

Memorandum

To: Lower Minnesota River Watershed District (LMRWD)
Attn: Linda Loomis

From: Stephanie Thulien, WSB

Cc: Kirby Templin, PE, City of Shakopee

Date: November 27, 2019

Re: City of Shakopee SWMP Agency Review Comment Responses
WSB Project No. 011510-000

The following comments were provided by LMRWD on April 11, 2019. Response to comments are shown in red.

1. SECTION III, Page 5: The MOU between City and the District was not included in Appendix B. Nevertheless, an updated agreement between the District and the City is required before May 1, 2020.

Response: Noted

2. SECTION IV, Page 2, Issue 4.1.7: This presents a coordination opportunity for the District and the City.

Response: Noted.

3. SECTION IV, Page 2, Issue 4.1.8: How does following the requirements of the WHP and the DWSMAs help protect and preserve groundwater-dependent resources like trout streams?

Response: The DWSMA within Shakopee does not appear to fall within the Eagle Creek watershed (known trout stream). Therefore, the City does not anticipate the restrictions on infiltration BMPs due to DWSMA and WHP to be an issue for groundwater-dependent resources like Eagle Creek.

4. SECTION IV, Page 7, Issue 4.3.2: This presents a coordination opportunity for the District, City, and City of Savage. The District has identified the Schroeder's Acres Park/Savage Fen Stormwater Management Project in its capital improvement program. The incorporation of the project into the SWMP should be considered.

Response: The City of Shakopee is not identified in the District's plan as being a partner on this project. However, with future projects the City will work with LMRWD and Savage regarding concerns and issues with Eagle Creek that relate to the City of Shakopee.

5. SECTION IV, Page 10, Issue 4.10.4: The City is encouraged to coordinate salt applicators' training programs with the District. The District and several other public entities have received grant funds from Scott County as a part of the watershed-based

fund, and they are working on a comprehensive chloride management plan that can be shared with the City once complete.

Response: Language added to Issue 4.10.4 Corrective Action stating that the City will cooperate with the District for this plan and will consider implementing any action items that are identified.

6. SECTION IV, Page 11, Issue 4.11.3: Participation of City staff in the District's technical advisory meetings is an important coordination component. It allows for a combination of technical and financial resources to address water and natural challenges.

Response: Noted.

7. SECTION V, Page 1, Stormwater infrastructure shall be designed using Atlas 14 rainfall data, or most current and best available information. Commendable.

Response: Noted.

8. SECTION V, Page 3, Dean Wetland water quality: Dean Lake is a classified wetland. As a wetland, are these desired water quality parameters reasonable?

Response: Specific water quality parameters have been removed. Goal was added to Dean Wetland to not degrade from current conditions.

9. SECTION V, Page 4, The City will investigate opportunities to retrofit the downtown area to provide additional water quality treatment in this fully developed area. The District is a partner on this project, as well as the state through the watershed-based funding grant, and they should be noted in the SWMP.

Response: Language was added to Section 5.3, #9 identifying the District and the state as partners on this project.

10. SECTION V, Page 5, Increased public involvement through volunteering with groups such as CAMP (Citizen Assisted Monitoring Program) and CSMP (Citizen Stream Monitoring Program). How is this information used to inform public works activities or projects?

Response: When questions, issues, or projects are brought to the City, monitoring data, when available and needed/relevant, is used to help evaluate and educate to resolve questions, issues, and projects.

11. SECTION V, Page 6, Erosion and sedimentation control plans and SWPPP's for projects that disturb one acre or more of land shall be reviewed and enforced by the City for all new developments. These plans shall conform to the requirements of the Scott WMO, PLSLWD or LMRWD (depending on location) and the NPDES Construction Stormwater Permit. Noted. The City's official controls must be updated to conform to the District's requirements on or before May 2020.

Response: Noted, this will occur through the District's Municipal Permit process.

12. SECTION V, Page 6, The City will prohibit work in areas having steep slopes (>12%) and high erosion potential where the impacts of significant erosion cannot be protected against or mitigated in accordance with the City's ordinances. Commendable. This City's

ordinance is more protective of steep slopes than the District's Steep Slopes Standard.

Response: Noted.

13. SECTION V Page 6, 5.7 Groundwater: The inclusion of a policy should be considered that would involve working with the District to promote the protection of groundwater resources, which in turn would protect trout waters and fen resources.

Response: Policy 7 under Section 5.7 was added to promote the protection of groundwater resources.

14. SECTION V, Page 6: Information about District led activities in this area should be incorporated. Additionally, how does this tangibly translate to actionable activities?

Response: Goal 1 relates to more of a coordination effort than actionable activities. These activities will be developed as groundwater needs arise.

15. SECTION V, Page 7: Again, given the District's focus on preserving groundwater resources for the protection, preservation, and restoration of trout waters and fens, we are very interested in how the City plans to translate this into actionable activities—funding, technical resources, etc.?

Response: Actionable activities will be developed when new information is received.

16. SECTION V, Page 7, 5.8 Wetlands: The City's wetland ordinance was passed in 2008 and appears to have last been updated in 2013. Was the information in Appendix E reviewed and updated to conform to current requirements, or is this a planned activity? If it is planned, when will it be performed?

Response: Noted, this will occur as needed through the Districts Municipal Permit process.

17. Section VI, Table 6.1: Do any of the projects listed fit the goals, policies, and strategies of the District? If so, it would be helpful to see the items specifically associated with the District.

Response: LMRWD was referenced as a possible funding source for projects that fit goals, policies and strategies of the District.

18. Section VI, Table 6.1, Ordinance updates - The City will continually evaluate their adopted ordinances related to floodplain regulation, illicit discharge, surface water management, wetland management, and erosion control. Any necessary revisions will be made as regulations change. This appears to focus on minor tweaks to ordinances. Is there a planned update before the District May 2020 deadline, when the City's official controls must be updated?

Response: The City's ordinances will be updated as needed as part of the Districts Municipal Permit process.

Met Council Comment

1. In the water resource water quality classifications table (page 3, Section 5), O'Dowd Lake is designated as level 3; supporting fishing, aesthetic viewing activities and observing wildlife. According to Section 2.4.2 (Public Area for Water Based Recreation and Access), O'Dowd Lake is also used for swimming. So it seems the lake should be designated as Level 1 in the Table.

Response: O'Dowd water quality classification was revised to Level 1.

Memorandum

To: Prior Lake – Spring Lake Watershed District (PLSLWD)
Attn: Diane Lynch

From: Stephanie Thulien, WSB

Cc: Kirby Templin, PE, City of Shakopee

Date: November 27, 2019

Re: City of Shakopee SWMP Agency Review Comment Responses
WSB Project No. 011510-000

The following comments were provided by PLSLWD on March 29, 2019 regarding the City of Shakopee's Local Surface Water Management Plan. Responses to comments are shown in red.

Overall

1. Throughout: "Prior Lake-Spring Lake Watershed District" is listed in multiple locations without the "-".

Response: Revised throughout the document.

2. Throughout – the Plan is sometimes referred to as the LSWMP, whereas it is the SWMP in the glossary.

Response: Revised LSWMP to SWMP throughout the document.

Executive Summary

1. Section 1.1 – This section should also mention that the SWMP will be amended, as necessary, in response to WD or WMO Rule Revisions.

Response: Section revised to state that the SWMP will be amended for WD or WMO rule revisions.

Land and Water Resource Inventory

1. Sections 2.2 and 2.3.5 / Figures 3 and 9-B – There are apparent differences in the subwatersheds depicted for the Blue Lake (PLOC) Watershed as compared to the subwatershed boundaries previously provided to the District for update of the Prior Lake Outlet Channel MOA. Generally, these differences are minor except for areas along the southwest portion of the watershed. Please provide updated shapefiles and hydrologic/hydraulic modeling for this watershed.

Response: The City will provide updated shapefiles and modeling for this watershed.

2. Section 2.3.3 – The District applauds the City for adoption of a Stormwater Asset Management Plan (SWAMP) which uses information such as as-builts, drainage areas, field inspections, and storm sewer maps to rank BMPs based on cost/benefit pollutant removal efficiency. This section notes that the SWAMP will be executed in coordination with watershed agencies. Please provide a copy of the SWAMP to the District and note

that the District has a Public Infrastructure Partnership Program available for enhancement of stormwater management BMPs beyond MS4 maintenance requirements.

Response: Language added. The SWAMP tool is an ongoing data/tool. Due to the modeling that occurred concurrently with this plan development, there is updated information to integrate into the SWAMP analysis. These updates still need to occur, the City will provide information as available/relevant as requested by the District.

3. Section 2.3.5 – This section mentions the Dean Wetland Bypass Channel. It is recommended that the SWMP include a brief discussion regarding the intended operation plan, refer to an approved operation plan, or specify that an operation plan will be developed for this bypass.

Response: The City will develop an operation plan for the Dean Lake Wetland Bypass Channel.

4. Section 2.3.5 – This section notes a peak discharge limit of 0.33-cfs/acre for the Blue Lake (PLOC) watershed from Dean Wetland to the MN River. Per Table 2 of the PLOC MOA, the agreed upon peak discharge limit is 0.25-cfs/acre. This section needs to be revised per the PLOC MOA. This section also notes all areas in the city were hydraulically modeled in 2018. Please provide an electronic copy of this model for those areas that are tributary to the PLOC.

Response: Thank you for identifying this discrepancy between the PLOC MOA and the City of Shakopee rate control Design Criteria. The City will be updating their Design Criteria to update development requirements for compliance with recent changes in Watershed District and Water Management Organization development requirements. At this time, this discrepancy will be updated in the Design Criteria. A copy of the model will be provided to the District.

5. Section 2.3.6, Page 10 1st Paragraph – Please clarify the following statement, “The designation indicates that the aquifer is covered by at least 50 feet of clay material.”

Response: Sentence removed.

6. Section 2.4.3 – Are figure Figures 9-A through 9-F the intended reference? These figures do not contain wetlands.

Response: Reference to Figure 6 was added to show the wetland inventory.

Agency Cooperation

1. Section 3.1 Table 3.1 – delete “is the LGU” from the Stormwater Management Responsibility.

Response: Language removed.

2. Section 3.2 PLSLWD – This section notes the District has its own permitting program. The District has entered into MOU’s with Scott County and its other member communities for Local Water Planning and Regulation and would welcome a similar agreement with the City of Shakopee if the City desires to assume District permitting responsibility.

Response: The City will revisit this when the District has completed their rules update.

3. Section 3.3 – This section needs to be updated per the NPDES Construction Stormwater Permit reissued in 2018.

Response: Section 3.3 was updated.

Assessment of Issues

Twelve of the site-specific issue identified are within the political boundary of the District or within the Blue Lake (PLOC) watershed including: water quality (issues 4.1.1 and 4.1.7), flooding (issues 4.2.1, 4.2.10, 4.2.11, 4.2.15, 4.2.18, 4.2.19, 4.2.25, 4.2.27 and 4.2.28) and rate control (issue 4.3.1).

1. Issue 4.2.1 – The corrective action for this issue should reference the implementation plan activities identified in the Prior Lake Outlet Channel Master Plan, EOR 2018 and include this report as an appendix.

Response: A reference to the PLOC Master Plan that is in development is referenced, but not included as an appendix since it is still draft form.

2. Issue 4.2.15 – When does the City anticipate conducting a study to evaluate the need for an outlet for Quarry Lake? This activity is not apparent in the Implementation Plan Table 6.1.

Response: This study has been pushed up and is planned as early as 2020.

3. Is there a need to identify an additional issue – the lack of positive drainage to the PLOC from the large wetland complex north of Spring Lake Drive and east of Foothill Trail?

Response: This issue is currently being evaluated with the adjacent Ridge Creek Park project. As a result, it does not need to be added to the issues section of the SWMP.

Implementation Plan

1. There is not a clear connection between the issue identification section and the Capital Improvement Projects proposed in Table 6.1. Of specific interest to the District are Implementation Items 5, 6, 9 and 10 which do not appear to be mentioned in previous sections of the SWMP. Further explanation and details are warranted.

Response: Relevant issues were added in the Comment column of Table 6.1. Implementation Item 5 and 9 are placeholders for development and tied to issues 4.2.1, 4.2.5, and 4.2.18. Implementation Item 6 is tied to NPDES requirements, TMDL, development, redevelopment, etc. Implementation Item 10 is tied to issue 4.2.1 and goals.

2. It may be appropriate to separate the administration expenses listed Implementation Item 26 or roll all expenses related to PLOC to Implementation Item 25.

Response: Implementation Item 26 will remain to separate the administration fees for the PLOC.

3. The SWMP must identify potential capital projects for which District cost-share will be sought, and projects the City may petition the District to complete (if any). Is Item 10 the only project the City contemplates seeking cost-share?

Response: Additional projects have been referenced for cost-share. If the City identifies additional projects, we will work with the District to amend the SWMP and include the projects.

Appendices

1. Appendix C – Water Resource Related Agreements: the PLOC JPA 2005 should be replaced by the PLOC MOA, 2006.

Response: This has been replaced with the PLOC MOA 2019.

2. Appendix G – The City's Street Sweeping Policy Section III.2 mentions prioritization of "water quality sensitive areas". Have these areas been identified, and if not, the District recommends that the City defines these areas.

Response: The City has identified sweeping frequency and priority areas.

Memorandum

To: Scott Watershed Management Organization (Scott WMO)
Attn: Melissa Bokman Ermer

From: Stephanie Thulien, WSB

Cc: Kirby Templin, PE, City of Shakopee

Date: November 27, 2019

Re: City of Shakopee SWMP Agency Review Comment Responses
WSB Project No. 011510-000

The following comments were provided by Scott WMO on March 6, 2019 regarding the City of Shakopee's Local Surface Water Management Plan. Responses to comments are shown in red.

1. Section 2, page 5, Figure 7; the water quality data mean values shown in Figure 7 for O'Dowd Lake do not match the water quality growing season averages the SWMO has from the Citizen-Assisted Monitoring Program data from Met Council. What year is this data representing in Figure 7 and what program was this data collected under?

Response: This table was removed. Recent water quality can be found from the provided links from the various agencies.

2. Section 5, page 3, 5.3 Water Quality Policies 2 & 3. Same comment as #2, Our current Plan and WMO standards reference the MPCA NPDES Construction Stormwater requirements for post-construction stormwater treatment systems. The City should be referring to the post-construction MPCA NPDES permit requirements instead of NURP treatment.

Response: Section 5.3, Policies 2 & 3 were updated to reference the MPCA NPDES permit and the City's Design Criteria.

3. Section 5, page 3, #8 Resource classification table, "Desired Water Quality Parameters"; the desired water quality parameters listed in this table are higher than what O'Dowd Lake is currently experiencing for total phosphorus and secchi transparency. In 2016, the MPCA removed O'Dowd Lake for the federal impaired waters list because it meets water quality standards for the ecoregion it is in. Staff recommends removing the "desired water quality parameters" column or numbers and rather state that the goal is to not degrade from current conditions, rather than enter a range of quantities higher than the current standard and condition of the lake.

In addition, the city may want to consider that the numbers entered for the desired water quality parameters for the Minnesota River in your table, are far below the State standard for Class 2b waters. The TP standard for the river is less than or equal to 150 ug/L. Considering the size of the Minnesota River watershed and the multitude of inputs from other regions, it seems unlikely that the city will even get close to the 30-75 ug/L for phosphorus in the Minnesota River. The SWMO's target goal for total phosphorus

parameter to the Minnesota river is less than or equal to 150 ug/L (SWMO Water Resources Plan, page 3-11).

Response: The “Desired Water Quality Parameters” column was removed from the table. A goal was added to O’Dowd Lake to not degrade the lake from current conditions.

4. Section 5, page 3, #8 Resource classification table, “Desired Water Quality Parameters”; A few years ago the Lower Minnesota River Watershed District with concurrence of Scott County, the PLSLWD, and the City of Shakopee, submitted evidence to the MPCA that Dean Lake did not meet the criteria for being considered a lake, rather it was a wetland, and requested a change in classification. This change was granted. We suggest the city consider non-degradation from the current condition as the goal for Dean Wetland rather than a range or standard established for lakes. This would be consistent with what was articulated by residents around the lake when they were consulted about the re-classification. A definition and goals for maintaining the existing quality could be articulated in terms of the existing phosphorus concentrations and/or maintaining or improving the diversity of aquatic plants (habitat quality).

Response: A goal was added to Dean Wetland to not degrade the lake from current conditions

5. Section 7, page 7, Groundwater 7; The Scott County Comprehensive Groundwater Plan is expired. You can delete this bullet point. We did not update it; instead we incorporated a groundwater strategy into the Scott WMO Water Resources Management Plan.

Response: Section 5.7, bullet #7 was removed.

6. Section 7, page 1, 5.1 Summary; Our current plan and WMO standards reference the MPCA NPDES Construction Stormwater requirements for post-construction stormwater treatment systems. NURP standards are different than what is in the NPDES permit. The city should be referring to the post-construction MPCA NPDES permit requirements instead of NURP treatment.

Response: Section 5.1 revised to reference the NPDES construction permit.

7. Section 2, page 9, second paragraph, “County” is not included in the Scott Watershed Management Organization name.

Response: “County” was removed.

8. Section 2, page 9, 2.3.6 Groundwater, 2; “County is not included in the Scott WMO name. Update the link in the plan.

Response: “County” was removed.

9. Section 4, page 7, 4.4 Issue 4.4.1 Corrective Action; Remove “district” regarding water quality issues and participation for O’Dowd Lake within Scott WMO.

Response: “District” was removed and changed to Scott WMO.

10. Section 7 page 11, Issue 4.11.3 Corrective Action; remove reference to “three watershed districts”. Add one watershed management organization.

Response: Language revised to reference the watershed management organization.