEETING DATE: January 23, 2023
AGENDA NUMBER: 6
ITEM: Bills to Be Paid

FISCAL IMPACT: Budgeted
POLICY IMPACT: Policy

REQUEST
 Approve bills

BACKGROUND

Claims totaling \$249,209.81 on the following disbursement list will be issued and released upon Board approval.

January 23, 2023	
To	Amount
Anoka County	123,807.32
Engineer Supply	1,231.00
Jacon LLC	48,280.78
Pace Analytical	218.29
Respec	9,768.75
Well Groomed Lawns	2,932.50
YTS Companies LLC	7,175.00
	193,413.64
To	Amount
Anoka County	2,250.00
Autumn Glen Senior Living LLC	1,447.55
CC & I Engineering Inc	15,993.35
CS McCrossan	8,850.00
Gonyea Homes Inc	1,675.73
GovOffice	960.00
Hans Hagen Homes	3,253.90
Metro-Inet	4,498.00
Metro Watershed Partners	5,000.00
MFRA Inc	2,098.70
Radisson Woods on Main LLC	8,452.69
Respec	1,170.00
Ve A Por Ello LLC	146.25
	55,796.17
TOTAL BOTH	249,209.81

COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: January 23, 2023
AGENDA NUMBER: 7
ITEM: Initial Planning Meeting

AGENDA: Discussion

ACTION REQUESTED

Convene a public input hearing

PURPOSE & SCOPE OF ITEM

To fulfill the requirements of MR 8410.0045 Subp. 5 Initial Planning Meeting

To receive, review and discuss input on the problems, issues and concerns facing comprehensive water and related resource management within the Coon Creek Watershed District

BACKGROUND

One of the hats the District wears is that of a Watershed Management Organization (WMO). Watershed Management Organizations are unique to the 7-county metro area. Their responsibility is to comprehensively manage surface and groundwater within their jurisdiction. Groundwater, public drainage, water quality, water quantity and wetlands are called out specifically. The organization, prioritization and coordination of management goals and roles is publicly disclosed in a Comprehensive Plan. Development of a Comprehensive Plan is required by statute (MS 103B.231)

The development and content of a Comprehensive Watershed Management Plan is tightly prescribed in MS 103B and MR 8410. The plan development process requires:

- A “Notice of Intent to update the plan” provided to the public and state review agencies.
- A period of public and agency comment on water management concerns and priorities
- A formal public hearing prior to actual planning
- The developing of a statement of the scope and priority issues to be addressed in the comprehensive watershed management plan.

In May, 2022 the Board approved a “Notice of Intent to Revise the Comprehensive Plan”. The public, State agencies and cities were invited to submit:

- Their management expectations for the Watershed Management Plan
- Their priority water management issues
- A summary of their relevant water management goals and water resource information
- Official Controls
- Water Management Programs

On July 11, 2022 the Board reviewed the comments and concerns received

During this period the District and key collaborating agencies discussed and began to frame the water management problems we will all deal with in the future and forge a common understanding of the critical water management problems, issues and concerns.

District staff has held off having the “Initial Planning Meeting” to use it as a kind of “Final call for formal input” and as an event based and identifiable benchmark ending the formal input and problem shaping phase and the start of the alternatives and planning phase.

ISSUES/CONCERNS

1. Initial Planning Meeting Suggested Agenda:

1. Call the meeting to order – Note the time
2. Staff Introductions to the Public Record
 - a. Purpose of the meeting
 - i. To receive, review and discuss input to the Comprehensive Planning Process
 - b. Required inputs to the Public Record
 - i. Public Notice Requirements
 1. District website since 1/4/2023
 2. Review Agencies Notice 1/4/2023
 3. Department of Transportation 1/4/2023
 4. Citizen Advisory Committee members 1/4/2023
 5. Technical Advisory Committee members 1/4/2023
 6. Official Bulletin Board
3. Call for Public Input (3 times)
4. Review and Discussion of Public Input Received
 - a. Board’s statement of understanding of the comments and inputs received
 - b. Directions to staff to incorporate, evaluate and reflect comments in the statement of plan scope and priority issues (by motion)
5. Adjourn Public Hearing – Note the time

2. Input to date

- a. Responses to Notice of Intent: Five stake holders submitted comments. 37 comments were received.
- b. Public Engagement: Between July and December the District has
 - Conducted a public survey of water use and management priorities receiving 53 responses

- Participated in 4 public events and hearing the water management concerns from 115 members of the public
- Met with the Citizen Advisory Committee 7 times to surface and discuss water related problems, issues and concerns

c. Collaborator Involvement

- Met with the Technical Advisory Committee 7 times to discuss water management issues, priorities, approaches, and constraints
- Met with city planning and community development staff on 3 occasions to discuss development and economic trends and probably locations, restraints, and constraints
- Met with 5 of the city communication staff to discuss water management issues and effective communication channels

3. Identified Water Management Concerns to Date

A summary of the comments organized by category is below

1. Management expectations for the planning process

- a. Principal Based Management: Management will adhere to fundamental management principles for watershed and natural resource management.
- b. Integrated Management
- c. Public participation process will consider diversity, equity, and inclusion elements to ensure robust stakeholder engagement
- d. Contain measurable goals

2. Water Management Concerns:

a. Groundwater

- i. Groundwater x Surface water connection
- ii. Water supply
- iii. Water quality protection

b. Public Drainage

- i. Crop production
- ii. Flod control
- iii. Water quality impairments

c. Water Quality

- i. Aquatic Life
- ii. Aquatic Recreation
- iii. Aquatic Consumption

d. Water Quantity

- i. Flooding
- ii. Surface water x groundwater interactions

e. Wetlands

- i. Wetland Restoration areas
 - ii. Water source – Groundwater – surface water connection
 - iii. Threatened and Endangered species
 - iv. Aquatic Invasive species
3. Their relevant management goals & priorities
 - a. All stated in statute or regional Guide
4. Official Controls
 - a. None provided
5. Water Management Programs
 - a. Several tools and resources were recommended and made note

IMPLICATIONS FOR RESOURCE/DISTRICT

The hearing, the inputs provided, and the statement of scope and priority issues being considered by the Board in February, are all specified or implied tasks of MS 103B and MR 8410. The legislation and rule requires' identification of priority problems, issues and concerns of the citizens, state review agencies, collaborators, and District staff.

The District's concern is that by simply preparing responses to comments, and an outline for the plan (the minimum requirement), the District, review agencies and public would not:

1. Accurately or adequately understand:
 - a. the operating environment,
 - b. condition of the water resource system or
 - c. the capabilities of the varying management organizations
 - d. the basis, reasons and/or rationale for either pursuing or forgoing various recommended courses of action
2. Document or convey the factual basis, knowledge, and common understanding of past, present, or future management decisions
3. Clarify the misconceptions and misunderstandings expressed in some of the comments on the NOI or past water management decisions
4. Adequately describe or frame
 - a. the physical, social or political and economic trends and factors that will enable and/or limit future management
 - b. The unique opportunities and problems faced within the Anoka Sand Plain on the edge of the Twin City Metropolitan Area
 - c. The financial. policy, material and staffing constraints and restraints that will most probably act as the foundation for the decisions involved in implementing the 2024 to 2034 plan.

OPTIONS

1. No one present. No need for action
2. Guest(s) present – Reaffirm directions given during hearing

RECOMMENDATION

To be made at meeting

COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: January 23, 2023
AGENDA NUMBER: 8
ITEM: Annual AIS Update

AGENDA: Discussion

ACTION REQUESTED

Receive annual aquatic invasive species (AIS) update

PURPOSE & SCOPE OF ITEM

Annually evaluate and update list of priority AIS that are at high risk for introduction and spread within the District

BACKGROUND

Each biennium, the Minnesota Aquatic Invasive Species Research Center (MAISRC) evaluates the numerous AIS posing threats to the state and publishes a list of priority species for research and management based on those that are likely to survive in Minnesota and cause significant ecological and economic damage.

For 2022-23, there were 40 AIS designated as high priority with roughly equal numbers of invasive fishes, invertebrates, plants, and microbes:

<https://maisrc.umn.edu/sites/maisrc.umn.edu/files/2022-11/MAISRC%202022%20Species%20Priorities.pdf>

The 2013-2023 CCWD Comprehensive Plan directs the District to annually update the list of aquatic invasive species (AIS) that are at high risk for introduction into the watershed. For this update, high risk is defined as a species on the current statewide priority list with a documented occurrence in Anoka County or one of the 7 adjacent counties (based on local and [MN DNR Records](#) [updated Dec 16, 2022]).

AIS-related Goals, Objectives, Actions in CCWD Comprehensive Plan

- Goals**
- 6.1 To minimize the harmful ecological, economic and human health impacts of aquatic invasive species.
 - 6.2 To be proactive in aquatic invasive species management through education and projects that improves lake and stream water quality and/or reduces the risk of entry of invasive species.
 - 6.3 Control the spread of AIS and minimize their impacts on native habitats and species.

- Objectives**
- 1. Minimize and prevent the introduction and spread of AIS into and throughout the waters of the Coon Creek Watershed District.
 - 2. Develop and maintain programs that ensure the early detection of new

AIS and the monitoring of existing AIS.

Actions: Annually update the list of AIS at high risk for introduction.

ISSUES/CONCERNS

Proposed 2023 List of AIS at High Risk of Introduction to District Waters

	Common Name	Scientific Name	Life Form	Trend in MN	Nearest Occurrence	
					County	Site
Present in CCWD	Curlyleaf Pondweed	<i>Potamogeton crispus</i>	Plant	Established	Anoka	Crooked, Ham, Several ditches
	Eurasian/ Hybrid Watermilfoil	<i>Myriophyllum spicatum</i> , <i>x M. sibiricum</i>	Plant	Established	Anoka	Crooked, Ham, Cenaiko, Springbrook
	Purple Loosestrife	<i>Lythrum salicaria</i>	Plant	Established	Anoka	Multiple sites
	Narrow leaf/ Hybrid Cattail	<i>Typha angustifolia</i> , <i>Typha x glauca</i>	Plant	Established	Anoka	Multiple sites
	Common carp	<i>Cyprinus carpio</i>	Fish	Established	Anoka	Multiple sites
	Rusty Crayfish	<i>Orconectes rusticus</i>	Invertebrate	Established	Anoka	Ditch 41, Coon Cr
	Common Reed	<i>Phragmites australis</i> European haplotype	Plant	Invading	Anoka	Multiple sites
	Goldfish	<i>Carassius auratus</i>	Fish	Established	Anoka	Sand/Coon Cr
	Golden Clam	<i>Corbicula fluminea</i>	Invertebrate	Invading	Anoka	Cenaiko
	Pale Yellow Iris	<i>Iris pseudacorus</i>	Plant	Established	Anoka	Ditch 39 Pond
Present in Anoka Co. or Adjacent Counties	Flowering Rush	<i>Butomus umbellatus</i>	Plant	Established	Anoka	Amelia, Bass
	Zebra Mussel	<i>Dreissena polymorpha</i>	Invertebrate	Established	Anoka	Miss/Rum Rv
	Starry Stonewort	<i>Nitellopsis obtusa</i>	Macroalgae	Invading	Hennepin	Medicine
	Silver carp	<i>Hypophthalmichthys molitrix</i>	Fish	Invading	Ramsey, Hennepin	Mississippi River
	Bighead carp	<i>Hypophthalmichthys nobilis</i>	Fish	Invading	Ramsey, Hennepin	Miss. & MN Rivers
	Largemouth Bass Virus	<i>LMBV</i>	Microbe	Invading	Chisago, Wash.	Green, Forest

New Species at High Risk of Introduction to District Waters

For the first time since 2016, no new species have been added to the District’s list. New infestations of phragmites (n=2) and common carp (n=4) were however documented.

Additional AIS of concern

There are three AIS that are not on the state priority list, but were previously on the District’s list. Water hyacinth and water lettuce are tropical plants that were found in Crooked Lake in 2013, likely as a result of illegal aquarium dumping, but are not expected to survive MN winters and are therefore not a management priority. Brittle naiad, a submersed plant, has been found in neighboring counties, but was removed from the statewide priority list in 2021 due to lack of documented adverse impacts.

Growing AIS threats

In 2022, 43 new waterbodies were listed as infested with zebra mussels throughout the state, including 5 located in counties immediately adjacent to Anoka County. The closest lake with a new infestation is Fish Lake in Maple Grove. There are now 582 documented infestations in MN. Zebra mussels remain one of the highest risk AIS threats to District waters.

Starry stonewort was found in the first metro lake in 2018, Medicine Lake in Plymouth, elevating its risk of spread and establishment in District waters. No new metro infestations of starry stonewort have been observed since 2018 although the statewide count of infestations has grown to 22.

Control Efforts

In 2022, one new control effort was undertaken in an attempt to eradicate newly discovered Pale Yellow Iris from the District. In 2021, a single plant was documented along the shoreline of a stormwater pond in Blaine in the Ditch 39 subwatershed by a volunteer observer using the iNaturalist application. District field staff investigated this infestation in June of 2022 and subsequently removed the plant on July 13th, 2022. The plant was removed using mechanical methods suggested by the MN DNR. The site will be monitored for regrowth in the future.

In 2022, two additional infestations of invasive phragmites were discovered by District staff: one along Sand Creek and one growing in the middle of the Ditch 59-7 channel. The Sand Creek infestation was treated with herbicide in fall of 2022 as part of the District's 3-year vegetation management contract as part of the Middle Sand Creek Corridor Restoration project. The infestation in Ditch 59-7 will be controlled via herbicide in 2023 pending ID verification by MN DNR.

CONCLUSIONS/IMPLICATIONS

As of 2022, there are 16 high priority aquatic invasive species that pose a risk to District waters, 10 of which have already been documented within the District. The District may play a role in managing these species on a case by case basis depending on extent and severity of impacts and feasibility, efficacy, and cost of control efforts.

RECOMMENDATION

Receive annual AIS update

COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: January 23, 2023
AGENDA NUMBER: 9
ITEM: Ditch 59 Inspection Report

POLICY IMPACT: Policy
FISCAL IMPACT: Budgeted

REQUEST

Receive inspection report

BACKGROUND

This inspection is part of the District's O&M program and the NPDES requirement of inspecting 20% of the open channels annually.

Ditch 59 (Deer Creek) is located in Blaine and Ham Lake.

The open channel is 20.85 miles (110,094 feet)

Drainage area is 10.1 square miles (6,474 acres)

23 Public Laterals (59-1, 59-2-A, 59-4, 59-4-A, 59-4-B, 59-4-C, 59-5, 59-5-A, 59-6, 59-6-A, 59-6-B, 59-6-C, 59-7, 59-8, 59-8-A, 59-9, 59-9-A, 59-9-B, 59-9-C, 59-9-D, 59-10, 59-10-A, 59-11)

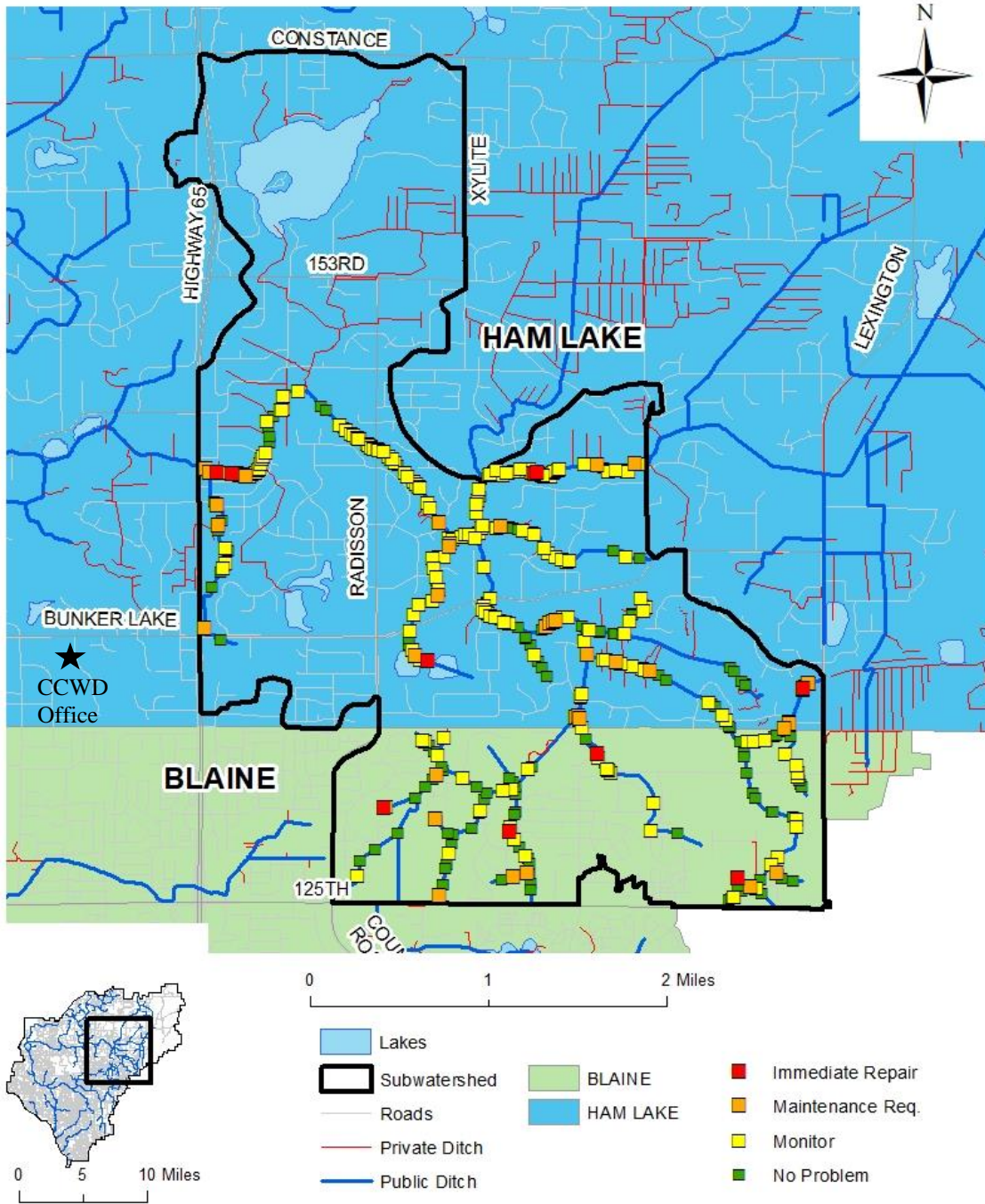
IDENTIFIED MAINTENANCE NEEDS

Need	Count	Cost Estimate	Immediate	Repair	Monitor
Obstruction	207	\$535,000	\$0	\$57,000	\$478,000
Ditch Repair	40	\$113,217	\$0	\$8,434	\$104,783
Bank Failure	106	\$895,235	\$0	\$358,860	\$536,375
Illicit Discharge	14	\$0	\$0	\$0	\$0
Beaver	0	\$0	\$0	\$0	\$0
Other	80	\$0	\$0	\$0	\$0
Total	447	\$1,543,452	\$0	\$424,294	\$1,119,158

RECOMMENDATION

1. Receive report

Ditch 59 Maintenance Needs



MS4 Annual Report Update

All MS4 permittees covered by the 2020 MS4 General Permit will not need to submit an annual report for calendar year 2022, by June 30, 2023.

The MPCA is in the process of developing a new e-service for the MS4 annual report. In addition, the MPCA is revising/updating many annual report questions to align with the requirements in the 2020 MS4 General Permit and meet the requirements of the federal National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule. The MPCA will communicate to MS4 permittees when the new e-service becomes available, but tentatively anticipates the e-service will be released in 2024. Following the conclusion of the MS4 annual report for calendar year 2021, the MPCA MS4 program discontinued its use of the Snap Survey platform to host the MS4 annual report. **This means MS4 permittees that have coverage under the 2020 MS4 General Permit do not need to submit an annual report for calendar year 2022 by June 30, 2023. Instead, when the e-service is released, MS4 permittees will be expected to report MS4 activities for each previous reporting year (e.g., calendar years 2022 and 2023).** Activities include, but are not limited to:

- Education and outreach activities
- Public participation events
- Status of regulatory mechanisms required in Minimum Control Measures 3, 4, and 5
- Number of construction site inspections conducted
- Number and types of enforcement tools issued
- Training events
- Number of inspections conducted for ponds, outfalls, and structural stormwater BMPs
- Any changes to the Stormwater Pollution Prevention Program (SWPPP)
- Best management practices (BMPs) implemented to make progress towards achieving applicable waste load allocations (WLAs) and associated pollutant loading reductions. This includes a status update of the BMPs included in the permittee's WLA compliance schedule, which was submitted as part of the permit application. See the [TMDL annual report webpage](#) for more information.

For more information about the MS4 annual report, visit the [MS4 annual report webpage](#)



**Final Rule:
Revised Definition of “Waters of the United
States”
Fact Sheet
December 2022**



Overview

On Dec. 30, 2022, the U.S. Environmental Protection Agency (EPA) and Department of the Army (the agencies) announced a final rule founded upon the pre-2015 definition of “waters of the United States,” updated to reflect consideration of Supreme Court decisions, the science, and the agencies’ technical expertise.

The agencies chose the familiar, pre-2015 definition as a foundation because it has supported decades of clean water progress and has been implemented by every administration in the last 45 years. Changing regulatory definitions due to court decisions and final rules issued by the agencies in 2015, 2019, and 2020 have caused uncertainty that harmed communities and our nation’s waters. The rule restores fundamental protections so that the nation will be closer to achieving Congress’ direction in the Clean Water Act that our waters be fishable and swimmable. It will also ensure that our waters support recreation and wildlife.

This action provides clear rules of the road that will help advance infrastructure projects, economic investments, and agricultural activities—all while protecting water quality. EPA and Army are prioritizing and enhancing practical, on-the-ground implementation by providing tools and resources to support timely and consistent jurisdictional determinations under this definition of “waters of the United States.”

Categories of “Waters of the United States”¹

The agencies’ definition of “waters of the United States” provides jurisdiction over waterbodies that Congress intended to protect under the Clean Water Act, including traditional navigable waters (e.g., certain large rivers and lakes), territorial seas, and interstate waters. For upstream waters that may significantly affect the integrity of downstream waters that Congress intended to protect, the rule provides a reasonable approach that recognizes regional and geographic differences. The rule accounts for regional differences in waters because regionally tailored implementation tools as well as local and regional conditions help determine whether waters are covered under this rule.

¹ This table is provided for informational purposes; the rule establishes the requirements defining “waters of the United States.”

Types of Waters	Features	Examples of Waters Likely to Be Jurisdictional Under the Final Rule	Regulatory Text Paragraph
Traditional Navigable Waters	Large rivers and lakes that could be used in interstate or foreign commerce, as well as waterbodies affected by tides.	Mississippi River, Erie Canal, Great Lakes	(a)(1)
Territorial Seas	Territorial seas that extend three miles out to sea from the coast.	Atlantic Ocean, Pacific Ocean	(a)(1)
Interstate Waters	Includes waters like streams, lakes, or wetlands that cross or form part of state boundaries.	Lake Tahoe, portions of the Columbia River, portions of Savannah River	(a)(1)
Impoundments	Impounded bodies of water created in or from “waters of the United States,” like reservoirs and beaver ponds.	Bear Gulch Reservoir in California	(a)(2)
Tributaries	Branches of creeks, streams, rivers, lakes, ponds, ditches, and impoundments that ultimately flow into traditional navigable waters, the territorial seas, interstate waters, or impoundments of jurisdictional waters. Tributaries are jurisdictional if they meet either the relatively permanent standard or significant nexus standard.	Wolftrap Run in Virginia, Puppy Creek in Arkansas	(a)(3)
Adjacent Wetlands	<p>These wetlands can be next to, abutting, or near other jurisdictional waters or behind certain natural or constructed features. They are most often within a few hundred feet of jurisdictional waters.</p> <p>Adjacent wetlands are jurisdictional if they meet either the relatively permanent standard or the significant nexus standard, or where the wetland is adjacent to a traditional navigable water, the territorial seas, or an interstate water.</p>	Parts of the Florida Everglades, Horicon Marsh in Wisconsin	(a)(4)
Additional Waters	These lakes, ponds, streams, or wetlands do not fit into the above categories. They are jurisdictional if they meet either the relatively permanent standard or the significant nexus standard.	Certain local lakes, streams, wetlands, etc.	(a)(5)

Standards for Determining Jurisdiction

To determine jurisdiction for tributaries, adjacent wetlands, and additional waters, the final rule relies on the longstanding approach of applying two standards. Certain types of waters are jurisdictional under the final rule if they meet either the relatively permanent standard or significant nexus standard.

- **Relatively Permanent is a test that** provides important efficiencies and clarity for regulators and the public by readily identifying a subset of waters that will virtually always significantly affect paragraph (a)(1) waters. To meet the relatively permanent standard, the waterbodies must be relatively permanent, standing, or continuously flowing waters connected to paragraph (a)(1) waters or waters with a continuous surface connection to such relatively permanent waters or to paragraph (a)(1) waters.
- **Significant Nexus is a test that** clarifies if certain waterbodies, such as tributaries and wetlands, are subject to the Clean Water Act based on their connection to and effect on larger downstream waters that Congress fundamentally sought to protect. A significant nexus exists if the waterbody (alone or in combination) significantly affects the chemical, physical, or biological integrity of traditional navigable waters, the territorial seas, or interstate waters.

Exclusions from “Waters of the United States”

The agencies’ definition of “waters of the United States” does not affect the longstanding activity-based permitting exemptions provided to the agricultural community by the Clean Water Act. Additionally, the final rule codifies eight exclusions from the definition of “waters of the United States” in the regulatory text to provide clarity, consistency, and certainty to a broad range of stakeholders. **The exclusions are:**

- **Prior converted cropland**, adopting USDA’s definition and generally excluding wetlands that were converted to cropland prior to December 23, 1985.
- **Waste treatment systems**, including treatment ponds or lagoons that are designed to meet the requirements of the Clean Water Act.
- **Ditches** (including roadside ditches), excavated wholly in and draining only dry land, and that do not carry a relatively permanent flow of water.
- **Artificially irrigated areas**, that would revert to dry land if the irrigation ceased.
- **Artificial lakes or ponds**, created by excavating or diking dry land that are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
- **Artificial reflecting pools or swimming pools**, and other small ornamental bodies of water created by excavating or diking dry land.
- **Waterfilled depressions**, created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction operation is abandoned and the resulting body of water meets the definition of “waters of the United States.”
- **Swales and erosional features** (*e.g.*, gullies, small washes), that are characterized by low volume, infrequent, or short duration flow.

Public Input on this Action

The final rule is based on extensive outreach and engagement that began before the rule was proposed and continued through the public comment period of the proposed rule. The agencies received and considered over 114,000 written public comments in developing the final rule.

For More Information

Additional information, along with the final rule and supporting analyses, are available on EPA's website at <https://www.epa.gov/wotus>.